

## Landscape Referral Response

<b>Application Number:</b>	Mod2020/0589
<b>Date:</b>	04/01/2021
<b>Responsible Officer:</b>	Kelsey Wilkes
<b>Land to be developed (Address):</b>	Lot 19 DP 209443 , 62 Riviera Avenue 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

The modification application to development consent DA2020/0309 includes excavation and the addition of a retaining walling in close proximity to an an existing tree (Brushbox) located along the boundary, approved for retention in DA2020/0309.

The approved works in DA2020/0309 does not include any retaining walls in the vicinity of the existing Brushbox.

The under construction works includes retaining walls across the rear of the property from side boundary to side boundary and this has occurred within the structural root zone of the existing Brushbox. The matter of damage to the existing Brushbox should be referred to Council's Compliance section for review and thus any deemed action.

An inspection by an Arborist has revealed that block retaining wall construction is aligned 0.8m from the base of the Brushbox and that a significant roots approximately 200mm has been severed. The Arborist writes that "upon observations made during the inspection the tree is now considered to pose a high risk of failure under wind loading conditions. Failure of the tree has the potential to impact upon the residential dwellings of the subject property and the neighbouring property of 64 Riviera Avenue. As such, it is recommended that the tree be removed as soon as reasonably practicable".

Northern Beaches Council permits removal of trees without a Permit subject to written confirmation from a Arborist that clearly states: the Arborist qualifications - AQF Arborist or equivalent; that the tree is declared an imminent danger and high risk to life and property; that immediate removal of the tree is recommended; and a copy of the report and certificate must be sent to Council for record keeping purposes.

A high risk/imminent danger certificate prepared by a AQF Level 5 qualified Arborist shall be provided to Council.

Tree replacement shall be a condition of consent.

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**

**High Risk / Imminent Danger Certificate**

A high risk/imminent danger certificate prepared by a AQF Level 5 qualified Arborist shall be provided to Council. The certificate shall include:

- i) the Arborist qualifications - AQF Arborist or equivalent;
- ii) that the tree is declared an imminent danger and high risk to life and property;
- iii) that immediate removal of the tree is recommended.

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

**Required Tree Planting**

Locally native tree replacement within the rear of the property shall be planted as follows:

- i) one (1) *Corymbia maculata* (Spotted Gum) planted at 75 litre container size,
- ii) tree planting shall be located within a 9m<sup>2</sup> deep soil area within the site, at least 3 metres from common boundaries, a minimum of 5 metres from existing and proposed buildings, and at least 3 metres from any other tree,
- iii) tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To maintain environmental amenity.