

Landscape Referral Response

Application Number:	DA2021/2624
Date:	28/02/2022
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 55 DP 24563 , 122 Riverview Road AVALON 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 development application is for the construction of a new dwelling and associated works as described and illustrated in the reports and plans. The property is part of an approved subdivision under development consent DA2017/1369, and the development application proposals to modify the dwelling layout as approved. A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D1 Avalon Locality

The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.

The dwelling garage and driveway location for this development application alters from the indicative layouts of the subdivision development consent, and this impacts upon four existing native trees located within the proposed footprint of the garage and driveway. Five existing native trees (identified as tree numbers T4, T5, T6, T7 and T13) were approved for removal under the subdivision development consent and these still are required for removal under this development application, and do not require further reference in this referral response.

Of consideration as to whether removal of the additional native trees is supported or otherwise is the proposal to retain and protect a large number of locally native canopy trees within the property typically of the Pittwater Spotted Gum Forest, including three Spotted Gums (tree numbers T16, T21 and T22), one Forest Oak (tree number T15), two Grey Ironbark (tree numbers T8 and T20), and one Sydney Red Gum (tree number T18). The retention of these trees, along with additional landscape planting, satisfies

the landscape objectives of the C4 zone and the DCP landscape controls of B4.22 and C1.1.

It is considered that should the development application be approved by the assessing officer, the proposed location of the garage and driveway will require the removal of the four existing trees under this application.

The impact to biodiversity shall be the subject of the Natural Environment Referral Response - Biodiversity.

The Landscape Plan includes native tree replacement including tall canopy trees and smaller trees, shrub and low planting, with all planting nominated as native, and at least 80% of the planting is native vegetation listed in the Pittwater Spotted Gum Endangered Ecological Community, and no concern is raised subject to imposed conditions, including the requirement to install one of the tall canopy trees within the lawn frontage area along Riverview Road forward of the existing tree T5 required for removal, as a replacement for canopy tree planting in such location, and that replacement native trees are distributed throughout the property, rather than as shown on the Landscape Plan all under existing canopy trees.

To accommodate the proposed development works the Arboricultural Impact Assessment recommends the removal of the following native trees: T9 Forest Oak (moderate significance), T10 Rough Barked Apple (moderate significance), T11 Spotted Gum (low significance), and T12 Spotted Gum (moderate to high significance).

Should the application be approved by Planning, Landscape Referral raise no concerns, subject to conditions, with the Landscape Plan and the Arboricultural Impact Assessment, and provide conditions of consent to be imposed.

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, and the recommendations of the Arboricultural Impact Assessment, and any condition as imposed.

The Project Arborist shall be in attendance and supervise works as listed in the Arboricultural Impact Assessment as well as works as listed below:

- i) tree protection fencing to existing trees retained,
- ii) supervision during construction with trunk and ground protection installed prior to commencement of works for tree numbers T8, T15 and T20,
- iii) supervision of any excavation works for isolated piers in the vicinity of existing tree numbers T2, T3, T8, T14, T15, and T16.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

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) T9 - Forest Oak , T10 - Rough Barked Apple, T11 and T12 - Spotted Gum.
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development 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, including T2 Sydney Red Gum, T17 and T19 Spotted Gum
- iii) all road reserve trees and vegetation.

(#) existing trees within the property retained and protected include: T1 Monterey Pine; T3 Weeping Bottlebrush; T8 and T20 Grey Ironbark; T14 Spotted Gum; T15 Forest Oak; T16, T21, and T22 Spotted Gum; and T18 Sydney Red Gum.

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 recommendations in the Arboricultural Impact Assessment.

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, and inclusive of the following conditions:

i) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,

ii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings and other existing or proposed trees, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,

iii) at least one replacement Spotted Gum (*Corymbia maculata*) shall be positioned as a direct replacement for the removal of T5 within landscape area in close proximity, in the lawn area within a

prepared bed,

iv) all other planting shall be installed in accordance with the Plant List including nominated quantities and pot container sizes,

v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) 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.