

Landscape Referral Response

Application Number:	DA2023/1368
Date:	07/02/2024
Proposed Development:	Demolition works and construction of a secondary dwelling
Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Lot 33A DP 359416 , 56 Central Road 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

Amended Plans Comment

Amended Plans provided are noted.

Potential tree impacts are mitigated by the construction of the secondary dwelling on piers, to protect natural ground levels and root systems of trees to be retained on and adjacent to the site.

Specific conditions have been included requiring the appointment of a Project Arborist to oversee demolition, excavation and construction works as well as tree protection measures.

No objections are raised with regard to landscape issues, subject to conditions.

Original Comment

The application seeks consent for demolition works and construction of a secondary dwelling.

The Arborist's Report prepared by Bradshaw Consulting Arborists noted.

The Report indicates that 2 x *Corymbia gummifera* are required to be removed to accommodate the secondary dwelling. These trees have been assigned a Moderate retention value. Eleven other native trees on site and two other native trees on the adjoining property are to be retained.

It is noted that the land contains areas mapped on the Biodiversity Values Map under the Biodiversity Conservation Act. I would defer to comments from Council's Bushland and Biodiversity section regarding the environmental and biodiversity impacts of the proposed works and relevant legislative requirements..

The relocation of the secondary dwelling would likely impact on other High retention value trees. If the proposal is to be approved, replacement with 2 local native species trees is 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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with relevant Conditions of Consent, the Arboricultural Impact Assessment dated 14 August 2023 prepared by Bradshaw Consulting Arborists and AS4970-2009 Protection of trees on development sites.

The Project Arborist shall be in attendance and supervise all demolition, excavation and construction works on site and as nominated in the Arboricultural Impact Assessment.

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 Principal Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing trees and Conditions of Consent have been carried out satisfactorily to ensure no impact to the health of the trees on and adjacent to the site. Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: 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 trees on the subject site as identified in the Arboricultural Impact Assessment dated 14 August 2023 prepared by Bradshaw Consulting Arborists as listed below:

- i) Trees numbered 3 and 4 - *Corymbia gummifera*
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to 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 within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with these Conditions of Consent, the Arboricultural Impact Assessment dated 14 August 2023 prepared by Bradshaw Consulting Arborists and AS4970-2009 Protection of trees on development sites,
 - 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 of trees on and adjacent to the site, without consultation with the Project Arborist, including advice on root protection measures. Tunnel boring may be required to protect roots as advised by the Project Arborist,
 - vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures and construction/excavation methodologies. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Principal Certifier,
 - 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 Pruning of amenity trees and supervised by the Project Arborist,
 - 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 Principal Certifier must ensure that:

- c) The arboricultural protection works listed in a) and b) are undertaken and certified by the Project Arborist as compliant to these Conditions of Consent, the Arboricultural Impact Assessment dated 14 August 2023 prepared by Bradshaw Consulting Arborists and AS4970-2009 Protection of trees on development sites AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

Condition of Trees

During the demolition, excavation and construction period the applicant is responsible for ensuring all existing trees on and adjacent to the site 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 and by seeking arboricultural advice from the Project Arborist 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**

Required Tree Planting

Trees shall be planted in accordance with the following:

- a) 2 x locally native tree(s) shall be planted within the property to achieve at least 5 metres height at maturity, and in accordance with the following:
 - i) tree planting shall be a minimum pre-ordered planting size of 200mm; generally selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, meet the requirements of Natspec - Specifying Trees; 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 from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
 - ii) 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,
- b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees on and adjacent to the site required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, 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 and vegetation protection.