

Landscape Referral Response

Application Number:	DA2023/0951
Date:	27/03/2024
Proposed Development:	Alterations and additions to the Royal Motor Club Broken Bay
Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 5 DP 4689 , 46 Prince Alfred Parade NEWPORT NSW 2106 Lot 6 DP 110670 , 46 Prince Alfred Parade NEWPORT NSW 2106 Lot 262 DP 752046 , 46 Prince Alfred Parade NEWPORT NSW 2106 Lot 329 DP 824292 , 46 Prince Alfred Parade 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 is supported with regard to landscape issues.

Additional Information Comment 27/03/24:

The amended reports and plans are noted.

The Addendum to Arborist Report states that trees 1, 2, and 4 can be successfully retained subject to the tree protection measures set out by the Arborist. Landscape Referral supports the tree protection recommendations outlined by the Arborist, and a Project Arborist shall be engaged to supervise all work in the tree protection zone of trees to be retained.

The amended landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent. The Landscape Plan shows tree removals to the north of the lower carpark access driveway and no information is provided as to why these removals are required or what species these trees are. No approval is granted for the removal of any prescribed vegetation unless otherwise stated in the conditions of consent. No concerns are raised with the removal of the tree 5 as it is a small exotic species. Tree 3 can be supported for removal due to its Z4 rating, subject to the like-for-like tree replacement which shall be installed within the property boundaries of the site.

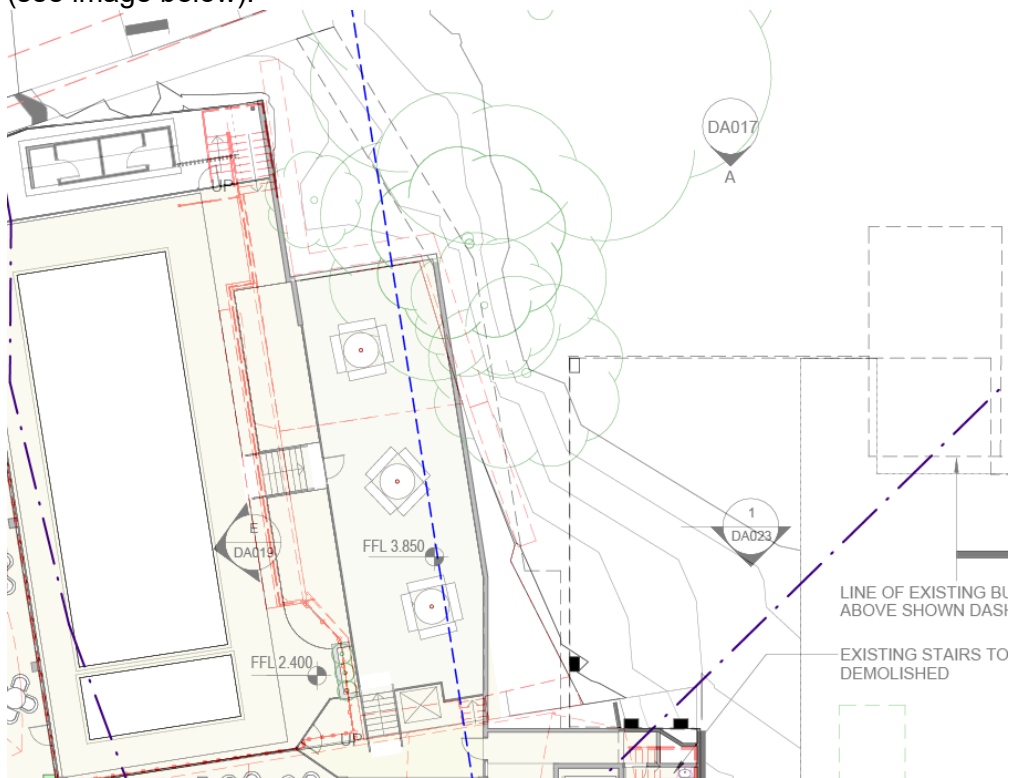
Additional Information Comment 01/02/24:

The Arboricultural Impact Assessment (AIA) is noted.

The AIA noted four trees for removal, trees 2, 3, 4, and 5. Tree 5 is exempt by height and as such can be managed or removed at the discretion of the applicant without consent. Tree 3 has been identified as medium significance, in decline, and not worthy of being a material constraint. The AIA identifies trees 2 and 4 as high significance and worthy of being a material constraint. It should be noted that trees 2, 3, and 4 are species from the Pittwater Spotted Gum Forest Endangered Ecological Community, and further comment on this matter is deferred to Council's Bushland and Biodiversity team.

Pittwater DCP Section D10.18 states that the tree canopy shall be maintained and enhanced, and that development is to minimise the impact on existing significant vegetation.

Landscape Referral does not support the removal of trees 2 and 4. An overlay of the drawings Demolition - First Floor Plan (DA004) and Proposed Partial Site - Ground Floor Plan (DA008) shows that the proposed upper pool terrace area is mainly contained to the existing upper pool terrace area (see image below).



Any new retaining structures shall be wholly contained within the existing footprint of the upper pool terrace area, so as not to disturb existing trees 1, 2, and 4. The proposed service and fire egress pathway is labelled 'indicative location' on the plans. This pathway shall be located and designed in collaboration with the Arborist to ensure trees 1, 2, and 4 can be retained. The Arborist shall provide updated commentary on any design changes and to confirm the retention of trees 2 and 4.

Original Comment Summary:

An Arboricultural Impact Assessment was requested and it was noted that the property is identified as Pittwater Spotted Gum Forest EEC.

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

Footing Design Near Trees to be Retained

a) footing structural layout plans for the works including the new retaining wall and service/egress pathway shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer, following a non-destructive tree root investigation (if deemed necessary by the Arborist), complying with clause 3.3.4 of AS 4970-2009 Protection of trees on development sites, near existing tree(s) 2 and 4 to locate critical tree roots and recommend footing design and locations for the construction works.

b) the Arborist shall review, comment, recommend design revision as required and approve the footing layout, to ensure the locations of footings will be manageable in terms of tree protection measures.

c) the Arborist shall submit certification to the Certifier that the locations of the footings are accepted.

d) the agreed footing structural layout plans shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

i) tree protection measures under section 4 Arboricultural Method Statement (Plan TMP01 is outdated and as such on site arboricultural advice takes precedence), and Appendix 8 Schedule of works and responsibilities,

ii) all works in the tree protection zone of trees 1, 2, and 4.

c) All tree protection measures specified 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.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the 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: 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

a) this consent approves the removal of existing trees on the subject site as listed below:

i) tree 3 - *Corymbia maculata*, and tree 5 - *Plumeria rubra*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

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 within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project 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/Project Arborist to the Principal Certifier,
- 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the

duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

Condition of Trees

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) the owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

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

Landscape Completion

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawing DA-101 Issue D by Landart dated 13/03/24), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) one *Tristaniopsis laurina* shall be installed in Landscaped Area 3 (LA-3) and one *Tristaniopsis laurina* shall be installed in Landscaped Area 4 (LA-4),
- iv) one *Corymbia maculata* shall be installed within the property boundaries to replace tree 3,
- v) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,

- vi) mass planting shall be installed at minimum 1 metre intervals (or less) for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at minimum 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- vii) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- viii) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

b) prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Retained Vegetation

a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during 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: Tree and vegetation protection.

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

Landscape Maintenance

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) 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(s) and any conditions of consent.

d) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.