

Landscape Referral Response

Application Number:	DA2021/0264
Date:	15/04/2021
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 132 DP 13643 , 34 Lumeah Avenue ELANORA HEIGHTS NSW 2101

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 demolition of an existing residential dwelling, and the construction of a new residential dwelling inclusive of a double garage, swimming pool and new landscape works.

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
- D5.9 Landscaped Area - Environmentally Sensitive Land

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

The Statement of Environmental Effects provided with the application notes that all existing significant trees located within the site are to be retained and will not be impacted by the proposed works. This statement is supported by Architectural and Landscape Plans, as well as the Arboricultural Impact Assessment which has identified all significant trees as retained, and shall be protected accordingly.

The Arboricultural Impact Statement has identified a total for four trees that are within close proximity to the proposed works, all of which have been identified for retention. Tree No. 1 is a newly planted street tree located within the road reserve, adjacent to the southern boundary, and has been identified as having a moderate retention value, and a useful life expectancy of greater than 40 years. This existing tree is located clear of proposed works, and should not be impacted. Despite being clear of proposed works, it is necessary to ensure this street tree is protected, particularly during the transportation of materials to and from site. Tree No. 2 is within the front yard of the site in the south-west corner. Similarly to Tree No. 1, Tree No. 2 is clear of proposed works and no negative impacts are expected.

Tree No. 3 is a significant native tree located towards the rear of the property, adjacent to the southern boundary. Tree No. 3 has been identified as having a high landscape significance and high retention

value, in addition to a useful life expectancy greater than 40 years. Proposed works have a minor encroachment of 8.8% into the Tree Protection Zone (TPZ) of this tree. With suitable tree protection measures as outlined in the Arboricultural Impact Assessment, this tree is likely to not be severely impacted and can be retained. Despite this, it is recommended that a Project Arborist be appointed to supervise all demolition, excavation and construction works within the TPZ of this tree, ensuring the ongoing health and vitality of the tree is not compromised. Finally, Tree No. 4 is also located towards the rear of the property, however is located in the neighbouring property to the north, within close proximity to the shared boundary. The Arboricultural Impact Assessment has identified an expected TPZ encroachment of 6.2%, which has been identified as minor. It is also noted that this tree has been previously lopped at 7m, and the expected TPZ is therefore smaller than that identified in accordance with AS4970-2009. Tree protection measures and the supervision of works by a Project Arborist is still required to ensure this tree is retained, as no trees on adjoining properties shall be removed or damaged as a result of proposed works.

It is worth noting that the Landscape Plan has identified an additional two existing trees within the site boundaries at the rear of the site, as well as four trees that are proposed for removal. All of these trees have been identified as exempt species, or below 5m in height, and therefore do not require Council's approval prior to being removed. There also appears to be a large number of significant native canopy trees located east of the property within the neighbouring property. No construction works are proposed towards the rear of the property, and therefore no impacts are expected. The retention of all trees in neighbouring properties, the road reserve as well as within the site boundaries is necessary to satisfy control B4.22 and D5.9. Key outcomes and objectives of these controls include "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", "to protect and enhance the urban forest of the Northern Beaches", as well as the "conservation of natural vegetation and biodiversity".

The Landscape Plans indicate a substantial native planting palette has been proposed, including a variety of trees, shrubs, grasses and groundcovers. The proposed works satisfy control C1.1, as key outcomes of this control include "a built form softened and complemented by landscaping", as well as "landscaping retained and enhances Pittwater's biodiversity by using locally native plant species".

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

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 with 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

Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

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 4 - Recommendations,
- ii) Appendix B - Tree Locations and Tree Protection Plan,
- iii) Appendix G - Tree Protection Specifications.

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.