

Landscape Referral Response

Application Number:	DA2021/0447
Date:	08/07/2021
Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot 4 DP 30282 , 12 Philip Road MONA VALE NSW 2103

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 construction of a new secondary dwelling at the rear of an existing residential property.

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
- D9.11 Landscaped Area - Environmentally Sensitive Land

A Landscape Plan is provided with the application and proposed works include the in-ground planting of shrubs and groundcovers.

Original Comments - 05/05/2021

The Statement of Environmental Effects provided with the application notes that existing vegetation is retained and enhanced to visually reduce the built form. This statement is partially supported by other documents provided as majority of vegetation appears to be retained, however it does appear tree removal is proposed to take place on site. It is worth noting the existing site supports a variety of existing vegetation with both exotic and native species present.

The Architectural Plans provided indicate the removal of three trees, identified as Trees No. 8, 9 and 10 in the Arboricultural Impact Assessment, all of which located towards the rear of the site lining both the north-east boundary and the south-east boundary. In contrast, the Landscape Plans provided appear to indicate the removal of three trees, however these have been identified as Trees No. 8, 10 and 11.

In order to assess trees proposed for removal and retention, an Arboricultural Impact Assessment has been provided which has identified a total of twelve trees located within the rear of the site, three of which are located in the neighboring properties. It is noted additional trees are located towards the front of the site however no works are proposed in this location, hence these have not been assessed. The Tree Assessment Schedule provided with the application notes only one tree is to be removed, Tree

No. 10, however in the Tree Location and Management Plan, it appears four trees are proposed for removal, Trees No. 8, 9, 10 and 11. Trees No. 8, 9 and 10 are exempt species and therefore do not require Council's approval prior to being removed. Tree No. 11 however, is a large significant native tree, which is required to be retained as the removal of this tree would not be supported. It is also vital to ensure this tree is protected throughout development as any damage to the short-term and long-term health of this tree would similarly not be supported. It is recommended that the Arboricultural Impact Assessment and associated plans be updated to all convey similar information regarding trees to be removed and retained.

As Tree No. 11 is required to be retained, concern is raised regarding the proposed works as they appear to encroach well within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of this tree. The proposal seeks to remove the existing retaining wall within the TPZ of Tree No. 11, and reconstruct a new retaining wall as per the Arboricultural Impact Assessment. It is however unclear on the Architectural and Landscape Plans as to where this wall is located, and how it is proposed to be constructed. It is preferred that all works within the TPZ of this tree be constructed on pier footings, with strip footings avoided. Further concern is raised as the proposed alfresco deck is proposed within the SRZ of this tree, which has the potential to compromise the structural integrity of this tree. It is noted that the existing site exhibits level change in this area, however the extent of works appears to encroach into the garden area in which this tree sits. Any changes in levels in this area could pose a risk to this tree. It is therefore recommended that a tree root investigation take place at the outer edge of proposed works, ensuring no significant roots will be impacted. Should significant roots be found, it is recommended that an alternative design be sought as the removal of this tree shall not be supported.

The retention of this tree, as well as other trees noted for retention, is vital to satisfy control B4.22, as key objectives of this control include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

The implementation of landscape works as proposed on the Landscape Plans, as well as the retention of existing trees and vegetation is also necessary to satisfy control C1.1 and D9.11, as key outcomes of these controls seek to ensure "the bulk and of the built form is minimised", as well as the "conservation of natural vegetation and biodiversity".

The landscape component of the proposal is therefore not supported due to the potential impacts of the proposed works on Tree No. 11, a significant locally native canopy tree. It is recommended that a tree root investigation take place in order to understand the potential impacts of the development on this tree, as the removal or damage to its health would not be supported. Should significant roots be present, an alternative design should be sought ensuring all works are clear of the SRZ of this tree. It is also recommended that the Architectural and Landscape Plans be updated to show the proposed retaining wall, as well as show the same trees proposed for removal.

Upon receipt of the required documentation, further assessment can be made.

Updated Comments - 08/07/2021

Following concerns regarding the potential impacts on existing trees, specifically Tree No. 11, a tree root investigation has taken place as per previous suggestions.

This tree root investigation has identified zero significant roots along the edge of the existing retaining wall, and as a result, no significant impacts towards Tree No. 11 are expected as a result of proposed works. It should be noted for clarification that Tree No. 11 must be retained, and only Trees No. 8, 9 and 10 are approved for removal (all of which are exempt). It should also be noted that a Project

Arborist is also required to supervise all works within the TPZ of trees to be retained, as per the original Arboricultural Impact Assessment.

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, and completion of landscape works as proposed on the Landscape Plans provided.

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 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 demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

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.

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, including Tree No. 11, 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 6 - Recommendations,
- ii) Appendix C - Tree Protection Plan.

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

Landscaping is to be implemented in accordance with the approved Landscape Plan.

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, 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.