

Landscape Referral Response

Application Number:	DA2022/0281
Date:	13/04/2022
Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Lot 102 DP 803977 , 167 Riverview Road AVALON BEACH NSW 2107 Lot LIC 469130 , 167 Riverview Road 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 alterations and additions to an existing dwelling, comprising two additional bedrooms, improved vehicle access, an inclinator to the foreshore, and proposed additions.

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.

Updated comments:

Amended plans and reports are submitted and include the indication for retention of additional existing trees including nine native trees (tree numbers 1, 2, 3, 9 and 11 - Spotted Gum, tree number 6 - Grey Gum, and tree numbers 7, 8, 12 - Cabbage Tree Palm), and removal of two Exempt Species by species type (tree numbers 4 - Tree of Heaven and 10 - Silky Oak), which do not require Council consent.

Specific tree protection measures are required to preserve tree numbers 9 and 11 - Spotted Gum, and tree number 12 - Cabbage Tree Palm, and conditions shall be imposed for a Project Arborist to monitor all excavations, where footing excavations shall be undertaken by hand and footing locations shall be relocated if tree roots greater than 50 mm diameter are uncovered.

Tree numbers 1, 2, 3, 5, 6, 7, 8, 9, 11 and 12 are to be protected in accordance with Section 10 and

Appendix B of the Aboricultural Impact Assessment.

Previous comments:

A Aboricultural Impact Assessment is submitted and recommends the retention and protection of five native trees (tree number 1, 2, 3 and 9 - Spotted Gum, and tree number 12 - Cabbage Tree Palm), removal of two native trees impacted by the development works (tree number 6 - Grey Gum and 11 - Spotted Gum), and removal of five Exempt Species by either height or species type (tree number 4, 5, 7, 8 and 10).

Specific tree protection measures are required to preserve tree number 9 - Spotted Gum and tree number 12 - Cabbage Tree Palm, and conditions shall be imposed for a Project Arborist to monitor all excavations, where footing excavations shall be undertaken by hand and footing locations shall be relocated if tree roots greater than 50 mm diameter are uncovered. Tree numbers 1, 2, 3, 9 and 12 are to be protected in accordance with Section 10 and Appendix B of the Aboricultural Impact Assessment.

No Landscape Plan is submitted nor required in this instance. In the retention and protection of the nominated native trees and understorey planting, the landscape character is maintained. Conditions shall be imposed for tree replacement planting to offset the canopy loss of the two native trees to be removed.

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, and the recommendations of the Aboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Aboricultural Impact Assessment, and in particular:

- i) tree protection measures to preserve tree numbers 9 and 11 - Spotted Gum and tree number 12 - Cabbage Tree Palm, to monitor all excavations, where footing excavations shall be undertaken by hand and footing locations shall be relocated if tree roots greater than 50 mm diameter are uncovered.
- ii) tree numbers 1, 2, 3, 9 and 12 are to be protected in accordance with Section 10 and Appendix B of the Aboricultural Impact Assessment.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

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) including specific reference and approval to the final locations of pier footings near

existing trees 9, 11 and 12. 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, 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

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:

- 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.