

Landscape Referral Response

Application Number:	DA2021/1524
Date:	30/09/2021
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 42 DP 8394 , 58 Marine Parade 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

This application is for the construction of a secondary dwelling located towards the rear of an existing residential dwelling.

Councils Landscape Referral section has considered the application against the Pittwater Local Environmental plan, and the following Pittwater 21 DCP controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D1.14 Landscaped Area - Environmentally Sensitive Land

Original Comments - 31/08/2021

The Statement of Environmental Effects provided with the application notes that the majority of trees, including canopy trees, have been retained on site and shall not be removed as a result of proposed works. This statement is largely supported by the Architectural Plans provided as it is evident that no tree is proposed to be removed.

Concern however is raised regarding the impacts of proposed works on these existing trees to be retained. It is noted that the existing shed is already likely to impact a number of trees located in the south-west corner of the site, however the extent of demolition, excavation and construction is not fully understood, hence the true impacts of the proposed works is not clear. The proposed works seek to create a larger footprint than that created by the existing shed, which appears to be located well within the Tree Protection Zone (TPZ) of these trees, and possibly the Structural Root Zone (SRZ) as well. These trees provide valuable privacy screening, as well as landscape amenity through the canopy coverage they provide, and as a result should be retained and protected throughout proposed works. The removal of these trees, or any negative impacts towards both the short-term and long-term health of these trees, would likely not be supported. The retention of these trees is key to satisfying control B4.22 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". For this reason, it is recommended that an Arboricultural Impact Assessment be

provided in accordance with Councils Development Application Lodgement Requirements. This Arboricultural Impact Assessment is required to assess the impacts of proposed works on existing trees, specifically those located at the rear of the site adjacent to the southern and western boundaries. It should be noted that any encroachment into the TPZ by 10% or more, or any encroachment into the SRZ is deemed to be major, and as a result, requires a tree root investigation as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

Slight concern is also raised regarding the limited screen planting along the western boundary, as the proposed secondary dwelling has the opportunity to negatively impact the amenity and privacy of those located in the neighbouring property. It is therefore recommended that screen planting be incorporated into the proposal along this boundary to ensure the bulk and scale of the secondary dwelling is softened and complemented by landscaping. This screen planting is essential to satisfy controls C1.1 and D1.14, as key objectives of these controls seek to ensure "landscaping enhances habitat and amenity value", "landscaping reflects the scale and form of development", as well as that the "built form is softened and complemented by landscaping". Rather than the need for a Landscape Plan, this required screen planting can be dealt with through conditions of consent.

The landscape component of the proposal is therefore not currently supported due to the unknown impacts of proposed works on existing trees to be retained. It is therefore recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Councils Development Application Lodgement Requirements. This Arboricultural Impact Assessment shall assess the impacts of proposed works, including the required demolition, excavation and construction, on the health and vitality of these existing trees to be retained. Should proposed works encroach into the TPZ of these trees by 10% or greater, or into the SRZ at all, a tree root investigation shall be required as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

Upon the receipt of the required information, further assessment can be made.

Updated Comments - 30/09/2021

Following original concerns regarding the impacts of proposed works on existing trees, an Arboricultural Impact Assessment has been provided with the application.

This Arboricultural Impact Assessment has identified a total of ten trees, all of which are located within the site boundaries, in close proximity to proposed works. Of these ten trees identified, two trees, Trees No. 2 and 5, have been proposed to be removed. Tree No. 2 is located adjacent to the northern boundary, and has been identified as being in fair condition with fair to good vigour, a short useful life expectancy, resulting in a low retention value. Proposed works are expected to encroach into the TPZ of Tree No. 2 by a total of 22.1%, with impacts to the SRZ as well. Considering Tree No. 2's low retention value and major encroachment as a result of proposed works, it has been proposed for removal. Tree No. 5 is located towards the south-west corner of the site adjacent to the western boundary. Tree No. 5 has been identified as being in good health and vigour, with a medium useful life expectancy and high retention value. The proposed storm water infrastructure is located well within the SRZ of Tree No. 5, likely impacting both the short-term and long-term health of this tree. For this reason, Tree No. 5 has been recommended for removal. The removal of Trees No. 2 and 5 is supported subject to replacement tree planting to compensate the removal of landscape amenity, canopy cover as well as biodiversity values.

Proposed works are also likely to impact a number of other existing trees, albeit minor, however the Arboricultural Impact Assessment has noted these trees are viable for retention subject to a number of tree protection measures. These include, but are not limited to, manual excavation, tree protection fencing, as well as the appointment of a Project Arborist. The retention of these remaining eight trees is vital to satisfy control B4.22.

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the implementation of the required compensatory tree planting.

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. 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

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) *Banksia serrata*, located adjacent to the northern boundary to the north of proposed works, Tree No.

- 2,
ii) *Banksia integrifolia*, located towards the south-west corner of the site within the footprint of proposed storm water infrastructure, Tree No. 5.

Note:

- i) Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.
ii) 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.

Reason: To enable authorised building 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,
 - 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 2 - Conclusions & Recommendations.

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

Required Tree Planting

Trees shall be planted in accordance with the following:

i) at minimum, 2x locally native trees are to be planted within the site to compensate the removal of existing trees, minimum 75L pot size. Suggested species include: *Angophora hispida*, *Banksia integrifolia* or *Banksia serrata*.

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, and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list, specifically the *Native Plant Species Guide - Pittwater Ward*: www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To maintain 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:

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

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.