

Landscape Referral Response

Application Number:	DA2021/0556
Date:	23/07/2021
Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 104 DP 752046 , 39 Attunga Road NEWPORT NSW 2106

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 demolition of the existing dwelling and garage and the construction of a new dwelling, garage, and pool.

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

- B4.22 Preservation of Trees and Bushland Vegetation,
- C1.1 Landscaping,
- D10 Newport Locality.

The site is located in the E4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees. One large Norfolk Island Pine exists upon the site and otherwise no vegetation of prominence exists.

A Landscape Plan and a Arboricultural Impact Assessment report titled Construction Impact & Management Statement are provided with the application in accordance with Council's DA Lodgement Requirements. An amended Landscape Plan A003 issue C dated July 2021, is provided to address previous concerns and these have now been revised and are acceptable, including realignment of the walling and stairs in proximity to the Norfolk Island Pine to an increased distance from the existing Norfolk Island Pine, vegetation screening under the suspended pool along the south and east, and proposed canopy tree planting within the front and rear setbacks in appropriate locations.

Landscape Referral raise no objections to the development application subject to the completion of landscape works and the protection of the existing Norfolk Island Pine.

previous Landscape Referral comments now resolved in the amended Landscape Plan:

The Landscape Plan provided does not include canopy tree planting to satisfy LEP clause E4 zone Environmental Living and DCP clause C1.1 Landscaping, where two canopy trees within the front

setback and one canopy tree within the rear setback are required to soften the built form and add to the tree canopy of Pittwater. Additionally the Landscape Plan does not provide any softening of the undercroft to the suspended swimming pool to reduce the visual prominence of the pool structure.

The Arboricultural Impact Assessment provides a summary that the existing Norfolk Island Pine near the proposed swimming pool should be "... retained, managed & protected in accordance with the 'Site Specific Tree Plan of Management'". The proposed swimming pool is suspended within much of the tree protection zone of the Norfolk Island Pine and the Arboricultural Impact Assessment thus determines that the proposal is assessed as not likely to further compromise the health of the Norfolk Island Pine, with tree protection measures as listed in the Arboricultural Impact Assessment.

Concern is raised regarding the visual prominence of the suspended swimming pool upon the Attunga Road streetscape contrary to DCP clause D10.1 Character as viewed from a public place. The suspended swimming pool is approximately 4 metres above natural ground level, lessened by the proposed levelling of land with terraces and 1 m high retaining walls downslope. Under DCP clause D10.7 Front building line, built structures ie. swimming pools are not permitted within the front building setback and the Statement of Environmental Effects nominates this area as the front setback.

Further landscape treatment is required to soften the bulk and scale of the suspended swimming pool, building mass, and retaining walls to satisfy DCP clauses C1.1 Landscaping, D10.1 Character as viewed from a public place, as well as D10.16 Construction, retaining walls, terracing and undercroft areas, requiring adequate landscaping to soften and screen the built forms.

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 to provide tree protection measures for the existing Norfolk Island Pine in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment titled Construction Impact & Management Statement, including:

i) section 5 Discussion: requiring tree trunk protection; below ground 'live root management' that minimises any Tree Protection Zone (TPZ) total surface area (203.08m²) intrusion relative to existing soil level; installation of a composted mulch maintained from prior to commencement until completion of the project at a minimum thickness of 75mm; a Tree Trunk Guard to be installed from ground level to

3.50m high so as to protect the tree trunk from works to form/build the swimming pool structure; and TPZ fencing,

- ii) attendance during excavation for retaining wall / stairs,
- iii) any required footing located within its TPZ radial distance (8.04m) must be designed to have the capacity to be flexibly located should any significant diameter ie. 50mm 'live root' be exposed,
- iv) final footing location/s must be inspected & documented in writing with supporting photographic evidence of any exposed significant diameter 'live root' not being compromised by the retained Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all 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:

- i) 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.
- ii) 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.

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) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 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

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 to the Certifying Authority,

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 Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 4970-2009 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 Australian Standard 4373-2007 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment titled Construction Impact & Management Statement.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.

e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and 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.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

Condition of Trees

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

i) a general decline in health and vigour,

ii) damaged, crushed or dying roots due to poor pruning techniques,

iii) more than 10% loss or dieback of roots, branches and foliage,

iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,

v) yellowing of foliage or a thinning of the canopy untypical of its species,

vi) an increase in the amount of deadwood not associated with normal growth,

vii) an increase in kino or gum exudation,

viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,

ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

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

Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan A003 issue C dated July 2021 inclusive of the following conditions:

- i) the alignment of walling and stairs within the external areas shall be in accordance with A003 issue C,
- ii) the nominated *Banksia integrifolia* tree planting shall be installed at a minimum 75 litre container size, located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees,
- iii) the nominated *Acmena smithii* 'hot flush' shall be planted at the nominated container size of larger,
- iv) all shrubs/accents shall be planted at a minimum 200mm container size, and all groundcovers shall be planted at a minimum 140mm container size.

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

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact to the Norfolk Island Pine required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during 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: Tree 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.

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

Reason: To maintain local environmental amenity.