

## Landscape Referral Response

<b>Application Number:</b>	DA2019/0309
<b>Date:</b>	15/05/2019
<b>Responsible Officer:</b>	Phil Lane
<b>Land to be developed (Address):</b>	Lot 171 DP 15376 , 257 Whale Beach Road WHALE 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 proposal, in terms of landscape outcome, is acceptable subject to the protection of the existing Norfolk Island Pine on-site, and the completion of landscaping.

Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

A Landscape Plan and a Arboricultural Impact Assessment is provided with the application, satisfying DA Lodgement Requirements.

### Referral Body Recommendation

Recommended for approval, subject to conditions

### Refusal comments

### Recommended Landscape Conditions:

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

#### Tree and vegetation protection

A) Existing trees and vegetation shall be retained and protected as follows:

i) all trees and vegetation within the site as identified on the site plans and as listed in the Arboricultural Impact Assessment prepared by Plateau Trees dated 21 March 2019, excluding exempt trees under the relevant planning instruments or legislation,

- ii) all trees and vegetation located on adjoining properties,
- iv) 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, with particular reference to Section 4,
  - ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
  - iii) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
  - iv) 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,
  - v) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a Project Arborist on site,
  - vi) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
  - vii) excavation for stormwater lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, to provide for root protection measures,
  - viii) should either or all of v), vi) and vii) 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,
  - ix) 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,
  - x) 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.

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

### **Project Arborist**

A Project Arborist with minimum qualification in arboriculture/horticulture, equivalent to AQF Level 5 is to be appointed prior to the commencement of works to supervise all works within 5 metres of the existing Norfolk Island Pine located along the northern boundary between 257 and 259 Whale Beach Road, Whale Beach, inclusive of the following requirements:

- i) all work carried out inside of the TPZ must be supervised by the Project Arborist, as outlined in the Root Mapping Assessment report prepared by Plateau Trees dated 11 April 2018, and in accordance with section 5.0 Conclusions and Recommendations,
- ii) all existing ground levels within a 5 metre zone around the existing Norfolk Island Pine shall be retained without alteration, unless advised by the Project Arborist,
- iii) no structures are permitted within a 5 metre zone around the existing Norfolk Island Pine, as documented on Plan A2001 (section 1: 00 Lower Level), issue A, dated 22/3/2019, excluding the structural piers,
- iv) the structural piers shall be located outside of the SRZ (at least 3500mm from the trunk), as directed on-site by the Project Arborist,
- v) the Project Arborist shall provide on-site recommendations to protect the existing Norfolk Island Pine if required, inclusive of recommended design changes,
- vi) the Project Arborist shall provide documentary details including photographic evidence of works undertaken, and any on-site recommendations and advice, and this shall be submitted by the Arborist to the Certifying Authority prior to Occupation Certificate,
- vii) scheduled monthly inspections, for a period of 12 months, shall be carried out by the Project Arborist during and after completion of development works,

viii) the existing Norfolk Island Pine shall be protected and maintained for the life of the development in a healthy and sustainable condition.

Reason: to ensure protection of vegetation proposed for retention on the site.

#### **Protection of rock and sites of significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: preservation of significant environmental features.

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

#### **Landscape works**

Landscaping is to be implemented in accordance with the Landscape Plan A1190, prepared by Walter Barda Design, issue A dated 22/3/2019, inclusive of the following requirement:

- i) all nominated tree planting shall be planted at 75 litre pot size, and shall have a minimum area of 3 metres x 3 metres. Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used,
- ii) the nominated *Cupaniopsis anacardioides* shall be replaced with a non-invasive native tree species,
- iii) it is advised that the nominated *Acmena smithii* should be changed to *Acmena smithii* 'cultivars' as used for screen planting to achieve the design intent of the design,
- iv) the proposed tree planting shall be located within the site to achieve a reasonable sharing of views available to adjoining properties.

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 approved plan and inclusive of any conditions of consent.

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

#### **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained, and in particular the existing Norfolk Island Pine, as a result of the proposed development, 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.
- ii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: to ensure compliance with the requirement to retain and protect significant planting on development sites.

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

**Landscape maintenance**

All landscape components are to be maintained for the life of the development. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme of the site.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. 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.

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

**Environmental and priority weed control**

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

Reason: preservation of environmental amenity.