

## Landscape Referral Response

<b>Application Number:</b>	DA2019/1243
<b>Date:</b>	26/11/2019
<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 3 DP 1167665 , 1 E Bungan Head 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 proposes the construction of a new dwelling house.

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

D10 Newport Locality, including D10.13 Landscaped Area - Environmentally Sensitive Land

The proposal is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions to provide amended plans to include the retention of existing trees that can be preserved and subject to the the completion of landscaping to satisfy C1.1 and D10.13.

A landscape plan is provided with the application indicating the inclusion of shrubs, ferns and groundcovers to parts of the site. The current landscape plan is not satisfactory and requires amendment. The proposal does not provide canopy trees as replacement for the many existing trees proposed for removal. To satisfy C1.1, an amended landscape plan shall be provided indicating a range of lowlying shrubs, medium to high shrubs and canopy trees to soften the built form. Boundary screen planting along boundaries is required to provide a vegetation buffer and privacy to adjoining private open space areas. The screen planting shall be selected to achieve a suitable height to create privacy.

A arboricultural impact assessment report is provided that satisfies the DA Lodgement Requirements. The recommendations are generally accepted where removal is required for the development footprint and no alternative development footprint appears to be available. The exception to this is that the retention of T6 (Grey Ironbark) is achievable through the relocation of the access path to accommodate the retention of T6, which is a high amenity value tree worthy of retention. Existing tree T6 shall be retained by condition and all plans and reports shall be amended at construction certificate stage to reflect this.

## Referral Body Recommendation

Recommended for approval, subject to conditions

## Refusal comments

## Recommended Landscape Conditions:

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

#### Amended Landscape Plan

A Amended Landscape Plan shall be prepared in accordance with C1.1 Landscaping - Technical Reports and Supporting Information, demonstrating the landscape intent of the areas nominated on the architectural plans as landscaped area, and inclusive of new canopy tree replacement planting within the site.

The Amended Landscape Plan shall be issued to the Certifying Authority for approval, in consideration of the objectives of C1.1 Landscaping, with the following minimum landscape outcomes to be satisfied:

- retention of the existing tree nominated as T6 (Grey Ironbark), including retention of the existing ground levels, and realignment of the access path away from the structural root zone of this tree, with the access path to be located following advice from a AQF level 5 qualified Arborist,
- at least two (2) replacement canopy trees (Eucalyptus paniculata - Grey Ironbark) are to be located within deep soil area on the site, planted at 75 litre pot size, and planted at least 5 metres from any existing or proposed dwellings or a minimum of 3 metres where pier and beam footings are used, and 5 metres from any other established canopy tree,
- a range of understorey planting to be provided throughout the landscaped area to soften the built form,
- site boundaries to contain screen planting, where required, to provide privacy to adjoining private open space areas.

Reason: to maintain the landscape amenity.

### CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

#### Tree removal within the Property

The following trees are approved for removal within the property based on the recommendations of the Arboricultural Impact Assessment prepared by Koala Arbor Consulting Arborists, dated 28/10/2019:

T3 - White Mahogany, T5 - Grey Ironbark, T7 - Grey Ironbark, T8 - Sweet Pittosporum, T9 - Grey Ironbark, T10 - Sallow Wattle, T11 - Grey Ironbark, and T12 - Willow Bottlebrush.

Approval for removal is subject to tree replacement with two (2) native canopy trees, to be accommodated within the remaining landscaped area

The report proposes removal of T13 in adjoining land due to the poor condition this tree. Council does not provide approval for this removal. Agreement with the Lot owner containing T13 shall be sought on this matter and removal of T13 is subject to owner's understanding and approval. T13 can't be removed

without owner's approval.

The proposal to remove T6 - Grey Ironbark, as recommended in the Arboricultural Impact Assessment prepared by Koala Arbor Consulting Arborists, is NOT APPROVED. The current proposal for removal of T6 is based on the alignment of an access path. This is not a valid justification when there is an alternative to realign the access path to accommodate the retention of T6. The site contains many high ecological and amenity value trees (T6, T7, T9, T11 and T15) and the development footprint does not allow retention of all except T6 which can be retained through re-design.

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

### Project Arborist

A Project Arborist with AQF Level 5 qualification in horticulture/arboriculture is to be appointed to supervise and certify tree protection measures for the following existing trees, 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:

T2: Eucalyptus paniculata (Grey Ironbark) - general tree protection measures,

T4: Eucalyptus acmenoides (White Mahogany) on adjoining land - excavation for the driveway; trunk, canopy and root protection; and general tree protection measures,

T6: Eucalyptus paniculata (Grey Ironbark) - siting of access path to minimise intrusion into the SRZ and TPZ; and general tree protection measures,

T13 (unknown), T15: Eucalyptus paniculata (Grey Ironbark), T16: Allocasuarina littoralis (Black She-Oak), and T17: Eucalyptus paniculata (Grey Ironbark), on adjoining land - general tree protection measures,

T18: Eucalyptus acmenoides (White Mahogany) and T19: Eucalyptus paniculata (Grey Ironbark) on adjoining land - excavation for construction a; trunk, canopy and root protection; and general tree protection measures,

The Project Arborist is to recommend tree protection measures such as tree fencing, trunk protection and ground protection, and supervise all excavation and construction works near all trees, including recommending the 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.

Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Reason: to ensure the protection of the existing landscape amenity.

### Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as recommended in the Arboricultural Impact Assessment prepared by Koala Arbor Consulting Arborists, dated 28/10/2019, including:

- i) all trees (T2, T6 and T14) 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 (T1, T4, T13, T15, T16, T17, T18, and T19),
- 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 Level 5 Arborist,

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

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 the plans, and any relevant condition of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

### **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF 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.

### **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.