

Landscape Referral Response

Application Number:	DA2023/1400
Date:	28/05/2024
Proposed Development:	Demolition works and construction of a Residential Flat Building
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot CP SP 30051 , 13 Lodge Lane FRESHWATER NSW 2096

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 supported with regard to landscape issues.

Additional Information Comment 28/05/24:

The amended reports and plans are noted.

The Arborist completed non-destructive tree root investigations revealing roots of importance for tree 13 which required the design of the basement to be amended. The amended basement design will now allow the retention of tree 13, as stated in the Arboricultural Impact Assessment (AIA). Non-destructive tree root investigations were also completed for neighbouring tree 12. No roots were encountered during these investigations, as stated in the AIA. As a result of further investigations neighbouring trees 12 and 13 can be retained as recommended in the AIA. A Project Arborist must be engaged to supervise works in tree protection zones of trees to be retained. No concerns are raised with the removal of exempt trees 1-10 which can be managed or removed at the discretion of the applicant without consent. Tree 11 can be supported for removal as sufficient tree replacement planting has been shown on the Landscape Plans. No trees outside the property boundaries are to be removed.

The landscape proposal is generally supported; however, additional planting is required in the eastern building setback. All on slab landscape planters must meet Council's minimum soil depth requirements.

Original Comment:

Landscape Referral cannot support the application in its current form due to the following concerns:

- Firstly, it shall be noted that there are two existing Banksia's in the neighbouring properties front setback,
- The Arboricultural Impact Assessment (AIA) needs to be updated to reflect the current architectural drawings and assess the impact to both Banksia's,
- The same AIA has been submitted in this application as under PLM2023/0049 and is dated 29/11/22. The architectural plans referred to in the AIA are dated November 2022. The architectural plans submitted as part of this application are dated 31/08/23, and these plans have removed the basement wall eastern setback. The basement wall is now located along the eastern common boundary with no setback, and a retaining wall is also shown in the front setback along this boundary (from the basement to the northern boundary). Furthermore, the AIA states "*The supplied plans show the new crossover will be located towards western boundary with the area within Tree 12, to be turfed, this will enhance the growing environment of the tree*"; this is no longer the case and the Arborist shall provide further comment on this matter,
- Excavation of up to 2 metres is proposed along the eastern common boundary within tree protection zones, and comment from the Arborist is required on this matter. It is noted an existing timber retaining wall runs along the boundary which may have helped contain root growth; however, the Arborist states "*Prior to any mechanical excavations for the proposed basement a trench shall be dug along the perimeter of the proposed basement line within the tree protection zone of Tree 12 using hand- held digging implements*". Due to the location of the walls which will likely result in major tree protection zone encroachments, a non-destructive tree root investigation in the space between the existing driveway/carport and boundary is required to help determine impact to these neighbouring trees,
- The AIA states "*The hard stand area shall remain until development is completed*", which is referring to the existing carport/driveway hard stand. Landscape Referral questions this methodology as the existing hard stand area will need to be removed, and excavation undertaken to complete the basement works. The Arborist shall provide more information on this matter,
- Landscaped area calculations include driveway and entry pathway.

The latest plans (architectural, landscape, excavation, stormwater etc.) shall be provided to the Arborist so an amended AIA can accurately assess tree impact.

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

On Slab Landscape Works

a) 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. The following soil depths are required to support landscaping: 200mm for lawn; 300-450mm for groundcovers, perennials, and grasses; 500-600mm for shrubs; and 800-1000mm for small trees.

b) 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

Project Arborist

a) 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 AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

- i) tree protection measures and works under section 10.6.2 and 10.6.3,
- ii) any pruning requirements.

c) All tree protection measures specified 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.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the 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: 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

a) this consent approves the removal of existing prescribed trees on the subject site as listed below:

- i) tree 11 - *Laurus nobilis*.

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.

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 AS 4970-2009 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

Condition of Trees

a) during the construction period the applicant is responsible for ensuring all existing trees 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, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture 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.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) 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

Landscape Completion

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings LP01, LP02, LP03, LP04, LP05, LP06 dated 07/05/24), and inclusive of the following conditions:

i) landscape works are to be contained within the legal property boundaries,

ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,

iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; 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,

iv) the 1 x *Banksia integrifolia* in the front setback shall be located at least 3.0 metres from buildings or more, and at least 1.5 metres from common boundaries,

v) all tree planting in the rear setback shall be located at least 3.0 metres from buildings or more, and at least 1 metre from common boundaries,

vi) substitute all *Rhaphiolepis indica* with a suitable alternative of a similar size as this species is considered an environmental threat,

vii) include planting within the eastern side setback capable of achieving a height of 3-5 metres at maturity, and installed at 4 metre centres or less to provide greater amenity between neighbours,

viii) mass planting shall be installed at minimum 200mm container size at planting for shrubs or as otherwise scheduled if greater in size, and at minimum 140mm container size at planting for groundcovers or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,

ix) 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,

x) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

b) 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.

Condition of Retained Vegetation

a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, 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 and vegetation protection.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**Landscape Maintenance**

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) 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(s) and any conditions of consent.

d) a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

e) the approved landscape planted areas, whether containing lawn, gardens or planters 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.