

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0981
<b>Date:</b>	16/12/2021
<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 1 DP 1263133 , 31 Marine Parade 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

The development proposal is for the demolition of an existing dwelling and associated structures, and the construction of a new dwelling and detached garage, and landscape works.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C2 Environmental Conservation and C4 zone Environmental Living, and the following Pittwater 21 DCP Controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D1 Avalon Locality, including but not limited to D1.1 Character as Viewed from a Public Space, and D1.14 Landscaped Area - Environmentally Sensitive Land

The site is located in the C2 Environmental Conservation zone and the C4 Environmental Living zone. The C2 zone requires protection of the ecological, scientific, cultural or aesthetic values, and works are limited to recreation areas when also within a land acquisition area as this site is. The Statement of Environmental Effects notes that no works are proposed within the portion of the site which is zoned C2, however low height fencing is proposed, and I defer to the Planning Development Assessment Officer for assessment against any planning principle.

The C4 zone requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.

The Landscape Plan includes items within the foreshore building line area that is prohibited under the LEP clause 7.8 Limited development on foreshore area, including walling, pizza oven structure and associated paving, and additionally restricts continuous public access to and along the foreshore through or adjacent to the proposed development, and in this case property No. 33 by removal of an existing footpath and erection of a low fence and gate. I defer to the Planning Development Assessment Officer for assessment against any planning principle.

A Arboricultural Impact Assessment titled 'Construction Impact & Management Statement' and a Landscape Plan are submitted with the development application.

The Arboricultural Impact Assessment reports on twelve individual trees within proximity to the development works. Multiple other trees are located within both the property and within adjoining properties that are not impacted upon. One prescribed existing tree (protected under the DCP and requiring Council consent) within the property is recommended for removal regardless of development due to its health and is proposed for replacement. Four Exempt Species, by species type or by species height, are also proposed for removal and do not require Council consent for management or removal. The report recommends specific tree and root management measures for the protection of existing trees, and conditions shall be imposed should the application be approved.

The Landscape Plan includes the preservation of the existing foreshore coastal vegetation and rock outcrops, includes additional understorey planting, and is able to be acceptable of achieving the intent of the LEP objectives and DCP landscape controls in terms of landscape outcome subject to the inclusion of native tree planting within the property, and conditions shall be imposed should the application be approved.

Should the Development Assessment Officer assess the works within the foreshore area as acceptable, including walling, pizza over structure and associated paving, and the erection of a low fence and gate, Landscape Referral provide conditions of consent.

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**

#### **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 and root 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 titled 'Construction Impact & Management Statement', including:

- i) works described in section 5 Discussions
- ii) any demolition, excavation or construction works with the tree protection zone and structural root zones of existing trees to be retained, including all trees listed in the schedule under Site Specified "Tree Plan of Management".

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 trees within the property (as recommended in the Arboricultural Impact Assessment):

- i) *Callistemon viminalis*, located at the front of the property within close proximity to the proposed driveway, tree number. 2, and subject to a replacement with a locally native tree.

Note:

- ii) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan do not require Council consent for removal, and the following are recommended for removal: tree numbers 9, 10, 11, and 12.

Reason: To enable authorised building works.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

### **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 - Discussion
- ii) Appendix B - Tree Protection & Management

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.

## OCCUPATION CERTIFICATE

### Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) at least four (4) locally native trees shall be planted within the property capable of attaining 8.5 metres or more in height at maturity, at a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and shall be selected from the list provided in the Arboricultural Impact Assessment including: *Corymbia gummifera* (Red Bloodwood Gum); *Glochidion ferdinandi* (Cheese Tree); *Banksia integrifolia* (Coast Banksia); *Backhousia citriodora* (Lemon Scent Myrtle) or *Melaleuca linariifolia* (Snow in Summer),
- ii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 5 metres from buildings, and at least 2 metres from common boundaries,
- iii) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space, and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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 - Project Arborist

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.