

Landscape Referral Response

Application Number:	DA2019/1504
Date:	26/03/2020
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 241 DP 16362 , 325 Whale Beach Road PALM BEACH NSW 2108 Lot 242 DP 16362 , 325 Whale Beach Road PALM BEACH NSW 2108

Reasons for referral

This application seeks consent for the following:

- Construction / development works within 5 metres of a tree or
- New residential works with three or more dwellings. (RFB's, townhouses, seniors living, guesthouses, etc). or
- Mixed use developments containing three or more residential dwellings.
- New Dwellings or

Officer comments

The proposed development is for landscape works and a new swimming pool to an existing dwelling.

Council's Landscape Referral of the development application is assessed against the following Pittwater 21 DCP 2014 Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D12 Palm Beach Locality

Amended landscape plans have been submitted addressing concerns previously raised and these plans now remove the landscape issues from the application, including:

- encroachment onto public land by way of a sleeper path is removed,
- planting is now proposed along the pool vertical wall to ensure that the visual impact is reduced,
- clarification on the transplanting methodology for relocation of the Cabbage Tree Palm is provided.

The proposed pool will impact upon one existing tree (T05 - Paperbark) of high retention value and as recommended in the Arboricultural Impact Appraisal, tree protection measures shall be applied to protect this tree. The proposal retains all significant trees* within the site, and in association with new planting works as documented on the landscape plans, the proposal satisfies the landscape controls of Pittwater 21 DCP.

Two existing small Cabbage Tree Palms (T02 and T03) are required to be removed for the proposed works.

One Cabbage Tree Palm (T04) is proposed for transplanting within the site in a similar location, and

the Transplant Method Statement describes the required works to undertake relocation successfully.

The proposed planting as shown on the landscape plans, upon public land, is not permitted.

The landscape component of the development application is acceptable subject to conditions for the protection of existing trees and vegetation, and subject to conditions for the completion of landscaping.

** Under DCP control B4.22, A “significant tree” is a tree that is over 5.0m in height and, that impacts on the streetscape by virtue of its size, appearance, type, age, condition and heritage/cultural significance. It includes hollow-bearing trees and/or trees of conservation significance or habitat value.*

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Landscape Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection measures

A qualified AQF Level 5 Project Arborist shall be engaged prior to the commencement of works to supervise and approve tree protection measures in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees Consulting, and any other condition of consent as follows:

- general protection measures within the tree protection zone of all existing trees and vegetation to be retained and protected under section 4 and Appendix of the Arboricultural Impact Appraisal and Method Statement,
- protection fencing in accordance with Appendix 4 and Appendix 8: Plan TMP01 of the Arboricultural Impact Appraisal and Method Statement,
- ground protection for existing tree 05 in accordance with Appendix 5 and Appendix 8: Plan TMP01 of the Arboricultural Impact Appraisal and Method Statement,
- attendance on site during all works within the tree protection zone of existing tree 05,
- certification issued to the Certifying Authority at hold points in accordance with Appendix 7 of the Arboricultural Impact Appraisal and Method Statement.

Certification of the above requirements including site attendance, instructions and approvals of tree protection measures shall be recorded and issued to the Certifying Authority during the works.

The Principal Certifying Authority or the Project Arborist must ensure that:

- i) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site, and
- ii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

The tree protection measures specified in this clause must:

- ii) be in place before work commences on the site, and
- iv) be maintained in good condition during the construction period, and
- v) remain in place for the duration of the construction works.

Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure tree protection is provided and maintained.

Vegetation removal within the property

The existing two Cabbage Tree Palms, identified as T02 and T03 in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees Consulting, and recommended for removal based on development impact, are approved for removal as part of this application.

No other existing vegetation is approved for removal. Any subsequent request for tree or vegetation removal is subject to a Section 4.55 modification application, excluding exempt vegetation under the relevant planning instruments of legislation.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites and the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees Consulting dated 10 December 2019,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a qualified AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by a qualified AQF minimum Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by a qualified AQF minimum Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified AQF minimum Level 5 Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a qualified AQF minimum Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a a qualified AQF minimum Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a qualified AQF minimum Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees under a)i are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

Relocation of Cabbage Tree Palm

Transplanting of the existing Cabbage Tree Palm identified as T04 in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees Consulting dated 10 December 2019 and indicated on the landscape plans shall be relocated in accordance with Transplant Method Statement prepared by Naturally Trees Consulting dated 20 March 2020.

A qualified AQF Level 5 Project Arborist shall be engaged prior to the commencement of works to supervise and approve by certification to the Certifying Authority prior to Occupation Certificate that the relocation works are in accordance with the recommendations of the Transplant Method Statement.

The location of the transplanted Cabbage Tree Palm shall be in accordance with the Landscape Masterplan LMP01, issue D and Landscape Planting Plan LPP01, issue E, prepared by Landart.

Reason: ensure the appropriate relocation procedures are undertaken.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Landscape completion

Landscaping is to be implemented in accordance with the landscape plans consisting of Landscape Masterplan LMP01 (D); Landscape Planting Plan LPP01 (E); Sections and Elevations SE01 (D), SE02 (B), and SE03 (A), prepared by Landart, inclusive of the following requirement:

i) the new planting as part of this application around the pool on the foreshore side (east and north) shall be maintained at a height no higher than the pool terrace/copping level, excluding the relocated Cabbage Tree Palm.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the landscape plans and any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by a qualified Arborist with minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained and/or relocated, as a result of the development works, including the following information:

- i) compliance to any Arborist recommendations for tree protection and excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: to retain and protect significant planting on development sites.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development or for their useful natural life.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All tree and vegetation planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.