

Landscape Referral Response

Application Number:	DA2020/0033
Date:	12/03/2020
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT 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 application proposes the demolition of an existing detached studio building and replacement with pavilions comprising a guest bedroom suite and games room.

A Landscape Plan is provided with the application, satisfying the landscape outcomes of Pittwater 21 DCP.

A Arboricultural Impact Assessment is provided with the application and proposal requires the removal of three existing trees. The existing trees are assessed with medium to high retention value. There is no alternative for the proposed development in order to retain these trees, and given that the site will retain a considerable amount of existing trees of medium to high retention value (with many indigenous species typical of the Pittwater Spotted Gum Endangered Ecological Community), approval is granted to remove the three trees, subject to replacement within the site as shown on the Landscape Plan.

In terms of landscape impact to the existing landscape character, the works are integrated into the site landscape with many existing trees retained to soften the built form. The proposal is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions.

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

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

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 protection measures

A qualified Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be engaged to provide tree protection measures for the existing trees nominated for retention in the Arboricultural Impact Assessment prepared by Blue Gum Tree Care and Consultancy, including:

- section 6: Tree protection fencing as determined by the Project Arborist,
- section 6: Trunk and Ground Protection to existing trees T81, T90, and T93, and
- section 6.2: supervision and approval for pier footings excavation within the tree protection zone for existing trees T72, T75, T78, T80, T81, T85, T90, T93, T93 and T97.

The Project Arborist shall be in attendance on site to supervise and approve the recommended works as listed under section 6 Recommendations.

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.

Additionally, the Certifying Authority or a Project Arborist AQF Level 5 must ensure that:

- i) 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
- ii) 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.

The Project Arborist shall provide the Certifying Authority with certification details as follows:

- i) that the tree protection measures are in place at the commencement of works,
- ii) that the Project Arborist has attended the site and undertaken inspections of the works in accordance with section 6 Recommendations.

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 removal within the property

The following existing tree is approved for removal based on the assessment and recommendations of the Arboricultural Impact Assessment prepared by Blue Gum Tree Care & Consultancy dated December 2019:

- Tree 99: Blueberry Ash (subject to replacement planting within the property)
Tree 100: Blueberry Ash (subject to replacement planting within the property)
Tree 109: Spotted Gum (subject to replacement planting within the property)

Tree 94 (Sweet Viburnum) is recommended for removal within the Arboricultural Impact Assessment, and as an Exempt Species does not require Council consent.

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 vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation,

note: the existing trees that are to be retained as part of this development include the following trees identified in Attachment A - Tree Assessment Table, of the Arboricultural Impact Assessment prepared by Blue Gum Tree Care & Consultancy dated December 2019: T5 to T93; T95 to T97; T101 to T108; and T110 to T112.

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 Level 5 minimum qualification Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 minimum qualification 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 Level 5 minimum qualification 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 Level 5 minimum qualification Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 minimum qualification 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 Level 5 minimum qualification 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 Level 5 minimum qualification 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 completion**

Landscaping is to be implemented in accordance with the Landscape Plan 1914/DA-L01, prepared by
DA2020/0033

Trish Dobson Landscape Architecture, inclusive of the following conditions:

- i) all trees (x 4) nominated on the planting schedule shall be planted at 75 litre container pot size,
- ii) tree planting 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,
- iii) tree planting shall be at least 3 metres from any existing / proposed building structures.

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 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 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.