

Landscape Referral Response

Application Number:	DA2024/0837
Date:	19/08/2024
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool and ancillary works
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 2 DP 35285 , 4 Edward Street NARRAWEENA NSW 2099

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 application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 (WLEP) and the following Warringah Development Control Plan 2011 (WDCP) controls (but not limited to): D1 Landscaped Open Space and Bushland Setting; E1 Preservation of Trees or Bushland Vegetation; and E6 Retaining unique environmental features.

Updated comments:

Updated plans and reports are submitted in response to the Landscape Referral concerns. The Landscape Plans submitted provide planting to the identified landscape area as either gardens or lawn, and retain the existing rock outcrop, and no issues are raised subject to completion of the works nominated in the Landscape Plans, subject to conditions including tree loss offset planting requiring at least one tree within the front setback. The Arboricultural Impact Assessment (AIA) report includes recommendations of the required tree protection measures to support retention of two trees within the rear of the property, and conditions shall be imposed. No concerns are raised for the removal of one prescribed tree from the rear of the property and for removal of the nominated exempt species which separately do not require Council consent for management or removal.

Previous comments:

The objectives of D1 Landscaped Open Space and Bushland Setting, that shall be satisfied including that at least 40% of the site shall be 'landscaped area' containing "a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area", to achieve the following: enable planting to maintain and enhance the streetscape; 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;

enhance privacy between buildings; amongst other objectives.

The landscape area calculation includes parts nominated for the function of vehicular access over the proposed reinforced lawn area to support car manoeuvrability and parking and not to support planting. The reinforced lawn area occupies 30m² and should not count as 'landscaped area' and therefore the landscape calculation is less than 40%. The resultant front setback is predominately hardstand and the objectives of D1 are unable to be satisfied. No Landscape Plan is submitted to provide any details regarding the proposed landscape setting.

All existing trees are proposed for removal except two within the rear of the property. The existing trees within the front of the property are exempt palms and thus no concerns are raised for removal, however no information is provided on the species type at the rear of the property, and these may be either prescribed trees or otherwise exempt species, and this information is required and it is the responsibility of the applicant to provide this clarification before the assessment may continue.

The existing rock outcrop shall be incorporated into the design proposal and the whole of the rock outcrop within the road reserve verge shall be retained.

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 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: T11. 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

Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works. Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council (MLALC) are to be contacted.

Reason: Preservation of significant environmental features.

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 (T12 and T13), unless authorised and certified 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

Landscape Completion

Updated plans and reports are submitted in response to the Landscape Referral concerns. The Landscape Plans submitted provide planting to the identified landscape area as either gardens or lawn, and retain the existing rock outcrop, and no issues are raised subject to completion of the works nominated in the Landscape Plans, subject to conditions including tree loss offset planting requiring at least one tree within the front setback. The Arboricultural Impact Assessment (AIA) report includes recommendations of the required tree protection measures to support retention of two trees within the rear of the property, and conditions shall be imposed. No concerns are raised for the removal of one prescribed tree from the rear of the property and for removal of the nominated exempt species which separately do not require Council consent for management or removal.

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,
one (1) locally native trees shall be installed within the front setback, centrally within the lawn area; selected from Northern Beaches Council's Native Plant Species Guide - Curl Curl Ward, or Council's Tree Guide; to achieve at least 6.0 metres height at maturity; 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 shall be located at least 3.0 metres from buildings or more,
- c) all tree planting shall be a minimum pre-ordered planting size of 45-75 litres,
- d) mass planting shall be installed in garden beds prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) 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,
- f) 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.

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

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:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) 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 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.