

Landscape Referral Response

Application Number:	DA2021/0398
Date:	02/06/2021
Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot A DP 341278 , 90 Lawrence Street FRESHWATER NSW 2096

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 construction of a secondary dwelling.

The application is assessed by Landscape Referral against Warringah Development Control Plan 2011, including but not limited to the following clauses:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation

The proposal includes the removal of three existing trees over 5 metres in height as shown on the Survey Plan within the rear of the property. An Arboricultural Impact Assessment prepared by Canopy Consulting is provided verifying that these trees identified as T3, T4, and T5 are Exempt Species, and thus do not require Council consent for removal. Additionally as environmental weeds (Small leaved Privet, Large leaved Privet and Rubber Tree) these Exempt Species are required for removal to reduce environmental impacts by weed spread.

The existing Norfolk Island Pine located mid block is not impacted by the development works and shall be retained. The Arboricultural Impact Assessment provides recommendations for the retention of the existing Norfolk Island Pine and recommends generic tree protection measures. A Tree Protection Plan for neighbouring trees is provided however an updated Tree Protection Plan shall be provided to indicate the mechanism for protecting the Norfolk Island Pine within the site and shall include tree protection fencing and may also include ground protection.

Small tree planting is required along the rear of the properties existing fencing to provide replacement planting for the Exempt Species trees removed for development works.

Landscape Referral raise no objections to the proposal subject to conditions of consent.

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

Updated Tree Protection Plan

a) A updated 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 existing Norfolk Island Pine within the development site.

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

- 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.

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 the existing Norfolk Island Pine to be retained and the existing trees within neighbouring properties, 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, including:

- i) section 6 Recommendations
- ii) appendix C - Tree Management Plan
- iii) updated Tree Protection Plan

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

Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

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

Required Screen Planting

Screen planting shall be planted along the southern fence line within a garden bed in accordance with the following:

- i) three (3) *Elaeocarpus reticulatus* small tree planting along the fence line to achieve at least 5 metres in height, set at no more than 3.0 metres apart, planted at a minimum 75 litre pot container size, and approximately 700mm from the fence line,
- ii) four (4) shrubs suited to shade conditions to achieve at least 2 metres in height planted in between the small tree planting, installed at a minimum 200mm pot size,
- iii) planting shall be contained in a continuous garden bed at least 1.0 metres wide, prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

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.