

Landscape Referral Response

Application Number:	DA2021/2632
Date:	15/06/2022
Responsible Officer:	Nick England
Land to be developed (Address):	Lot 6 DP 736961 , 10 Fern Creek Road 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 the construction of a dual occupancy development and associated site and landscape works upon Lot 5A and Lot 5B.

Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D16 Warriewood Valley Locality, and in particular D16.5 Landscaped Area for Newly Created Individual Allotments, and D16.12 Fences

Updated comments 15/06/2022:

Amended Architectural Plans and Amended Landscape Plans are submitted and co-ordinated. No additional or addendum Arboricultural Impact Statement is submitted and hence the recommendations of the Arboricultural Impact Statement shall be supported as reported, and the Amended Architectural Plans and Amended Landscape Plans include the retention of existing Sydney Blue Gum trees identified as numbers 13, 24 and 25. The existing exempt species (tree number 23 - *Fraxinus griffithii*) identified for removal and located within the driveway footprint does not require Council consent for removal under the exempt provisions of the DCP.

The Amended Landscape Plans address the previous concerns, and subject to conditions of consent Landscape Referral raise no objections.

Previous comments 29/04/2022:

The property within the lot boundaries contains three small juvenile existing Sydney Blue Gum trees identified in the Arboricultural Impact Statement for retention and protection (tree numbers 13, 24 and 25), and one exempt species (tree number 23) identified for removal that is located within the driveway footprint. Existing tree number 22 within the adjoining Lot is proposed for retention and shall be protected. Existing street trees are present within the road verge of Fern Creek Road as well as other road verge street tree within the development, and all shall be protected and not impacted by

construction activities including deliveries, and protection is subject to conditions of consent.

The Statement of Environmental Effects notes the presence of the three Sydney Blue Gum trees for protection and it appears that the intent is to remove these trees and the wording has been misapplied. The Landscape Plan does not include retention of the existing trees, and the layout of the external landscape including excavation and retaining walling would not support the retention of these trees.

As small juvenile trees, the incorporation of the existing Sydney Blue Gum trees 13, 24 and 25 may be achievable, and this discrepancy between plans and reports shall be updated to provide a clear assessment and intent for the existing trees identified in the Arboricultural Impact Statement for retention and protection.

The Architectural Plans include fencing and walling to the development front setback and this shall be removed. Under DCP control D16.12 Fences, the front setback between public and private land shall be delineated by vegetation, such as low hedges, garden beds or the like, and fencing is not permitted forward of the front building line to ensure an appropriate front setback landscape amenity to the streetscape.

A Landscape Plan is submitted proposing landscape works to enhance the landscape setting of the lot development and no concerns are raised, with the exception of the intent to either incorporate the existing Sydney Blue Gums into the external design layout or otherwise.

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 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 within the road reserve shall be protected in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

All street trees within the road verge 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: 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 (ie. tree numbers 12, 24, and 25 - Sydney Blue Gums are to be retained), 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, as listed in the following sections:

- i) section 10 Recommendations
- ii) section 11 Tree Protection Requirements including tree protection fencing to trees 12, 24 and 25
- iii) section 12 Construction Hold Points

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 Plans for Lot 5A and Lot 5B, and inclusive of the following conditions:

- i) the planting scheme shall include a minimum of 70% endemic vegetation, with all canopy trees to be endemic, whilst smaller trees may be exotic,
- ii) environmental weeds are not permitted to be planted and shall be removed from the proposed plant schedule and these include *Cupaniopsis*, *Rhapiolepis* and *Pennisetum* species listed in the development application document,
- iii) exempt species are not permitted to be planted and shall be removed from the proposed plant schedule and these include *Cupaniopsis*, *Fraxinus* and *Howea* species listed in the development application document,
- iv) canopy tree endemic planting shall be selected from: *Angophora costata*, *Angophora floribunda*, *Backhousia myrtifolia*, *Eleocarpus reticulatus*, *Eucalyptus robusta*, *Hymenosporum flavum*, *Syzygium leuhmannii*, *Syzygium smithii*, *Tristaniopsis laurina*, and *Tristaniopsis 'luscious'*, as nominated in the development application document,
- v) all canopy tree planting is to be located a minimum of 5 metres, and smaller trees at least 3 metres from existing and proposed dwellings,
- vi) each tree is to be located at least 1.5 metres from adjoining common residential side boundaries,
- vii) all other landscape works shall be in accordance with the approved Landscape Plans,
- viii) fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation, such as low hedges, garden beds or the like.

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.

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.