

## Landscape Referral Response

<b>Application Number:</b>	DA2021/2235
<b>Date:</b>	06/12/2021
<b>Responsible Officer:</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot CP SP 12668 , 9 Avalon Parade 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 proposal is for re-construction of a retaining wall in part within the property and in part over Council's road reserve. It is noted that the proposed development is replacement works of an existing retaining wall structure and the area of encroachment upon the road reserve is reduced, whilst an additional encroachment by way of stairs and footpath is proposed within the road reserve. The proposal aims to enhance the aesthetic qualities of the streetscape through the proposed landscape works.

The proposed works with the road reserve shall be subject to a Section 138 Roads Act application, and the encroachment works are subject to the provision of ongoing maintenance of the structures and landscape works by the property owner.

The proposed works do not require the removal of any tree or impact any existing tree, and conditions shall be imposed for protection measures.

Landscape Referral raise no concerns subject to the proposed stairs within the road reserve being relocated wholly within the property, and subject to Section 138 approval.

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**

### Section 138 Roads Act application for works within public road reserve

A Section 138 application under the Roads Act shall be submitted to Council for the re-construction of the existing retaining wall in part over Council's road reserve, including detailed engineering and landscape details.

The stairs proposed over Council's road reserve is to be located wholly within the property.

The applicant shall comply with any other relevant Referral Team requirements, the subject of 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, 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.

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.

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

**Landscape Completion**

Landscape structural and planting works are to be implemented in accordance with the approved Section 138 plans.

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

Reason: Environmental amenity.