

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0210
<b>Date:</b>	21/06/2021
<b>Responsible Officer:</b>	Kent Bull
<b>Land to be developed (Address):</b>	Lot 11 DP 1226203 , 77 A Myola Road NEWPORT NSW 2106 Lot 2 DP 538888 , 81 Myola Road NEWPORT NSW 2106 Lot 1 DP 538888 , 77 Myola Road NEWPORT NSW 2106

### 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 demolition and removal of an existing shared driveway, and the construction of a new shared driveway to service four separate dwellings.

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
- D10.13 Landscaped Area - Environmentally Sensitive Land

### Original Comments - 22/03/2021

The Statement of Environmental Effects provided with the application makes note that the proposed works shall not impact, nor necessitate the removal of any protected trees. This is supported by the engineering plan as no trees have been indicated as removed.

Concern is raised regarding the impact of the proposed works on the surrounding trees located in the adjoining properties to the south. The proposed driveway alignment appears to encroach into the Tree Protection Zone's (TPZ), as well as Structural Root Zone's (SRZ) of these trees in adjoining properties. As no Arboricultural Impact Assessment has been provided with the application, it is currently unclear as to the extent of influence the proposed works shall have on these trees. All trees located on adjoining properties shall be protected and retained throughout the life of the development, as the removal and damage of these trees shall not be supported. These trees are required to be protected and retained in accordance with controls B4.22 and D10.13, as key objectives include "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", as well as to ensure "vegetation is retained and enhance to visually reduce the built form".

Concern is also raised regarding the impacts of demolition and construction on trees and vegetation

within the property boundaries, specifically the garden bed to the immediate north of the existing driveway. Although the proposed works are suspected to have minor impacts on this portion of vegetation, this vegetation provides valuable screening and softening of the built form behind, which is a key objective of controls B4.22, C1.1 and D10.13. If this vegetation is removed or damaged as a result of the works, it shall be required to be replaced in order to satisfy these controls.

In its current form, Landscape Referral cannot support the application due to insufficient information regarding the impacts of the proposed works on existing trees, both within the site and in adjoining properties to the south. It is therefore recommended an Arboricultural Impact Assessment be provided in order to provide further insight into the proposed works and the likely impact it will have on existing trees specifically with regards to TPZ and SRZ encroachments, as well as the expected health and vitality of these trees moving forward. Should additional information be provided, further assessment can be undertaken.

### **Updated Comments - 21/06/2021**

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

Within the amended Arboricultural Impact Assessment, a tree root investigation has been conducted. This tree root investigation notes no significant roots are present, hence the proposed driveway will not significantly impact the health and long term viability of these trees. As a result of this investigation, no concerns are raised regarding the driveways alignment, and the potential impacts on existing trees.

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.