

Landscape Referral Response

Application Number:	DA2020/0149
Date:	30/04/2020
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 121 DP 600228 , 7 Sturdee Lane ELVINA BAY NSW 2105

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 erection of a bedroom pavilion to the east side of the existing dwelling, a small bay window to the kitchen on the west side, a 6m² increase to the deck, and removal of two trees within the proposed building footprint and two existing Spotted Gum trees located in close proximity.

Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D8 Lower Western Foreshores and Scotland Island Locality, and specifically D8.1 Character As Viewed From A Public Place and D8.2 Scenic Protection.

The removal of the two existing Spotted Gums is not supported. These two trees are assessed with high retention value and shall be arboriculturally managed during the works to ensure long term survival.

The proposal in terms of landscape outcome is acceptable subject to conditions of consent to retain the two existing Spotted Gums through adjustment in location of the proposed addition in accordance with the arboricultural impact assessment report to retain and protect the two existing Spotted Gums.

The Arboricultural Impact Assessment prepared by Margot Blues Consulting Arborist dated 21 April 2020 is provided in accordance with Council's DA Lodgement Requirements and the recommendations listed as Option 2 are accepted. It is accepted that existing trees T3 and T4, of moderate and low retention value, within the proposed building footprint are not retainable.

A condition of consent shall be imposed to ensure protection of the existing Spotted Gums identified as T1 and T2 within the Arboricultural Impact Assessment, including

- the proposed building addition is to move to the south by at least 0.6m, eliminating the need for

- the retaining wall,
- plumbing shall be fixed to the underside of the floor, and
 - isolated piers are to be used to support the building.

A Project Arborist shall be engaged to ensure construction activities do not impact upon existing trees T1 and T2, including the provision tree protection measures, supervision and certification of works undertaken near existing trees T1 and T2.

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 by development, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the Arboricultural Impact Assessment:

- 1 x Tulipwood which falls within the footprint of the proposal
- 1 x Blueberry Ash which falls within the footprint of the proposal

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

Project Arborst

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 Spotted Gum trees identified as T1 and T2 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.

This shall include supervision and on-site advice, followed by acceptance and certification of the works, including:

- i) protection of existing ground levels,
- ii) trunk protection,
- iii) tree protection fencing as required, and
- iv) selection of pier footing locations.

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:

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

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

- vii) 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
- 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 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, 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.

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.