

## Landscape Referral Response

<b>Application Number:</b>	DA2020/1780
<b>Date:</b>	14/04/2021
<b>Responsible Officer:</b>	Kent Bull
<b>Land to be developed (Address):</b>	Lot 1 DP 1229229 , 145 A Crescent 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

This application is for the construction of a two-storey residential dwelling with a double garage on a vacant lot.

Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D10.13 Landscaped Area - Environmentally Sensitive Land

A Landscape Plan is provided with the application and proposed works include the in-ground planting of trees, shrubs, grasses and groundcovers.

### Previous Referral Comments - 12/04/2021

The Statement of Environmental Effects provided with the application notes the development proposes to remove two mature trees within the site. This is supported by the Arboricultural Impact Assessment which has identified a total of three trees within close proximity to the proposed works, one of which is within the site, one on the shared boundary, and the remaining tree located in the adjoining property to the east. All three existing trees are located at the front of the site, as the majority of existing vacant lot is currently turf.

Concerns we originally raised regarding Tree No. 1, located within the front of the site adjacent to the proposed driveway along the southern boundary, as it was proposed for removal. Following discussions with the applicant, the proposed driveway is going to be relocated to the location previously approved, allowing this tree to be retained. This tree has been noted as having a high landscape significance and high retention value, alongside good health, as per the Arboricultural Impact Assessment. It is recommended that a Project Arborist be appointed to supervise all works within the Tree Protection Zone of this tree, ensuring it is retained, and the useful life expectancy is not impacted by the proposed works. Tree No. 2 is located within the adjoining property to the east and has been noted as retained.

Tree No. 2 is clear of the proposed works and is not likely to be impacted by the proposed development. Tree No. 2 is therefore required to be retained and protected accordingly. The protection of Trees No. 1 and 2 is necessary to satisfy controls B4.22 and D10.13, as a key objectives include "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and bushland vegetation provide".

Tree No. 3 is located on the shared boundary between the proposed site and the existing dwelling to the east. Tree No. 3 has also been identified as having a high landscape significance and high retention value, alongside fair/good health, as per the Arboricultural Impact Assessment. As Tree No. 3 is located on a common boundary, it would require consent from the neighboring property to be removed. Following discussions with the applicant, who is also the owner of the neighbouring property at 145 Crescent Road, consent has been given for the removal of this tree. As Tree No. 3 is likely to be impacted by the proposed works, it has been agreed upon that the removal of this tree would be supported subject to replacement planting of the same species at a 2 for 1 ratio. It is worth noting that a previously approved DA for this site in 2019 granted approval for the removal of another significant tree, subject to replacement planting at a 2 for 1 ratio. These two replacement trees were required to belong to 'Rolling Hills and Lower Slopes' vegetation type of the Pittwater Native Gardening Booklet. This would therefore require a total of four native canopy trees to be planted as a result of trees being removed on the site. In its current form, the amended Landscape Plans do not provide the required compensatory planting, and in order for the application to be supported, the Landscape Plans would be required to be amended, ensuring these four replacement trees are shown.

The remaining landscape works as proposed on the amended Landscape Plans would be supported as a variety of small trees, shrubs, grasses and groundcovers have been proposed, all of which enhance the local vegetation community, as well as provide beneficial built form mitigation and softening. The completion of landscaped works as shown on the amended Landscape Plans, inclusive of additional canopy trees is necessary to satisfy control C1.1, as key outcomes include "a built form softened and complemented by landscaping", as well as "landscaping retains and enhances Pittwater's locally native tree canopy".

In its current form, Councils Landscape Referral section does not support the application due to insufficient replacement tree planting which is required to compensate trees to be removed as part of this application, as well as a previously approved DA in 2019. It is recommended that a total of four *Syncarpia glomulifera* be planted at the rear of the property in order to compensate for tree loss within the site.

Upon receipt of an updated Landscape Plan, the proposal is likely to be supported subject to typical tree protection, landscape completion, and landscape maintenance conditions.

#### **Updated Referral Comments - 14/04/2021**

Following previous comments as above, updated Landscape Plans have been provided with the application. These Landscape Plans address the need for four additional *Syncarpia glomulifera* to compensate for the loss of Tree No. 3 removed as part of this application, as well as trees previously removed in an approved application from 2019. It is noted that the notes on the plan indicate that three *Syncarpia glomulifera* are proposed, however it is evident that four trees in total are proposed in the plan itself, which is supported by the planting schedule as this also indicates a total of four *Syncarpia glomulifera* are proposed. It is vital for this application to plant a total of four *Syncarpia glomulifera* as per previous comments and conditions, and due to the fact both the plan and planting schedule indicate this, landscape concerns are satisfied, and the plans are therefore supported.

As a result, the landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, and the completion of landscape works as proposed on the amended

Landscape Plan, including the planting of four *Syncarpia glomulifera* to replace those previously removed.

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**

#### **On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

ii) 600mm for shrubs

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

### **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 all trees to be retained, 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) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained, including Tree No. 1.

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.

### **Tree Removal Within the Property**

This consent approves the removal of the following trees within the property (as recommended in the Arboricultural Impact Assessment):

- i) 1x *Syncarpia glomulifera*, located adjacent to the eastern boundary to the north of an existing pathway, identified as Tree No. 3.

Note:

- i) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan do not require Council consent for removal,
- ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building works.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

### **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, including Tree No. 1, excluding exempt trees and 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 undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 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 be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an 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 to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 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 Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) Section 6 - Conclusions / Recommendations,
- ii) Appendix B - Tree Protection & Management.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and 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.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

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

### Landscape Completion

Landscaping is to be implemented in accordance with the approved amended Landscape Plan, inclusive of the following conditions:

i) a total of four *Syncarpia glomulifera* are required to be planted within the site with a minimum pot size of 75L. It is noted that four trees are shown on the amended plan and in the planting schedule, however a label on the plan indicates three trees. This label is a mistake, as it should read as four trees. To reiterate, a total of four *Syncarpia glomulifera* are required to be planted within the site.

Tree planting shall be located within a 9m<sup>2</sup> deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

### Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

## 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.

For all new on slab landscape works, establish an on-going landscape maintenance plan that shall be submitted to the Certifying Authority that aims to monitor and replenish soil levels annually as a result of soil shrinkage over time.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.