

Landscape Referral Response

Application Number:	DA2022/1399
Date:	16/09/2022
Responsible Officer:	Brittany Harrison
Land to be developed (Address):	Lot 1 DP 1104192 , 62 Chisholm Avenue AVALON BEACH NSW 2107 Lot 2 DP 1104192 , 60 Chisholm 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

The development application is for a proposed new driveway and carport, new inclinor and easement adjustment, as described and illustrated in the reports and plans. A Landscape Plan and an updated Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D1 Avalon Locality

The site is located in the C4 Environmental Living 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 site is a large block with predominantly locally native canopy trees and understorey native juvenile trees and native ferns of varying quality and condition, and landscape natural features such as rock outcrops. The site is also classified as Bush Fire Prone Land, and any new landscaping including selection and placement shall comply with the Asset Protection Zone Requirements of Planning for Bush Fire Protection 2019.

The updated Arboricultural Impact Assessment assesses the proposed works impact to twenty-seven (27) locally native trees in proximity to the works, and recommends the removal of six (6) native trees impacted by the proposed development works, including 2 x Broad-leaved White Mahogany of high retention value, 1 group of Blueberry Ash of high retention value, 1 x Broad-leaved White Mahogany of moderate retention value, and 1 x Sydney Red Gum of moderate retention value. A total of thirteen (13) existing high retention value locally native canopy trees and seven (7) existing moderate retention value locally native canopy trees in proximity to the proposed development works are retained. Additionally

other parts of the site support locally native canopy trees not impacted by the proposed development works.

It is noted that the Broad-leaved White Mahogany of high retention value identified as tree 7 is located such that retention shall be achieved as the proposed driveway location is further away from this tree, as opposed to the previous withdrawn development application that resulted in impact to this tree and new walling works shall be supervised by a Project Arborist. Otherwise all other existing trees proposed for removal are unable to be retained by the proposed development works, where the trees are located within the footprint of the proposed carport, in close proximity to the carport, or within the proposed footprint of the driveway.

Additional impacts are noted to existing tree 11 and tree 24 and the updated Arboricultural Impact Assessment nominates tree sensitive construction methods shall be undertaken and conditions shall be imposed for a Project Arborist to supervise works.

The Landscape Plan retains the natural landscape setting with rock outcrops, canopy trees and bushland vegetation preserved, and the proposal in proximity of the proposed works includes tree replacement with two (2) tall canopy trees, thirty six (36) small native trees, and native understorey shrubs and groundcovers. Conditions shall be imposed on the selection of tree species to ensure relevance to the typical Pittwater Spotted Gum Forest plant association in the locality.

Landscape Referral consider that tree removal is unavoidable based on the development proposal. Tree removal is within the Biodiversity Mapped area and as such removal of native vegetation from within the mapped areas will trigger the Biodiversity Offset Scheme and this shall be considered by Council's Bushland and Biodiversity Referral, and any offset shall be as detailed within the submitted Biodiversity Development Assessment Report. It is noted that the Biodiversity Development Assessment Report concludes that the proposed development of the driveway and carport will have a direct impact approximate area of 0.05ha on the Pittwater Spotted Gum Forest association. The report provides support for the Landscape Plan with recommendations for tree species substitution and this shall be subject to imposed conditions.

Landscape Referral raise no objections to the proposal subject to protection of existing natural landscape features and vegetation, and the completion of the landscape works.

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 inclinor lift and landing deck shall be developed in coordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture and a qualified Structural Engineer, with specific reference to the following existing trees: tree 21 - Bloodwood, tree 21A - Broad-leaved White Mahogany, tree 22 - Bloodwood, tree 23 - Sydney Red Gum, and tree 24 - Bloodwood, as well as any other existing tree(s) determined on site by the Project Arborist to be potentially impacted by the proposed works.

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 via the agreed pier footing structural layout plans 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 general tree protection recommendations and arboricultural tree sensitive excavation and construction works near all existing trees to be retained (trees 4, 5, and 7 to 24 inclusive),
- ii) works near existing tree 21, tree 21A, tree 22, tree 23, and tree 24 requiring pier location selection,
- iii) works as per Appendix 4 - Tree Protection Plan.

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 five tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) tree 1 - Sydney Red Gum, tree 2 and 6 - Broad-leaved White Mahogany, tree 3 - Old Man Banksia,

and group 3A - Blueberry Ash.

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) 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, 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.

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

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

- i) new planting including selection and placement shall comply with Planning for Bushfire Protection 2019,
- ii) the nominated six *Corymbia* hybrids (*Corymbia* 'summer beauty' and *Corymbia* 'summer red') shall be replaced with two 2 x *Corymbia maculata*, 2 x *Eucalyptus umbra* and 2 x *Eucalyptus paniculata*.

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 - 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 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 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.

Reason: To maintain local environmental amenity.