

Landscape Referral Response

Application Number:	DA2022/2152
Date:	31/10/2023
Proposed Development:	Demolition works and subdivision of land into 9 lots including tree removal and infrastructure work
Responsible Officer:	Adam Croft
Land to be developed (Address):	<p>Lot 295 DP 820302 , 122 A Crescent Road NEWPORT NSW 2106</p> <p>Lot 111 DP 556902 , 124 Crescent Road NEWPORT NSW 2106</p> <p>Lot 3 DP 210342 , 128 Crescent Road NEWPORT NSW 2106</p> <p>Lot 21 DP 545339 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 407538 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 460612 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot 1 DP 503390 , 126 Crescent Road NEWPORT NSW 2106</p> <p>Lot 2 DP 210342 , 55 The Avenue NEWPORT NSW 2106</p> <p>Lot 111 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 112 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot LIC 188424 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p>

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 proposal is supported with regard to landscape issues.

Additional Information Comment 31/10/23:

The amended reports and plans are noted.

No further comments, see comments below. A slight update to the Project Arborist condition.

Additional Information Comment 10/10/23:

The amended plans and reports are noted.

The proposed infrastructure works for The Avenue will not further impact street trees.

An arboricultural statement dated 09/05/23 has been provided regarding tree sensitive construction methods for the driveway crossover adjacent to tree 57. Driveway works will need to be constructed in accordance with the Arborist's recommendations. Further investigations will be required prior to issuing a Construction Certificate, subject to the imposed conditions. The driveway access for Lot 8 (formerly Lot 9) will be via the existing hardstand area which was supported by the Arborist.

The Arboricultural Impact Assessment identified 76 trees within and around the site. Trees 3, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76 will be retained, as shown on the plans, and must be protected in accordance with the Arborist's recommendations and the imposed conditions. Trees 16, 17, 37, 43, 45, and 48 shall be retained as their removal is not required for the subdivision works, and their removal will be determined in future Development Applications. A Project Arborist shall be engaged to supervise all work in the tree protection zone of trees to be retained.

Trees 4, 5, 7, 8, 11-15, 18, 20-28, 31-36, 38-42, 44, 46, 47, 49, 50, 52-55 are exempt under Council's provisions and shown to be removed, therefore can be managed or removed at the discretion of the applicant without consent. The removal of trees 19 and 29 can be supported for removal as they are structurally defective. Trees 6, 9, 10, 30 and 51 can be supported for removal to allow for the installation of the stormwater infrastructure. Street trees 1 and 2 can be supported for removal, subject to tree replacement.

Street trees shall be planted on the southern side of The Avenue, to the east of the new driveway crossing, subject to the imposed conditions.

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

Driveway Design Near Trees to be Retained

a) driveway structural layout plans shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer, following a non-destructive tree root investigation, complying with clause 3.3.4 of AS 4970-2009 Protection of trees on development sites, near existing tree 57, to locate critical tree roots and recommend driveway footing design and locations for the construction works.

b) the Arborist shall review, comment, recommend design revision as required and approve the driveway footing layout, to ensure the locations of footings will be manageable in terms of tree protection measures.

c) the Arborist shall submit certification to the Certifier, that the locations of the footings are accepted.

d) the agreed footing structural layout plans shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

Tree Protection Plan

a) a Tree Protection Plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, to protect all trees not approved for removal under this development consent.

b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) location of all trees identified for retention, including extent of canopy,
- ii) access routes throughout the site for construction activity,
- iii) location of tree protection fencing / barriers,
- iv) root protection in the form of mulching or boards proposed within the tree protection zone,
- v) trunk and branch protection within the tree protection zone,
- vi) location of stockpile areas and materials storage,
- vii) other general tree protection measures.

Reason: Tree protection.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including but not limited to:

- i) tree protection measures and works under section 1.3.2, 1.3.3, 1.3.4, and 1.4.1,
- ii) tree sensitive construction techniques outlined in the arboricultural statement dated 09/05/23 by rainTree Consulting,
- iii) location, excavation and installation of the proposed services infrastructure (HV, LV, NBN etc.),
- iv) road widening works in the tree protection zones of existing street trees.

c) All tree protection measures specified 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.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the 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: 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

a) this consent approves the removal of existing trees on the subject site as listed below:

i) prescribed trees 6 - *Tristaniopsis laurina*, 9 - *Callistemon viminalis*, 10 - *Melaleuca quinquenervia*, 19 - *Leptospermum petersonii*, 29 - *Leptospermum petersonii*, 30 - *Ceratopetalum gummiferum*, and 51 - *Murraya paniculata*,

ii) exempt trees 4 and 5 - *Syagrus romanzoffiana*, 7 - *Tristaniopsis laurina*, 8 - *Syagrus romanzoffiana*, 11 - *Brachychiton acerifolius*, 12 - *Syagrus romanzoffiana*, 13 - *Dyopsis lutescens*, 14 - *Callistemon viminalis*, 15 - *Syagrus romanzoffiana*, 18 - *Cupressus* sp., 20 to 24 - *Syagrus romanzoffiana*, 25 - *Prunus* sp., 26 - *Camellia japonica*, 27 - *Camellia sasanqua*, 28 - *Prunus* sp., 31 - *Cinnamomum camphora*, 32 - *Lagerstroemia indica*, 33 and 34 - *Camellia japonica*, 35 - *Grevillea robusta*, 36 - *Cinnamomum camphora*, 38 - *Camellia japonica*, 39 - *Jacaranda mimosifolia*, 40 - *Schefflera actinophylla*, 41 - *Archontophoenix cunninghamiana*, 42 - *Cupressus sempervirens*, 44 - *Jacaranda mimosifolia*, 46 - *Camellia sasanqua*, 47 - *Syagrus romanzoffiana*, 49 - *Persea americana*, 50 - *Syagrus romanzoffiana*, 52 - *Strelitzia reginae*, 53 - *Archontophoenix cunninghamiana*, 54 - *Ligustrum sinense*, and 55 - *Cinnamomum camphora*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

Tree Removal Within the Road Reserve

a) this consent approves the removal of existing trees within the road reserve as identified in the Arboricultural Impact Assessment, or as listed below:

i) trees 1 and 2 - *Syagrus romanzoffiana*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

c) removal of the approved tree/s by the applicant in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Existing Street Trees

a) all existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 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 and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, 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.

b) all street trees within the road verge 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. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

Tree and Vegetation Protection

a) existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve not approved for removal.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,
- 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

Condition of Trees

a) during the construction period the applicant is responsible for ensuring all existing trees required to

be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) the owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

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

Street Tree Planting

a) Street tree planting shall be installed in accordance with the following:

i) 2 x *Eucalyptus paniculata* installed on the southern side of The Avenue to the east of the new driveway crossover.

b) All street trees shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways, and shall generally be centralised within the road verge.

c) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: to maintain environmental and streetscape amenity.

Condition of Retained Vegetation - Project Arborist

a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, 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

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

b) trees required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) if any tree 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 any conditions of consent.

Reason: To maintain local environmental amenity.