

Landscape Referral Response

Application Number:	DA2021/0619
Date:	20/07/2021
Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 202 DP 1019363 , 15 Jubilee Avenue WARRIEWOOD NSW 2102

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 development application is for construction of a mixed-use development containing self-storage units and light industrial units.

Council's Landscape Referral staff have assessed the proposal against Pittwater Local Environment Plan zone B7 Business Park and the following Pittwater 21 DCP Controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C2.1 Landscaping
- C2.20 Public Road Reserve - Landscaping and Infrastructure
- D16 Warriewood Valley Locality, in particular D16.1 Character as viewed from a public place

A Landscape Plan and a Arboricultural Impact Assessment is provided in accordance with Northern Beaches Council's DA Lodgement requirements.

Clause C2.1 control requires that any canopy trees are to be located a minimum of five metres from any footing walls of the built structure of the development. A range of ground covers shrubs and trees shall be provided to soften the built form from the street. The Landscape Plan proposal generally achieves the requirement of the control. The Landscape Plan provides for mass planting of the front setback including tree and understory shrub and groundcover planting, as well as street tree planting. The Landscape Plan adequately addresses pedestrian and driver visibility at site entrances with low groundcovers selected that will be a condition of consent to ensure vegetation does not exceed one metre in height within a splay of the driveway as determined by Traffic Engineers.

Clause C2.20 control requires landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres. The Landscape Plan proposes street tree planting and this is acceptable subject to conditions.

Clause D16.1 control requires development to be softened by landscaping, and the Landscape Plan proposal achieves this adequately, subject to conditions of consent.

The Arboricultural Impact Assessment includes reference to the requirement to remove vegetation within adjoining property. A signed owners consent has been provided by the owner of property 185 Warriewood Rd Warriewood agreeing to this and Council raise no objections to this based on the recommendations of the Arboricultural Impact Assessment.

Signed owners consent from adjoining property at 10 Apollo St Warriewood is also provided for arboricultural pruning works to the existing Phoenix Palm identified as T27 in the Arboricultural Impact Assessment agreeing to the required pruning works and Council raise no objections to this based on the recommendations of the Arboricultural Impact Assessment.

The Arboricultural Impact Assessment proposes the retention of street trees identified as T8, T9, and T10 (all Swamp Mahogany), and retention of T11 and T11b (both Cheese Trees) within the site. All other existing trees within the site are proposed for removal including native trees and Exempt Species that are not retainable based on the development footprint. The Landscape Plan adequately provides for the replacement of native trees and these are located within the front setback.

Subject to Planning merit approval, Landscape Referral raise no objections to the development proposal.

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

Public Road Reserve Landscaping and Infrastructure

A Roads Act application shall be submitted to Council for any works within the road reserve including landscape works.

Street trees as nominated in the Landscape Plan are to be planted at 6 metre centres, pre-ordered for delivery at a 400 litre container size, with a 1m x 1m x 700mm depth tree pit, backfilled with suitable planting medium. Street trees are to be appropriately supported by four post tree guard (minimum 50mm x 50mm) with top and mid rail, and with hessian ties for tree trunks. Root barriers shall be installed to each street tree along the back of kerb and the path, and at a distance of 1 metre from the tree trunk within the turf area, and shall consist of recycled, non-ribbed, high density polyethylene to 450mm depth.

Street trees shall be located following consideration of other existing trees, existing underground utilities and street lighting. The street trees must be maintained for a period of 12 months following the issue of an Occupation Certificate. Any failure due to lack of maintenance will require replacement.

Grassed areas are to be turfed with Couch species (weed free), unless otherwise advised, and even grade to a maximum 4% grade.

All work is subject to a Roads Acts application and approval from Council.

Reason: To enable the long term retention of the desired streetscape character.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with 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, for the following existing trees identified in the Arboricultural Impact Assessment: T8, T9, and T10 (Swamp Mahogany) and T11 and T11b (Cheese Tree).

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.

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

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

i) section 2. Conclusions & Recommendations, part 2.2 and 2.3, figure 3 and table 1.

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 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) without a design alternative:

i) T1 Black Peppermint; T2 Coast Banksia; T3 Flooded Gum; T13 and T18 She Oak; T14 and T16 Swamp Mahogany; T15, T20, T22, T23, T24 and T25 Sydney Peppermint; T19 Cheese Tree; and T21 Grey Gum.

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

i) T4, T5, T6 and T7 Cottonwood; and T12 Swamp Mahogany.

Reason: To enable authorised building works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites, and in accordance with the Arboricultural Impact Assessment.

As a minimum, the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

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.

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) street tree planting shall be in accordance with the approved works within the road reserve under the Roads Act application and approval,
- ii) proposed *Lomandra longifolia* species within the driveway 2.0m x 2.5m splay shall be substituted for a dwarf *Lomandra* species limited in mature height at 1 metre or less,
- iii) all planting within the site shall consist of the following minimum container sizes: trees - 75 litre container size, shrubs - 200mm pot, and groundcovers and native grasses - 140mm pot,
- iv) all tree planting within the site shall be located at least 5 metres from buildings,
- v) all garden areas shall include a drip irrigation system based on station timer and be maintained by the proposed strata body of the subject building,
- vi) the eastern boundary proposed screen shrub planting shall be at a minimum 1 metre centres,
- vii) the western boundary easement area shall be landscaped within low native grasses at a minimum 4 per square metre density.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) 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.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

Condition of Retained Vegetation - Project Arborist

Prior to the issue of an 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:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) 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. The landscape areas shall be maintained by the proposed strata body of the subject building.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.