

## Landscape Referral Response

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| <b>Application Number:</b>             | DA2018/1990  |
| <b>Date:</b>                           | 28/03/2019   |
| <b>Responsible Officer:</b>            | Nick England   |
| <b>Land to be developed (Address):</b> | <p>Lot 9 DP 629464 , 104 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 8 DP 629464 , 102 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 15 DP 858130 , 100 Cabarita Road AVALON BEACH NSW 2107</p> <p>Lot 14 DP 858130 , 96 Cabarita Road AVALON BEACH NSW 2107</p> |

### 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 existing trees and vegetation, and subject to completion of amended landscape plans.

The amended landscape plan for Lot 2 shall include a detailed layout of the built and soft landscape elements including walling, paving, decking, and proposed landscape levels. The soft landscape elements shall include the location of all tree planting within the environmental protection area and the native revegetation area, and all tree, shrub and groundcover planting within the remaining garden areas.

No tree is to be planted within 3 metres of the building where the building slab is elevated and no tree is to be planted within 5 metres of the building where the building slab is excavated into the natural ground.

No turf is permitted on Lot 2.

Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

C1.5 Visual privacy

D1.13 Landscaped Area - General

### 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

#### Amended landscape plans

A) An amended Landscape Plan shall be submitted to the Certifying Authority, demonstrating the following landscape requirements:

- i) the amended landscape plan for Lot 2 shall include a detailed layout of the built and soft landscape elements including walling, paving, decking, and proposed landscape levels. The soft landscape elements shall include the location of all tree planting within the environmental protection area and the native revegetation area; and all tree, shrub and groundcover planting within the remaining garden areas,
- ii) the tree planting layout shall be co-ordinated with the Biodiversity Management Plan,
- iii) the amended landscape plans shall locate and identify the distribution of how many of the 50 canopy tree saplings as recommended in the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants, are to be planted on Lot 2. These shall be planted at 45 litre pot size minimum, and larger where indicated in the planting schedule,
- iv) the amended landscape plan shall locate and identify the distribution of how many of the proposed 109 native canopy trees are to be planted on Lot 2. These shall be planted at 140mm pot size,
- v) no tree is to be planted within 3 metres of the building where the building slab is elevated and no tree is to be planted within 5 metres of the building where the building slab is excavated into the natural ground,
- vi) vegetation screening with small trees and mixed height shrubs shall be included to provide privacy to adjoining dwellings and to private open space areas,
- vii) no turf is permitted on Lot 2.
- viii) the landscape plans shall be amended identifying the following changes to selected tree species:
  - Cupaniopsis and Tristaniopsis shall be removed from the planting schedule and replaced with species typical of the Pittwater Spotted Gum Forest including Banksia integrifolia, Corymbia gummiifera, Corymbia maculata, Glochidion ferdinandi and Syncarpia glomulifera.
  - Casuarina glauca shall be replaced with Allocasuarina torulosa.
  - Melaleuca ericifolia shall be replaced with Melaleuca stypheloides.

B) Prior to the issue of an Construction Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the amended landscape plans have been completed in accordance with the design intent of the Landscape Masterplan, drawing Sht-101, the Materials Palette, drawing Sht-402, and the Plant Palette, drawing Sht-401, as prepared by Jamie King Landscape Architect, and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

### CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

**Project Arborist**

A Project Arborist with AQZ Level 5 qualification in horticulture is to be appointed to provide a definitive recommendation on the suitability to retain trees identified in the Tree Assessment & Development Impact Report prepared by Growing My Way Tree Services as sustainable through on site management during excavation and construction works.

On Lot 2 these trees include numbers 3D, 3F, 3G, 4, 8, 11 and 11B.

Should any of these trees be assessed as unsustainable and require removal, tree replacement at a ratio of 1:1 is required on the Lot, consisting of locally native tree species selected from the following list: *Corymbia gummifera*, *Corymbia maculata*, *Glochidion ferdinandi* and *Syncarpia glomulifera*, and installed at a minimum 45 litre size.

Details including field reports and photos are to be submitted to the Certifying Authority.

Note: The Project Arborist as conditioned is to be appointed at the commencement of the works and shall demonstrate that their attendance on site has occurred as required to provide such recommendations.

**Approved tree removal**

Approval is granted for the removal of the following existing trees as assessed in section 6. Recommendations of the Tree Assessment & Development Impact Report prepared by Growing My Way Tree Services: 3, 3b, 3c, 7g

Exempt species on Lot 2, including the following trees: 1b, 3i, 5b, the numerous Phoenix palms including UN6, and the two large clumps of *Strelitzia nicolai*, do not require Council consent for removal.

Exempt species 7G (African Olive) is classified as a priority weed species under the Biosecurity Act and shall be removed to prevent its spread.

**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 identified for retention as listed in the Tree Assessment & Development Impact report prepared by Growing My Way Tree Services, including trees identified as 1, 2, 3E, 3H, 4B, 7C, 7D, 7F and 11, as well as the following trees subject to on-site investigations by a Project Arborist - 3D, 3F, 3G, 4, 8 and 11B,
- 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, with particular reference to Section 4,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with an Arborist with a AQF Level 5 qualification in horticulture,
- iii) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- iv) 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,

- v) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a Project Arborist on site,
- vi) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- vii) excavation for stormwater lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist,
- viii) should either or all of v), vi) and vii) 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,
- ix) 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,
- x) 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.

### **Project Arborist**

A Project Arborist with AQZ Level 5 qualification in horticulture is to be appointed to provide a definitive recommendation on the suitability to retain trees identified in the Tree Assessment & Development Impact Report prepared by Growing My Way Tree Services as sustainable through on site management during excavation and construction works.

On Lot 2 these trees include numbers 3D, 3F, 3G, 4, 8, 11 and 11B.

Should any of these trees be assessed as unsustainable and require removal, tree replacement at a ratio of 1:1 is required on the Lot, consisting of locally native tree species selected from the following list: *Corymbia gummifera*, *Corymbia maculata*, *Glochidion ferdinandi* and *Syncarpia glomulifera*, and installed at a minimum 45 litre size.

Details including field reports and photos are to be submitted to the Certifying Authority.

Note: The Project Arborist as conditioned is to be appointed at the commencement of the works and shall demonstrate that their attendance on site has occurred as required to provide such recommendations.

## **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 approved amended landscape plans.

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 amended landscape plans and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

### **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQZ Level 5 qualification in horticulture, 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 ensure compliance with the requirement to retain and protect significant planting on development sites.

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

#### **Landscape maintenance**

All landscape components including existing vegetation are to be maintained for the life of the development.

A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species.

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.