

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0439
<b>Date:</b>	24/06/2021
<b>Responsible Officer:</b>	Julie Edwards
<b>Land to be developed (Address):</b>	Lot 173 DP 224239 , 16 Amaroo Avenue ELANORA HEIGHTS 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 Comment 24/06/2021

An Arboricultural Impact Assessment prepared by Hugh the Arborist has been provided.

The report confirms that the proposed works are likely to have a significant impact on the tree and recommends that further root investigation be undertaken. No root investigations were undertaken in the Arboricultural assessment.

Given that issues regarding tree impacts were raised in the previous referral, root investigation as part of the report would have been instructive.

It is noted that the applicant has indicated that such investigations are supported as part of the works following issue of consent. The difficulty with this approach is that if the tree is conditioned to be retained, and the investigations reveal significant roots to be affected, a modification would need to be lodged to amend the retention condition and approve removal. The extent and location of excavation is not able to be altered to achieve the proposed design.

It is considered that significant impacts on the tree are likely, however the reality is that the extent of impact will not be known until excavation works are undertaken. As such, an approval to remove can be granted in the consent, which the owners may or may not choose to undertake, given the intention on the plans to retain the tree.

In the event that the tree is removed due to works, replacement conditions can be placed on the consent to ensure canopy replacement over time.

Subject to conditions, therefore, no objections are raised to the proposed works.

#### Original Comment

The proposal is indicated to comprise excavation and construction of a new garage, stairs and upper

terrace.

Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, noting that the site is within Zone E4 Environmental Living, and the following Pittwater 21 DCP controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D5.9 Landscaped Area - Environmentally Sensitive Land

D5.14 Scenic Protection Category One Area

The proposed garage construction requires excavation of existing levels. The Garage floor level is indicated to be at RL73.47. Reconstruction of portions of the existing driveway will also be required to enable transition to this lower level.

The proposed excavations for the works are located within the calculated Structural Root Zone of a mature *Angophora costata* in the front yard of the site. (As calculated under AS4970-2009 Protection of trees on development sites). The tree is indicated for retention on the plans.

No Arborist's Report assessing impacts was noted with the documentation viewed. The volume of root area affected by the excavations is considered Major (as defined in AS4970) and removal of structural roots is likely to significantly destabilise the tree.

An Arborist's Report prepared by a Consulting Arborist with minimum qualifications AQF Level 5 is required to assess the health of and impacts on the tree and measures required to enable retention of the tree.

At this stage, the proposal is not supported with regard to landscape issues due to insufficient information to enable proper assessment.

If additional information is provided, further assessment can be undertaken.

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**

#### **Tree Removal Within the Property**

This consent approves the removal of the following tree within the property as identified in the Arboricultural Impact Assessment dated 18 June 2021 prepared by Hugh the Arborist:

- i) T1 *Angophora costata* located in the front yard adjacent to the driveway.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

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.

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.

### 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.

The Certifying Authority must ensure that:

- 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**

### **Required Tree Planting**

- a) Approved trees that are removed are to be replanted at a rate of 1:1 with the same species; located within the grounds of the property with minimum pot size 200mm.
- b) Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight or where the proposed tree location may impact upon significant views.
- c) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.