

Landscape Referral Response

Application Number:	DA2022/0084
Date:	08/06/2022
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 114 DP 8394 , 73 Marine Parade 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

Additional Information Comment 08/06/2022:

The amended Landscape Plan by Banksia Design Group (12/05/2022), amended Arboricultural Impact Assessment by Aura Tree Services (June 2022), and amended Architectural Plans by Gartner Trovato (03/05/2022 and 05/05/2022) are noted.

The retention of the existing driveway alignment adjacent to the street trees is noted and supported. The Arboricultural Impact Assessment (AIA) identifies 14 trees for removal and 14 trees for retention, supported by the architectural plans. Of the 14 trees to be removed, six are exempt trees and one is proposed to be transplanted. If the development application is approved, seven native trees will be required to be removed due to their proximity to the proposed works. Tree 2 is shown on the Survey Plan as located in the road reserve, however its removal can be supported due to its location and the retention of all other street trees. Tree 3, *Livistona australis*, is proposed to be transplanted which will need to be supported by a Transplanting Methodology Plan, subject to the imposed conditions. The recommendations in the AIA for tree protection of all trees to be retained is supported, and a Project Arborist shall be engaged to supervise all works within the tree protection zone of trees to be retained, subject to the imposed conditions.

The amended Landscape Plan shows sufficient screen planting adjacent to the pool. Tree 3, proposed to be transplanted, is shown adjacent to two additional *Livistona australis*, however these additional trees are missing from the planting schedule. Landscape Referral can support the proposed 4 x *Banksia integrifolia* and 2 x *Livistona australis* as replacement tree planting taking into consideration the trees to be retained within the property boundary and the bush fire requirements. All new landscaping should be implemented in accordance with the Asset Protection Zone requirements as specified within Appendix 4 of Planning for Bushfire Protection 2019, and the recommendations of the Bushfire Assessment Report. All planting on slab shall meet the soil depth requirements outlined in the conditions of consent.

Original Comment:

The development application is for demolition works and construction of a dwelling house, secondary

dwelling and swimming pool.

Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- C1.5 Visual Privacy
- C1.24 Public Road Reserve - Landscaping and Infrastructure
- D1 Avalon Beach Locality

The Landscape Referral cannot support the application due to these primary concerns:

- The relocation of the driveway which results in significant loss of tree canopy within the road reserve and within the property boundary. No information is provided to suggest the existing driveway location cannot be utilised for the proposed scheme.
- The Landscape Plan, Architectural Plans and the Arboricultural Impact Assessment are not coordinated. The following has been identified (but not limited to):
 - Trees to be removed/retained differ between the Landscape Plan and Architectural Plans (tree T1 and T14 in particular).
 - The Landscape Plan shows an entrance stair, pathway/pond and stair to the driveway which is not shown on the Architectural Plans.
 - The Landscape Plan shows a different arrangement of retaining walls to the front of the dwelling compared to the Architectural Plans.
 - The Arboricultural Impact Assessment does not assess the impacts to existing trees to be retained (tree T2, T4 and T13 in particular), caused by the construction of an entrance pathway, proposed retaining walls and likely fill in this area.
 - The survey indicates tree T2 and T13 to be located outside the property boundary however on the Landscape and Architectural Plans these trees are located inside the property boundary.
- The Landscape Plan shows insufficient information for materiality and identifying the difference between lawn and planting areas. There are blank areas with no information as to what is proposed. The Landscape Plan does not show any screen planting adjacent to the pool, along the southern boundary, which is required for privacy from the neighbouring property. Please refer to the Northern Beaches Council Development Application & Modification Lodgement Requirements, Landscape Plan section for further information.

Furthermore, the Landscape Referral highlights the below requirements to assist the applicant for future amendments:

- Once it is clearly identified as to how many trees are to be removed, further comment can be provided on tree replacement numbers. It is noted the property is in a bush fire risk area and must comply with Planning for Bushfire Protection 2019 however the inclusion of small trees to help reduce the built form, with fire retardant properties and to achieve at least 6 metres height at maturity, shall be included in the proposal. Trees shall be located at least 3.0 metres from buildings, 2.0 metres from structures, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn. All proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of

blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

- Landscape Area calculations cannot include any area outside the C4 (E4) Environmental Living zone. The area above the 30,000L rainwater tank cannot be included in the Landscape Area calculation unless 1m of soil depth is achieved.
- On slab landscaping requires soil depth to be 600mm for shrubs and 1000mm for small trees. Soil depth is not indicated on the drawings and Council has concerns the species proposed on the Landscape Plan do not have adequate soil volume for a successful outcome.
- *Rhaphiolepis* 'Oriental Pearl', although a cultivar, is considered an environmental weed and is not supported and an alternate species shall be selected.

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) update the planting schedule to capture all proposed plants, and in particular the additional 2 x *Livistona australis* in the front setback.

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

Reason: Landscape amenity.

Tree Protection Plan

a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees identified in the Arboricultural Impact Assessment as:

- i) tree 1, tree 5 to tree 15, tree 19, and tree 28.

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) layout of the development, including existing and proposed underground services,
- ii) location of all trees identified for retention, including extent of canopy,
- iii) access routes throughout the site for construction activity,
- iv) plan documentation of tree protection measures including: location of tree protection fencing / barriers for tree 1, tree 5 to tree 15, tree 19, and tree 28, and/or; root protection in the form of mulching or boards proposed within the tree protection zone, as required; and trunk and branch protection within the tree protection zone, as required,
- v) location of stockpile areas and materials storage,
- vi) inspection hold points,

vii) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

On Slab Landscape Works

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn, native grasses and groundcovers,
- ii) 600mm for shrubs.

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

Transplanting Methodology Plan

A Transplanting Methodology Plan, prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture, shall be documented to demonstrate the requirement for transplanting the proposed *Livistona australis* (tree 3), including:

- i) Preparation of the transplantation site,
- ii) Preparation of the trees/palms to be transplanted,
- iii) transplanting methodology and installation works,
- iv) post-transplanting care and duration,
- v) ongoing maintenance program,
- vi) replacement strategy if transplanting fails in the long term.

The Transplanting Methodology is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate

Reason: Tree protection.

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 and Tree Protection Plan.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural

Impact Assessment, and in the Tree Protection Plan, and in particular:

- i) tree protection measures under section 5.3 Discussion, and Appendix B,
- ii) works under section 5.3 Discussion,
- iii) any recommendations in the Tree Protection Plan,
- iv) additionally, the Project Arborist shall be in attendance and supervise any landscaping works within the TPZ of all existing trees to be retained.

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 and identified by tree number in the Arboricultural Impact Assessment):

- i) tree 4 - *Melaleuca quinquenervia*, tree 18 - *Eucalyptus* spp., tree 23 - *Glochidion ferdinandi*, tree 24 - Unknown spp., tree 25 - *Eucalyptus microcorys*, and tree 27 - *Glochidion ferdinandi*,
- ii) 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 2 - *Banksia integrifolia*,
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

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 business unit prior to removal.

Reason: Public liability.

Protection of Landscape Features and Sites of Significance

All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed during demolition, excavation and construction works, except where affected by works detailed on approved plans.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

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.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

Tree and Vegetation Protection

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

- i) all trees and vegetation within the site, 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) 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) 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, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Certifying Authority 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.

Reason: Tree and vegetation protection.

Condition of Trees

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. 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.

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

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

Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) all tree planting shall be a species suitable to the bush fire requirements, capable of achieving at least 6 metre height at maturity, and selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or Council's Tree Guide,

- ii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- iii) all 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, and watered until established, and shall be located at least 3.0 metres from buildings, 2.0 metres from structures, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for grasses/groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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:

- 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.

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.