

## Landscape Referral Response

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| <b>Application Number:</b>             | DA2021/1636   |
| <b>Date:</b>                           | 21/03/2022  |
| <b>Responsible Officer:</b>            | Daniel Milliken                                     |
| <b>Land to be developed (Address):</b> | Lot 2 DP 514296 , 7 Crown Road QUEENSCLIFF 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

#### *updated comments:*

The Landscape Plan provides an enhanced landscape setting and is acceptable subject to the following:

- the proposed landscape works within the property boundaries only are acceptable,
- no new works are permitted within the public road reserve including the upgraded gardens, except for street tree planting,
- any new or upgraded encroachment may be considered by the relevant Council department under a Minor Encroachment Application, however it is noted that the public road reserve is for the use of public movement and restraints such as paths and planting impacts upon the use of the public road reserve, and the application may not be supported.

The Arboricultural Impact Assessment comments that public road reserve existing trees are Exempt Species is incorrect. The Exempt Species list applies only to private residential land, and not public land. The arboricultural assessment however of the competition stress of these species is accepted as a reason for removal, subject to replacement with a native street tree as proposed. The following trees are approved for removal:

- T20 and T21, subject to native tree replacement within the property,
- T1, T2, and T3 within the road reserve, subject to native tree replacement within the road reserve,
- T12 within the neighbouring property No. 1 Crown Rd, as written consent is provided to remove the dead tree, whilst all other trees and vegetation within adjoining properties shall be retained and protected that are in proximity to the works,
- Exempt Species within the development property,
- All other existing trees within the property are to be retained and protected.

Subject to conditions of consent Landscape Referral raise no objections.

#### *previous comments:*

This application is for the alterations and additions of an existing residential dwelling. Alterations include the minor demolition of site structures to facilitate additions which are inclusive of a garage extension, additional bin storage, lift, office as well as gym below. Other additions include a dwelling extension to

the master bedroom, dining and kitchen area, storage area, wine cellar, as well as decking and new landscape works.

Councils Landscape Referral section has considered the application against the Warringah Local Environmental Plan, and the following Warringah DCP 2011 controls:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation

The Statement of Environmental Effects provided with the application notes that a number of trees are required to be removed as a result of proposed works. This statement is largely supported by the Architectural Plans as it is evident several trees are required to be removed. For this reason, an Arboricultural Impact Assessment has been provided.

The Arboricultural has identified a total of twenty-five trees, three of which are located in the road reserve at the front of the site, one within the adjoining property to the north, five within the adjoining property to the south, with the remaining sixteen trees located within the site boundaries. The Arboricultural Impact Assessment has recommended the removal of seventeen trees, with an additional one tree to be further considered subject to permission. Of these eighteen trees, seven trees, Trees No. 1, 2, 3, 12, 16, 20 and 21, have been identified as prescribed species either due to species, height, or being located within adjoining properties, with the remaining eleven trees considered exempt. Generally, no concern is raised with the removal of these exempt species as they may be removed without Council's approval.

Tree No. 1, 2 and 3 are a group of trees located within the road reserve, adjacent to the western boundary at the front of the site. All three of these trees have been identified as being in fair to good vigour and condition with a moderate to low landscape significance. Tree No. 1, 2 and 3 appear to be competing against each other for a small portion of soil area, likely resulting in a gradual decline in health over the long-term. It is noted that all three of these trees have been identified as exempt species, however, are only considered prescribed as they are located outside the site boundaries. The application seeks to remove these and replace with one locally native canopy tree, alongside low-lying grasses, and shrubs. From a landscape perspective this outcome is supported as the proposed works seek to replace the existing trees with a more suitable species, and, as there is only one new tree proposed it will have a greater chance of survival over the long-term. This proposed replacement vegetation seeks to mitigate and soften the bulk and scale of the built form which is also a desired outcome that is supported.

Tree No. 12 has been identified as a dead tree; however, it is located on a shared boundary line and is partially located within the adjoining property to the south. Tree No. 16 is also located within the property to the south and has been recommended for removal by the Arboricultural Impact Assessment. Tree No. 16 has been identified as likely having a root plate failure, with a significant lean towards the existing dwelling where contact is being made. As both trees are located within the adjoining property, albeit relatively minor in the case of Tree No. 12, owner's consent from the neighbouring property owners must be attained prior to the removal of these two trees being supported.

Trees No. 20 and 21 are both located towards the rear of the site and are proposed for removal as they are within the footprint of proposed works. Trees No. 20 and 21 are both locally native canopy trees identified as being in good health, vigour, and condition, with a medium retention value and medium useful life expectancy. It is noted that the Landscape Plan provided indicates an additional three native trees of the same species are to be planted within the rear yard to compensate the removal of these two trees. For this reason, the removal of Trees No. 20 and 21 is supported.

It is noted that several trees proposed to be retained, including Tree No. 10, 11, 17, 22, 23, 24 and 25

have varying levels of Tree Protection Zone (TPZ) encroachment because of proposed works. Most of these trees have negligible impacts as a result of proposed works, however Tree No. 10 has been identified as having a TPZ encroachment of 10-15%. Although this total encroachment is deemed major in accordance with AS4970-2009, the impacts of proposed works are anticipated to be much less due to the presence of existing structures and retaining walls along the northern boundary. For this reason, the Arborist has noted it is viable for retention subject to tree protection measures and sensitive construction practices, inclusive of no excavation within Tree No. 10's Structural Root Zone (SRZ), tree protection fencing, supervision by an appointed Project Arborist, as well as future tree root investigations if needed. For this reason, the Arborists recommendations are supported. The retention of Tree No. 10, as well as other existing trees proposed for retention is vital to satisfy control E1, as key objectives of this control include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

A Landscape Plan has also been provided with the application and proposed works include the in-ground planting of trees, shrubs, grasses and groundcovers, as well as the on-slab planting of shrubs, grasses and groundcovers. Generally, no major concerns are raised regarding the proposed works as they seek to alleviate and soften the bulk and scale of the built form, whilst also utilising a largely native planting palette. The completion of these landscape works is necessary to satisfy control D1, as key objectives of this control include "to enable planting to maintain and enhance the streetscape", "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building", as well as "to enhance privacy between buildings".

The landscape component of the proposal is therefore not currently supported due to the impacts of proposed works on trees located in adjoining properties. Although Trees No. 12 and 16 are of low retention value and poor health, they are located within neighbouring properties and require written consent from the neighbouring property owner prior to be approved for removal. Should written consent be received, no further concerns are raised, and the proposal would likely be supported subject to conditions, however until this consent is received the landscape component cannot be supported. Should owners consent not be received, design amendments shall be required to ensure these trees are retained and protected.

Upon the receipt of the required information, further assessment can be made.

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**

Details shall be submitted to the Certifying Authority 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 Certifying Authority prior to the issue of the

Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn
- ii) 600mm for shrubs

Design certification shall be submitted to the Certifying Authority 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 secure 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 the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- T20 and T21 - both Coastal Banksia, subject to native tree replacement within the property,
- T12 within the neighbouring property No. 1 Crown Rd, as written consent is provided to remove the dead tree from the property owner.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal, and these include the following identified trees within the property: T4, T5, T6, T7, T8, T9, T13, T14, T15, T18, and T19.

Reason: To enable authorised building works.

### **Tree Removal Within the Road Reserve**

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

- T1 and T3 Norfolk Island Hibiscus, and T2 - Cocus Palm, within the road reserve, subject to native tree replacement within the road reserve,

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section 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 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, except for T12 approved for removal,
- 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**

### **Street Tree Planting**

Street tree planting shall be installed in accordance with the following:

- i) one (1) *Banksia integrifolia* pre-ordered at a 100 litre container size, and shall meet the requirements of Natspec - Specifying Trees,
- ii) minimum 2 metres in height with a 40mm minimum caliper.

All street trees shall be 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, including a four post and top and mid rail timber tree guard, and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths, and shall generally be centralised within the road verge.

Reason: To maintain environmental amenity.

### **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plans, inclusive of the following conditions:

- i) new landscape works are confined to the property boundaries,
- ii) all trees shall be 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 and other trees, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iii) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting 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 50mm depth of mulch,
- iv) 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 any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal 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 an 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:

- 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**

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.