

Landscape Referral Response

Application Number:	DA2021/1039
Date:	18/07/2022
Responsible Officer:	Adam Susko
Land to be developed (Address):	Lot 2566 DP 752038 , 16 Wyatt Avenue BELROSE NSW 2085 Lot 2597 DP 752038 , 16 Wyatt Avenue BELROSE NSW 2085

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 demolition of the existing dwelling house and construction of a boarding house.

The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2000 deferred land clauses 12 (3)(b); 13; 52; 56; 58; 63 and 66, and the Locality Statement C8 Belrose North, and the State Environmental Planning Policy (Affordable Rental Housing) 2009, Division 3 Boarding Houses.

The landscape outcomes prescribed under the Warringah Local Environmental Plan 2000 are considered in the assessment of the development proposal.

The landscape outcomes under Warringah Local Environmental Plan 2000, are considered including:

- clause 12 (3)(b), What matters are considered before consent is granted: requires that the development is consistent with the desired future character described in the relevant Locality Statement.
- clause 13, To what extent should neighbouring Locality Statement be considered: requires that the provisions of a Locality Statement be considered as specifically described in the Locality Statement for the locality in which the development is proposed.
- clause 52, Development near parks, bushland reserves and other public open spaces: requires development adjacent to bushland reserves is to complement the landscape character and public use and enjoyment of that land.
- clause 56, Retaining distinctive environmental features on sites: requires development to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land.
- clause 58, Protection of existing flora: requires development to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.

- clause 63, Landscaped open space: requires development proposals to enable the establishment of appropriate plantings to maintain and enhance the streetscape and the desired future character of the locality; enable the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale; enhance privacy between dwelling; enable the establishment of indigenous vegetation and habitat for native fauna, and conserve significant features of the site. amongst other objectives.
- clause 66, Building bulk: such that buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, and in particular appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works.

Under the Locality Statement C8 Belrose North of the Warringah Local Environmental Plan 2000, the following considerations are assessed:

- Desired Future Character: The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape.
- Front building setback: The minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and be free of any structures, carparking or site facilities other than driveways, letterboxes and fences.
- Rear and side building setback: The minimum rear and side building setback is 10 metres. The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.
- Bushland setting: A minimum of 50 per cent of the site area is to be kept as natural bushland or landscaped with local species.

The application is also assessed against State Environmental Planning Policy (Affordable Rental Housing) 2009, Division 3 Boarding Houses, including clause 29 - Standards that cannot be used to refuse consent (2) (b) landscaped area, and clause 30A - Character of local area, with relevance associated with the landscape character assessment within Warringah Local Environmental Plan 2000 deferred land clauses 12 (3)(b); 13; 52; 56; 58; 63 and 66, and the Locality Statement C8 Belrose North.

updated comments 18.07.2022:

Amended Landscape Plans are submitted and generally the landscape scheme remains as presented previously in issue F, with only minor plant schedule changes in issue G of the Amended Landscape Plans, and accordingly the previous support for the landscape scheme remains subject to conditions.

updated comments 24.02.2022:

Updated Landscape Plans are provided with additional trees and mass bushland planting. It is considered that the large lawn areas at the rear of the property do not provide a suitable transition between the proposed development and the existing bushland along the rear of the property and into the adjoining natural bushland. Should the application be approved, conditions shall be imposed for additional scattered tree canopy planting within the lawn areas of the rear that are located in consideration of the requirements for bushfire control measures under Planning for Bush Fire Protection 2019, as well as additional bushland planting to boundaries where currently no landscape planting is shown.

Additional scattered tree canopy planting including small understorey trees shall be the subject of imposed conditions generally across the property to assist with the landscape outcome to satisfy the relevant policies and controls, such that the property supports adequate tree planting to typify the transition of land with the adjoining bushland landscape character.

Mass planted garden areas along the side boundaries are expanded to support appropriate landscape buffer planting, and additional canopy trees are included within the front setback to improve the streetscape amenity.

As previously commented, no concerns are raised with the recommendations of the Arboricultural Impact Assessment, and adequate native tree replacement planting is provided in the Landscape Plans, subject to conditions for additional tree canopy planting.

Landscape Referral raise no concerns in terms of landscape outcome, subject to the issue of amended Landscape Plans to document the relevant landscape requirements as imposed by conditions.

previous comments 23.07.2021:

A Landscape Plan and a Arboricultural Impact Assessment is provided with the development application. The existing site is predominately cleared land with remnant stands of natural bushland trees and vegetation, and otherwise contains open paddocks and managed landscape areas.

Concern is raised regarding components of the Landscape Plan that require amendment to be acceptable and to satisfy Warringah Local Environmental Plan 2000 and State Environmental Planning Policy (Affordable Rental Housing) 2009.

The front setback proposal includes one native Angophora tree canopy tree and three Tuckeroo trees. Tuckeroo trees are known to self seed into bushland area and shall be deleted from the landscape proposal. The front setback area shall instead support tree planting to enable the proposed development to be integrated into a landscaped setting and it is suggested the proposed four canopy trees shown on the Landscape Plan shall be locally native canopy trees spread across the front setback at a suitable distance apart, within both garden beds and the lawn area, to soften the built form whilst maintaining the requirement for bushfire control measures under Planning for Bush Fire Protection 2019.

The selected locally native canopy trees may be a mix of Eucalyptus haemastoma (Scribbly Gum) or Angophora costata (Sydney Red Gum), or as otherwise selected. The proposal for other landscape planting as shown on the Landscape Plan to the front setback is generally supported subject to the inclusion of small trees / tall shrubs within garden beds to add to the landscape effect of vegetation to ensure that development is integrated into the landscape setting, and satisfy C8 Belrose North locality statement for the front setback area required to be densely landscaped using locally occurring species of canopy trees and shrubs.

Garden beds across the whole of the site shall be a minimum of 2 metres in width at any point to ensure adequate area is available for the establishment of mass planting, with preference for wider garden bed widths, and a minimum of at least 3 metres when fronting the streetscape.

The bin store within the front setback has the potential to impact upon the streetscape amenity as an additional built element. With the requirement that the lower building bin store is to be located within 6.5 metres of the front property boundary for servicing these bins, the overall size of the bin store will be increased thus the bulk and size will impact upon the streetscape unless suitably landscaped. To negate the streetscape impact the re-designed bin store shall be relocated from the front boundary to a distance of at least 3 metres, where upon mass planting shall be provided to screen the bin store from the streetscape. Similarly a minimum side setback distance of 3 metres shall apply.

The southern boundary adjoining 18 Wyatt Avenue shall contain additional small and medium sized trees to soften the built form and integrate the development with the landscape setting character of the locality, whilst maintaining the requirement for bushfire control measures under Planning for Bush Fire Protection 2019.

Concern is raised generally regarding the landscape strip provided at the lower portion of the site between the proposed road access and the northern boundary, and this landscape strip is considered insufficient to support adequate landscape planting to satisfy Warringah Local Environmental Plan 2000, clauses 63 and 66: to enable the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale; enhance privacy between dwelling; and such that buildings ... are not to visually dominate ... surrounding spaces ... and landscape plantings are to be provided to reduce the visual bulk of new buildings and works. Additionally under C8 Belrose North locality statement, side building setback areas to be landscaped, requiring the inclusion of tree, shrub and groundcover planting along the side boundary.

To achieve this objective the road access is required to be relocated away from the side boundary at a distance that will allow for the provision of suitable landscape treatment.

The Arboricultural Impact Assessment recommendations are noted and no concerns are raised subject to the imposition of conditions to ensure tree protection measures are in place and a project arborist is engaged to perform the activities recommended in the report.

The Arboricultural Impact Assessment includes recommended protection measures to ensure the retention of 31 existing trees as part of the proposed development, and two of these are located within adjoining properties within five metres of the development works. Existing trees recommended to be retained include tree numbers 10, 11, 12, 13, 17, 18, 19, 19a, 20, 21, 22, 23, 24, 30, 31, 32, 34, 36, 36a, 36b, 36c, 36d, 38, and 39 within the site assessed with a high retention value, tree numbers 16, 25, 33, and 35 within the site assessed with a low retention value, tree number 4 within the road verge assessed with a high retention value, and tree numbers 6 and 6a with adjoining properties.

The following eight prescribed trees (ie. protected trees) recommended in the Arboricultural Impact Assessment for removal to accommodate the proposed development: trees numbered 3, 3a, 3b, 26, 27, 28, 29 and 37. Two of these trees (3a, and 3b) are located within the road verge.

Existing trees numbered 1, 2, 5, 7, 8, 9, 14, 15, 26 are Exempt Species or trees eligible for removal under the 10/50 bushfire clearing entitlement and no Council consent is required for management nor removal.

Landscape Referral at this stage require minor amendments to the Landscape Plan as listed in the comments within this Referral to achieve acceptance, including the issues regarding the internal access road and bin store design requiring site planning adjustment.

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 based on the DA documentation prepared by Contour Landscape Architecture shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

i) the existing natural bushland buffer at the rear of the property shall be retained, and protected by

appropriate tree protection fencing,

ii) the front setback shall support new tree planting including four (4) *Angophora costata*, two (2) *Eucalyptus haemastoma*, and four (4) *Banksia serrata* in total,

iii) the front boundary hedge planting shall be retained, and protected by appropriate tree protection fencing,

iv) the southern property boundary shall contain continuous landscape garden beds of a minimum 2 metres width and the nominated tree planting shall be altered to support four (4) *Corymbia gummifera*, four (4) *Eucalyptus haemastoma*, and one (1) *Angophora costata*, and additionally a total of seven (7) smaller understorey native trees shall be incorporated with garden beds such as *Callicoma serratifolia* and *Banksia serrata*,

v) the northern boundary shall include an additional six (6) smaller understorey native trees shall be incorporated with garden beds such as *Callicoma serratifolia* and *Banksia serrata*, and the landscape area between the proposed footpath and driveway shall support native shrub planting,

vi) the rear of the property nominated as lawn shall incorporate scattered canopy trees with a minimum of seven to be located whilst maintaining the requirement for bushfire control measures under Planning for Bush Fire Protection 2019,

vii) the plant schedule shall be adjusted to reflect the requirements of imposed conditions,

viii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and 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, 2.0 metres from structures, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,

ix) 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.

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

Reason: Landscape amenity.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment for trees 4 - Scribbly Gum and tree 37 - Manna Gum, and in accordance with:

i) section 4 Discussions

ii) section 6 Recommendations, Protection Requirements

iii) the Tree Protection Plan

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

a) be in place before work commences on the site, and

b) be maintained in good condition during the construction period, and

c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all 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:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) 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

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

- i) tree 3 - Southern Blue Gum; tree 26 - River She Oak; trees 27, 28, 29 - Swamp She Oak; and tree 37 - Sydney Peppermint.
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: Exempt Species as listed in the Development Control Plan or trees eligible for removal under the 10/50 bushfire clearing entitlement do not require Council consent for removal, and these include existing trees numbered 1, 2, 5, 7, 8, 9, 14, 15, and 26.

Reason: To enable authorised development 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):

- i) tree 3a and 3b - Crepe Myrtle.
- ii) 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. 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 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,
- 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

Landscape Completion

Landscaping is to be implemented in accordance with the approved Amended Landscape Plans.

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.