

Landscape Referral Response

Application Number:	DA2020/0136
Date:	28/04/2020
Responsible Officer:	Penny Wood
Land to be developed (Address):	Lot 2 DP 219815 , 34 Nullaburra 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 two storey dwelling and swimming pool on Lot 1 of the approved subdivision at 34 Nullaburra Road Newport.

Development consent under Subdivision approval DA2018/0496 applies to the site including the retention of trees as nominated under the subdivision consent for Lot 1.

The proposal is capable of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions to protect existing trees and vegetation, and completion of landscaping as required by an amended landscape plan.

An amended landscape plan is required prior to Construction Certificate to satisfy the DA Lodgement Requirements, indicating existing trees to be retained, and proposed tree replacement planting and boundary planting, to achieve the landscape outcomes of Pittwater 21 DCP.

No Arboricultural Impact Assessment report is provided with this development application. A Arboricultural Impact Assessment as part of Subdivision approval DA2018/0496, prepared by Hugh The Arborist, will be relied upon in terms of listing of trees to be removed and trees to be retained, with tree protection measures to be subject to conditions.

The Site Plan for this new dwelling application, drawing number 19125-13 H1, sheet 8/11 - issue N prepared by Accurate Design & Drafting, indicates existing trees to be retained as T13, T14, T16, T17, T18, T19, T20, T21, T22, and T22 within the site, as required under the Subdivision approval DA2018/0496. No existing trees are proposed for removal.

The development application is assessed by Council's Landscape Referral section against the landscape controls of Pittwater 21 DCP:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D10 Newport Locality

DA2020/0136

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 Landscape Plan

The Site Plan for this new dwelling application, drawing number 19125-13 H1, sheet 8/11 - issue N, indicates existing trees to be retained as T13, T14, T16, T17, T18, T19, T20, T21, T22, and T22 within the site, as required under the Subdivision approval DA2018/0496.

An amended landscape plan is required prior to Construction Certificate to satisfy the DA Lodgement Requirements, indicating existing trees to be retained, and proposed tree replacement planting and boundary planting.

The amended landscape plan shall include the following amendments/inclusions:

- indication of existing trees to be retained, noting that T13, T14, T16, T17, T18, T19, T20, T21, T22, and T22 within the site as shown on the Site Plan for this application are required under Subdivision approval to be retained under DA2018/0496,
- the proposed 3 x *Fraxinus oxycarpa* tree planting shall be deleted on the plan and native tree planting shall be installed on site within the rear of the property with individual soil area of 3m x 3m for each tree,
- tree planting x 3 shall be nominated at 75 litre container size and selected from the following list: *Agonis flexuosa*, *Elaeocarpus reticulatus*, *Melaleuca linariifolia*, *Syzygium paniculatum*, *Syzygium leuhmannii*, or any other selected native tree,
- screen shrub planting shall be included along the eastern boundary to Lot 1 for private open space amenity and privacy, to attain a mature height of 3 metres shall be installed 1 metre apart and installed at 300mm container pot size.

Reason: to satisfy the landscape outcomes of Pittwater 21 DCP.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection measures

The Site Plan for this new dwelling application, drawing number 19125-13 H1, sheet 8/11 - issue N, indicates existing trees to be retained as T13, T14, T16, T17, T18, T19, T20, T21, T22, and T22 within the site, as required under the Subdivision approval DA2018/0496.

Tree protection measures shall be initiated at the commencement of works in accordance with AS4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment prepared by Hugh The Arborist under Subdivision approval DA2018/0496, including site supervision and certification of construction activity as listed in the following sections:

- Section 10. Recommendations, and
- Section 11. Arboricultural Work Method Statements and Tree Protection Requirements.

These works shall apply to the existing trees indicated on the Site Plan for this new dwelling application, drawing number 19125-13 H1, sheet 8/11 - issue N, for existing trees to be retained: T13, T14, T16, T17, T18, T19, T20, T21, T22, and T22 within the site.

- a) The Certifying Authority or Project Arborist 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 on the lot or any tree on an adjoining site, 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.
- b) The tree protection measures specified in this clause must:
- i) be in place before work commences on the site,
 - ii) be maintained in good condition during the construction period,
 - iii) remain in place for the duration of the construction works.

Note. 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection

- a) Existing trees and vegetation shall be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites, and the Arboricultural Impact Assessment prepared by Hugh The Arborist, as related to Lot 1, including:
- i) all trees and vegetation within the property not listed for retention or otherwise 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) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
 - iii) removal of existing tree roots greater than 25mm is not permitted without consultation with a 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.

d) note: any future request for tree removal is subject to a Section 4.55 modification application, or an or an assessment by AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property.

Note: The arboricultural requirements under Subdivision approval DA2018/0496 continue to apply.

Reason: to retain and protect significant planting on development and adjoining sites.

Project Arborist

A Project Arborist with AQF Level 5 qualifications in arboriculture/horticulture shall be engaged to supervise all excavation works in the vicinity of the proposed works to mitigate any damage to existing nearby existing trees.

The Project Arborist shall provide the Certifying Authority with certification details that the tree protection measures including on-site directions during excavation have been adhered to, and no adverse impacts have been created.

The Project Arborist shall provide the Certifying Authority with certification details that the tree protection measures specifically in the vicinity of existing trees T13, T14, T16, T17, T18, T19, T20, T21, T22, and T22 within the site have been undertaken in accordance with the requirements listed under the following sections:

- Section 10. Recommendations, and
- Section 11. Arboricultural Work Method Statements and Tree Protection Requirements.

Reason: to ensure tree protection is provided and maintained.

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 Amended Landscape Plan approved and certified by the Certifying Authority.

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 Amended Landscape Plan and 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 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, as a result of the proposed development, 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.