

Landscape Referral Response

Application Number:	DA2019/0671
Date:	25/07/2019
Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT BAY NSW 2105

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 proposal is for the replacement of the existing on-site wastewater system with a new system.

In terms of landscape impact to the existing landscape character, the works do not require removal of any significant vegetation, and existing canopy trees are retained, integrating the site with the character typical of the Pittwater Spotted Gum Endangered Ecological Community landscape. The proposal is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions.

A Arboricultural Impact Assessment report has been prepared in accordance with the DA Lodgment Requirements, reporting that no notable impact is expected upon the existing trees. Conditions of consent shall be imposed to ensure tree protection measures are carried out during all the works. One tree identified as Tree 53 (Spotted Gum) is proposed for removal irrespective of the proposed works as the tree is in poor health.

Landscape treatments are not proposed as part of this application.

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

Referral Body Recommendation

Recommended for approval, subject to conditions

Refusal comments

Recommended Landscape Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection measures

A Project Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be engaged to provide inspection and certification of tree protection measures at the commencement of works, in accordance with the recommendations in the Arboricultural Impact Assessment prepared by Bluegum Tree Care and Consultancy with section 6 Recommendations, including the appointment of a Project Arborist under section 6.1, site attendance and inspections within the tree protection zones for all excavation works under section 6.2

The Project Arborist shall approve the location of all excavation activities, and shall submit documentary evidence, including on site instructions and photographs to the Certifying Authority of supervision of such works and acceptance of the works.

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.

Additionally, the Certifying Authority or the Project Arborist AQZ Level 5 must ensure that:

- i) 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
- ii) 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.

The Arborist shall provide the Certifying Authority with certification details that the tree protection measures are in place at the commencement of works.

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

The following existing tree is granted approval for removal following assessment and recommendation in the Arboricultural Impact Assessment prepared by Bluegum Tree Care and Consultancy:

- Tree 53 (Spotted Gum)

This tree is in poor health and poor structural condition with a Short Estimated Remaining Life Expectancy.

The existing trunk and lower branching structure is to be retained to create habitat opportunities for wildlife.

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 and vegetation within the site as identified in the Arboricultural Impact Assessment prepared by Bluegum Tree Care and Consultancy, 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.
- d) 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.

Protection of rock and sites of significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: preservation of significant environmental features.

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 AQZ 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 as identified in the arboricultural impact assessment, as a result of the proposed development, 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 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.