

Landscape Referral Response

Application Number:	DA2021/2097
Date:	12/04/2022
Responsible Officer:	Nick England
Land to be developed (Address):	Lot 16 DP 650061 , 918 Barrenjoey 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

further revised comments:

An amended master set with revised garage and driveway layout away from existing tree T4 (Eucalyptus acmenoides) is submitted and accommodates the retention of T4, with encroachment within the tree protection zone substantially reduced, such that the previous request for a non-destructive root mapping investigation is no longer required. The proposal as revised requires the removal of two native trees identified as T5 (Cheese Tree) within the property and tree T2 (Eucalyptus pipertia) located on common property.

Conditions shall be imposed for tree protection measures as listed in the Arboricultural Impact Assessment reports.

Landscape revegetation works as described in the Biodiversity Development Assessment reports shall be undertaken including works as illustrated and scheduled in the Kingfisher Landscape Plan.

updated comments:

The Landscape Plan prepared by Kingfisher Urban Ecology & Wetlands / Ecological Consultants Australia remains unaltered and as per previous comments no concerns are raised. The Landscape Plan includes the planting of Pittwater Spotted Gum Forest trees including 2 Spotted Gums (Eucalyptus maculata) and 2 Sydney Red Gums (Angophora costata), as well as other locally native understorey species, and in total the following planting is proposed: 4 canopy trees, 40 small trees, and 85 mid level shrubs.

The Arboricultural Impact Assessment is updated and recommends the retention of existing trees T1 (Eucalyptus pipertia) and T3 (Eucalyptus gummiifera) as proposed initially, as additionally under the revised scheme T4 (Eucalyptus acmenoides). However the retention of T4 is recommended based on a non-destructive root mapping investigation. The impact therefore from the proposed garage and entrance pathway is unknown and a 32% major incursion of the tree protection zone is calculated from the proposed development works.

Existing tree T5 within the property remains as supported for removal as it is within the proposed garage footprint, and the removal of tree T2 (*Eucalyptus pipertia*) located on common property remains based on the recommendations of the Arboricultural Impact Assessment with concerns for risk to property.

Without the non-destructive root mapping investigation prior to development application determination, Council are unable to assess accurately if tree T4 is realistically able to be retained, or whether further design modifications are required to preserve this tree.

As such Landscape Referral require a non-destructive root mapping investigation prior to continuing the assessment.

previous comments:

The development application is for alterations and additions to the existing dwelling, and construction of associated garage, external decking and swimming pool. A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral.

Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):

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

The site is located in the C4 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.

This proposal requests the removal of four existing trees to accommodate the proposed dwelling including one within adjoining property. The tree removal has been discussed with the adjoining neighbour at No. 920 Barrenjoey Road and a letter of consent has been provided for the removal of existing tree number 2. Three replacement trees are proposed including two in the front garden and one in the rear of the property.

The Landscape Plan provides for replacement tree canopy planting and includes additional understorey planting to enhance the landscape setting and satisfies the intent of the LEP clause C4 Environmental Living zone and DCP control C1.1 Landscaping.

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

Tree Removal Within the Property

This consent approves the removal of the following tree(s) as recommended in the Arboricultural Impact Assessment:

- tree number 5 - Cheese Tree, subject to tree replacement within the property
- tree number 2 - Sydney Peppermint located on common boundary in majority within No. 920

Barrenjoey Road, and with owners consent

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 development works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

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 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 Assessment, to preserve existing trees numbered 1, 3 and 4.

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) 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, 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 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.

Condition of Retained Vegetation

Prior to the issue of any Occupation Certificate a report prepared by an Arborist with minimum AQF Level 5 in arboriculture 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

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.