

## Landscape Referral Response

<b>Application Number:</b>	DA2021/1189
<b>Date:</b>	29/09/2021
<b>Responsible Officer:</b>	Thomas Burns
<b>Land to be developed (Address):</b>	Lot 103 DP 860197 , 73 McCarrs Creek Road CHURCH POINT NSW 2105

### 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 of an existing residential dwelling. Alterations include the minor demolition of existing site structures in order to facilitate internal re-configurations creating a larger, open plan living space. Additions are inclusive of a new storage area adjacent to the existing garage, a new living area with bedroom extension above, as well as a cabana and media room adjacent to the existing swimming pool.

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
- D4.10 Landscaped Area - Environmentally Sensitive Land

### Original Comments - 26/07/2021

The Statement of Environmental Effects provided with the application notes that no trees are to be removed as a result of proposed works. This statement is largely supported by the Architectural Plans provided as it is clear no existing tree is shown to be removed. It is noted that no Arboricultural Impact Assessment is provided with the application.

Concern is raised regarding the potential impacts of proposed works on existing trees to be retained, particularly those located to the south-west of the proposed pool cabana, as well as those located to the north of the existing garage. The site falls within area identified as containing Pittwater Spotted Gum Forest, an endangered ecological community, and for this reason, efforts should be taken to ensure existing significant trees are retained and not impacted where possible.

Firstly, the proposed cabana and media room appears to encroach into the Tree Protection Zone (TPZ), and possibly the Structural Root Zone (SRZ) of existing trees located adjacent to the south-west boundary, outside of the property boundaries. As these trees are not located within the site, they are required to be protected and retained, irrespective of species. Further concern is raised regarding the

increase in hard surfaces in this area, as the Landscape Plan indicates that a gravel parking area is proposed outside of the site. This increase in hard surface, and the required excavation to construct it, has the possibility to negatively impact both the short-term and long-term health of these existing trees. Any negative impacts to these trees would likely not be supported. Secondly, the proposed storage area on the northern side of the existing garage also encroaches into both the TPZ and SRZ of existing significant trees in this area. It is noted that the existing garage and structures in this area already encroach into both of these zones, however the proposed works seek to increase this, putting further stress on these existing trees.

As no Arboricultural Impact Assessment has been provided with the application, the true impacts of proposed works is not fully known. Due to the presence of high value endangered ecological communities, the retention of these trees should be a priority, with impacts as a result of development to be minimal. The retention of these existing trees is vital to satisfy control B4.22 and D4.10, 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 "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 with the application to fully understand the potential impacts of proposed works. It should be noted that any encroachment into the TPZ by 10% or more, or any encroachment into the SRZ, is deemed major, and requires a tree root investigation as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*. Should proposed works be found to detrimentally effect existing significant trees, an alternative design arrangement should be sought.

The landscape component of the proposal is therefore not currently supported due to the unknown impacts of proposed works on existing significant native trees. It is recommended that an Arboricultural Impact Assessment be provided with the application to fully understand the potential impacts of proposed works. It should be noted that any encroachment into the TPZ by 10% or more, or any encroachment into the SRZ, is deemed major, and requires a tree root investigation as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

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

#### **Updated Comments - 29/09/2021**

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

This Arboricultural Impact Assessment has identified a total of seven trees, all of which are proposed to be retained. Three of the seven trees, identified as Trees No. 1, 4 and 7, are high value native canopy trees, with the remaining four trees identified as exempt species. Although these have been identified as exempt species, these four trees are proposed for retention and as a result must be protected throughout proposed works to ensure they do not pose a future risk to life or property. Although the TPZ of Trees No. 1, 4 and 7 are expected to be impacted, alongside the SRZ of Trees No. 1 and 4, the Arboricultural Impact Assessment has noted that subject to tree protection measures, inclusive of manual excavation, appointment of a Project Arborist, as well as flexible construction methodology, these trees are viable for retention with little negative impacts expected.

The tree of greatest concern, with regards to original comments, was the impacts of the proposed driveway and parking area located within close proximity to Tree No. 4. The Arboricultural Impact Assessment has identified works in this area are largely a surface material change, rather than works that require significant excavation. It has been noted that works in this area are to be manually excavated with tree trunk guards installed. Should the Arborists recommendations be adhered to, no further concerns are raised with the proposed works.

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 additional garage storage area, 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 5 - Discussion,
- ii) Appendix B - Tree Protection & Management.

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.