

Landscape Referral Response

Application Number:	DA2019/0214
Date:	28/05/2019
Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot C DP 408151 , 46 A Irrubel 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 proposal, in terms of landscape outcome, is acceptable subject to the protection of the existing trees and vegetation, and the completion of landscaping.

Council's Landscape section has assessed the proposal against the following Pittwater21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

C1.5 Visual Privacy

D10 Newport Locality

A Landscape Plan is provided generally satisfying DA Lodgement Requirements, subject to conditions of consent to satisfy C1.1 Landscaping, including tree canopy planting in the garden and turf areas of the rear yard, and replanting within the watercourse area.

A Arboricultural Impact Assessment is provided with the application, satisfying DA Lodgement Requirements.

The recommended removal of T1 - Broadleaf Paperbark is subject to confirmation of its location by survey. T1 is not recorded on the Survey, and as T1 is located along the side fencing, ownership may be shared between No. 44 and No. 46A.

Approval for removal of T1 is subject to verification of location by a registered Surveyor, and subject to owner's consent from No.44 should T1 be located on common boundary.

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

Approval to remove existing tree T1 - Broadleaf Paperbark

Approval to remove the existing tree identified in the Arboricultural Impact Assessment as T1 - Broadleaf Paperbark, is subject to the following information to be issued to the Certifying Authority prior to the issue of a Construction Certificate:

- Survey Plan by a Registered Surveyor, indicating the location of the tree.

i) should the Survey Plan indicate that the tree is located wholly within property No.46A, approval is granted for removal of T1.

ii) should the Survey Plan indicate that the tree is located on the common boundary of property 44 and 46A, approval is only granted for removal of T1 following written agreement from the owner of No. 44 Irrubel Road, Newport.

Details are to be submitted to the Certifying Authority identifying either the occurrence of i) or ii).

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection measures

A Project Arborist with AQZ Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for the existing trees nominated for retention and protection in the Arboricultural Impact Assessment prepared by Margot Blues, requiring site attendance during excavation and construction works, and in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4.

The Project Arborist will be required to supervise excavation works for the retaining wall along the eastern boundary common with No. 44 Irrubel Road, and in particular existing tree T7 - Turpentine, found in No. 44. The Project Arborist shall determine the extent of root and ground protection required, if any, to be undertaken to the existing trees within the tree protection zone (TPZ) of T7 as a minimum.

The tree protection measures specified in this clause 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.

The Project Arborist shall submit certification to the Certifying Authority that all tree protection measures as listed above have been completed prior to the commencement of excavation and construction works. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

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.

Tree removal

In consideration of the assessment of development impact, the following existing trees are approved for removal, based on the recommendations of the Arboricultural Impact Assessment prepared by Margot Blues Consulting Arborist:

- T8 - Jacaranda (exempt species)
- T9 - Jacaranda (exempt species)
- T10, T11, T12, T13 and T14 - Tree Ferns (construction impact)

Tree 1 - removal of Broadleaf Paperbark is subject to satisfaction of conditions applied at Construction Certificate stage.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection

A) Existing trees and vegetation shall be retained and protected as follows:

- i) all trees and vegetation within the site that are not approved for removal, excluding exempt trees and palms 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,
- 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.

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 Landscape Plans L-01 to L-07 inclusive, prepared by Serenescapes Landscape Designs, with the addition of the following requirements:

- i) three (3) locally native canopy trees capable of attaining at least 8 metres in height at maturity shall be planted within the rear yard, planted at 75 litre container size,
- ii) all tree planting shall have an individual minimum 3 metres x 3 metres of soil area, 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 is used.
- iii) the proposed pool underside screening small tree (*Elaeocarpus*), shall be increased in number to a total of five (5) to achieve the design intent to screen the underside of the pool,
- iv) replacement embankment planting along the watercourse shall consist of 2 x *Livistona australis*, 1 x *Ceratopetalum gummifera*, and 5 x *Cyathea cooperi*,
- v) at least 80% of any new planting shall incorporate native vegetation species typically found on the site or as listed in Littoral Rainforest Endangered Ecological Community.

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 in accordance with C1.1 Landscaping.

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- i) compliance to 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 and adjoining properties.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Landscape maintenance

All landscape components are 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 and species to maintain the landscape theme of the landscape plan and site character.

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.