

Landscape Referral Response

Application Number:	DA2025/0163
Date:	21/05/2025
Proposed Development:	Demolition works and construction of a parking platform and carport
Responsible Officer:	Anaiis Sarkissian
Land to be developed (Address):	Lot 22 DP 18005 , 81 Riverview Road AVALON BEACH NSW 2107

Reasons for referral

This application seeks consent for the following:

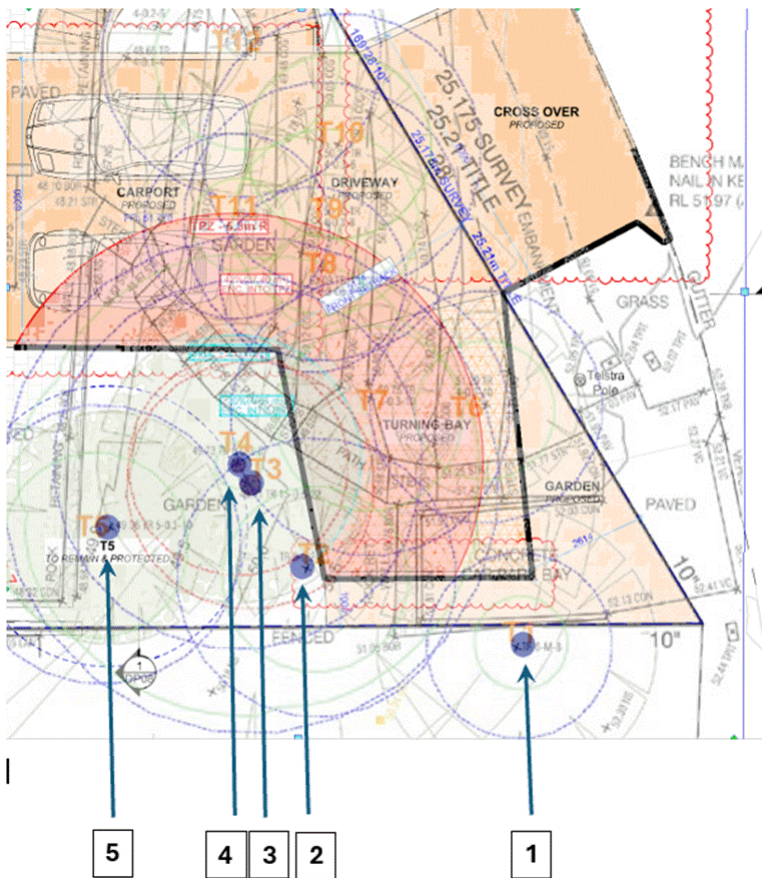
- Construction / development works within 5 metres of a tree or
- New residential works with three or more dwellings. (RFB's, townhouses, seniors living, guesthouses, etc). or
- Mixed use developments containing three or more residential dwellings.
- New Dwellings or

Officer comments

Amended Plans Comment 16/05/2025

Amended plans are noted indicating of a reduction of size of the parking and turning area and offset from the southern boundary. No amended Arborist Report was noted to be provided.

However, assessment of the amended plans (overlay with Survey below) concludes that Trees 4 (*Allocasuarina torulosa*) and 3 (*Corymbia maculata*) could now be retained, in addition to Trees 1 (*Strelitzia* on neighbour's property) and 5 (*Livistona australis*). Tree 2 is an exempt palm. (Tree locations indicated on the amended plan extract below).



On the amended plans, Tree 3 is indicated to be removed as works overhang the SRZ and Tree 4 is not marked, assuming removal.

An overlay of the indicative pier location and the SRZ (copy below) of T3 (which is close to the same as T4) indicates that all but one of the piers would be outside the SRZ. As structural engineering has not yet been undertaken, design of beam sizes and pier locations could be adjusted to suit the trees following collaboration between a structural engineer and qualified arborist. This can be conditioned.

Page 3 of 9

In consideration of the condition of the two trees, no objections are raised to removal subject to replacement planting.

Comments from Council's Bushland and Biodiversity section indicating support subject to conditions is noted.

No objections are raised regarding landscape issues subject to conditions as recommended.

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

Tree Root Investigation and Tree Root Map

- a) Prior to the issue of a Construction Certificate, a tree root mapping investigation of Tree 3 *Corymbia maculata* and Tree 4 *Allocasuarina torulosa* as identified in the Arboricultural Impact Assessment dated 10 February 2025 Rev A prepared by Hugh the Arborist shall be undertaken, and a tree root investigation shall be documented that will be the basis for determining construction methodology near existing trees 3 and 4.
- b) An Arborist, with AQF minimum Level 5 qualifications in arboriculture, shall supervise the works to verify tree root locations. A non-destructive root investigation shall be conducted complying with clause 3.3.4 of AS 4970-2009 Protection of Trees on Development Sites. Note: (Pot-holing or Ground Penetrating Radar is preferable to trenching).
- c) The root investigation shall map existing roots of significance that must not be impacted by construction works. The tree root investigation shall be conducted to confirm the following data to be used for the location/alignment of any new proposed works:
 - i) confirmation of the location of any tree roots at or >25mm (Ø) diameter to areas that require excavation for proposed works. Alternative alignment of proposed works shall be provided as necessary to avoid major roots, and
 - ii) mapping of the suitable location/alignment of proposed works.
- d) The tree root map shall be issued to a qualified Structural Engineer as a basis for structural design, and for determining the final location/alignment and construction methodology of proposed works within the tree protection zone (TPZ).
- e) Prior to the issue of a Construction Certificate, the Arborist shall provide certification to the Certifier that the tree root investigation and clear construction methodology recommendations have been adequately addressed in the Construction Certificate plans.

Reason: To ensure protection of vegetation proposed for retention or adjacent to the site.

Footing Design Near Trees to be Retained

1. Footing structural layout plans for the works including shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural

Engineer, following a tree root mapping investigation near existing tree 3 (*Corymbia maculata*) and 4 (*Allocasuarina torulosa*), to locate critical tree roots and recommend footing design and locations for the construction works.

2. The Arborist shall review, comment, recommend design revision as required and approve the footing layout, to ensure the locations of footings will be manageable in terms of tree protection measures.
3. The Arborist shall submit certification to the Certifier, that the locations of the footings are accepted.
4. The agreed footing structural layout plans shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate.

Reason: Tree protection.

Tree Protection Plan

- a) A Tree protection plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of Trees on Development Sites, to protect the following trees as identified in the Arboricultural Impact Assessment dated 10 February 2025 Rev A prepared by Hugh the Arborist:
 - i) Tree 1 (*Strelitzia* sp.), Tree 3 (*Corymbia maculata*), Tree 4 (*Allocasuarina torulosa*), Tree 5 (*Livistona australis*)
- b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:
 - i) location of all trees identified for retention, including extent of canopy,
 - ii) access routes throughout the site for construction activity,
 - iii) location of tree protection fencing / barriers,
 - iv) root protection in the form of mulching or boards proposed within the tree protection zone,
 - v) trunk and branch protection within the tree protection zone,
 - vi) location of stockpile areas and materials storage,
 - vii) other general tree protection measures.

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 prior to any commencement of works on site to provide tree protection measures in accordance with the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.

The Project Arborist shall be in attendance and supervise all works as nominated in the approved 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 Principal Certifier that all tree protection measures under the approved Tree Protection Plan and AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing trees have been carried out satisfactorily to ensure no impact to the health of the trees. Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: 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

Protection of Landscape Features and Sites of Significance

All natural landscape features including natural rock outcrops, natural vegetation, soil and watercourses are to remain undisturbed during demolition, excavation and construction works except where affected by works detailed on approved plans.

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) Trees numbered 1, 3, 4, 5 as identified in the Arboricultural Impact Assessment dated 10 February 2025 Rev A prepared by Hugh the Arborist. (Note: Trees listed as exempt under PWDCP do not require Council consent for removal. All other Non-Exempt trees outside of the approved works are to be retained in addition to those specified above).
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,

- 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 the Project Arborist on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Principal Certifier,
- 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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 Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by the Project Arborist as compliant to the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.

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 the Project Arborist 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.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Required Screen Planting

Screen planting shall be planted along the southern boundary between the dwelling and the front boundary in accordance with the following:

- a) the selected planting is to comprise of native species capable of attaining a height of 4 metres at maturity,
- b) plants are to be installed at minimum 1.5 metre intervals and be of a minimum container size of 25 litres planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,

Reason: To maintain environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, 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 and vegetation protection.

Landscape Reinstatement

Prior to the issue of a Construction Certificate, any disturbed landscape areas resulting from the works are to be reinstated with local native plant species.

Disturbed areas shall be planted at minimum 1 metre intervals for shrubs, and at 4 plants per metre square for groundcovers, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Reason: Environmental amenity/soil stabilisation.

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(s) and any conditions of consent.

A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

The approved landscape area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.