

Landscape Referral Response

Application Number:	DA2021/0900
Date:	12/11/2021
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 151 DP 6937 , 40 Sunrise Road PALM BEACH NSW 2108

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

updated comments

A arboricultural investigation titled Tree Impact Statement for existing tree 3 (Paperbark) is submitted providing evidence that the tree is advised for removal regardless of development works as tree 3 has had "a major failure, ... with a large cavity at the base ... and the structure of the tree has been severely compromised ... and the strong recommendation is that this tree be removed and replaced."

With removal of tree 3 (Paperbark) within the frontage of the site, the Landscape Plan outcome shall be improved by conditions imposed for replacement tree planting within the front setback in accordance with Pittwater 21 DCP control C1.1 Landscaping, requiring two canopy trees within the frontage, of which at one shall be a replacement Cheese Tree.

In total eight existing locally native Paperbark trees are preserved to the rear of the property, seven prescribed trees (ie. protected by the DCP and requiring Council consent) require removal based on development impacts, and thirteen exempt species by either height or by species type and not requiring Council consent are proposed for removal. No impacts are assessed in the Arboricultural Impact Appraisal and Method Statement dated 9 December 2020 upon existing trees and vegetation within adjoining properties.

Tree protection measures as recommended in the Arboricultural Impact Appraisal and Method Statement shall be adhered to, including the engagement of a Project Arborist.

Subject to conditions of consent for tree protection, and the completion of landscape works as imposed by conditions, Landscape Referral raise no concerns.

previous comments

The application is for the construction of a new dwelling.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause E4 zone

Environmental Living, and the following Pittwater 21 DCP Controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12 Palm Beach Locality

The site is located in the E4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the E4 Environmental Living zone.

A Landscape Plan and a Arboricultural Impact Assessment is provided. The Landscape Plan identifies existing trees to be retained and removed and provides additional landscape treatment to the frontage of the site, with the rear to be retained in its natural landscape state.

The Arboricultural Impact Assessment report recommended removal of three (3) high retention value trees without any detailed information or justification for removal. It is considered that trees identified as number 4 (Paperbark) and 18 (Cheese Tree) are impacted by the development with no opportunity for retention. However detailed information is required to justify removal of tree 3 (Paperbark) as its location within the frontage provides streetscape appeal and satisfies the landscape outcomes of E4 zone and the DCP controls B4.22 and C1.1.

It is considered that a design alternative is available to retain this tree including retention of the existing ground levels and realignment of proposed retaining walls to ensure the structural root zone is not impacted and any encroachment into the tree protection zone is managed, including pier and beam construction if required. Given the existing slope it may be assessed that the majority of tree roots are found upslope. The Arboricultural Impact Assessment report does not provide arboricultural investigation to support tree removal and a sensitive tree root investigation may reveal accurate information to justify any proposed removal. The site plans additionally do not co-ordinate the location of tree 3 Paperbark against the proposal.

Landscape Referral are unable to continue the assessment until detailed information is provided.

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 Appraisal and Method Statement dated 9 December 2020, including:

- i) excavation and construction works in proximity to trees 21, 22 and 24, 27, 34 and 35, under section 3.2.2, 3.2.3, and 4.3,
- ii) ground protection to existing trees 21, 22 and 24 under section 4.2.2 and appendix 5,
- iii) any other works deemed necessary by the Project Arborist,
- iv) compliance with appendix 7 - schedule of works and responsibilities,
- v) compliance with appendix 8 - 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 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 Appraisal and Method Statement dated 9 December 2020, and the Tree Impact Statement for tree 3 dated 14 October 2021):

- i) trees numbered 3 and 4 (Paperbark), 6 and 7 (Frangipani), 17, 18 and 20 (Cheese Tree).

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal. The following existing trees are identified for removal: tree numbers 1, 2, 5, 8, 9, 10, 11, and 12 (exempt by height), and tree numbers 13, 14, 15, 16, and 19 (exempt by species type).

Note: all existing trees to be removed shall be marked on site by the Project Arborist prior to removal.

Reason: To enable authorised development 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) or vi) 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 Appraisal and Method Statement dated 9 December 2020.

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

Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) two (2) locally native canopy trees shall be planted within the front setback, with at least one species to be a *Glochidion ferdinandi* (Cheese Tree), and the other to be selected from Northern Beaches Council's Native Plant Species Guide - Narrabeen Ward, or Council's Tree Guide, and capable of attaining at least 6 metres in height at maturity,
- ii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- iii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres and preferably 5.0m from buildings, 2.0 metres from structures including driveways, walling and paths, and at least 1.5 metres from common boundaries,
- iv) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space or solar collectors, and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative.

<https://5milliontrees.nsw.gov.au/>

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:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) 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.