

Landscape Referral Response

Application Number:	DA2020/0298
Date:	20/05/2020
Responsible Officer:	Tony Collier
Land to be developed (Address):	Lot 10 DP 12435 , 25 Kevin 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 proposes the Torrens Title Subdivision of 1 allotment to create 2 allotments.

Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C4.7 Subdivision - Amenity and Design

D1 Avalon Beach Locality

The proposed Lot 1 supports numerous existing indigenous and native trees whilst the proposed Lot 2 in the majority supports exotic plantings with the exception of two Cabbage Tree Palms and a Lillypilly.

An arboricultural assessment prepared by Jacksons Nature Works is provided with the application, nominating 5 indigenous trees to be removed for the right of way and easement for services, including T4 Cheese Tree (road verge), T5 Cheese Tree (road verge), T7 Red Bloodwood, T10 Cheese Tree, and T11 Spotted Gum.

The following 11 existing trees are assessed as being able to be retained within the site on Lot 1: T8 Scribbly Gum, T9 Spotted Gum, T12 Spotted Gum, T13 Red Bloodwood, T14 Red Bloodwood, and group T15-20 Turpentine.

The following 8 existing trees/palms are assessed as being able to be retained within the site on Lot 2: T21 Alexander Palm, T22 Alexander Palm, T23 Alexander Palm, T26 Lillypilly, T28 Jacaranda, T29 Cabbage Tree Palm, T30 Cabbage Tree Palm and T31 Bottlebrush.

The following road reserve trees are proposed for retention: T2 Scribbly Gum, T3 Cheese Tree, and T1 Angophora fronting No. 27 Kevin Avenue,

All existing trees within adjoining property are proposed for protection, including: T25, T27, T32, T33,

T34, T35 and T36.

The arboricultural assessment is based on Subdivision of land information only, and has not been updated to assess the impact upon existing trees from the the subsequent issue of the Site Plan and Subdivision Concept that provides an Indicative Building Layout prepared by Gartner Trovato Architects.

On review of the Site Plan and Subdivision Concept, all 11 existing trees within the proposed Lot 1 are proposed for retention, and this is supported by the design concept to suspend any future dwelling on pier/pole footings. The Indicative Building Layout generally has manageable intrusions into the tree protection zone and avoids the structural root zones structural protection zones of existing trees on Lot 1.

Based solely on the landscape outcomes of B4.22 Preservation of Trees and Bushland Vegetation, development of a new dwelling on Lot 2 does not impact upon the existing natural environment, subject to additional canopy tree planting within the front setback (x 1) and within the rear setback (x 1) of Lot 1. The landscape outcomes of the retained dwelling on the proposed Lot 2 does not impact the existing landscape amenity of the site.

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

Tree Management Plan

A Tree Management Plan shall be issued for approval to the Certifying Authority, documenting the tree protection measures to be undertaken.

Tree protection measures to be undertaken prior to commencement of works include:

- tree protection fencing to the tree protection zone around existing trees to be retained,
- maintenance activities within the tree protection zone including mulching and a watering regime,
- site attendance and inspection schedule during works,
- hold points schedule, and
- certification schedule.

The Tree Management Plan shall be undertaken by a Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture, in accordance with AS4970- 2009 Protection of Trees on Development Sites.

The following trees shall be the subject of the Tree Management Plan: T8 Scribbly Gum, T9 Spotted Gum, T12 Spotted Gum, T13 Red Bloodwood, T14 Red Bloodwood, and group T15-20 Turpentines, T26 Lillypilly, T29 Cabbage Tree Palm, T30 Cabbage Tree Palm, T2 Scribbly Gum, T3 Cheese Tree, T1 Angophora fronting No. 27 Kevin Avenue, and T25, T27, T32, T33, T34, T35 and T36.

Reason: to ensure tree protection is provided and maintained.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree removal within the property

The following trees located on the property and assessed as impacted from the proposed development works for right of way and easement for services, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the arboricultural assessment prepared by Jacksons Nature Works:

- T7 Red Bloodwood,
- T10 Cheese Tree,
- T11 Spotted Gum.

Tree removal within the road reserve

The following existing trees located on the road verge are approved for removal based on the recommendations of the arboricultural assessment prepared by Jacksons Nature Works, to be removed for the right of way and easement for services: T4 Cheese Tree and T5 Cheese Tree.

Removal of approved tree/s 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 Trees Section prior to removal.

Reason: Public liability

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree protection measures

Tree protection measures shall be undertaken during the works in accordance with the approved Tree Management Plan.

The tree protection measures specified in this clause must:

- ii) be in place before work commences on the site, and
- iii) be maintained in good condition during the Subdivision works, and
- iv) remain in place for the duration of the Subdivision works.

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that:

- v) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and
- vi) 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.

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.

Reason: to ensure tree protection is provided and maintained.

Tree and vegetation protection

- a) Existing trees and vegetation shall be retained and protected as recommended in the arboricultural

assessment report prepared by Jacksons Nature Works, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt 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 generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF minimum Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF minimum Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF minimum Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF minimum Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF minimum Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) 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,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

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

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection and 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: to retain and protect significant planting on development and adjoining sites.

Required Canopy Tree Planting

Two (2) indigenous canopy trees shall be planted within the proposed Lot 2, consisting of the following:

- one (1) *Glochion ferdinandi* (Cheese Tree) within the front setback of Lot 1, planted at 75L container size,
- one (1) *Corymbia maculata* (Spotted Gum) within the rear setback (x 1) of Lot 1, planted at 75L container size.

Each tree shall be planted at least 5 metres from any existing or proposed building, and at least 4 metres from any other tree.

Reason: to maintain environmental amenity.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Landscape maintenance

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) 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.

Reason: To maintain local environmental amenity.