

Landscape Referral Response

Application Number:	DA2023/0652
Date:	28/09/2023
Proposed Development:	Construction of a dwelling house
Responsible Officer:	Jordan Howard
Land to be developed (Address):	Lot 26 DP 236548 , 4 Bellara Avenue NORTH NARRABEEN NSW 2101

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 Comments 28/09/2023

The new Arborist's report prepared by Treehaven Environscapes is noted.

The Report confirms the opinion of the previous Report by Hugh the Arborist that the proposal as submitted, will require the removal of Tree 4 - *Eucalyptus microcorys*.

The new report also notes that Tree 1 *Araucaria* sp. (each Report records the tree as a different species) is also recommended for removal due to multiple basal trunk development (atypical of the genus), rendering the tree structurally compromised and potentially hazardous as it continues to grow.

It is noted that the land is owned by a state government authority and is Crown Land. As noted with Crown Land DAs, the consent authority does not have the ability to refuse the application without the approval of the NSW Minister for Planning.

Therefore, if the proposal is to be pursued by the applicant, the trees as indicated in the Arborist's report prepared by Treehaven Environscapes will be required to be removed.

It is noted that 2 additional Category A1 trees, T2 *Eucalyptus saligna* and T3 *Corymbia citriodora* are to be retained.

Recommended conditions for consideration include replacement tree planting and the appointment of a Project Arborist to over see tree protection works for those trees able to be retained.

Original Comments

The application seeks consent for construction of a dwelling house.

The site is noted to have been the subject of a planning Proposal to re-zone the land from SP2 Infrastructure to R2 Low Density Residential.

The rezoning has been approved following public exhibition and relevant planning approvals.

It is noted that the site is burdened by a sewer main and easement, restricting the developable footprint on the site.

During the rezoning application process, the proponent indicated via indicative building footprint and Arboricultural assessment that 2 Category A trees would be required to be removed to enable development as indicated on the plans provided, which also accommodated clearances to the sewer easement.

Under this application, it is proposed to remove 3 Category A trees. The Arborist's Report prepared by Hugh the Arborist indicates that in addition to Trees 5 and 6 previously indicated to be required to be removed, an additional tree, Tree 4, would be subject to major incursion into the Tree Protection Zone due to retaining walls, and cut and fill proposed.

Removal of Trees 5 and 6 were anticipated in the rezoning application which was considered prior to re-zoning approval, however removal of Tree 4 was not contemplated in the rezoning assessment.

Removal of Tree 4 is not able to be supported with regard to landscape issues as the tree provides significant canopy, and its proximity to Trees 3 and 2 forms a significant landscape feature in the streetscape, and the tree had previously been indicated to be able to be retained in conjunction with development on the site.

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 prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) 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

c) The Project Arborist shall provide certification to the Principal Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection

of the protected trees 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: 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

a) This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment dated 22/9/2023 prepared by Treehaven Environscapes:

Trees numbered 1, 4, 5, 6

b) A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Sites of Significance

a) Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

b) Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

Protection of Existing Street Trees

a) All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by the Project Arborist. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

b) All street trees within the road verge 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. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) Trees numbered T2 and T3 in the Arboricultural Impact Assessment dated 22/9/2023 prepared by Treehaven Environscapes

- ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
- i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated 22/9/2023 prepared by Treehaven Environments and AS4970-2009 Protection of trees on development sites,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
 - 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 the Project Arborist on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
 - vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project 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 AS4970-2009 Protection of trees on development sites,
 - ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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 arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

Condition of Trees

a) During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from the Project

Arborist during the works.

b) In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

c) Any mitigating measures and recommendations required by the Arborist are to be implemented.

d) The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Required Tree Planting

Trees shall be planted in accordance with the following:

- a) A minimum of 3 locally native trees shall be planted within the property to achieve at least 6 metres height at maturity, and in accordance with the following:
 - i) tree planting shall be a minimum pre-ordered planting size of 75 litres; generally selected from Northern Beaches Council's Native Plant Species Guide - Narrabeen Ward; 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 located either within garden bed or within a prepared bed within lawn,
- b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.