

## Landscape Referral Response

<b>Application Number:</b>	DA2021/2651
<b>Date:</b>	22/02/2022
<b>Responsible Officer:</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot 70 DP 24563 , 92 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 the construction of a new dwelling, and use of an existing outbuilding for a home office/studio, and a proposed swimming pool within an elevated attached deck. The proposed works involve the partial demolition of an existing fire damaged dwelling.

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.

In terms of impact to existing trees from excavation, the demolition works include the removal of the existing driveway, the majority of what remains of the existing dwelling, and additional structures, whilst sections of the existing dwelling footings are to be retained. Proposed works impacting existing trees includes the construction of a new driveway, parking area, two-storey dwelling, pool, decking, stairs and additional structures.

The Statement of Environmental Effects determines that the built form will be complemented with the existing significant landscaping which helps soften the built form. However, much of the existing vegetation within the front setback is proposed for removal, as well as within the road reserve, and landscape planting shall reinstated to provide adequate softening of the built form. The submitted Landscape Plan is inadequate as condition shall be imposed for an amended landscape plan that shall incorporate small native trees and understorey planting. Development shall ensure that at least 80% of any new planting incorporates native vegetation as selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward.

With the nature of the steep site and the alignment of the existing and proposed dwelling at a front setback that is less than the development control plan guide, the front setback landscape area shall be mass planted with vegetation to enable softening of the built form. Additionally, the removal of a native Cheese Tree within the road reserve verge for the widened driveway is subject to street tree replacement as adequate ground area is available.

The submitted Arboricultural Impact Assessment contains recommendations for existing vegetation required for removal and without any design alternative for retention should the application be approved, and additionally provides tree protection measures for existing trees to be retained, and no concerns are raised.

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**

#### **Amended Landscape Plan**

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) identification of existing trees to be retained and removed in accordance with the Arboricultural Impact Assessment,
- ii) the front setback shall be mass planted with small trees, shrub and groundcovers, consisting of at least 80% native vegetation as selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward,
- iii) inclusion of one (1) small native tree forward of the proposed pool location to replace existing tree 5 required for removal, and one (1) small native tree to replace existing tree 7 required for removal, and both shall achieve a mature height of at least 6 metres, installed at a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and shall be 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,
- iv) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) a street tree replacement within the road reserve verge shall be installed consisting of one (1) *Glochidion ferdinandi* (Cheese Tree) installed at a minimum 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, including a four post and top and mid rail timber tree guard, and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths, and otherwise shall generally be centralised within the road verge.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity.

## 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 Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular but not limited to:

- i) section 7 Assessment of Construction Impacts, for tree numbers 10, 21 and 22,
- ii) section 8.2, 8.2.1, 8.2.2, and 8.2.3 Construction Design/Specification Requirements for tree numbers 21 and 22,
- iii) works as listed under section 10.5 Table 5: Site Specific Tree Protection Recommendations,
- iv) section 11 Hold Points, and
- v) all other recommendations.

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). 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 approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) tree 7 - *Acacia baileyana*; tree 17 - *Allocasuarina torulosa*; and tree 18 - *Ficus rubiginosa*.
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

It is noted that the following trees/palms are Exempt Species, and do not require Council consent: tree numbers 5, 11, 19, and 20, and a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

### **Tree Removal Within the Road Reserve**

This consent approves the removal of the following tree(s) within the road reserve (as recommended in

the Arboricultural Impact Assessment):

- i) tree 4 - Archontophoenix cunninghamiana,
- ii) tree 6 - Glochidion ferdinandi, subject to tree replacement within the road reserve verge fronting the property.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section prior to removal.

Reason: Public liability.

## **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 proposed for retention in the Plans and Reports, 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,
- iv) any exempt species tree(s) to be removed as referred above in item i) shall be replaced at a ratio of 1:1 with a locally native tree species,

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**

### **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan for the works within the property and for the street tree replacement within the road reserve verge.

Prior to the issue of any Occupation Certificate details 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:

- 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.