

Landscape Referral Response

Application Number:	DA2024/0303
Date:	27/08/2024
Proposed Development:	Demolition of existing structures, removal of trees and subdivision of one lot into three lots.
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 5 DP 222134 , 337 Lower Plateau Road BILGOLA PLATEAU NSW 2107

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

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDCP) controls (but not limited to): B2.2 Subdivision - Low Density Areas; B4.22 Preservation of Trees and Bushland Vegetation; C4.7 Subdivision - Amenity and Design; and D3 Bilgola Locality.

The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment with ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone. Existing site features includes; existing tree canopy, both native and exotic; rock outcrops; and watercourses. As part of the subdivision proposal, individual lot layouts are documented as is vehicular access. An indicative building layout is provided upon each Lot.

The proposal is for subdivision of one lot into three lots, with site works proposed including demolition, new driveway and stormwater works.

Updated comments:

The amended plans have modified the proposed building and excavation footprint in proximity to the natural watercourse and this is supported to reduce the environmental impacts upon the watercourse, in terms of tree retention and/or watercourse restoration through native vegetation rehabilitation. Any development upon the proposed lots shall require native vegetation rehabilitation as outlined and approved in a Vegetation Management Plan. The proposed indicative building layouts provide retention of the watercourse landscape setting, retention of existing prescribed trees, and availability of adequate landscape areas to permit the establishment of replacement canopy tree and other planting.

As noted previously the following prescribed trees are impacted by the proposed subdivision works (driveway and stormwater works): trees 50, 96, 97, 99, 101 and 101A, and should the application for subdivision be approved only these trees, that require Council consent shall be approved for removal. Any future development applications upon the proposed lots for buildings and structures shall be subject to individual development application assessment for landscape works and for the management of prescribed trees.

Previous comments:

The Flora and Fauna Assessment report is noted, including recommendations for a Vegetation Management Plan for any future development upon approved subdivision Lots. The Waterways Impact Statement is noted including the identification of the first order waterway in sections.

An Arboricultural Impact Assessment (AIA) report is submitted and identifies 261 existing trees within the property, with 167 exempt species that are able to be managed or removed without Council consent, as per PDCP. There are 94 prescribed trees (ie. protected by PDCP) located within the property. 26 prescribed trees are impacted by the proposed indicative building layouts and proposed subdivision works, with 1 high retention value tree, 23 medium retention value trees, and 2 low retention value trees proposed for removal. However of these only the following prescribed trees are impacted by the proposed subdivision works (driveway and stormwater works): trees 50, 96, 97, 99, 101 and 101A, and should the application for subdivision be approved only these trees shall be approved for removal.

The proposed lot arrangements raise concerns with regards to the objectives of the C4 zone Environmental Living in terms of the arrangement of proposed lot boundaries and indicative building layout relative to the natural watercourse. The proposal does not minimise impact on the natural environment, whereby lot boundaries are located across the southern watercourse of lot 2 and lot 3, and the indicative building layout for lot 1 is located over the northern watercourse. Ultimately such encroachments prohibit the retention or enhancement of vegetation associations within the watercourses.

Landscape Referral at this stage are unable to support the development application as the lot boundary arrangements and the indicative building layouts are not integrated with the natural environment and do not respond to the natural constraints of the northern and southern watercourses.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Removal Within the Property

This consent approves the removal of existing prescribed trees on the subject site as listed below:

- a) trees 50, 96, 97, 99, 101 and 101A,
- 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 prescribed trees within the site not approved for removal,
- 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 AS4970-2009 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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.

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

Condition of Trees

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:

- a) a general decline in health and vigour,
- b) damaged, crushed or dying roots due to poor pruning techniques,
- c) more than 10% loss or dieback of roots, branches and foliage,

- d) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- e) yellowing of foliage or a thinning of the canopy untypical of its species,
- f) an increase in the amount of deadwood not associated with normal growth,
- g) an increase in kino or gum exudation,
- h) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- i) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

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

Condition of Retained Vegetation

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, 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 and vegetation protection.