

Landscape Referral Response

Application Number:	Mod2023/0488
Date:	27/09/2023
Proposed Development:	Modification of Development Consent DA2019/1421 granted for Alterations and additions to an existing dwelling house
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 57 DP 6195 , 5 Surfview Road MONA VALE NSW 2103

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 is for modification to development consent DA2019/1421.

The proposed modifications will improve the landscape outcome approved under DA2019/1421 through the proposed increase in landscaped area. Trees 2, 3, 4 and 5 were approved for removal under DA2019/1421 and the modification plans show tree 3 (now tree 2 in the updated Arboricultural Impact Assessment) to be retained. This tree is exempt by height and as such can be managed or removed at the discretion of the applicant without consent. It is noted Council's Biodiversity referral team have conditioned tree replacement.

As part of this modification condition 14 Tree protection measures, condition 15 Tree removal within the property, condition 20 Tree and vegetation protection, condition 21 Project Arborist certification, condition 23 Landscape completion, and condition 27 Landscape maintenance shall be amended. All other conditions imposed under DA2019/1421 remain.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection measures

- a) A qualified AQF Level 5 Project Arborist shall be engaged prior to the commencement of works to

supervise and approve tree protection measures in accordance with the Arboricultural Impact Assessment prepared by BlueGum Tree Care and Consultancy dated November 2022, and any other condition of consent as follows:

- i) ensure that the new retaining wall along the driveway is located in position as illustrated in Figure B under section 4.2, and Figure D under section 5.2 of the Arboricultural Impact Assessment,
- ii) the Project Arborist shall be present during all excavation within a 14.4m radius of Tree 1 - Norfolk Island Pine, and all recommendations under section 6.2 of the Arboricultural Impact Assessment are approved by the Project Arborist,
- iii) confirmation that no excavation or driveway widening near T1 - Norfolk Island Pine will occur,
- iv) tree protection fencing is installed under the direction of the Project Arborist to T1 - Norfolk Island Pine, in accordance with Figure E under section 6 of the Arboricultural Impact Assessment.

b) Additionally, during the works the Project Arborist shall provide the Certifier with certification that the above requirements have been completed to the satisfaction of the Project Arborist. An inspection program shall be developed by the Project Arborist and submitted to the Certifier prior to commencement of works. Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

c) All tree protection measures specified 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.

Note: 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.

Tree removal within the property

a) this consent approves the removal of existing trees on the subject site as listed below:

- i) tree 2 - *Rhododendron* sp. (if required), tree 3 - *Melaleuca quinquenervia*, and tree 4 - *Afrocarpus falcatus*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

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 within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project 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/Project Arborist to the Principal Certifier,
- 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

Project Arborist certification

During the works, the Project Arborist shall attend site to supervise and approve the tree protection measures and development works as conditioned under Prior to Commencement - Tree Protection Measures.

The Project Arborist shall document all the associated works including site instructions, recommendations during the works, and photographic evidence to report acceptance of works. The Project Arborist shall issue to the Certifying Authority the following certification:

- acceptance of the retaining wall location along the driveway in accordance with Figure B under section 4.2, and Figure D under section 5.2 of the Arboricultural Impact Assessment,
- record of attendance during all excavation within a 14.4m radius of Tree 1 - Norfolk Island Pine,
- confirmation that no excavation or driveway widening near T1 - Norfolk Island Pine has occurred,
- acceptance of tree protection fencing to T1 - Norfolk Island Pine, in accordance with Figure E under section 6 of the Arboricultural Impact Assessment.

Reason: ensure the correction procedures are in place to retain existing trees required for retention.

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

Landscape Completion

a) Landscaping is to be implemented in accordance with the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) at minimum one replacement native canopy tree shall be planted within the front yard of the site, planted at 200 litre pot size,
- iii) all 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, and shall be planted at least 4-5 metres from buildings and pools, and other trees,
- iv) the remaining landscape area of the front yard shall include shrub planting capable of attaining at least 2 metres at maturity, installed at a minimum 300mm pot size, planted no more than 1 metre apart, and groundcover planting installed at a minimum 140mm pot size, planted no more than 0.5 metre apart,
- v) garden areas to side boundaries shall include shrub planting capable of attaining at least 2 metres at maturity, installed at a minimum 300mm pot size, planted no more than 1 metre apart.

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 conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

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 tree and vegetation 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.

The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.