

Landscape Referral Response

Application Number:	DA2023/1869
Date:	09/07/2024
Proposed Development:	Demolition works and construction of a Residential Flat Building including the consolidation of 3 lots into 1
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 5B DP 158658 , 58 Beaconsfield Street NEWPORT NSW 2106 Lot 6 DP 1096088 , 56 Beaconsfield Street NEWPORT NSW 2106 Lot 7B DP 162021 , 54 Beaconsfield Street NEWPORT NSW 2106

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 assessed by Council's Landscape Referral against the following relevant landscape controls and policies:

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65) under: clause 28(2) (a) (b) and (c), including Schedule 1, Principle 5: Landscape,
- the associated Apartment Design Guide, including the objectives of control 3E Deep Soil Zones, 4O Landscape Design, 4P Planting on Structures, and
- Pittwater Local Environmental Plan (PLEP) and the following Pittwater Development Control Plan (PDCP) controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; D10 Newport Locality

Further updated and final comments 09/07/2024:

Amended reports and plans are submitted to address the previous concerns.

The amended Landscape Plans as documented are able to be supported subject to conditions, including: conformance to Council's standard street tree planting requirements; and minor substitution of selected species. Street tree planting shall be the subject of documentation under a separate application under Section 138 and 139 of the Roads Act for works in the road reserve. It is noted that the Landscape Plans provide an adequate planting scheme to satisfy SEPP65 landscape requirements, landscape objectives of the ADG, and the landscape controls of PDCP C1.1, and it is noted that the planting scheme includes like for like replacements for the removal of existing trees

9,10, 11, 13, 28 and 29.

Both the amended Landscape Plans and amended Architectural Plans have removed the walling encroachment into public land along Beaconsfield Street, with the exception of the architectural plans that show graphic representation (Cover page, DA400, DA410, and DA411) of walling encroachment and these plans shall be disregarded.

Should the application be approved the following prescribed trees will require removal within the property and within the road reserve: 8, 9, 10, 11, 13, 18, 19, 23 to 27 inclusive, 28, 29 and 40. It is noted that all other existing trees upon the development property are exempt species (by species type or by height) and do not require Council consent for management or removal. Of the existing prescribed trees impacted by the development proposal the following are considered valuable trees: 9, 10, 11, 13, 28 and 29; and as noted the amended Landscape Plan provide for replacement.

Updated comments:

Amended reports and plans are submitted and it is noted that the report titled 'Issues response/ Supplementary Statement of Environmental Effects' provides comments as follows regarding the amended landscape plans: "the accompanying amended landscape plans have been prepared in consultation with Council's Landscape Officer to ensure that the concerns raised have been appropriately addressed and that the development will sit within a landscape setting".

However the concerns expressed have not been attended to in totality in the amended landscape plans, including:

- encroachment of structures and landscape works into the public road reserve verge whereby the advice given was to provide for full pavement across the road reserve verge with the inclusion of street tree planting across the development site; and*
- removal of proposed lawn areas that are too small to function for outdoor use / or establish appropriately due to aspect.*

Furthermore, Landscape Referral support the Bushland and Biodiversity referral to include like for like replacements for the removal of trees 9,10, 11, 13, 28 and 29 in line with the outcomes of PDCP B4.5.

The architectural site planning to include structures (ie. walling) into the public road reserve verge, as previously mentioned is not supported by Landscape Referral. The site planning through the architectural plans is required to demonstrate how the proposal is feasible without encroachments into public land.

Previous comments:

Landscape Plans and an Arboricultural Impact Assessment (AIA) report is provided with the development application in accordance with Council's DA Lodgement requirements.

The properties are zoned R3 Medium Density Residential and for consideration of the landscape outcome and interface with adjoining properties it is noted the adjoining properties are either R3 Medium Density Residential (60 Beaconsfield Rd to the east and 15-17 Queens Parade to the north), and R2 Low Density Residential (52 Beaconsfield Street to the east and 19 Queens Parade at the north east corner).

The development proposal includes encroachment into the public road reserve verge through walling as shown on the Architectural Plan and planting as shown on the Landscape Plans. The encroachments are not supported and place liability within the public road reserve verge upon Council.

The intent to preserve the trees within the existing embankment is problematic as the extent of basement excavation in proximity is likely to have tree impacts in the long term as opposed to during

construction where retention may be feasible, as opined in the AIA report. Along the Beaconsfield Rd frontage two existing trees are proposed for retention as recommended in the AIA report: T13 Eucalyptus capitellata and tree 40 Melaleuca quinquenervia, and it is noted that tree 40 is observed with a deep inclusion structural issue that will be problematic in the future likely to lead to removal. Based on the excavation for basement and the encroachment of these trees into the public road reserve verge, removal may provide a more sensible solution in terms of the long term landscape setting, including the opportunity to widen the existing footpath which is inadequate for safe passage and connection to the local shops and services, and does not meet design standards.

The site planning layout results in the more prominent existing trees being removed and these are trees 9 and 10 Eucalyptus capitellata, tree 28 Eucalyptus paniculata, and tree 29 Syncarpia glomulifera.

The Landscape Plans provide adequate deep soil and other landscape areas to achieve a landscape setting in consideration of State Environmental Planning Policy No. 65, the associated Apartment Design Guide, Pittwater Local Environmental Plan and Pittwater Development Control Plan controls. However the proposed landscape scheme as represented in the Landscape Plans requires additional landscape intent including: potential for street tree planting amongst a full width footpath; the frontage to Beaconsfield Rd shall support locally native canopy trees as replacement for any removed native trees; side and rear boundary garden areas shall incorporate small native tree planting for screening of the development and for residential privacy to adjoining properties; small (or all) lawn areas shall be replaced with mass planted gardens; the areas nominated for only groundcover planting shall be replaced with a mixed planting regime; and all landscape works shall be contained within the property (excluding street tree planting).

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

Amended Landscape Plans

Amended Landscape Plans shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- i) street tree planting shall consist of Xanthostemon chrysanthus delivered at a pre-ordered 200 litre container size minimum, installed within pavement as detailed in Council's Standard Drawing 1300 - Tree Pit Details, including strata cell subsurface with root barriers and planted understorey, (#)
- ii) the nominated Melaleuca quinquenervia in proximity to Unit G01 building and basement shall be relocated to the front setback forward of Unit G02 in deep soil, and a smaller native tree shall be nominated in proximity to Unit G01 building and basement,
- iii) an additional five small native trees capable of attaining at least 6 metres in height at maturity shall be planted within the front setback landscape zone in deep soil, with two forward of Unit G01, two forward of Unit G02 and one forward of Unit G03,
- iv) the nominated Syzygium smithii 'red tip' along the rear boundary shall be substituted with small native trees capable of attaining at least 6 metres in height at maturity.

(#) item i) shall also be documented for the section 138 and 139 application for works in the road reserve, consisting of full pavement width to the road reserve with street tree planting.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

On Slab Landscape Planters

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. Soil depths as listed on the approved Landscape Plans shall be provided.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Removal Within the Property

This consent approves the removal of existing prescribed trees on the subject site as identified in the Arboricultural Impact Assessment, approved Plans, or as listed below:

- a) 8, 9, 11, 13, 18, 19, 26, 27, 28 and 29,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

Tree Removal Within the Road Reserve

This consent approves the removal of existing trees within the road reserve as identified in the Arboricultural Impact Assessment, or as listed below:

- a) 10, 23, 24, 25 and 40,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor, as engaged by the applicant. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

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 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 AS4970-2009 Protection of trees on development sites,

- and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/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,
 - 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 works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

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

Street Tree Planting

Street tree planting shall be in accordance with the section 138/139 approval. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental and streetscape amenity.

Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
- c) all tree planting within the development property shall be a minimum pre-ordered planting size of 75

litres or as otherwise scheduled if greater in size; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,

d) mass planting shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,

e) all proposed tree planting within the property 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 (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

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 Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.