

Landscape Referral Response

Application Number:	DA2021/0311
Date:	01/04/2021
Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 7 DP 36192 , 2 The Circle 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

This application is for the demolition of an existing residential dwelling, and the construction of a new boarding house development, comprising of twelve individual units and an additional managers accommodation.

Councils Landscape Referral section has considered the application against the following relevant controls and policies:

- State Environmental Planning Policy (Affordable Rental Housing) 2009,
- Warringah Local Environment Plan 2011,
- Warringah Development Control Plan 2011 - *D1 Landscaped Open Space*; and *E1 Preservation of Trees or Bushland Vegetation*.

A Landscape Plan is provided with the application and proposed works the in-ground planting of trees, shrubs, grasses and groundcovers, as well as the on-slab planting of shrubs, grasses and groundcovers.

With regards to landscape and its relationship to the State Environmental Planning Policy (Affordable Rental Housing) 2009, the key criteria to be assessed is *Clause 30A - Character of Local Area*. This clause seeks to ensure the development is compatible with the character of the local area, with particular emphasis on the front setback, ensuring it is consistent and complimentary to the existing streetscape. The proposal seeks to plant a variety of palms, low shrubs, grasses and groundcovers within the front setback which is viewed as a positive addition to the streetscape, as the existing site as it stands is largely clear of trees and shrubs, with landscape areas typically turfed. It is also noted the front fence has been offset 500mm from the boundary line, allowing for additional planting at the front of the site. This provides a layered planting approach, providing effective built form softening, which is a positive outcome for both the State Environmental Planning Policy, as well as control D1 of the Warringah DCP.

The Arboricultural Impact Assessment provided with the application notes a total of twenty three trees have been identified within close proximity to the site. Ten of these trees are either located in adjoining

properties, the nature reserve to the north and west, as well as the road reserve and are proposed to be retained. The remaining thirteen trees identified are located within the site boundaries. Of the thirteen trees within the site, all are proposed for removal. It is worth noting that eleven of these trees have been identified as either exempt species, or are below 5m in height, and therefore do not require Council's approval prior to removal. The remaining two trees proposed for removal have been identified as Trees No. 4 and 12.

Tree No. 4 is located towards the rear of the property adjacent to the northern boundary. Tree No. 4 has been identified as having a low landscape retention value, and is also in poor health. As evident on the Landscape Plans provided, substantial tree planting has been proposed which adequately compensates the removal of this tree. For this reason, the Arborists recommendations for removal are supported. Tree No. 12 is located adjacent to the eastern boundary within close proximity to the existing driveway. Similarly to Tree No. 4, Tree No. 12 has a low landscape retention value and is in poor health. The removal of Tree No. 12 in accordance with the Arboricultural Impact Assessment is supported.

Concern is raised in relation to some trees noted as retained. Of the ten trees noted for retention, five trees are clear of the proposed works and have no encroachment within the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ). The remaining five trees to be retained experience varied levels of encroachment, both within the TPZ and SRZ. Tree No. 18 has been identified as having a TPZ encroachment of 5%, with no impacts expected to the SRZ. This is deemed a safe encroachment level, and the long term health of this tree is not expected to decline subject to typical tree protection measures as outlined in the Arboricultural Impact Statement. Tree No. 17 has a TPZ encroachment of 11%, which is deemed as a major encroachment in accordance with AS4970. That being said, it is noted that the existing residential dwelling on the site currently is within this TPZ, and the additional works as part of the development are an increase of only 3.8%. Although this increase is minor, it is necessary for a tree root investigation to occur, ensuring the proposed works do not have significant impacts on the long term health of the tree. The remaining three trees retained, Trees No. 6A, 6B and 7A, have a TPZ encroachment of 5.4%, 22.3% and 39% respectively. In addition, proposed works are also located within the SRZ of these trees, and in accordance with AS4970, these encroachments are identified as being major and require further investigation. It is therefore recommended that a tree root investigation take place, identifying the extent of roots and the likely impact of the proposed development. The retention of all trees in adjoining properties, the nature reserve to the north and west, as well as the road reserve is vital to satisfy control E1, as key objectives include "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", as well as "to effectively manage the risks that come with an established urban forest through professional management of trees".

The proposed Landscape Plans indicate the substantial planting of trees is to take place within the site, with trees largely located at the rear of the property, as well as on side boundaries between the neighbouring property to the east as well as the reserve to the west. These trees, alongside additional screening vegetation, provide increased privacy which is particularly important as the proposed development is sited adjacent to public open space. It is noted that the proposal has a total landscape area of 33.7%, which is below the 40% requirement, on merit it is deemed acceptable as the proposal satisfies the State Environmental Planning Policy, and the broader landscape works are seen as a positive outcome for a relatively clear existing site. The completion of landscape works as proposed on the Landscape Plans is therefore required in order to satisfy control D1, as key objectives include "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", "to enhance privacy between buildings", as well as "to enable planting to maintain and enhance the streetscape".

The landscape component of the proposal is therefore acceptable subject to the protection of existing

trees, and the completion of landscape works as proposed on the Landscape Plans.

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

Tree Root Investigation and Tree Root Map

Prior to the issue of a Construction Certificate, a tree root mapping investigation for Trees No. 6A, 6B and 7A located on the neighbouring property, and Tree No. 17 located within the nature reserve shall be undertaken, and a Tree Root Map shall be documented that will be the basis for determining construction methodology near these existing trees.

An Arborist with minimum AQF Level 5 in arboriculture shall supervise the works to verify tree root locations. A non-destructive root investigation shall be conducted complying with clause 3.3.4 of AS 4970-2009 Protection of Trees on Development Sites.

The root investigation shall map existing roots of significance that must not be impacted by construction works. The tree root investigation shall be conducted to confirm the following data to be used for the location/alignment of any new proposed works:

- i) confirmation of the location of any tree roots at or >25mm (Ø) diameter to areas that require excavation for proposed works. Alternative alignment of proposed works shall be provided as necessary to avoid major roots, and
- ii) mapping of the suitable location/alignment of proposed works.

The Tree Root Map shall be issued to a qualified Structural Engineer as a basis for structural design, and for determining the final location/alignment and construction methodology of proposed works within the tree protection zone (TPZ).

Prior to the issue of a Construction Certificate, the Arborist shall provide certification to the Certifying Authority that the tree root investigation and clear distance recommendations have been adequately addressed in the Construction Certificate plans.

Reason: To ensure protection of vegetation proposed for retention or adjacent to the site.

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.

Transplanting Methodology Plan

A Transplanting Methodology Plan, prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture, shall be documented to demonstrate the requirement for transplanting the proposed *Plumeria acutifolia* (Tree No. 5), including:

- i) transportation to site, site delivery and access provisions,
- ii) Preparation of the transplantation site,
- iii) Preparation of the trees/palms to be transplanted,
- iv) transplanting methodology and installation works,
- v) post-transplanting care and duration,
- vi) ongoing maintenance program,
- vii) replacement strategy if transplanting fails in the long term.

The Transplanting Methodology is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate

Reason: Tree protection.

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. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

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

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) tree root investigations,
- ii) all pruning of existing trees proposed to take place,
- iii) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

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 trees within the property (as recommended in the Arboricultural Impact Assessment):

- i) *Schinus areira*, located towards the rear of the property adjacent to the northern boundary, Tree No. 4,
- ii) *Tibouchina granulosa*, located within close proximity to the existing driveway adjacent to the eastern boundary, Tree No. 12.

Note:

- i) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan do not require Council consent for removal,
- ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building works.

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 shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: 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, 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), vi) and vii) 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 5 - Recommendations,
- ii) Appendix C - Tree Protection Devices.

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 Plan.

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 - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, 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 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.

For all new residential works with two or more dwellings and mixed use developments, 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.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.