

Landscape Referral Response

Application Number:	DA2024/0175
Date:	12/06/2024
Proposed Development:	Demolition works and construction of a dwelling house including a spa and landscaping
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 19 DP 9606 , 1808 Pittwater Road BAYVIEW NSW 2104

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

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; D4 Church Point and Bayview Locality.

The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment with ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.

Updated comments:

Amended Plans and an amended Arboricultural Impact Assessment (AIA) is submitted for consideration.

The amended Landscape Plan includes the landscape proposal for the available landscape area. As previously noted Landscape Referral raise concerns that the quantity of 'landscape area' results in a landscape setting unable to achieve the landscape outcome intent of C4 Environmental Living zone and PDCP control C1.1. The proposed Landscape Plan includes small tree planting, gardens and lawn areas, and nominates retention of all trees outside of the property boundaries, and should the proposed landscape area be acceptable to the Assessing Planning Officer on merit, Landscape Referral shall impose conditions of consent for landscape works to be completed.

The recommendations for tree removal contained in section 3.4 and section 4.1 of the amended AIA report are not approved.

The amended AIA references tree removal outside of the property boundaries within road reserve and public RE1 Recreation Zone land. Tree removal within the property as impacted by the proposed development works or as identified as exempt species within private land is able to be removed, and these trees include trees identified in the AIA as tree 2, 3, 4 and 6 with only tree 4 requiring Council consent. The following sections of the AIA report may be relied upon: appendix 2 - Tree Protection Plan, subject to any other imposed condition.

Within the public road reserve verge, all existing trees fronting the development property (trees identified in the AIA report as number 11 to 17 inclusive) shall be retained and fencing shall be installed as imposed by conditions. Within the public RE1 Recreation Zone land all existing trees in proximity to the development works (trees identified in the AIA report as number 5, 7, 8, 9 and 10) shall be retained. These trees are on public land and provide valuable canopy coverage and shall be preserved or otherwise managed by Council.

Should the application be approved, Landscape Referral shall provide landscape conditions of consent.

Previous comments:

A Landscape Plan and a Arboricultural Impact Assessment (AIA) is submitted with the development application. The Landscape Plan provides planting to the available landscape area and provides for small tree and other planting. The AIA recommends removal of existing trees as impacted by the development works within the property and no concerns are raised for this aspect with existing trees identified as tree 1, 2, 3, 4 and 6 within the property requiring removal should the application be approved. The recommendations for tree removal within Council land (public foreshore, public reserve, and road reserve) is not supported as the existing trees identified as tree 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 are not impacted by the proposed development works. The AIA report identification that some of these trees are exempt is not accurate as only trees within private property are afforded the exempt provisions of the PDCP.

It is advised that the C4 land zone requirements for landscape area is not achieved and Landscape Referral note that proposals under the 60% 'landscaped area' limit the capability of the property to satisfy the landscape outcome intent of the C4 Environmental Living zone and PDCP control C1.1, as reduced areas of deep soil are available and this alters the landscape outcome such as capacity for tree canopy development. The definition of 'landscape area' under PLEP is "... a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area". The submitted landscape area calculations documented as 35.85% includes areas that are not planted such as the western external stairs, paved courtyard, alfresco outdoor room, and planter walling, which all occupy significant accumulated area, thus the percentage is further decreased to that as documented.

Landscape Referral raise concerns that the quantity of 'landscape area' that is reduced under the PDCP requirements results in a landscape setting unable to achieve the landscape outcome intent of C4 Environmental Living zone and PDCP control C1.1 Should the proposed landscape area be acceptable to the Assessing Planning Officer on merit, Landscape Referral shall impose conditions of consent for landscape works to be incorporated.

The proposal is therefore supported.

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

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and shall be in attendance and supervise all excavation and construction works in proximity to existing tree 1 within the property, and trees 7, 8 and 9 within the public reserve.

All tree protection measures (tree protection fencing) specified in the Arboricultural Impact Assessment under appendix 2, shall: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

Tree Removal Within the Property

This consent approves the removal of existing prescribed tree on the subject site only, as listed: tree 4 (Bottlebrush). A qualified AQF level 5 arborist shall identify these trees on site and tag or mark prior to removal.

All other existing trees outside of the property boundaries shall be retained and protected.

Reason: To enable authorised building works.

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) tree 1 (Willow Myrtle) within the property
- ii) all trees and vegetation outside of the property boundaries, including located on adjoining public reserves and foreshores (trees 5, 7, 8, 9 and 10 in close proximity), and within the road reserve fronting the development property (trees 11 to 17 inclusive).

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) 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,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,

- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and the Arboricultural Impact Assessment works requirement under appendix 2 - Tree Protection Plan, and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

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

Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan A105, issue C, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan, unless otherwise imposed by conditions,
- c) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
- d) mass planting shall be installed at minimum 1metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained including: tree 1 within the property; trees 5, 7, 8, 9 and 10 within the public reserve; and trees 11 to 17 inclusive within the road reserve; and shall provide the following information:

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

Reason: Tree and vegetation protection.

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

Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.