

Landscape Referral Response

Application Number:	DA2021/1139
Date:	21/07/2021
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 1 DP 1048196 , 59 Herbert Avenue 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 partial demolition of existing site structures in order to facilitate internal re-configurations, with additions inclusive of a new double carport, first floor addition with a new living room and deck, as well as a studio at the rear of the site.

Councils Landscape Referral section has considered the application against the Pittwater Local Environment 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 there is no major change towards the existing landscape of the site as a result of proposed works. The Architectural Plans and Site Survey provided indicate there are a number of existing trees within the site that are within close proximity to proposed works, and for this reason, an Arboricultural Impact Assessment has been provided with the application.

The Arboricultural Impact Assessment provided has identified a total of twenty three trees, all of which are to be retained as part of the proposal. Majority of these trees are not impacted by proposed works, however there are five trees in total that have significant encroachments as a result of proposed works. These trees impacted are identified as Trees No. 4, 5, 6, 18 and 22.

Trees No. 4, 5 and 6 are all located at the front of the site, and are expected to be impacted by the proposed carport. Trees No. 4 and 5 are both located adjacent to the existing driveway to the north of the existing dwelling, while Tree No. 6 is located in the adjacent property to the west. All three of these trees are significant native trees with good health and structure, as well as high to very high landscape amenity value. In addition, all three trees have a long useful life expectancy, and are identified as key species within the Pittwater Spotted Gum Forest Endangered Ecological Community. For this reason,

these trees are very high value and should be retained and protected accordingly. It is noted that the proposed carport is located both within the Tree Protection Zone (TPZ), as well as the Structural Root Zone (SRZ) of these trees. Even though this is deemed a major encroachment as per AS4970-2009, the Arboricultural Impact Assessment has noted that this carport is to utilise piers, hence it will be elevated above the ground level. This construction technique will result in a significantly reduced impact on these trees when compared to the overall encroachment percentage as indicated on plan. The Arboricultural Impact Assessment has detailed a variety of construction requirements, including but not limited to the supervision of a Project Arborist, manual excavation for footings, and the location of footings must be flexible to ensure significant roots are not impacted, all of which must be adhered to, ensuring that any impacts to both the short-term and long-term health of these trees is reduced where possible. For this reason, the Arborists recommendations are supported, and Trees No. 4, 5 and 6 can be retained with minimal impacts expected.

Trees No. 18 and 22 are both located towards the rear of the existing dwelling, and similarly have both been identified as significant native canopy trees with good health and structure, as well as high to very high landscape amenity value. Additionally, both trees have a long useful life expectancy and are identified as key species within the Pittwater Spotted Gum Forest Endangered Ecological Community. Similarly to Trees No. 4, 5 and 6, the proposed works are expected to encroach into both the TPZ and SRZ of Trees No. 18 and 22. The levels of encroachment are deemed major as per AS4970-2009, however, the proposed studio is to be constructed on piers, ensuring that the majority of the root system will remain unchanged and can successfully be retained. The recommendations made within the Arboricultural Impact Assessment must be adhered to as any negative impacts towards the health of these trees would not be supported.

The retention of all trees within the site, as well as those within the adjoining properties, is vital 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, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities" as well as "the conservation of natural vegetation and biodiversity".

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation.

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

Pier Footing Design Near Trees to be Retained

Pier footing structural layout plans for the external works including the proposed studio and double carport, shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer. The Arborist shall review, comment, recommend design revision as required and approve the pier footing layout, to ensure the locations of piers will be manageable in terms of tree protection measures.

The Arborist shall submit certification to the Certifying Authority, that the locations of the pier footings are accepted. The agreed pier footing structural layout plans shall be submitted to the Certifying

Authority for approval prior to the 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. 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.

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 8 - Assessment of Construction Impacts,
- ii) Section 9 - Conclusions,
- iii) Section 10 - Recommendations,
- iv) Section 11 - Tree Protection Requirements,
- v) Section 12 - Construction Hold Points for Tree Protection,
- vi) Appendix 1B - Proposed Site Plan/Tree Protection Plan.

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

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

Environmental and Priority Weed Control

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.