

## Landscape Referral Response

<b>Application Number:</b>	DA2020/1163
<b>Date:</b>	27/11/2020
<b>Responsible Officer:</b>	Megan Surtees
<b>Land to be developed (Address):</b>	Lot 102 DP 13760 , 24 Wandeen Road CLAREVILLE NSW 2107

### 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 proposal is for a new dwelling, garage, swimming pool and landscape works on a vacant lot.

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

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D1 Avalon Beach Locality, including D1.14 Landscaped Area - Environmentally Sensitive Land

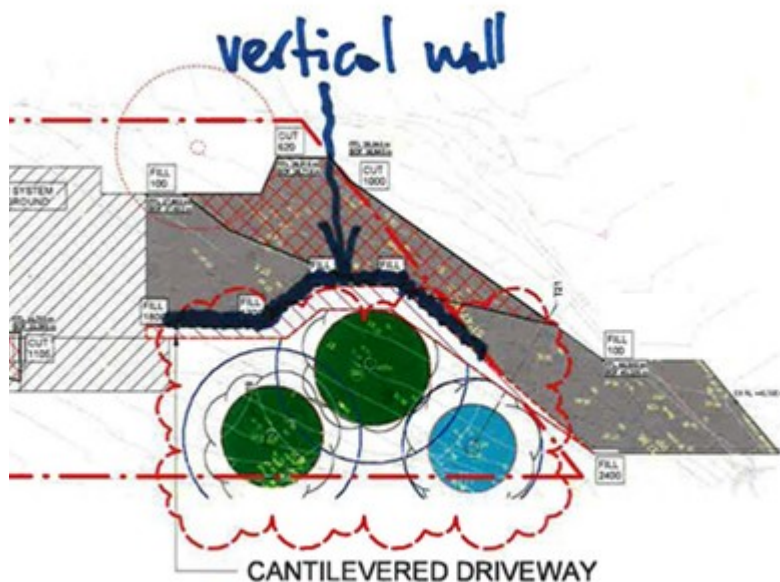
The site is located in the E4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features such as rock outcrops and watercourses, and the retention of existing trees. The existing vacant site comprises Pittwater Spotted Gum Forest native trees such as Spotted Gum, other association Gums, and Black She-Oak.

The retention of existing trees within the front and rear setback areas provides the opportunity to satisfy the planning controls of Pittwater Local Environmental Plan clause E4 Environmental Living zone and Pittwater 21 DCP. Existing trees identified as T1 - Spotted Gum, T2 - Spotted Gum, T3 - Bangalay Gum, and T4 Bangalay Gum are to be retained and protected within the rear of the property, and existing identified as T19 - Spotted Gum, T20 - Spotted Gum, T21 - Spotted Gum are to be retained and protected within the front of the property.

Then remaining site trees are proposed for removal to accommodate the proposed development including two trees of high retention value, four trees of moderate retention value, five trees of low retention value, and three exempt species. Of the two trees assessed with high retention value, T14 Spotted Gum is located within the building footprint without a design alternative, and the arboricultural assessment of T17 Grey Ironbark) provides no design alternative. Two indigenous tree replacements are proposed in the Landscape Plan as replacements, as well as numerous indigenous understorey small trees.

The Landscape Plan includes proposals for extensive indigenous planting of canopy trees, understorey trees and screening plants to satisfy the landscape outcomes of E4 Environmental Living zone and Pittwater 21 DCP. Amendments to the Landscape Plan are required to ensure that existing ground levels are not altered within the tree protection zone of existing trees T19, T20, and T21 within the front of the property, and existing trees T1, T2, T3 and T4 within the rear of the property. The proposed extent of retaining walling and ground leveling within the tree protection zone of T4 shall be amended and the location of walling shall be at least 4.2 metres from T4, ie, the calculated tree protection zone. This will additionally assist with negating impact to the large Spotted Gum (identified as N12) within adjoining property No. 26 Wandeen Rd.

Existing ground levels within the tree protection zone of existing trees T19 - Spotted Gum, T20 - Spotted Gum, T21 - Spotted Gum shall remain unaltered, and the proposed driveway as amended shall include a vertical wall at the alignment of the cantilevered driveway section, as demonstrated below to ensure the protection of the existing trees:



The vertical wall at the edge of the cantilevered driveway is to be constructed prior to establishment of the site access ramp, effectively restricting access to the majority of tree protection zones of T19, T20 and T21, and tree protection fencing to be placed along the alignment of the cantilevered driveway. All existing ground levels within the tree protection fencing shall remain unaltered.

Subject to conditions of consent, Landscape Referral raise no objections with the amended plans.

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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

#### Amended Plans

All Plans shall be amended and approved by the Certifying Authority prior to the issue of a Construction Certificate and include the following details:

- i) document the alignment of the vertical wall at the edge of the cantilevered driveway,
- ii) all Plans shall document the retention of existing ground levels within the tree protection zones for existing trees T4 - Bangalay, T19 - Spotted Gum, T20 - Spotted Gum, and T21 - Spotted Gum,
- iii) all Plans shall document tree protection fencing around the tree protection zones for existing trees T4 - Bangalay, T19 - Spotted Gum, T20 - Spotted Gum, and T21 - Spotted Gum.

Note:

The vertical wall is to be constructed prior to establishment of the site access ramp. Existing ground levels within the tree protection zone of existing trees T19 - Spotted Gum, T20 - Spotted Gum, T21 - Spotted Gum shall remain unaltered.

Reason: preservation of existing trees.

### **Amended Landscape Plans**

An Amended Landscape Plan, based on the Landscape Plans L-01 to L-07 inclusive as prepared by Site Design Studios, shall be issued to the Certifying Authority for approval prior to the issue of a Construction Certificate to include the following details:

- i) all Plans shall be amended to document the alignment of the vertical wall at the edge of the cantilevered driveway.
- ii) all Plans shall document the retention of existing ground levels within the tree protection zones for existing trees T4 - Bangalay, T19 - Spotted Gum, T20 - Spotted Gum, and T21 - Spotted Gum,
- iii) all Plans shall document tree protection fencing around the tree protection zones for existing trees T4 - Bangalay, T19 - Spotted Gum, T20 - Spotted Gum, and T21 - Spotted Gum
- iv) all Plans shall document the extent of retaining walling and ground leveling within the tree protection zone of T4 shall be amended and the location of walling shall be at least 4.2 metres from T4, ie, the calculated tree protection zone, and existing ground levels shall remain unaltered,
- v) the replacement canopy trees shall be amended to consist of 1 x *Angophora costata* and 1 x *Eucalyptus resinifera* or *Corymbia maculata*,
- vi) all new canopy trees shall be located within a minimum 9m<sup>2</sup> deep soil area and be located at least 5 metres from existing and proposed buildings, and at least 3 metres for smaller trees,
- vii) tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Reason: landscape amenity.

### **Tree Protection Plan**

a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees:

- i) T19 - Spotted Gum, T20 - Spotted Gum, and T21 - Spotted Gum, within the front of the property,
- ii) T1 - Spotted Gum, T2 - Spotted Gum, T3 - Bangalay Gum, and T4 - Bangalay Gum, within the rear of the property,
- iii) T22 and T23 - road verge street trees.

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) layout of the development, including existing and proposed underground services,
- ii) location of all trees identified for retention, including extent of canopy,
- iii) access routes throughout the site for construction activity,
- iv) location of tree protection fencing / barriers,
- v) root protection in the form of mulching or boards proposed within the tree protection zone,
- vi) trunk and branch protection within the tree protection zone,

- vii) location of stockpile areas and materials storage,
- viii) inspection hold points,
- ix) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites, and as referenced in the Arboricultural Impact Assessment, section 6.1.3, 6.2.1, 6.2.2 and 6.2.3.

Reason: tree protection.

## 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 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.

The Project Arborist shall be in attendance and supervise all works as nominated, including:

- i) T19 - Spotted Gum, T20 - Spotted Gum, and T21 - Spotted Gum, within the front of the property,
- ii) T1 - Spotted Gum, T2 - Spotted Gum, T3 - Bangalay Gum, and T4 - Bangalay Gum, within the rear of the property,
- iii) T22 and T23 - road verge street trees.

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.

### **Removal within the road reserve**

This consent approves the removal of the following tree within the road reserve (as recommended in the Arboricultural Impact Assessment):

- T24 (Illawarra Flame Tree).

Removal of the approved 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's Trees Services Section prior to removal.

Reason: public liability.

### **Tree removal within the property**

This consent approves the removal of the following trees within the property (as recommended in the Arboricultural Impact Assessment):

- T6, T7, T11, T12, T13, T15 and T18 (She Oak); T9 and T16 (Red Mahogany); T14 (Spotted Gum); and T17 (Red Mahogany).

The following Exempt Species do not require Council consent for removal:

- T5 (Chinese Elm); T8 and T10 (Sweet Pittosporum).

Reason: to enable authorised building works.

Note:

Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

## **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 not approved for removal.

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), vi) and vii) 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.

The Certifying Authority must ensure that:

c) 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.

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

### **Landscape works completion**

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan.

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: environmental amenity.

### **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 on all existing trees required to be retained, including the following information:

a) compliance to any Arborist recommendations for tree protection generally and during excavation works,

b) extent of damage sustained by vegetation as a result of the construction works,

c) 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**

### **Environmental and priority weed control**

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

Reason: preservation of environmental amenity.



**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 fertilized 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 Amended Landscape Plan.

Reason: to maintain local environmental amenity.