

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0508
<b>Date:</b>	23/11/2021
<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 2 DP 1104192 , 60 Chisholm Avenue 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

#### *updated comments:*

Amended Plans and Reports are submitted. The Arborist Report and Landscape Plans remain and no concerns are raised.

#### *previous comments:*

The development application is for a new carport and driveway, easement adjustment and new inclinator between the new carport and existing dwelling upon property No. 60.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause E4 zone Environmental Living, and the following Pittwater 21 DCP Controls:

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

The site is located in the E4 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. The site is a large block with predominantly locally native canopy trees and understorey native juvenile trees and native ferns, and landscape natural features such as rock outcrops. The site is also classified as Bush Fire Prone Land, and a new landscaping including selection and placement shall comply with NSW RFS document Standards for Asset Protection Zones, from the NSW RFS website: [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au), and Appendix 4 and Appendix 4 - Asset Protection Zone Requirements of Planning for Bush Fire Protection 2019.

Landscape Plans and a Arboricultural Impact Assessment are provided with the application in accordance with Council's DA Lodgement Requirements.

The Arboricultural Impact Assessment assesses the proposed works impact to twenty-seven (27) locally native trees in proximity to the works, and recommends the removal of six (6) native trees impacted by the proposed development works, including 2 x Broad-leaved White Mahogany of high

retention value, 1 group of Blueberry Ash of high retention value, 1 x Broad-leaved White Mahogany of moderate retention value, and 1 x Sydney Red Gum of moderate retention value. A total of thirteen (13) existing high retention value locally native canopy trees and seven (7) existing moderate retention value locally native canopy trees in proximity to the proposed development works are retained. Additionally other parts of the site support locally native canopy trees not impacted by the proposed development works.

The existing trees proposed for removal are unable to be retained by the proposed development works, where the trees are located within the footprint of the proposed carport, in close proximity to the carport, or within the proposed footprint of the driveway.

The Landscape Plan retains the natural landscape setting with rock outcrops, canopy trees and bushland vegetation preserved, and the proposal in proximity of the proposed works includes tree replacement with two (2) tall canopy trees, thirty six (36) small native trees, and native understorey shrubs and groundcovers.

Any new landscaping is to comprise at least 60% native species which already occur on the site, or species of the Littoral Rainforest EEC with moist, evergreen, leathery leaves such as *Syzygium leuhmannii*, *Acmena smithii*, *Ficus* spp and *Livistona australis*. Whilst dominated by rainforest species this community can also contain plants such as *Angophora costata*.

Landscape Referral raise no objections to the proposal subject to protection of existing natural landscape features and vegetation, and the completion of the landscape works.

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 inclinor lift and landing deck shall be developed in coordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture and a qualified Structural Engineer, with specific reference to the following existing trees: tree 21 - Bloodwood, tree 21A - Broad-leaved White Mahogany, tree 22 - Bloodwood, and tree 23 - Sydney Red Gum.

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 via the agreed pier footing structural layout plans 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 general recommendations and works requirements,
- ii) works near existing tree 21 - Bloodwood, tree 21A - Broad-leaved White Mahogany, tree 22 - Bloodwood, and tree 23 - Sydney Red Gum. requiring pier location selection,
- iii) works as per Appendix 4 - Tree Protection Plan.

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) tree 1 - Sydney Red Gum, tree 2, 6 and 7 - Broad-leaved White Mahogany, tree 3 - Old Man Banksia, group 3A - Blueberry Ash,

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

Reason: To enable authorised building works.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

### **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 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) new planting including selection and placement shall comply with NSW RFS document Standards for Asset Protection Zones, from the NSW RFS website: [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au). and Appendix 4 and Appendix 4 - Asset Protection Zone Requirements of Planning for Bush Fire Protection 2019,
- ii) new planting is to comprise at least 60% native species which already occur on the site, or species of the Littoral Rainforest EEC with moist, evergreen, leathery leaves such as *Syzygium leuhmannii*, *Acmena smithii*, *Ficus* spp and *Livistona australis*, or as otherwise selected from the Littoral Rainforest EEC plant list.

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, and in accordance with Asset Protection Zone Requirements of Planning for Bush Fire Protection 2019.

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

Reason: To maintain local environmental amenity.