

Landscape Referral Response

Application Number:	DA2021/0124
Date:	05/05/2021
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 138 DP 16902 , 35 A Plateau 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

This application is for the minor alterations and additions to an existing residential dwelling. Alterations include the demolition of some internal walls to create a more open layout for the kitchen and living area, as well as adjustments to allow greater areas for two bedrooms, bathroom and laundry. Additions are inclusive of deck extensions on the ground floor, and an additional floor for the master bedroom and decking area.

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

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D3.11 Landscaped Area - Environmentally Sensitive Land

Original Comments - 17/03/2021

The Arboricultural Impact Assessment provided with the application identifies a total of fourteen trees within the site and immediate adjacent land. Of these fourteen trees identified, two trees, Tree No. 1 and 6, have been proposed for removal. Tree No. 1 is located adjacent to the eastern boundary within the proposed works footprint. Tree No. 6 is located adjacent to the western boundary and is also located within the proposed works footprint. It has been recommended within both the Arboricultural Impact Assessment and the Bush Fire Risk Assessment that these two trees be removed. For this reason, the removal of these trees is supported.

Concern is raised regarding the existing trees adjacent to the existing deck as these trees have not been identified on the Site Survey or in the Arboricultural Impact Assessment, however are visible in photos within the Statement of Environmental Effects. From the Architectural Plans provided it would appear these trees are also to be removed as the proposed works would result in significant soil level modification within the Tree Protection Zone's of these trees due to the implementation of a new retaining wall/planter/rainwater tank. Insufficient information has currently been provided regarding these existing tree species, landscape significance as well as their retention value, hence an informed

decision regarding the justification of their removal cannot be made at this point in time.

Concern is raised regarding the location of the proposed retaining wall/planter/rainwater tank that is proposed towards the south of the property, as this falls within the SP2 Infrastructure Zone. The objectives of the SP2 Infrastructure Zone is to provide for infrastructure and related uses, and in accordance with *Clause 24 of Schedule 1* in the Pittwater Local Environment Plan, additional permitted uses include "development for the purposes of enabling access to a dwelling house". In its current form, this wall structure does not comply with the Pittwater Local Environment Plan and therefore should not be supported. As a result of this, if the wall was to be removed from the current proposal, the trees that are not currently visible on the plans may be more viable for retention, thus providing a better landscape outcome.

Upon review of the proposal, it is also evident that a blockwork retaining wall is proposed within the adjoining land to the west, outside the current property boundaries. This proposed wall is located centrally along the western boundary line, and would require building works within the public reserve adjacent to the property. No works located beyond the existing property boundaries shall be supported.

In consideration of the above, the landscape component of the proposal is therefore not currently supported. It is recommended an amended Arboricultural Impact Assessment be provided, highlighting the presence of existing trees adjacent to the existing deck, and identify the species and associated landscape values they possess. In addition to this, amended Architectural Plans shall also be required removing the proposed retaining wall structure towards the south of the site within the SP2 Infrastructure Zone, as well as the removal of the block retaining wall that extends into the public reserve to the west of the property.

Should additional information be provided, further assessment can be undertaken.

Updated Comments - 05/05/2021

Following original concerns regarding unidentified trees and the proposed retaining wall, an amended Arboricultural Impact Assessment as well as amended Architectural Plans have been provided.

The Arboricultural Impact Assessment has identified the additional three trees below the existing deck, all of which are approximately 3m tall. As a result these trees are exempt and therefore do not require Council's approval prior to being removed.

It is noted that Transport for NSW (TfNSW) have since provided comments regarding the proposed retaining wall located within the SP2 Infrastructure Zone. As the proposed wall is deemed a 'minor' structure, TfNSW has permitted its construction. For this reason, no objections are raised.

Finally, the amended Architectural Plans have removed all works located within Hamilton Reserve to the west, and as a result original concerns have now been satisfied.

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 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.

The Certifying Authority must ensure that:

- c) 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.

Condition of Trees

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Environmental and Priority Weed Control

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

Reason: Preservation of environmental amenity.