

Landscape Referral Response

Application Number:	DA2021/0375
Date:	02/06/2021
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 3 DP 224801 , 54 Yarrabin Street BELROSE NSW 2085

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 demolition of an existing residential dwelling, and the construction of a new two-storey dwelling with attached secondary dwelling.

Councils Landscape Referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation

A Landscape Plan is provided with the application and proposed works include the in-ground planting of trees and shrubs.

Original Comments - 04/05/2021

The Statement of Environmental Effects provided with the application does not note the removal or retention of existing trees and vegetation within the site. In contrast, the Landscape Plan provided indicates the removal of one existing tree located towards the rear of the property, however the Architectural Plan only notes the removal of one significant tree located largely within the neighbouring property at 52 Yarrabin Street. It is worth noting this tree is also partly located within the site itself as well as the road reserve.

An Arboricultural Impact Assessment has been provided with the application which has assessed the existing tree located in the adjoining property only. As a result of the investigation, the Arboricultural Impact Assessment has identified a lean in the trunk of this tree, and believes it should be removed. Concern is raised with this Arboricultural Impact Assessment as no industry standard risk assessment has been provided. This is required in order to fully understand the risks associated with the tree, and more specifically the likelihood anything will happen that could potentially compromise this tree in the future. It is noted that this tree is mature, and has exhibited trunk lean for some years, during which it has withstood numerous storms and weather events with no visible damages occurring as a result. In order for this tree to be approved for removal, it would require an amended Arboricultural Impact Assessment which provides an in-depth industry standard risk assessment identifying the likelihood of

failure, and sufficient justification as to why it should be removed.

As this tree proposed for removal is largely located within the neighbouring property, owners consent is also required prior to approval being given. Should owners consent be given, alongside an amended Arboricultural Impact Assessment that adequately justifies this trees removal through a risk assessment, the removal of this tree would likely be supported subject to replacement tree planting. If sufficient justification cannot be provided, the removal of this tree would not be supported. The Arboricultural Impact Assessment is also required to assess the tree proposed for removal towards the rear of the property, adjacent to the western boundary, as this has been identified for removal within the Landscape Plan. Upon review of the Site Survey, this tree has been identified as being 9m tall. It is recommended that the Arboricultural Impact Assessment identify the species of this tree, and the potential impacts of the proposed development. Should this tree be identified as an exempt species, it may be removed without Council's approval.

Further concern is raised regarding the proximity of proposed works to the large significant tree located in the north-east corner of the site. The proposed tiled concrete patio area is located well within the Tree Protection Zone (TPZ), and possibly the Structural Root Zone (SRZ) as well. Should works have an encroachment above 10% or be within the SRZ, a tree root investigation is required to take place in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*. It is recommended this concrete slab be redesigned to utilise pier footings where possible to minimise soil disturbance with the TPZ and SRZ of this tree. The retention of this tree, as well as all other trees noted as retained, is necessary to satisfy control E1, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

Additional concern is raised regarding the proposed tree planting of a *Brachychiton acerifolius* as this is an exempt tree. Therefore the use of this tree is not supported, and is required to be substituted for a locally native canopy tree. No additional concerns are raised regarding the proposed landscape works. The implementation of this species change, as well as the completion of landscape works as proposed on the Landscape Plan is vital to satisfy control D1, as key objectives seek to "enable planting to maintain and enhance the streetscape", as well as "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building".

In its current form, the landscape component of the proposal cannot be supported due to no owners consent provided for the removal of the significant native canopy tree located largely within the adjoining property. It is recommended that owners consent be sought, as well as the submission of an amended Arboricultural Impact Assessment that provides an industry standard risk assessment of this tree to be removed, and further assessment of the proposed development and its impact on trees to be retained at the rear of the dwelling. Following the receipt of the required information, further assessment can be made.

Updated Comments - 02/06/2021

Following original concerns with the application, an amended set of Architectural and Landscape Plans have been provided, alongside an amended Arboricultural Impact Assessment as requested.

The amended plans and Arboricultural Impact assessment still indicate the removal of the significant tree located partially located in within the site, the neighbouring property to the east, as well as the road reserve, identified as Tree No. 1. There are a few concerns raised with the removal of this tree, starting with its existing health and vitality. As discussed in the previous comments, this tree is a significant, mature tree, and has exhibited trunk lean for some years, during which is has withstood numerous storms and weather events with no visible damages occurring as a result. This, in addition to the amended Arboricultural Impact Assessment has not identified this tree as having an imminent danger or

high risk to life and property, and for this reason the removal would not be supported.

Further concern is raised regarding the removal of Tree No. 1 as the amended Arboricultural Impact Assessment has identified all proposed works are located outside the TPZ and SRZ of this tree, resulting in no expected impacts. For this reason, Tree No. 1 should not be assessed as part of this application as it is not impacted from the proposed works. Should the applicant want to pursue the removal of Tree No. 1, a tree removal permit should be sought through the Tree Services Department. It should be noted that the Tree Services Team were consulted during the Development Application process, providing valuable insight into the current health and associated risk of this tree, which has helped inform the Landscape Referral response.

It is therefore recommended that Tree No. 1 be retained as part of this application. No concern is raised regarding the removal of Trees No. 3 and 4 as both of these trees have been identified as exempt species, and therefore may be removed without Council's approval. The retention of Tree No. 1, as well as Tree No. 2 which is identified as retained on plan, is vital to satisfy control E1 as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

The completion of landscape works as proposed on the amended Landscape Plans is also necessary to satisfy control D1 as key objectives of this control include "to enable planting to maintain and enhance the streetscape", as well as "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building". It should be noted all proposed tree planting shall be required to be planted a minimum 3m clear of existing and proposed buildings, and 2m clear of site boundaries.

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, including Tree No. 1, and the completion of landscape works as proposed on the Landscape Plans.

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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 trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 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, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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: 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 not approved for removal, including Trees No. 1 and 2, 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:

- 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.

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 an Arborist with minimum AQF Level 5 in arboriculture 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 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 amended Landscape Plan, inclusive of the following conditions:

- i) Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, driveways and other trees, and a minimum 2 metres from site boundaries.

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.

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.