

## Landscape Referral Response

<b>Application Number:</b>	DA2021/1005
<b>Date:</b>	14/01/2022
<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 16 DP 244776 , 49 - 51 Annam Road BAYVIEW NSW 2104

### 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

#### *updated comments:*

An updated Arboricultural Impact Assessment dated 26 November 2021 is submitted recommending the removal of three additional trees including tree numbers 117, 141 and 158.

Tree number 117, as shown in the updated Arboricultural Impact Assessment in figure 1 and figure 2, is within adjoining property and is therefor not part of this application and shall be retained. Both tree numbers 141 and 158 are existing street trees and no objection is raised to removal based on tree health.

#### *previous comments:*

The application is for the construction of a dwelling house, a swimming pool and spa, ancillary development, and removal of vegetation.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause R5 Large Lot Residential zone, and the following Pittwater 21 DCP Controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D2 Bayview Locality

The site exists upon R5 Large Lot Residential zone land and the landscape objectives of the zone includes the provision of: residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality; and limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

A Landscape Plan is provided indicating existing trees to be removed and existing trees to be retained, as well as additional landscape treatment with tree canopy replacement and understorey planting. An Arboricultural Impact Assessment is provided assessing a total of 158 existing trees located primarily within the site, and otherwise within the road verge and within adjoining properties.

A total of 35 existing native trees are proposed for retention within the site as recommended in the Arboricultural Impact Assessment. Landscape Referral consider than a further 14 native trees located along the front and side boundaries, noted in the report with medium condition and medium significance, whilst existing with dead branches, shall also be retained to soften the built form and integrate the development into the landscape setting, and in particular as viewed from the streetscape. These include existing trees identified as numbers 41, 67, 85, 110, 111, 112, 119, 128, 129, 132, 133, 143, 149, and 152. These existing trees shall have dead branches removed to reduce the fuel load within the site in accordance with bush fire protection recommendations.

Of the 158 existing trees assessed, 24 in total are located within the road verge or within adjoining properties. No existing trees within the road verge are permitted to be removed unless approved, and no existing tree within adjoining properties is permitted to be removed. A total of 85 existing trees are required for removal within the property based on the recommendations of the Arboricultural Impact Assessment, noting that most of the native trees have beetle borers and some also have termite infestations which have severely destroyed trunk and branch tissues, and most of the trees have numerous dead branches (or partially dead trunks) as a result of either termite or borer damage, fungus infestations etc.

The Landscape Plan provides for a total of 23 native canopy trees as replacement trees, and additionally understorey planting is also proposed to soften the built form of the development.

Should this proposal be approved, tree removal is unavoidable based on the development works, as well as the requirements for a asset protection zone to comply with the bushfire protection guidelines under Planning for Bush Fire Protection 2019, and all the site is to be maintained as an Inner Protection Area (IPA), detailed in the NSW Rural Fire Service's document 'Standards for Asset Protection Zones', and any new landscaping must comply with Section 3.7 Landscaping of Planning for Bush Fire Protection 2019.

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**

#### **Tree Protection Plan**

a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees:

- i) trees identified in the Arboricultural Impact Assessment as tree numbers 1, 19, 35 - Syncarpia; tree numbers 3, 5, 6, 7, 8, 9, 10, 21, 24, 25, 30, 31, 32, 33, 34, 36, 40, 41, 46, 47, 48, 111, 112, 119, 128, 129, 155 - Eucalyptus or Corymbia; tree numbers 4, 11, 12, 13, 16, 18, 20, 22, 23 - Angophora; and tree numbers 15, 55, 67, 85, 110, 132, 133, 143, 149, 152 - Casuarina; within the site,
- ii) trees identified in the Arboricultural Impact Assessment within the road verge,
- iii) trees identified in the Arboricultural Impact Assessment as tree numbers 2, 17, 26, 64, 82, 83, 84, 113, and 114, within adjoining property where 5 metres from development works.

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) layout of the development, including existing and proposed underground services,
- ii) location of all trees identified for retention, including extent of canopy,

- iii) access routes throughout the site for construction activity,
- iv) location of tree protection fencing / barriers,
- v) root protection in the form of mulching or boards proposed within the tree protection zone,
- vi) trunk and branch protection within the tree protection zone,
- vii) location of stockpile areas and materials storage,
- viii) inspection hold points,
- ix) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 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 and the updated Arboricultural Impact Assessment dated 26 November 2021):

- i) Eucalyptus punctata identified as tree numbers 27 to 29, 49 to 51, 60 to 63, 68 and 78,
- ii) Eucalyptus robusta identified as tree numbers 37 to 40,
- iii) Eucalyptus sp identified as tree numbers 52, 59, 87, 104, and 148,
- iv) Corymbia gummifera identified as tree numbers 45, 73, 74, and 93,
- v) Pittosporum sp identified as tree number 42,
- vi) Angophora costata identified as tree numbers 53, 76, and 124,
- vii) Syncarpia glomulifera identified as tree numbers 41, 43, 44, 66, 91, 94, 99, 101, 102, and 120,
- viii) Casuarina littoralis identified as tree numbers 54 to 58, 69 to 72, 75, 77, 79 to 81, 86, 88 to 90, 92, 95 to 98, 100, 103, 105 to 109, 116, 121 to 123, 125 to 127, 130, 131, 134, 135, 142, 144, 145, 150, and 151.

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

Note: No existing trees within the road verge nor within adjoining properties are permitted to be removed.

Reason: To enable authorised building works.

Note: 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.

### Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the updated Arboricultural Impact Assessment dated 26 November 2021):

- tree 141 Casuarina littoralis
- tree 158 Casuarina littoralis

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

### 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) or vi) 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 approved Tree Protection Plan.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an AQF level 5 Arborist as complaint,
- 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, and inclusive of the following conditions:

- i) existing tree retention shall be in accordance with the approved Tree Protection Plan,
- ii) all trees shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and shall be staked until established,
- iii) each tree planting shall be located within a 9m<sup>2</sup> deep soil area wholly within the site and be located a minimum of 5 metres from existing and proposed buildings, and other trees,
- iv) tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight.

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.

**Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative**

<https://5milliontrees.nsw.gov.au/>

## 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.