

## Landscape Referral Response

<b>Application Number:</b>	DA2022/0786
<b>Date:</b>	25/08/2022
<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 8 DP 21933 , 47 Hilltop 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 a new garage co-located on site with an existing free standing, two-storey dwelling and secondary dwelling, as described and illustrated in the Reports and Plans. A Landscape Plan and a 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, including the objectives of D1.14 Landscaped Area - Environmentally Sensitive Land

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 existing site supports many trees within the rear and middle of the property and the proposed works are contained to the frontage of the property.

*updated comments 25/08/2022:*

Correspondence from the applicant includes the intent to now retain the existing Cheese Tree street tree identified as T1 in the Arboricultural Impact Assessment. No updated Arboricultural Impact Assessment is submitted to provide arboricultural requirements to retain the tree. The Arboricultural Impact Assessment includes notation under section 1.3.2 that "should the tree require retention design is to ensure tree anchorage and vitality is not compromised or disrupted by works". Conditions shall be imposed to ensure a co-ordinated approach by a Structural Engineer and a Arborist to provide a tree sensitive design to retain T1, including either or all of: reduced driveway width as necessary, altered driveway alignment, and type of driveway construction. Other street trees (T2 and T3) fronting the development property shall also be retained and protected.

The development necessitates the removal of two exempt trees (T6 and T8 - Jacaranda) not requiring Council consent for management or removal. The Arboricultural Impact Assessment is not definitive in the assessment of impacts to existing trees and provides commentary that the "prescribed trees are generally considered viable for retention", however also notes that "tree root investigations" are required "to determine impacts to underlying structural tree roots". As inconclusive arboricultural information is submitted, all existing trees excluding exempt species shall be retained and protected, as nominated in the Arboricultural Impact Assessment, and any tree root investigation findings shall require redesign of the development footprint as part of a modification application.

The Landscape Plan submitted is noted and no concerns are raised with the proposal within the property. The approved landscape works shall not include any landscape works within the road reserve, and shall be confined within the property boundaries.

*previous comments 08/06/2022:*

Existing public road reserve encroachments are noted including inclinator platform deck, walling, and landscaping and the status of such encroachments is unknown (ie. approved by application or otherwise). The proposed application includes retention of the inclinator platform and additionally proposes a new concrete driveway, walling, stairs and extensive planting within the public road reserve and review by Council's Road Reserve Referral team is required. Landscape Referral generally do not support encroachments into public land as it appears to privatise public land. It is considered that rearrangement of the built elements and landscaping (excluding works for the driveway) to be wholly within the development site may result in design changes that impact upon the landscape outcome of the development including retention of existing native trees, and hence Landscape Referral at this stage do not support the application.

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**

**Structural Design to retain existing street trees**

Prior to issue of a Construction Certificate, structural design plans for the proposed driveway and any associated works shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer. Street trees identified as T1, T2, and T3 shall be retained and a tree sensitive design to retain all street trees shall be provided, including either or all of: reduced driveway width as necessary, altered driveway alignment, and type of driveway construction.

Prior to the issue of a Construction Certificate, the Arborist shall provide certification to the Certifying Authority that the structural design plans adequately provide for the long term retention of the existing street trees.

Reason: Street tree protection.

**On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate

indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed: 300mm.

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

## 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 in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Reason: Street 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, 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.

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 Plans, and inclusive of the following conditions:

- i) the landscape works are to be contained within the property boundaries,
- ii) all tree planting shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iii) mass planting shall be installed at a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and other planting at a minimum 150mm container size or as otherwise scheduled if greater in size, and shall be in a garden bed or on-slab prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- iv) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF

Level 5 in arboriculture 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 and vegetation 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 Plans and any conditions of consent.

Reason: To maintain local environmental amenity.