

## Landscape Referral Response

<b>Application Number:</b>	DA2018/1989
<b>Date:</b>	19/09/2019
<b>Responsible Officer:</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot 8 DP 629464 , 102 Cabarita Road AVALON BEACH NSW 2107 Lot 15 DP 858130 , 100 Cabarita Road AVALON BEACH NSW 2107 Lot 14 DP 858130 , 96 Cabarita Road AVALON BEACH NSW 2107 Lot 9 DP 629464 , 104 Cabarita Road AVALON BEACH NSW 2107

### 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 landscape component of the subdivision is acceptable subject to the provision of a public footpath, provision of a tree protection plan, engagement of a project arborist, the protection of existing trees, and the provision of canopy tree planting at subdivision.

Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C4.4 Subdivision - Public Roads, Footpath and Streetscape

C4.7 Subdivision - Amenity and Design

C4.8 Subdivision - Landscaping on the existing and proposed public road reserve frontage to subdivision lots

### Referral Body Recommendation

Recommended for approval, subject to conditions

### Refusal comments

### Recommended Landscape Conditions:

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### Public road reserve landscaping and infrastructure

The footpath is to include a design for access to both existing bus stops. The design must include the proposed undergrounding of the existing electrical lines to ensure there is no conflict with any retaining structures or trees.

A 1.2m wide footpath, for the full width of the road reserve and extended to the existing bus stop fronting No. 110 Cabarita Road is required in accordance with Council specifications. Detailed design documents shall be provided indicating the nature of construction, surface finish, and proposed levels, to ensure protection of the existing trees located within the road reserve, identified as T18, T164, and T167.

Pier footing construction techniques within the tree protection zone shall be applied in the vicinity of existing trees as determined by a AQZ level 5 arborist with qualifications in horticulture/arboriculture.

A Arboricultural Impact Assessment shall be submitted as part of the Construction Certificate indicating suitable locations for pier footings.

All remaining areas within the road reserve shall be turfed with Couch species (weed free) and finished with an even grade to a maximum 4% grade.

All work is subject to a Section 139 approval from Council.

Reason: to enable the long term retention of the desired streetscape amenity.

### Tree Protection Plan

A Tree Protection Plan prepared by a AQZ Level 5 Arborist with qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority prior to the release of the Construction Certificate documenting the following:

- i) layout of the development and location of all trees identified for retention,
- ii) location of tree protection fencing, ground and trunk protection in accordance with AS2470-2009,
- iii) general tree protection measures

The identified Environmental Protection Area as indicated within the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants shall be fenced with 1.8m high standard chain wire construction fencing at the commencement of works and shall remain in place until all landscape works are complete. The only works permitted within the fencing area is approved tree removal and canopy tree planting. The Arborist shall determine the alignment of the protection fencing in consideration of site gradients, setbacks from existing trees, and a setback to facilitate future lot development.

Any existing tree proposed for retention between the protection fencing and the future lot development footprint, if unable to be included within the fencing, shall be protected by trunk and ground protection measures in accordance with AS2470-2009.

Certification shall be provided to the Certifying Authority prior to Construction Certificate that the Tree Protection Plan addresses all tree protection measures to ensure the preservation of the existing trees nominated for retention.

The proposed canopy tree planting within the Environmental Protection Area shall be undertaken under the supervision of an Arborist or Ecologist.

Tree protection measures identified on the Tree Protection Plan are to be in place prior to commencement of works.

Reason: to retain and protect significant planting on the site.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### **Project Arborist**

A Project Arborist with AQZ Level 5 qualification in horticulture/arboriculture is to be appointed to provide tree protection measures recommendations on site to any subdivision works in the vicinity of the following trees that are proposed for retention by the Tree Assessment and Development Impact Report prepared by Growing My Way and the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants, including trees numbered as follows:

- 1, 2, 3D, 3E, 3F, 3G, 3H, 4, 4B, 7C, 7D, 7F, 8, 11, 11B, 20, 21A, 27, 27A, 31, 36, 40, 41, 45, 46, 47, 49, 54, 55, 56, 61, 62C, 66, 69A, 69E, 69i, 70A, 82A, 89K, 90A, 90B, 91, 92, 95, 96, 97, 100, 101, 102, 102A, 103, 104, 104A, 104D, 104E, 118, 119, 119B, 128C, 129, 130, 130B, 131, 133, 134B, 139B, 140, and the following cabbage tree palms UN1, UN3 and UN4,
- all existing trees proposed for retention within the Environmental Protection Area, as nominated in the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants.

Details including field reports and photos are to be submitted to the Certifying Authority.

Note: The Project Arborist is to be appointed at the commencement of the works and shall demonstrate that their attendance on site has occurred as required to provide such recommendations.

### **Approved tree removal**

Approval is granted for the removal of the following existing trees as assessed by the Tree Assessment and Development Impact Report prepared by Growing My Way and the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants, as follows:

- 3, 3b, 3c, 7g, 22, 22B, 22C, and 22E, 44, 47A, 67A, 67B, 69C, 69D, 71C, 84B, 86, 89F, 90, 92A, 93, 94, 94A, 94B, 95A, 95B, 95C, 103, 116, 117, 118A, 138, 139, stag 1, and stag 2,
- all existing trees proposed for removal within the Environmental Protection Area, as nominated in the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants.
- all Exempt Species including: 1b, 3i, 5b, 22A, 49D, 62, UN, 68B, 69, 70B, 71, 71B, group of 91A

to E, 91F, 101B, UN5, the numerous Phoenix palms, and the two large clumps of *Strelitzia nicolai*,

- and all priority weed species under the Biosecurity Act and shall be removed to prevent its spread, including UN2 and 7G (African Olive).

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Tree and vegetation protection

a) Existing trees and vegetation shall be retained as listed in the Tree Assessment and Development Impact Report prepared by Growing My Way and the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants, as follows:

- i) all trees and vegetation within the site, nominated for retention identified below in item v), excluding exempt trees under the relevant planning instruments of legislation (unless conditioned otherwise),
- ii) all other trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation,
- iv) exempt tree number 61: Hills Weeping Fig located within Lot 6 shall be retained,
- v) the following existing trees shall be retained:

- 1, 2, 3D, 3E, 3F, 3G, 3H, 4, 4B, 7C, 7D, 7F, 8, 11, 11B, 20, 21A, 27, 27A, 31, 36, 40, 41, 45, 46, 47, 49, 54, 55, 56, 61, 62C, 66, 69A, 69E, 69i, 70A, 82A, 89K, 90A, 90B, 91, 92, 95, 96, 97, 100, 101, 102, 102A, 103, 104, 104A, 104D, 104E, 118, 119, 119B, 128C, 129, 130, 130B, 131, 133, 134B, 139B, 140, and the following cabbage tree palms UN1, UN3 and UN4,
- all existing trees proposed for retention within the Environmental Protection Area, as nominated in the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants.

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, including the provision of temporary fencing and ground protection to protect existing trees within 5 metres of development,
- ii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF 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 an AQF 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 AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF 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 AQF 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 AQF 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 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.

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

### Tree Planting at Subdivision

- a) Canopy tree planting prior to the issue of a Subdivision Certificate shall be completed in accordance with the tree planting recommendations of the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants, under section 5.2.2, including:
- i) 50 canopy trees (20 *Corymbia maculata*, 10 *Eucalyptus paniculata*, 10 *Eucalyptus umbra* and 10 *Eucalyptus punctata*) to be planted in canopy gaps in the Environmental Protection Area for screening planting in the Native Revegetation Area, at 150mm pot size under the direction of an Arborist or Ecologist,
  - ii) a double row of screen planting tree is to be planted along the western boundary of Lot 5. The first row is to consist of 7 *Elaeocarpus reticulatus* in 75 litre pots planted at 4m centres. The second row in this screening is to consist of 9 *Ceratopetalum apetalum* in 75 litres planted at 3m centres,
  - iii) the second screening planting area is on the western side of the main access driveway to screen the rear of the house on Lot 2 from the cars entering the site. The screen is to consist of a row of 7 *Elaeocarpus reticulatus* in 75 litre pots planted at 3m centres,
- b) Prior to the issue of an Occupation Certificate, a report prepared by an Arborist or Ecologist shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any site instructions.

Note: This tree planting is separate to the tree planting proposals within the landscape areas as indicated on the Landscape Plans for each Lot developments, which is not part of this subdivision application.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

### Condition of retained vegetation

Prior to the issue of a Subdivision Certificate, a report prepared by an AQF Level 5 Arborist with qualifications in horticulture/arboriculture, shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed subdivision works, including the following information:

- i) Compliance to 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

**Maintenance of Tree Planting**

Tree planting works shall be maintained for a minimum period of 12 months following practical completion. If any tree required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme.

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

**Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.