

Landscape Referral Response

Application Number:	DA2021/0064
Date:	12/07/2021
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 5 DP 12797 , 41 Wallumatta 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

This application is for the construction of a secondary dwelling, a new deck and associated pergola, as well as a media room as an addition to the primary residence.

Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D10.13 Landscaped Area - Environmentally Sensitive Land

A Landscape Plan is provided with the application and proposed works include the in-ground planting of tree, shrubs and grasses.

Original Comments - 12/04/2021

The Arboricultural Impact Statement provided with the application has identified a total of thirty five trees located both within the site, the road reserve as well as adjoining properties to the east and west. Of these thirty five existing trees, a total of six trees are proposed for removal as part of this application. These six trees proposed for removal have been identified as Trees No. 10, 11, 15, 20, 27 and 28. Of these six trees to be removed, Trees No. 11 and 20 are both exempt species, and therefore do not require Councils approval to be removed. Tree No. 15 has also been noted for removal as significant decay is present at the base of the trunk, and has been recommended for removal irrespective of the proposal. For this reason, the Arborists recommendation for removal is supported.

Of the remaining three trees proposed for removal, Tree No. 10 is located in the backyard and within the footprint of the proposed works. For this reason the tree would be required to be removed. Tree No. 10 is a significant canopy tree, and has been identified as having a medium landscape significance. The remaining two trees proposed for removal, Trees No. 27 and 28, are both located within the front of the site and are located within the proposed works footprint. Both Trees No. 27 and 28 have been identified as having high landscape significance. Concerns however are raised as there appears to be a

discrepancy between the Architectural and Landscape Plans with both plans raising additional concerns and requiring further clarification.

It is currently unclear as to the extent of works within the front setback of the site, as the Landscape Plan indicates a large paved area, new stairs as well as a driveway running parallel to the northern boundary. The layout shown on the Landscape Plan would indicate that Tree No. 27 can be retained, however the new driveway along the boundary would likely have significant impacts to the existing significant trees within the road reserve. The removal of these trees, or the damage towards their long term health would not be supported. In contrast, the Architectural Plan indicates a car park adjacent to the proposed media room, with a small concrete extension towards the northern boundary. This layout would require the removal of Tree No. 27, and would pose a reduced risk towards the existing street trees when compared to the layout as shown on the Landscape Plan. Currently no proposed levels are shown, making it difficult to fully understand what is being proposed. It is noted that the existing front fence/wall will likely already restrict the root structure of these street trees, however if the proposal seeks to alter these walls, or the existing ground levels surrounding these trees, further Arborist investigation is needed to ensure the proposed works will result in a minimal impact on the ongoing health and vitality of these trees. It is therefore recommended that amended Architectural and Landscape Plans be provided, ensuring that the proposed works are consistent across packages and the full extent of works are shown.

The Arboricultural Impact Assessment has noted that all six trees proposed for removal should be replaced in order to compensate for the loss of these trees. For this reason the Arborists recommendations are supported. The current Landscape Plans do indicate the planting of six trees, however it is recommended that at least two of these six trees be *Corymbia maculata* as the current trees proposed will not reach a mature height as significant as those proposed for removal. The remaining landscape works as proposed on the Landscape Plans would be supported.

In its current form, Councils Landscape Referral section does not support the application due to conflicting Landscape and Architectural Plans. It is recommended that amended plans be provided so that further assessment can be made.

Updated Comments 12/07/2021

Following original concerns regarding the unknown impacts of the proposed works on existing trees at the front of the site due to conflicting documentation, amended Landscape and Architectural Plans have been provided with the application.

It is now clear that the proposal seeks to modify an existing retaining wall at the front of the site in order to accommodate access to an existing paved area that is to support an additional car park. The proposal still seeks to remove two significant canopy trees within the front of the site in order to accommodate these works. Due to the presence of high value endangered ecological communities within the site, it has been recommended by the Biodiversity Team that six canopy trees be proposed within the site to supplement those lost as a result of proposed works. In its current form, only three canopy trees have been proposed alongside three smaller trees. It is therefore recommended that either an additional three canopy trees are to be proposed, or those three smaller trees are to be replaced with canopy trees instead. It should be noted at least three of the proposed trees shall be required to be *Corymbia maculata* in order to enhance the Pittwater Spotted Gum Forest endangered ecological community found on site.

Due to the proximity of proposed works to existing trees, it is recommended that a Project Arborist be engaged to supervise all works within Tree Protection Zones and Structural Root Zones of trees to be retained, as per the Arboricultural Impact Assessment. This is to ensure no significant roots are impacted by proposed works, as the removal of any additional trees to that approval shall not be supported.

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the completion of landscape works as proposed on the Landscape Plan, including the planting of six canopy trees within the site (three of which must be *Corymbia maculata*).

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

Pier Footing Design Near Trees to be Retained

Pier footing structural layout plans for the external works including the proposed secondary dwelling and access pathway, shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer. The Arborist shall review, comment, recommend design revision as required and approve the pier footing layout, to ensure the locations of piers will be manageable in terms of tree protection measures.

The Arborist shall submit certification to the Certifying Authority, that the locations of the pier footings are accepted. The agreed pier footing structural layout plans shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

i) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) 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.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

Tree Removal Within the Property

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

- i) *Alpitonia exelsa*, located centrally within the rear yard within the footprint of proposed works, Tree No. 10,
- ii) *Cryptocarya glaucescens*, located centrally within the rear yard within the footprint of proposed works, Tree No. 15,
- iii) *Corymbia maculata*, located within the front setback adjacent to the existing driveway, Tree No. 27,
- iv) *Corymbia maculata*, located within the front setback adjacent to the existing driveway and western boundary, Tree No. 28.

Note:

- i) Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.
- ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

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.

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), vi) and vii) 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, 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 protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) Section 5 - Recommendations,
- ii) Appendix 4 - Proposed Site Plan & Tree Protection Plan.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) 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 amended Landscape Plan, inclusive of the following conditions:

i) at minimum, 6x locally native canopy trees shall be planted within the site. Of these, 3x must be *Corymbia maculata* in order to reinforce the Pittwater Spotted Gum Forest located within the site. It is noted the amended Landscape Plans show 3x canopy trees, hence the replacement of *Elaeocarpus reticulatus* with *Corymbia maculata* would be supported as this would total 6x canopy trees within the site.

Tree planting shall be 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.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

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.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, 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 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.