

Landscape Referral Response

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| Application Number: | DA2020/0246 |
| Date: | 19/08/2020 |
| Responsible Officer: | Tony Collier |
| Land to be developed (Address): | Lot 132 DP 24360 , 132 Elanora Road ELANORA HEIGHTS NSW 2101 Lot 133 DP 24360 , 130 Elanora Road ELANORA HEIGHTS NSW 2101 |

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 development application is for the Subdivision of Two (2) Lots to Create Four (4) Lots at property No.130 and No. 132 Elanora Road, Elanora Heights.

The amended proposal is consistent with the extent of tree removal previously proposed.

The existing dwellings fronting Elanora Road are being retained on proposed Lots 12 and 13, and the Subdivision Plan includes indicative "building footprints" on proposed Lots 11 and 14. The site benefits from a 1.0 metre wide easement to drain water (with a certified stormwater pipe installed) over an adjoining property to the south-west (No. 40 Iluka Avenue).

Council's Landscape Referral staff have assessed the proposal against Pittwater Local Environment Plan clause E4 Environmental Living, and the following Pittwater 21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C4.7 Subdivision - Amenity and Design

C4.8 Landscaping on Existing and Proposed Public Road Frontages

D5 Elanora Heights Locality

The proposal in terms of landscape outcome is acceptable subject to conditions of consent to the requirements to ensure the protection of trees and vegetation assessed in the Arboricultural Impact Assessment report as trees to be retained and protected. The proposed development includes the removal of seven (7) trees from the site of low retention value with poor health and condition including one that is dying/dead, impacted from the proposed development works for access, stormwater, and dwelling construction. All of the remaining trees on the site and adjoining sites to be protected and retained in accordance with the recommendations of the Arboricultural Impact Assessment report.

As part of the Subdivision, two (2) street trees shall be planted as a condition of consent.

A total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed Lots 11 and 14, in association with the future development applications for each Lot.

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

Tree Removal within the Property

The following trees located on the property and assessed as impacted from the proposed development works for access, stormwater, and dwelling construction, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Mark Bury Consulting:

- T5 Sydney Blue Gum, of normal vigour and fair condition (subject to replacement within the site)
- T6 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
- T7 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
- T8 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
- T9 Liquidamber, of poor vigour and poor condition, and an Exempt Species
- T10 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
- T14 Grey Ironbark, of normal vigour and fair condition (subject to replacement within the site)

A total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed Lots 11 and 14, in association with the future development applications for each Lot.

No other existing trees may be removed. Any subsequent request for tree removal is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree protection measures

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction works, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by Mark Bury Consulting under Appendix 7 - Arboricultural Management Plan (Tree Protection Plan).

This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessment prepared by Mark Bury Consulting.

The following activities as listed in the Arboricultural Impact Assessment shall be specifically supervised and certified as approved following attendance on site, review of the works and acceptance of the works:

- i) actions and recommendations as listed under Appendix 7 - Arboricultural Management Plan (Tree Protection Plan).

The Arborist shall submit certification that the works described in the above sections have been

correctly installed and adhered to during all Subdivision works.

The tree protection measures specified in this clause must:

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

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that:

- v) 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, and
- vi) 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.

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.

Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as recommended in the Arboricultural Impact Assessment report prepared by Mark Bury Consulting, 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, including T3, T17, T19, T20, T21 and T22,
- iii) all road reserve trees and vegetation, including T1, T2 and T23,
- (*) the following existing trees within the site are to be retained and protected: T4, T11, T12, T13, T15, T16 and T18 (#).

(#) subject to arboricultural investigation as T18 is in decline and may be removed following assessment and recommendations from a AQF Level 5 Arborist. Any removal of T18 must be certified by a AQF Level 5 Arborist and a Report issued to the Certifying Authority).

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

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF 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, 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 and adjoining sites.

Street Tree Planting

As part of the Subdivision, two (2) street trees shall be planted as follows:

- Two (2) Eucalyptus haemastoma street tree shall be planted at 75 litre container size, located centrally within the road verge, one in front of No. 130 and one in front of No. 132, within a prepared planting hole 1m x 1m x and at least 700mm depth, backfilled with sandy loam soilmix, and finished with a mulch layer and 3 post tree guard and hessian wrap.

Prior to the issue of an Occupation Certificate for Subdivision works, a report prepared by a landscape architect, landscape designer, or Arborist shall be submitted to the Certifying Authority, certifying that the street tree planting works have been completed satisfactorily.

Reason: to enhance streetscape amenity.

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

Landscape maintenance

Any existing landscaping including trees required to be retained together with the street tree planting required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new street trees. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar

materials/components. All 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.