

Landscape Referral Response

Application Number:	DA2019/0914
Date:	02/09/2019
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 56 DP 6248 , 78 Seaview Avenue 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 secondary dwelling.

The proposal is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions to protect existing trees and vegetation, and completion of landscaping.

No landscape plans are provided with the application in accordance with the DA Lodgement Requirements. A Landscape Area plan LP01 is provided nominating the resultant landscape area. Conditions of consent shall be applied to ensure adjoining property private open spaces are screened by vegetation.

A Arboricultural Impact Assessment report is provided that satisfies the DA Lodgement Requirements, assessing the retention and protection measures for existing trees and vegetation over 5 metres in height that are protected under Council policy. A total of three trees are proposed for removal, with other tree being under 5 metres and not thus not requiring consent. Two Cabbage Tree Palms (5.5 metres high) are required for removal as assessed in the Arboricultural Impact Assessment, which are impacted by the proposed secondary dwelling.

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

C1.11 Secondary Dwellings

D10 Newport Locality

Referral Body Recommendation

Recommended for approval, subject to conditions

Refusal comments

Recommended Landscape Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree removal

The following existing trees located within the site is granted approval for removal as recommended in the Arboricultural Impact Assessment report prepared by Complete Arborcare, based on the assessment of development impact:

- T1 Cabbage Tree Palm
- T2 Cabbage Tree Palm

Two (2) *Livistona australis* (Cabbage Tree Palms) shall be planted within the site as replacements for the palms removed.

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, including:

- i) all trees 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,
- 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 following requirements:

- i) two (2) *Livistona australis* (Cabbage Tree Palms) shall be planted within the site at a minimum 75 litre container size,
- ii) one (1) native canopy tree shall be planted between the existing dwelling and the proposed secondary dwelling at a minimum 75 litre container size,
- iii) 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,
- iv) tree planting shall have a minimum individual soil area wholly within the site of 3 metres x 3 metres, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used,
- v) any existing vegetation removed along the Seaview Ave boundary shall be replaced with shrub planting capable of attaining 3 metres in height at maturity, and planted at a minimum 300mm container size,
- vi) shrub planting capable of attaining 1-2 metres in height at maturity shall be planted between the proposed retaining walling within the Seaview Ave frontage, and planted at a minimum 300mm container size,
- vii) screening planting to achieve a mature height of 3 metres shall be installed along the north and south side boundaries to the length of the proposed decking, installed at no more than 1 metre apart, and at a minimum pot container size of 300mm.

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 approved plan and inclusive of any 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 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.