

## Landscape Referral Response

<b>Application Number:</b>	REV2021/0035
<b>Date:</b>	08/10/2021
<b>Responsible Officer:</b>	Julie Edwards
<b>Land to be developed (Address):</b>	Lot 82 DP 10782 , 114 Whale Beach Road WHALE 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

The proposal seeks approval to demolish an existing stone retaining wall in poor condition and partially located on the road reserve; construct two new concrete block retaining walls to create a tiered garden; and widen a section of the shared driveway.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause E4 Environmental Living Zone, and the following Pittwater 21 DCP Controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12 Palm Beach Locality, and specifically D12.10 Landscaped Area - Environmentally Sensitive Land.

The proposal as submitted requires removal of a mature *Angophora floribunda* located within the road reserve.

The existing driveway entrance off Whale Beach Road is relatively tight and narrow. The SEE indicates that the existing drive configuration requires three point turns to access with modern vehicles. It is noted that the drive is shared access between two residences.

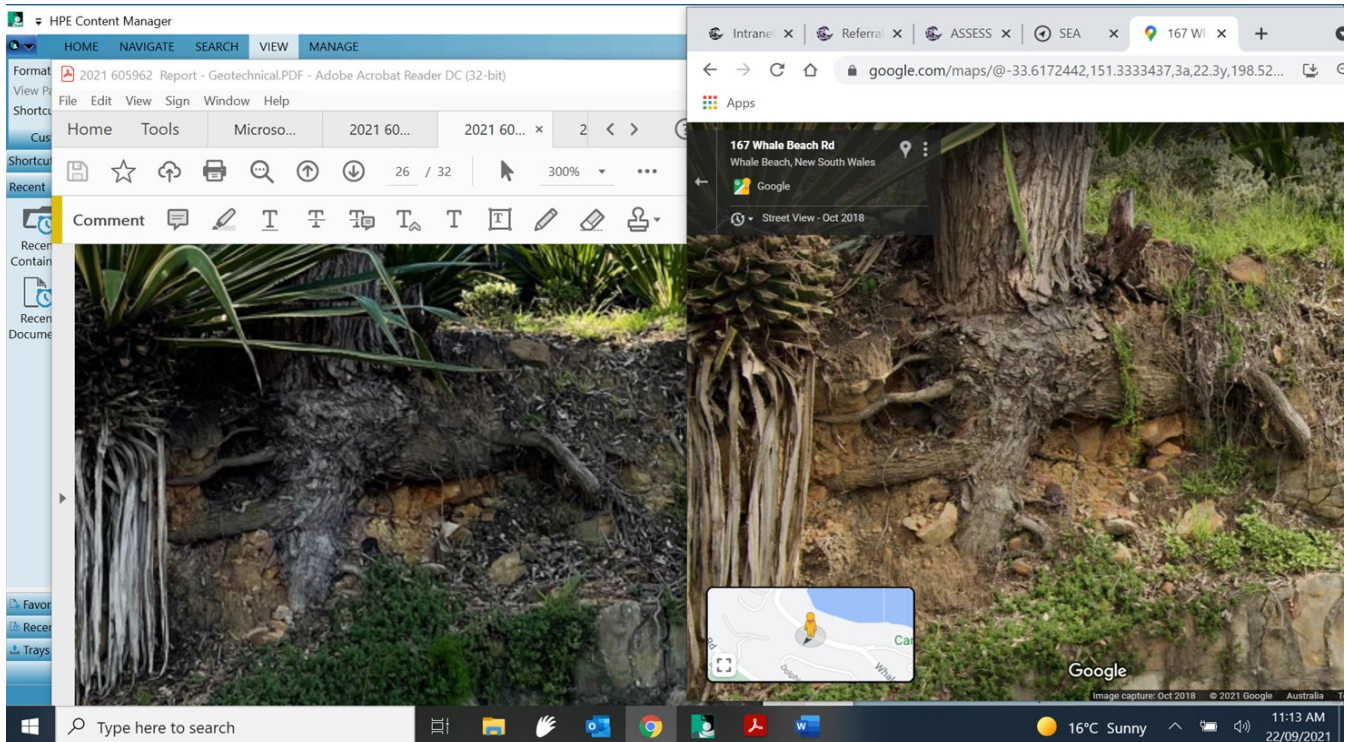
The proposed works provide for a widened section of the driveway at the entrance to Whale Beach Road. The widening is located on the eastern side of the existing drive. It is noted that widening to the western side is not practicable due to steepness of existing levels.

A retaining wall is required to be constructed on the eastern side to replace an existing failed wall against the existing embankment. The *A. floribunda* is located on the edge of the existing embankment.

The tree has been located on top of the embankment and though some structural roots are exposed, it appears to have been in this condition for some time and appears stable at present.

Below is a comparison of the exposed roots as currently exists on the left side photo (Source: Geotechnical Report dated 1 April 2021 prepared by AssetGeoEnviro) with street view image from

2018. (Source Google Maps, 2018).



However, following review of the submitted information and noting the comments of Council's Traffic section, expansion of the driveway at the entrance to Whale Beach Road is required to improve accessibility and safety of the access drive to and from the public road.

The Arborist's Report indicates that the driveway widening and retaining wall construction will not be able to be achieved without removal of the tree as it will be within the footprint of the works.

As the removal of the tree is ultimately required to provide a functional and safe driveway for the affected properties and as there is no alternative to this outcome, in this instance no objections are raised to removal subject to replacement and planting as indicated on the landscape plans provided.

It is noted that Council's Bushland and Biodiversity section have provided conditions relating to replanting which are concurred with. Additional landscape conditions have been recommended regarding tree removal and protection.

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

#### Public Road Reserve Landscaping and Infrastructure

a) A Section 139 Infrastructure Works on Council Roadway (made under the Roads Act 1993) application must be submitted to Council.

c) Evidence of the approved Section 139 Infrastructure Works on Council Roadway (made under the Roads Act 1993) is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To enable the long term retention of the desired streetscape character.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **Tree Removal Within the Road Reserve**

a) This consent approves the removal of the following tree within the road reserve as recommended in the Arboricultural Impact Assessment dated 31 August 2020 prepared by Urban Arbor:

i) Tree 1 *Angophora floribunda*

b) 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**

### **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 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 not approved for removal.

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:

- 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.

**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.

Prior to the issue of any Occupation Certificate details (from a qualified horticulturalist, landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

### **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

#### **Landscape Maintenance**

- a) 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.
- b) 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.
- c) All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.