

Landscape Referral Response

Application Number:	DA2021/0315
Date:	15/04/2021
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 1 DP 749530 , 168 Whale Beach Road WHALE 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 construction of a new dwelling, driveway, pool and associated landscaping on a vacant lot.

Councils Landscape Referral section has considered the application against the Pittwater Local Environment Plan, noting that the site is within Zone E4- Environmental Living, and including (but not limited to) the following Pittwater 21 DCP controls:

I B4.22 Preservation of Trees and Bushland Vegetation

I C1.1 Landscaping

I D10.13 Landscaped Area - Environmentally Sensitive Land

The Arborist's Report, Landscape Plans, Flora and Fauna Report Bushfire report and Geotechnical Report submitted with the application are noted.

The Arborist's Report indicates 6 trees to be removed to accommodate the proposed works. The Report identifies tree height and spread, however it is apparent that the heights are incorrect when compared to the Survey Plan. For the purposes of the assessment, heights as listed on the Survey Plan are adopted.

The trees identified for removal are:

T4 *Eucalyptus botryoides* 14m ht

Medium retention value

T5 *Eucalyptus botryoides*

16m ht Medium retention value T7 *Banksia integrifolia* 6m ht

Low retention value T8

Eucalyptus botryoides 8m ht Medium retention value

T9 *Eucalyptus botryoides* 16m ht Medium retention

value T10

Eucalyptus botryoides 18m ht Medium retention value

The Flora and Fauna (F&F) report indicates that the trees to be removed are part of the Coastal Foreshores Sandstone Forest ecological community, which is not an endangered Ecological community.

Other trees on the site are to be retained, including trees in the western portion of the site, identified in the F&F report as comprising Pittwater Spotted Gum Forest, which is a listed Endangered Ecological Community under the NSW Biodiversity Conservation Act.

The F&F report indicates that no trees from the Pittwater Spotted Gum Forest are to be removed and recommends remediation of the land occupied by the Spotted Gum Forest via weed removal and replanting of local species.

The Landscape Plans provided indicate replanting around the dwelling, but makes no mention of the recommended remediation of the Spotted Gum Forest referred to in the F&F report. I would defer to the comments of Council's Bushland and Biodiversity section regarding remediation of the area, however removal of weeds and regeneration of the western area would be supported from a landscape perspective as a positive outcome for the site and local ecology.

The F&F report recommends that landscaping around the dwelling (outside of the Spotted Gum Forest area) should comprise 80% species typical of the Coastal Sandstone Foreshores Forest. Whilst some species have been included in the landscape plans, it is apparent that they fall far short of 80%. In order to provide a landscape setting in keeping with the environmental values of the land and surrounding area, a condition has been included requiring landscape plans to be amended to include a minimum 80% local species. The F&F report provides species lists for local plants.

It is noted that the site is within bushfire prone land and that Asset Protection Zones are required around the dwelling as recommended in the Bushfire Report. This places restrictions on tree planting around the dwelling, however from a landscape perspective, the provision of a significant proportion of local native species in planting around the dwelling which is still achievable under the bushfire management requirements, is a positive environmental outcome in this instance.

The Geotechnical report provided indicates outcropping of sandstone across the site. The Plans provided indicate that the dwelling is to be constructed at a higher level than the sandstone occurring on the crest of the ridge, enabling retention of the rock in this location. Excavation is required on the lower eastern portion of the site to accommodate the lower levels, however it is considered important that the natural features at the crest and to the west of the site are retained, which is achieved by the proposed design.

The site is vacant with no existing dwelling present. The F&F report indicates that the site is degraded with numerous weed species present and little remnant native under storey. It is recognised that any development of the site will require impacts to site landscape features, however it is apparent that the most important area of the site is located to the west, which is to be retained and, subject to Bushland and Biodiversity comments, enhanced.

The site is noted to be mapped as Category 1 - Very High Potential for sites of Aboriginal significance. As such, referral to the AHO is recommended to assess the impacts of the proposal on rock outcrops, trees and landforms that may be of significance.

In consideration of the above, no objections are raised with regard to 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**

Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) Provision of a minimum of 80% local native species to planting areas indicated on the plans.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity.

On Slab Landscape Works

a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

b) Landscape treatment details shall also be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

c) The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn
- ii) 600mm for shrubs
- iii) 1m for small trees

d) Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the recommendation of the Arboricultural Impact Assessment

dated 18/03/2021 prepared by Peake Arboriculture and 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.

b) 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.

c) Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.

d) All tree protection measures specified 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.

e) 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 Assessment dated 18/03/2021 prepared by Peake Arboriculture and):

- i) T4, T5, T7, T8, T9, T10

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

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) 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 the Arboricultural Impact Assessment dated 18/03/2021 prepared by Peake Arboriculture and 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 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), vi) and vii) 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 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.

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

Landscape Completion

a) Landscaping is to be implemented in accordance with the approved Landscape Plan.

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

Reason: Environmental amenity.

Condition of Retained Vegetation - Project Arborist

Prior to the issue of any 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.

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.