

Landscape Referral Response

Application Number:	DA2021/0110
Date:	15/03/2021
Responsible Officer:	Ashley Warnest
Land to be developed (Address):	Lot 31 DP 7236 , 37 Heath Street MONA VALE NSW 2103

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 demolition of an existing residential dwelling, secondary dwelling and swimming pool, and the construction of a new residential dwelling, secondary dwelling, swimming pool, as well as double garage.

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

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- C1.24 Public Road Reserve - Landscaping and Infrastructure
- D9.10 Landscaped Area - General

A Landscape Plan has been provided with the application and the proposed works include the in-ground planting of trees, shrubs, grasses and groundcovers.

The Arboricultural Impact Assessment provided with the application has identified a total of five trees impacted by the proposed works, with three of those located within the site boundaries, and the remaining two located within the road reserve at the front of the site. Of the five trees identified, four are proposed for removal, with one tree proposed to be retained. This tree to be retained, Tree No. 5, is located within the site adjacent to eastern boundary towards the rear of the property. Tree No. 5 is within 1.5m of the proposed development, however it is located within an existing raised garden bed, of which most of its roots are contained. The Arboricultural Impact Assessment notes that this tree can be retained without any adverse effects as long as tree protection measures are employed in accordance with Arboricultural Method Statement. The retention of this tree, as well as vegetation within adjoining properties is vital to satisfy control B4.22 and D9.10, as key objectives include "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", as well as "to preserve and enhance the rural and bushland character of the area".

Trees No. 3 and 4 are also located within the site boundaries, however are proposed for removal as they fall within the proposed works footprint. Both Trees No. 3 and 4 have been identified as exempt

species, and therefore do not require Council's approval to be removed. The remaining two trees, Trees No. 1 and 2, are existing street trees that are proposed for removal. These trees are proposed to be removed as they fall within the footprint of the proposed driveway, as well as for the fact they are growing against the existing footpath, which currently exhibits visible evidence of cracking and lifting as a result of the trees roots. The Arboricultural Impact Assessment has requested consideration for replacement tree planting, which is currently evident on the proposed Landscape Plans, both with regards to street trees, and trees within the site. For this reason, the Arborists recommendations are supported.

The current Landscape Plans indicate that sufficient compensation plating has already been proposed, thus no additional tree planting, in addition to that already proposed, is needed to compensate tree loss within the site.

The replacement street tree planting to compensate the loss of existing street trees shall be completed in accordance with control C1.24, which seeks to ensure the desirable character of Pittwaters streetscape is achieved and maintained. In relation to this site specifically, the proposed street trees shall be located a minimum 2.5m from the proposed driveway, and a minimum 2m from the existing footpath edge. This is to ensure adequate space and soil volume to allow the tree to thrive, whilst ensuring future damage to the driveway, footpath and kerb is avoided.

The implementation of landscape works as proposed on the Landscape Plans is necessary to satisfy control C1.1 as a key objective is to ensure the built form is softened and complemented by landscaping, and that "landscaping reflects the scale and form of the development". The current proposed landscaping adequately achieves this desired outcome.

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

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 Road Reserve

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

- i) *Melaleuca quinquenervia*, located within the road reserve adjacent to the northern boundary, within the proposed driveway footprint, Tree No. 1,
- ii) *Callistemon spp*, located within the road reserve adjacent to the northern boundary, within the proposed driveway footprint, Tree No. 2.

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 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 4 - Arboricultural Method Statement,
- ii) Appendix 4 - Tree Protection Fencing and Signs - Illustrative Specification,
- iii) Appendix 5 - Root Zone and Trunk Protection - Illustrative Specification,
- iv) Appendix 6 - General Guidance for Working in TPZ,
- v) 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 replacement street trees shall be located a minimum 2.5m from the proposed driveway, and a minimum 2m from the edge (closest to the proposed dwelling) of the existing footpath.

All street trees shall be a minimum planting size of 100 litres, as proposed on the Landscape Plans, and shall meet the requirements of Natspec - Specifying Trees.

All street trees shall be planted into a prepared planting hole 1m x 1m x 700mm 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 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.