

Landscape Referral Response

Application Number:	DA2021/0711
Date:	07/06/2021
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 27 DP 17177 , 8 Edwin Avenue AVALON BEACH NSW 2107

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 alterations and additions to an existing residential dwelling. Proposed works include the construction of new swimming pool within the front setback.

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
- D1.14 Landscaped Area - Environmentally Sensitive Land

The Statement of Environmental Effects provided with the application notes that one tree is to be removed in order to accommodate the proposed works. This statement is supported by the Architectural Plans provided as only one tree is indicated for removal. It is worth noting this tree has been identified as an exempt species, and therefore may be removed without Councils approval.

It is noted that although the proposed swimming pool is located within the front setback, it had been discussed in the Pre-Lodgement Meeting that there are circumstances with the subject site that lend support to a pool in the front setback. Should the size, setback and location of the pool be supported by Councils Planning Officers, the following recommendations should be adhered to, ensuring a positive landscape outcome is achieved for the site and surrounding environment.

It is recommended that one small tree be proposed within the front setback between the existing driveway and proposed swimming pool. In addition, at least one canopy tree is also to be planted within the rear of the property to reinforce the Pittwater Spotted Gum Forest Endangered Ecological Community that is present in the immediate vicinity. The planting of these two trees seeks to adhere to control C1.1 which states 2 canopy trees are to be located in the front yard, and 1 canopy tree in the rear yard. Due to existing site restraints as previously discussed in the Pre-Lodgement Meeting, this requirement of C1.1 has been assessed on merit, hence why one canopy tree in the rear, and only one small tree in the front of the property would be supported. The retention of existing screen planting, as

well as additional screen planting as shown on plans is vital to ensure sufficient screening and privacy is achieved. This privacy is particularly important for the swimming pool to ensure no overlooking from adjoining properties, as well as from street view. The completion of landscape works as proposed on the Landscape Plans, as well as additional tree planting, is vital to satisfy control C1.1 and D1.14 as key outcomes of these controls seek to ensure "landscaping reflects the scale and form of development", "landscaping retains and enhances Pittwater's biodiversity by using locally native plant species", as well as "landscaping enhances habitat and amenity value".

The landscape component of the proposal is therefore supported subject to the protection of existing screen vegetation, and the completion of landscape works as proposed on the Landscape Plan, inclusive of the additional canopy tree at the rear of the site and small tree within the front setback.

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 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.

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.

The Certifying Authority must ensure that:

- c) 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, inclusive of the following conditions:

- i) at least 1x locally native canopy tree is to be planted at the rear of the site. Suggested species include: *Angophora floribunda*, *Corymbia maculata* or *Eucalyptus botryoides*,
- ii) at least 1x small tree is to be planted in the front setback between the existing driveway and proposed swimming pool. Suggested species include: *Angophora hispida*, *Ceratopetalum gummiferum* or *Melaleuca linarifolia*.

Tree planting shall be a minimum 75L pot size, and 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.

Canopy tree planting species shall be selected from the Pittwater Spotted Gum Forest Endangered Ecological Community. The required small tree planting species shall be selected from Council's list, specifically the *Native Plant Species Guide - Pittwater Ward*:

www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

The proposed screen planting is to comprise of species capable of attaining a height of 2 metres at maturity.

Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Prior to the issue of an Occupation Certificate, details 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.

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.

Undesirable Trees

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.