

Landscape Referral Response

Application Number:	DA2019/0261
Date:	12/08/2019
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 43 DP 6195 , 33 Hillcrest Avenue MONA VALE NSW 2103

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 seeks approval for the demolition of an existing dwelling and construction of a new dwelling, cabana, swimming pool and associated works. The proposal in terms of landscape outcome is acceptable subject to the protection of existing trees and vegetation, and the completion of landscape works.

An updated Arborist Report addressing has been prepared in accordance with DA Lodgement Requirements and addresses the initial concerns raised in the previous landscape referral response, and the recommendations are supported, subject to conditions.

A landscape concept intent has been prepared. Conditions of consent shall be applied requiring an updated landscape plan to satisfy Pittwater 21 DCP.

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

B4.22 Preservation of Trees and Bushland Vegetation
C1.1 Landscaping
D9 Mona Vale Locality

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 Plan

An Amended Landscape Plan is to be submitted that provides a landscape outcome to satisfy Pittwater 21 DCP controls including C1.1, and shall provide the following information:

- i) a total of eight (8) small to medium sized locally native trees shall be planted on site as replacement trees for those approved for removal impacted by development,
- ii) each tree shall be installed at a minimum 75 litre pot size, and planted 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used, and shall have an individual soil area of 3m x 3m contained wholly within the site,
- iii) all tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight as described in the clause, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
- iv) private open space areas including the pool, lawn and terrace areas at ground level, and the terrace at the first floor level, shall have shrub and small tree buffer planting along the boundaries to minimise overlooking into adjoining properties,
- v) at least 60% of planting by quantity shall incorporate native vegetation species,
- vi) no environmental weeds are permitted to be planted,
- vii) no seed-invasive planting is to be included such as *Rhapiolepis* (as proposed).

The Amended Landscape Plan shall be issued to the Certifying Authority with a design statement that the above conditions i), ii), iii), iv), v), vi, and vii) are satisfied in the Amended Landscape Plan.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection measures

An Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be engaged to provide tree protection measures, in accordance with the Tree Protection Measures recommendations within the Arborist Report prepared by Warath Eco Works dated July 2019 - pages 48 to 51, and section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, as follows:

- site attendance, inspection and certification of tree protection measures and works within the Council verge, consisting of existing trees numbered 1, 4, 5, 6, 7 and 8, and in particular excavation works for the new driveway between existing trees numbered 1 and 4.
- site attendance, inspection and certification of tree protection measures around existing trees within the site numbered 20 and 21.

The tree protection measures and fencing 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 a 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 trees are granted approval for removal following assessment and recommendation in the Arborist Report prepared by Waratah Eco Works dated July 2019:

Tree 2 - *Homalanthus populifolius* (*exempt by height*)

Tree 3 - *Pittosporum undulatum* (*exempt by height*)

Tree 9 - *Phoenix canariensis* (*exempt by species*)

Tree 10 - *Murraya paniculata* (*exempt by height*)

Tree 11 - *Casuarina glauca* (*impacted by development - replacement planting required*)

Tree 12 - *Araucaria heterophylla* (*impacted by development - replacement planting required*)

Tree 13 - *Casuarina glauca* (*impacted by development - replacement planting required*)

Tree 14 - *Largunaria patersonia* (*impacted by development - replacement planting required*)

Tree 15 - *Casuarina glauca* (*exempt by height*)

Tree 16 - *Casuarina glauca* (*impacted by development - replacement planting required*)

Tree 17 - *Casuarina glauca* (*impacted by development - replacement planting required*)

Tree 18 - *Largunaria patersonia* (*impacted by development - replacement planting required*)

Tree 19 - *Casuarina glauca* (*impacted by development - replacement planting required*)

These existing trees are impacted by the development footprint or are exempt, and no alternative layout opportunity is available to retain the trees, and retention values are low to medium.

Approval is subject to replacement canopy tree planting within the site (eight in total).

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 recommended by the Arborist Report prepared by Waratah Eco Works dated July 2019 (trees numbered 20 and 21), excluding trees approved by Council for removal, and 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.

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

Landscape works

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan.

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 works have been completed in accordance with the approved landscape plan 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 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained on site and on adjoining properties, 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.

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

Landscape maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

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.