

Landscape Referral Response

Application Number:	DA2019/0881
Date:	27/08/2019
Responsible Officer:	Rhiannon McLardy
Land to be developed (Address):	Lot E DP 404485 , 1742 Pittwater Road BAYVIEW NSW 2104 Lot 4 DP 455969 , 1742 Pittwater Road BAYVIEW NSW 2104

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 consists of an application to demolish an existing swimming pool and build a new swimming pool, new boat shed and ramp, and demolish an existing seawall and build a new seawall. DPI Fisheries approval for the boat shed and ramp has been obtained.

The proposal in terms of landscape outcome is acceptable subject to the protection of existing trees and vegetation and the completion of the proposed associated landscape works.

The proposed works will require the removal of one existing Spotted Gum tree of low-medium retention value, identified as T2. Alternative options were considered that required the removal of high retention value Spotted Gums and the option of least impact is the subject of this application. Five high retention value Spotted Gums are preserved within the rear yard, complying with the landscape controls of Pittwater 21 DCP to preserve native canopy trees.

A Arboricultural Impact Assessment has been prepared in accordance with DA Lodgement Requirements, and the recommendations are supported, subject to conditions.

A Landscape Plan has been submitted in accordance with DA Lodgement Requirements, and the recommendations are supported, subject to conditions.

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

D4 Church Point and Bayview Locality

Referral Body Recommendation

Recommended for approval, subject to conditions

Refusal comments

Recommended Landscape Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be engaged prior to the commencement of works on site to supervise all demolition works within the tree protection zones of existing trees including site clearing, removal of structures and any alteration to the existing ground levels.

The Project Arborist shall provide guidance and inspections of the following tree protection activities:

- liaison with site contractors to confirm tree protection fencing locations, tree trunk and ground protection, construction access, and any other tree protection requirement
- inspection to approve tree protection works
- certification of tree protection works

The Project Arborist shall provide details to the Certifying Authority including photographic evidence and reports with all compliance certificates.

Reason: to ensure tree protection is provided and maintained.

Tree removal

The following existing tree located within the rear yard is granted approval for removal as recommended in the Arboricultural Impact Assessment report prepared by Urban Forestry Australia, based on the assessment of development impact following exploration of alternative design layouts:
- T2 Spotted Gum.

As determined in the Arboricultural Impact Assessment report the tree exhibits symptoms of *Armillaria luteobubalina* (Honey Fungus), a disease that affects the roots, causing rotting of roots, wood decay and eventual destabilisation. The lower trunk bulging is consistent with the tree responding to a deterioration on internal strength.

One *Corymbia maculata* (Spotted Gum) shall be planted within the site as a replacement.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree protection measures

Tree protection measures shall be undertaken in accordance with Australian Standard 4970- 2009 Protection of Trees on Development Sites and the Arboricultural Impact Assessment prepared by Urban Forestry Australia, section 5 Recommendations, as follows:

- section 5.3 - minimising impacts on trees to be retained,
- section 5.4 - tree protection, and
- section 5.5 - arboricultural advice.

No adverse impacts to the stability of existing trees is acceptable. All measures as recommended by the Arboricultural Impact Assessment shall be undertaken to preserve the long term health of existing trees recommended for retention.

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 the Project Arborist 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 and have been maintained during all stages of construction 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 and vegetation protection - General

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Urban Forestry Australia dated August 2019, including:

- i) all trees and vegetation within the site not approved for removal, including T1, T3, T5, T6 and T7 in close proximity to the proposed works, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, including T4 in close proximity to the site at No. 1742 Pittwater Road,
- 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 Landscape Plan L-01, prepared by Gartner Trovata Architects, inclusive of the following requirements:

i) one (1) *Corymbia maculata* (Spotted Gum) shall be planted within the site at a minimum 75 litre container size,

ii) tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may otherwise be positioned to minimise any significant loss of views,

iii) tree planting shall have a minimum individual soil area wholly within the site of 3 metres x 3 metres, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used,

iv) the proposed shrub planting along the southern side boundary adjacent to the new pool and deck shall be planted at a minimum 300mm pot container, and no more than 1 metre apart,

v) all other proposed shrub planting shall be installed at a minimum 200mm pot container, and no more than 1 metre apart,

vi) all groundcover planting shall be installed at a minimum 150mm pot container, and no more than 600mm apart.

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 plan and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

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.