

Landscape Referral Response

Application Number:	DA2020/0271
Date:	29/06/2020
Responsible Officer:	Ashley Warnest
Land to be developed (Address):	Lot 43 DP 616582 , 38 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 application proposes the Torrens Title Subdivision of 1 allotment to create 2 allotments. The existing dwelling on the site will be retained on the proposed Lot 2.

Council's Landscape Referral staff have assessed the proposal against Pittwater Local Environment Plan clause E4 Environmental Living, and the following Pittwater 21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C4.7 Subdivision - Amenity and Design

D10 Newport Locality

The proposal in terms of landscape outcome is acceptable subject to conditions of consent to ensure the protection of trees assessed in the Arboricultural Impact Assessment report for retention. An Arboricultural Impact Assessment is prepared in accordance with Council's DA Lodgement Requirements.

Under this subdivision application, two existing trees within the site require removal for access and stormwater works associated with the subdivision works: T11 Cabbage Tree Palm and T14 Narrow Leaved Ironbark. Additionally one existing tree: T12 Turpentine, in close proximity to the proposed driveway requires tree sensitive measures. No other trees are approved for removal under this Subdivision application, unless exempt under relevant planning instruments or legislation.

Tree sensitive measures are required to protect existing trees within adjoining property: T8 Bangalay, T10 Cabbage Tree Palm, and T15 Sandpaper Fig. These measures shall include tree root investigation to determine the alignment of the proposed driveway. The driveway location shall be determined based on the tree root investigation for the neighbouring tree identified as T8 (Bangalay) on adjoining property, and must as a minimum be setback 3.1 metres from the trunk of T8, indicated as the structural root zone, as depicted in Appendix 1 in the Arboricultural Impact Assessment.

Any request for removal of existing trees impacted by future dwelling works is subject to a separate application.

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

Tree root investigation

A non-destructive root investigation shall be conducted complying with clause 3.3.4 (TPZ encroachment considerations) of AS 4970-2009 Protection of Trees on Development Sites to all construction areas within the tree protection zone of existing tree numbered as follows: T8 Bangalay within the 34B Nullaburra Rd property. As reported in the Arboricultural Impact Assessment, the intrusion is considered major (greater than 10%) and thus under the Australian Standard, tree root investigation is required.

A tree root investigation to locate major roots shall be documented to assist with structural engineering and construction design for the proposed driveway under the subdivision application, including recommendations on suitable construction methodology for the driveway, such as pier and beam, suspended slabs, cantilevered sections, screw piles and contiguous piling can minimise the impact of encroachment.

The root investigation shall be conducted prior to the issue of a Construction Certificate to provide definitive recommendations to assist with the structural engineering design and alignment for the proposed driveway works near existing tree T8. No detrimental impact is permitted to existing trees within adjoining properties.

The root investigation shall be undertaken by a qualified AQF Level 5 Arborist to locate existing tree roots to be protected during excavation works and shall recommend tree protection measures within the tree protection zones.

Reason: to investigate the location of existing tree roots as a basis for the driveway location and construction methodology.

Root mapping plan / Driveway alignment

The findings of the root investigation shall be documented in a Root Mapping Plan that identifies 'No Go' areas that can't be excavated without supervision and guidance of a qualified AQF Level 5 Arborist, and shall be the basis for determining the alignment of the proposed driveway within the tree protection zone of the existing tree identified as T8 Bangalay in the Arboricultural Impact Assessment.

The Root Mapping Plan shall be issued to the Certifying Authority and to the Structural Engineer as the basis for preparation of Construction Certificate driveway structural design. The Root Mapping Plan shall provide recommendations on suitable construction methodology for the driveway, such as pier and beam, suspended slabs, cantilevered sections, screw piles and contiguous piling can minimise the impact of encroachment.

The Arborist shall provide certification to the Certifying Authority that the Root Mapping Plan and clear distances recommended will ensure the long term survival of the existing tree T8. The Certifying Authority shall approve Construction Certificate driveway design that satisfies the recommendations of the Root Mapping Plan.

All structural design for the proposed driveway shall be developed in co-ordination with a qualified AQF minimum Level 5 Arborist and a qualified Structural Engineer, and shall be issued to the Certifying Authority identifying a suitable driveway alignment and construction methodology within the tree protection zone. Intrusion into the structural root zone is not permitted. The Arboricultural Impact Assessment indicates this as a distance of 3.1 metres from the truck of T8, as depicted in Appendix 1.

Reason: to ensure protection of the existing trees identified for management and retention.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree removal within the property

The following trees impacted from the proposed subdivision works for access and stormwater, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Hugh The Arborist:

T11 Cabbage Tree Palm, (subject to replacement within the site of same species)

T14 Narrow Leaved Ironbark, (subject to replacement within the site of same species)

No other existing trees may be removed as part of the subdivision application, unless exempt under relevant planning instruments or legislation.

Any subsequent request for tree removal as part of the subdivision works is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property.

Any request for removal of existing trees impacted by future dwelling works is subject to a separate application.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree protection measures

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

This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessment prepared by Hugh The Arborist.

The following activities as listed in the Arboricultural Impact Assessment shall be specifically supervised and certified as approved following attendance on site, review of the works and acceptance of the works:

- i) actions as listed under section 9. Recommendations, and in particular 9.2 and 9.4,
- ii) actions as listed under section 10. General Tree Protection Requirements, and
- iii) actions as listed under section 11. Hold Points.

The Arborist shall submit certification that the works described in the above sections have been correctly installed and adhered to during all Subdivision works.

The tree protection measures specified in this clause must:

- iv) be in place before work commences on the site, and
- v) be maintained in good condition during the Subdivision works, and

vi) remain in place for the duration of the Subdivision works.

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that:

- vii) 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, and
- 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 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.

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 and vegetation protection

a) Existing trees and vegetation shall be retained and protected as recommended in the Arboricultural Impact Assessment report prepared by Hugh The Arborist, 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 minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum 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 minimum 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 minimum Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF minimum 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 minimum 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 minimum 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

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum 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, and in particular existing trees located near the subdivision works associated with the proposed driveway and stormwater works: T8 Bangalay and T12 Turpentine, 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 subdivision 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 and adjoining sites.

Required replacement tree planting

Two (2) canopy trees shall be planted within the site in accordance with the following schedule:

- 1 x *Livistona australis* (Cabbage Tree Palm) at 75 litre container size, planted at least 3 metres from any other tree / palm and from any building
- 1 x *Eucalyptus crebra* (Narrow Leaved Ironbark) at 75 litre container size, planted at least 5 metres from any other tree / palm and from any building

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: to maintain environmental amenity.