

Landscape Referral Response

Application Number:	DA2019/1423
Date:	08/01/2020
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 3 DP 235482 , 143 Crescent Road 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 development proposes the construction of a secondary dwelling within Lot 1 of the approved subdivision at 143 Crescent Road Newport.

Relevant approved development applications on Lot 1 include N0159/17 (subdivision) and DA2018/0340 (new dwelling on Lot 1), with approvals for removal of nominated existing trees only as contained in the Arboricultural Impact Assessment prepared by Tree Consulting by Jo under N0159/17 (subdivision); and the Arboricultural Impact Assessment prepared by Joanne Leigh Consulting Arboriculturist under DA2018/0340 (new dwelling on Lot 1).

The proposal for the secondary dwelling is acceptable in terms of achieving the landscape outcomes of Pittwater 21 DCP, subject to conditions to protect existing trees and vegetation, and completion of landscaping.

A landscape plan is provided with the application that satisfies the DA Lodgement Requirements, indicating existing trees to be removed (referenced as T1, T2, and T3), and proposed tree replacement planting and boundary planting.

A Arboricultural Impact Assessment report is provided that satisfies the DA Lodgement Requirements, assessing the retention and protection measures for the existing trees to be retained and managed during construction, and identification of trees to be removed that are impacted by development. Three existing Turpentine trees are proposed for removal (referenced as T1, T2, and T3). Lot 1 contains a large number of indigenous and significant Turpentine, Angophora and Blackbutt trees that are retained, and the loss of the three nominated trees are not a significant loss to the overall canopy of the site.

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

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C1.11 Secondary Dwellings
D10 Newport Locality

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 protection measures

An Arborist with AQF Level 5 qualifications in arboriculture/horticulture shall be engaged to provide tree protection measures for the existing trees nominated for retention in the Construction Impact & Management Statement prepared by Growing My Way, dated September 2019, and in particular the works under section 4.4 and section 5 'Site Specific Tree Plan of Management'.

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.

Additionally, the Certifying Authority or a Project Arborist AQF 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 within the property

The following existing trees, impacted by development, are approved for removal based on the assessment and recommendations of the Construction Impact & Management Statement prepared by Growing My Way, September 2019:

- T1 Turpentine (subject to replacement planting within the property),
- T2 Turpentine (subject to replacement planting within the property), and
- T3 Turpentine (subject to replacement planting within the property).

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection

- a) Existing trees and vegetation shall be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites, and the Construction Impact & Management Statement prepared by Growing My Way, dated September 2019, including:
- i) all trees and vegetation within the property, 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) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
 - iii) removal of existing tree roots greater than 25mm is not permitted without consultation with a 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.

Note: The arboricultural requirements under N0159/17 (subdivision) and DA2018/0340 (Lot 1 new dwelling) continue to apply.

Reason: to retain and protect significant planting on development and adjoining sites.

Project Arborist

A Project Arborist with AQF Level 5 qualifications in arboriculture/horticulture shall be engaged to supervise all excavation works in the vicinity of the proposed stormwater works to mitigate any damage to existing nearby existing trees.

The Project Arborist shall provide the Certifying Authority with certification details that the tree

protection measures including on-site directions during excavation have been adhered to, and no adverse impacts have been created.

Reason: to ensure tree protection is provided and maintained.

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

Landscape completion

Landscaping is to be implemented in accordance with the Landscape Plan BLN-DAFG-1015, revision 03, prepared by Adam Robilliard, inclusive of the following conditions:

- i) All proposed tree planting (x 3) shall be planted at 75 litre pot size, and shall have a minimum area of 3 metres x 3 metres. Canopy trees are to 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,
- 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 locations may otherwise be positioned to minimise any significant loss of views.

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 any conditions of consent.

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

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF 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, 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.