

Landscape Referral Response

Application Number:	DA2021/0487
Date:	21/06/2021
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 26 DP 6195 , 40 Bassett Street 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 is for the construction of a new dwelling, swimming pool, and landscape works.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP Controls:

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

The application provides a Landscape Plan and a Arboricultural Impact Assessment.

The existing site contains many trees including native and exotic, garden planting and lawn areas. Existing trees within adjoining properties are within proximity to the proposed works and tree protection measures are outlined in the Arboricultural Impact Assessment including requirements to protect the trees during widening of the driveway. The Landscape Plan provides retention of existing trees not impacted by development works and proposals to enhance the landscape setting. The Landscape Plan is acceptable subject to conditions of consent, including selection of tree planting to substitute proposed exempt species with native tree species.

The Arboricultural Impact Assessment recommends the retention of the following trees within the development site: T6 (x3) Bush Cherry, T20 Bush Cherry, T22 Sweet Viburnum, and T29 Bottlebrush. Within the development site a total of eighteen (18) Exempt Species, by height or by species type, under the DCP exists that may be removed or pruned without Council consent. All trees and vegetation within adjoining property shall be protected. All street trees shall be retained and protected by tree protection fencing. The recommendations for tree protection measures shall be imposed as conditions of consent.

A Arboricultural Pruning Plan for the existing tree number 14 located within adjoining property No. 38 and overhanging the development site at No. 40 is provided in additional following Council request for more information on the impact to this neighbouring tree from the proposed development works. The

report concludes that 35% of the canopy will be lost to facilitate construction of the development proposal. Council's tree management policy (<https://www.northernbeaches.nsw.gov.au/planning-development/tree-management/private-land>) permits 10% of the tree's canopy to be pruned in accordance with Australian Standards AS 4373 - 2007.

A Tree Permit application shall be submitted to Council's Tree Services section for review and approval prior to Construction Certificate, and shall be accompanied by owners consent from adjoining property No. 38 for the additional pruning.

(<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/tree-removal-and-pruning-application/4000-tree-removal-pruning-application-oct2020.pdf>).

Landscape Referral raise no objections to the proposed landscape works and no objection to the proposed tree removals, and subject to a Tree Permit, no objection to the pruning works proposed.

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

Tree Permit for pruning works

A Tree Permit application shall be submitted to Council's Tree Services section for review and approval prior to Construction Certificate, and shall be accompanied by owners consent from adjoining property No. 38 for the additional pruning over and above the 10% allowance.

(<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/tree-removal-and-pruning-application/4000-tree-removal-pruning-application-oct2020.pdf>).

Reason: Protection of existing tree in adjoining property.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended and identified by tree number in the Arboricultural Impact Assessment):

i) 7 Willow Myrtle, 9 Coast Banksia, 15 Bush Cherry, 16 Bottlebrush, 18 Bottlebrush, and 25 Bottlebrush, subject to replacement.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment (trees identified as number 8, 12, 17, 19, 21, 23, 24, 26-28, 30-34, and 36-38) do not require Council consent for removal or pruning.

Reason: To enable authorised building 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 and vegetation (*) within the site not approved for removal, excluding exempt trees and

vegetation under the relevant planning instruments of legislation,

ii) all trees and vegetation located on adjoining properties,

iii) all road reserve trees and vegetation.

(*) the following existing trees are retained: tree number 6 - Bush Cherry (x3), 20 - Bush Cherry, 22 - Sweet Viburnum, and 29 - Bottlebrush.

b) Tree protection shall be undertaken as follows:

i) tree protection shall be in accordance with Australian Standard 4970-2009 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 be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 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 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 to the Certifying Authority,

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 Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 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 unless approved by Council's Tree Services section, and shall be in accordance with Australian Standard 4373-2007 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.

c) Tree pruning shall be conducted under the supervision of an Arborist with minimum AQF Level 5 in arboriculture, and in accordance with the Arboricultural Pruning Plan for tree number 14 (Tea Tree), under section 1. Summary of Assessment, section 2. Pruning Recommendations, and section 3. Schedule of Recommended Works.

d) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

e) The arboricultural works listed in d) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment,

f) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and 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.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

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 approved Landscape Plan, and inclusive of the following conditions:

- i) one replacement native tree within the front setback and one replacement native tree within the rear setback shall be installed at a minimum 75 litre container size, located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees,
- ii) replacement native trees shall be selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, and may include the following suggested species: Grey Myrtle - *Backhousia myrtifolia*, Coast Banksia - *Banksia integrifolia*, Willow Bottlebrush - *Callistemon salignus*, or Snow in Summer - *Melaleuca linearifolia*.

Prior to the issue of an Occupation Certificate, details (from 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: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, 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

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

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 and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.