

Landscape Referral Response

Application Number:	DA2021/1146
Date:	16/08/2021
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 122 DP 29010 , 35 Kanimbla Crescent BILGOLA PLATEAU 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

This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of internal structures in order to create a more open internal layout, with additions inclusive of a new carport, new first floor with master bedroom and deck, additional guest room on the ground floor, as well as a rumpus room extension on the lower ground floor.

Councils Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D3.11 Landscaped Area - Environmentally Sensitive Land

Original Comments - 26/07/2021

The Statement of Environmental Effects provided with the application notes that a total of five low value trees are to be removed as a result of proposed works. For this reason, an Arboricultural Impact Assessment has been provided with the application.

The Arboricultural Impact Assessment has identified a total of sixteen trees located within the site, neighbouring properties as well as within the road reserve. Similarly to the Statement of Environmental Effects, the Arboricultural Impact Assessment has noted five trees are to be removed to facilitate proposed works. Four of these trees, Trees No. 9, 10, 11, and 13, have been identified as exempt species, and as a result can be removed without Councils approval. It should be noted that Tree No. 13 is located outside of the property boundaries within the road reserve, and as a result is a Council asset. The removal of this tree would be supported as long as it is replaced elsewhere within the road reserve. Tree No. 12, is a large native canopy tree that has been proposed for removal as it is said to be exempt due to being located within 2m of an approved building. Upon review of the Architectural Plans provided, Tree No. 12 is not located within 2m of an approved dwelling, hence making it a prescribed tree and a tree of noteworthy value that should be retained. It should be noted that decks, pergolas, sheds, patios and the like, even if they are attached to a building, are excluded from this 2m calculation

as per control B4.22. In addition, Tree No. 12 is also located on the boundary line and is partially located within the neighbouring property to the south-east. In order to consider the removal of this tree, consent must be attained from the neighbouring property owners as it is partially located within their land.

With that in mind, considering the value this tree provides to not only the residents in the form of shade and privacy, but also to the streetscape character of the area, the retention of this tree should be a priority. Considering the proposed works in this area are limited to the removal of the existing carport, the retention of this tree appears to be viable with minimal disturbance to its Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) expected. It is therefore recommended that the Arboricultural Impact Assessment be updated to assess the proposed works and their potential impacts on Tree No. 12. The retention of this tree, as well as other trees noted for retention, is vital to satisfy control B4.22, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

It is also noted in the Statement of Environmental Effects that a comprehensive Landscape Scheme is proposed in order to mitigate the loss of existing trees, which includes the planting of new trees. This Landscape Scheme has not been provided with the application. It is recommended that this Landscape Scheme, in addition to a comprehensive Planting Schedule, be provided with the application, demonstrating replacement tree planting where applicable. Considering the proposal seeks to increase the overall built form of the property by adding an additional level, this Landscape Plan shall demonstrate how this increase in built form is to be softened and mitigated by landscaping, particularly when viewed from the street. This landscape plan is necessary to satisfy control C1.1 and D3.11, as key objectives of these controls seek to ensure "landscaping enhances habitat and amenity value", landscaping reflects the scale and form of development", as well as that landscaping softens and complements the built form.

The landscape component of the proposal is therefore not currently supported due to unknown impacts of proposed works on significant native canopy trees, as well as minimal information being provided regarding proposed landscape treatments. It is recommended that Tree No. 12 be protected and retained as part of the proposal due to its high value to both the residents of the property, but also to the streetscape character of the area. For this reason, the Arboricultural Impact Assessment should be updated to reflect this, assessing the proposed works and their potential impacts towards this tree, and recommending any tree protection measures that should be adhered to. In addition, it is recommended that a Landscape Plan be provided demonstrating the required tree planting to compensate those removed (Tree No. 13), as well as screen planting that is to effectively mitigate and soften the increase in built form.

Upon receipt of the required information, further assessment can be made.

Updated Comments - 16/08/2021

Following original concerns regarding the removal Tree No. 12, a significant native canopy tree, further information has been provided outlining why it can be removed. This additional information is inclusive of owners consent from the neighbouring property, a landscape statement, as well as a new Landscape Plan.

As Tree No. 12 is located on the boundary line and located within both properties, owners consent was required from No. 33 Kanimbla Crescent, the neighbouring property to the east, prior to considering its removal. As this owners consent has since been received, it is clear that Tree No. 12 is in fact located within 2m of an approved dwelling in the neighbouring site. For this reason, this tree is considered exempt and may therefore be removed without Councils approval. This tree will also require removal in

order to facilitate the necessary works for Council's Stormwater Asset.

The Landscape Plan provided proposes the in-ground planting of trees, shrubs, grasses as well as groundcovers. No concern is raised regarding proposed species, as majority of those proposed are native. It should be noted that two trees are proposed within the road reserve to replace both Tree No. 12, a locally native canopy tree, as well as Tree No. 13, an exempt palm species located within the road reserve. This replacement tree planting is supported, however these trees should be located clear of proposed stormwater infrastructure to minimise any possible future impacts.

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

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 within 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.

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) *Corymbia maculata*, located on the eastern boundary line adjacent to the existing and proposed terrace, Tree No. 12.

Note:

- i) Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.
- ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building 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) *Syagrus romanzoffiana*, located within the road reserve adjacent to the northern boundary, Tree No. 13.

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: 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 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 3 - Arboricultural Impact Appraisal,

ii) Section 4 - Arboricultural method Statement,

iii) Appendix 8 - Tree Management Plan.

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, inclusive of the following conditions:

i) the proposed street trees that are to replace existing trees removed, are required to be clear of existing and proposed stormwater infrastructure by a minimum of 2 metres to minimise the potential of future impacts.

All street trees shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

All street trees 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, 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 shall generally be centralised within the road verge.

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.