

## Landscape Referral Response

<b>Application Number:</b>	DA2020/0014
<b>Date:</b>	17/04/2020
<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 51 DP 740538 , 1772 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

The development application is for demolition of a existing dwelling and swimming pool, and the construction of a new dwelling and a new swimming pool.

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

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D4 Church Point and Bayview Locality, and specifically D4.1 Character As Viewed From A Public Place and D4.2 Scenic Protection.

The proposal in terms of landscape outcome is acceptable subject to conditions of consent to provide landscaping to satisfy the relevant landscape controls including canopy tree planting, and subject to the requirements to ensure the protection of trees and vegetation in proximity to the development works.

A landscape plan is provided in accordance with Council's DA Lodgement Requirements, and is generally acceptable subject to conditions of consent. The landscape outcome shall include replacement street tree planting, enhancement of tree canopy within the site, retention of privacy screen planting, and addition of privacy screen planting along boundaries to ensure amenity privacy to private open space.

A arboricultural assessment of existing trees in the vicinity of the development works is provided in accordance with Council's DA Lodgement Requirements. A Project Arborist shall be engaged to ensure construction activities do not impact upon existing trees nominated for retention in the Arboricultural Impact Assessment, the provision tree protection measures, supervision and certification of works undertaken near existing trees.

The proposal involves the removal of one street tree with a medium retention value and one tree within the site with a low retention 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 removal within the property**

The following tree located on the property and assessed as impacted by development, and without an alternative design layout to retain the trees, is granted approval for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Urban Forestry Australia dated November 2019:

- T4 Brush Cherry

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.

#### **Tree removal within the road reserve**

Following assessment and recommendation of the Arboricultural Impact Assessment prepared by Urban Forestry Australia dated November 2019, the following road verge street tree is granted approval for removal:

- T1 Spotted Gum, subject to replacement street tree planting of 1 x 75L Spotted Gum.

Removal of approved all tree/s in the road reserve shall only be undertaken by a Council approved tree contractor.

Details of currently approved tree contractors can be obtained from Northern Beaches Council Trees Services prior to removal.

Reason: public liability

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

#### **Project Arborist**

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for the existing street tree identified as T1 to be retained and protected, requiring site attendance during excavation and construction works of the driveway and for construction access onto the site, 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 Urban Forestry Australia dated November 2019.

This shall include supervision, acceptance of the works and certification of tree sensitive work in the vicinity of the existing street tree identified as T1, under Section 5.0 Recommendations, including:

- i) actions and recommendations as listed under 5.2 Minimising Impacts on Trees to be Retained,
- ii) actions and recommendations as listed under 5.3 Tree Protection,

The Arborist shall submit certification that the works described in the above sections have been correctly installed and adhered to during the construction period.

The tree protection measures specified in this clause must:

- iii) 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.

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

- vi) 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
- vii) 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 prepared by Urban Forestry Australia dated November 2019, 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 not approved for removal.

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**

#### **Landscape works completion**

Landscape works are to be implemented in accordance with the Landscape Plans DA-19 prepared by Gartner Trovato Architects, with the addition of the following condition:

i) a replacement street tree shall be planted within the road verge at 75 litre container size minimum, in close proximity to be existing street tree to be removed, and shall be planted at least 2 metres from the edge of the driveway,

ii) one native tree in the front yard and one native tree in the rear yard planted at 75 litre container size minimum, selected from the Pittwater Spotted Gum Forest association, shall be provided to enhance the landscape setting and soften the built form,

iii) all tree planting within the site shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views, and shall be planted at least 4-5 metres from buildings,

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 landscape plans and with 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 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.

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

#### **Landscape maintenance**

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.

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 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.