

## Landscape Referral Response

<b>Application Number:</b>	DA2021/1103
<b>Date:</b>	20/07/2021
<b>Responsible Officer:</b>	Dean Pattalis
<b>Land to be developed (Address):</b>	Lot 22 DP 13457 , 100 Prince Alfred Parade NEWPORT NSW 2106 Lot LIC 558734 , 100 Prince Alfred Parade NEWPORT NSW 2106

### 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 alterations and additions to an existing residential dwelling. Alterations include the re-purposing of an existing garage for a studio/workshop, with additions inclusive of a new double garage and landscape works.

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

- B4.22 Preservation of trees and Bushland Vegetation
- C1.1 Landscaping
- D10.13 Landscaped Area - Environmentally Sensitive Land

The Statement of Environmental Effects provided with the application notes that a number of existing prescribed trees are required to be removed in order to facilitate proposed works. For this reason, an Arboricultural Impact Assessment has been provided with the application.

The Arboricultural Impact Assessment has identified a total of fifteen trees/tree groupings, two of which is located within the road reserve, one within the neighbouring property to the East, with the remaining twelve located within the site boundaries. It is noted that a large portion of those trees located within the site, including Trees No. 7, 8, 9, 10, 11, 12, 13, 14 and 15, are located at the rear of the dwelling, well clear of proposed works. For this reason, proposed works are not likely to have any effect on the health and vitality of these trees.

Tree No. 6B is an existing tree located in the neighbouring property to the East, and as such, must be retained and protected accordingly. Slight concern is raised regarding the proximity of proposed works in relation to this tree as they appear to encroach into the Tree Protection Zone (TPZ). It does however appear that works are clear of the Structural Root Zone (SRZ), however as this is not explicitly addressed in the Arboricultural Impact Assessment, it is recommended that a Project Arborist be

engaged to supervise all works within this zone ensuring no significant roots are impacted, and that there is no degradation of this trees health.

Of the existing trees identified at the front of the site, a total of five trees are required to be removed as they are located within the footprint of the proposed garage. Three of these trees, Trees No. 2, 3 and 4, are all exempt species, and therefore may be removed without Council's approval. Trees No. 5, 6 and 6A have been identified as prescribed trees and are required to be removed as they are also located within the footprint of proposed works. It is noted these are non-native trees, however they do provide valuable privacy screening as well as built form softening and mitigation. The Landscape Plans provided indicate a number of compensatory, locally native trees to replace these, in addition to a variety of low and medium high shrubs and grasses. For this reason, the removal of these trees is supported.

Tree No. 1 has been noted for removal within the Arboricultural Impact Assessment, however within the Landscape Plan it has been proposed to be relocated post construction to the front of the site. It is noted in the Arboricultural Impact Assessment that Tree No. 1 is significantly suppressed by a mature, woody stemmed Bougainvillea vine, and as a result, transplanting this tree is not likely to succeed and will likely fail. It should also be noted that Tree No. 1 is located within the road reserve, outside of the site boundaries. For this reason, it is recommended that a new tree be planted within the road reserve instead in order to adequately replace that removed, as well as provide the greatest opportunity for built form softening and mitigation.

It should be noted that the retention of trees at the rear of the site as well as the neighbouring property to the east is vital in order to satisfy control B4.22 and D10.13, as key objectives of these controls include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", as well as the "conservation of natural vegetation and biodiversity".

The Landscape Plan provided with the application proposed the in-ground planting of trees, shrubs, ferns, grasses as well as groundcovers. The completion of works as proposed on these Landscape Plans, including the required street tree planting as mentioned above, is necessary in order to satisfy control C1.1, as key outcomes of this control seek to ensure "landscaping enhances habitat and amenity value", "landscaping reflects the scale and form of development", as well as that the built form is softened and complemented by landscaping.

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, and completion of landscape works as proposed on the Landscape Plans, inclusive of the required street tree planting.

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 Property**

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

- i) *Viburnum odoratissimum*, located adjacent to the eastern boundary within the footprint of proposed works, Tree No. 5,
- ii) *Viburnum odoratissimum*, located adjacent to the eastern boundary within the footprint of proposed works, Tree No. 6,
- iii) *Viburnum odoratissimum*, located adjacent to the eastern boundary within the footprint of proposed works, Tree No. 6B.

Note:

- i) Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.
- ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building 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) *Plumeria actinophylla*, located within the road reserve adjacent to the existing driveway, Tree No. 1.

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: To enable authorised building works.

## 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 5 - Recommendations,

ii) Appendix C - Tree Protection Devices.

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) 1x street tree is to be planted within the road reserve between the existing and proposed driveway. Tree species is to be *Tristaniopsis laurina*.

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.