

Landscape Referral Response

Application Number:	DA2022/1516
Date:	22/12/2022
Proposed Development:	Retaining walls, decking, associated landscape works and tree removal
Responsible Officer:	Michael French
Land to be developed (Address):	Lot 1 DP 214956 , 30 Herbert Avenue NEWPORT NSW 2106

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

Additional Information Comment 21/12/2022

This DA includes a request to remove a 30m tall *Eucalyptus punctata*. The initial Arborist's report did not include a detailed assessment of the tree's health, but noted some potential issues. Additional information was requested for internal investigations into the tree to establish extent of any decay.

A detailed Advanced Level 3 Tree Risk Assessment has been provided (Advanced Level 3 Tree Risk Assessment by Arboricultural Tree Services P/L) which has established:

1. The presence of the decay fungus *Armillaria luteobubalina* and
2. A significant extent of internal decay

The tree is assessed as a High Risk with the likelihood of failure Probable and the consequences of failure High.

In consideration of the findings of the detailed investigations, no objections are now raised to removal of the tree subject to replacement with 2 x *E. punctata* in addition to the trees proposed in the Landscape Plan.

Original Comment

The application seeks consent for retaining walls, decking, associated landscape works and tree removal.

The Arborist's Report prepared by Peake Arboriculture and Landscape Plans prepared by Serenescapes are noted.

The Arborist's Report indicates that two trees are required to be removed to accommodate the proposed works.

One tree is an exempt species, *Brachychiton acerifolia*, and the other a non-exempt tree, *Eucalyptus punctata*.

Removal of the exempt *B. acerifolia* is not objected to.

Concern is raised regarding the proposed removal of the *E. punctata*.

The site is mapped on Council's GIS system as Pittwater Spotted Gum Forest Endangered Ecological Community and mapped on the NSW DPI Biodiversity Values Map. *E. punctata* is a species associated with Pittwater Spotted Gum Forest. The tree is indicated to be 26m height.

The Arborist's Report notes that decay was noted at the base of the tree, however no detailed assessment of the extent of decay and structural compromise that the tree is susceptible to has been provided.

The Report assigns the tree a Medium Retention Value. Assessment of the tree against the IACA Tree Retention Matrix provided in the Report would suggest that the tree should be assigned a High Retention Value, the tree having a Safe Useful Life Expectancy of 10-40 years, being an indigenous species, being part of an Endangered Ecological Community, being visually prominent and being appropriate for the site conditions.

Removal of the tree based on the information provided is not supported in consideration of the above.

It is recommended that assessment of the extent of decay and structural impacts of any decay be assessed via a resistograph test or similar by a Consulting Arborist with minimum qualification AQF Level 5 and that all avenues to enable retention of the tree be investigated by the Arborist.

At this stage, the proposal is not supported with regard to landscape issues.

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) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the recommendations of the Arboricultural Impact Assessment dated 11/08/22 prepared by Peake Arboriculture and 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.

b) 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.

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

d) The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment dated 11/08/22 prepared by Peake Arboriculture.

e) All tree protection measures specified 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.

f) The Project Arborist shall provide certification to the Principal Certifier 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.

Tree Removal Within the Property

This consent includes approval for the removal of the following tree within the property as recommended in the Advanced Level 3 Tree Risk Assessment by Arboricultural Tree Services P/L:

- i) 1 x Eucalyptus punctata located in the rear yard

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

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 indicated for removal on the approved plans, 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 Principal Certifier,
- 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.

The Principal Certifier must ensure that:

- c) 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

Required Tree Planting

a) Trees shall be planted in accordance with the following:

- i) 2 x *Eucalyptus punctata*, minimum pot size 200mm, located within the grounds of the property.
- ii) All trees as indicated on the approved Landscape Plans

b) Tree planting referred to in a) i) above shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings and other trees.

c) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain 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 Principal Certifier 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.