

## Landscape Referral Response

<b>Application Number:</b>	DA2024/0109
<b>Date:</b>	20/02/2024
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house
<b>Responsible Officer:</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot 32 DP 9161 , 21 Soldiers Avenue FRESHWATER 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

The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation

An Arboricultural Impact Assessment (AIA) and Landscape Plans are submitted. The Landscape Plan submitted by Accurate Design & Drafting does not consider a landscape setting in consideration of WDCP control D1 and shall not be referenced if any approval is granted.

The Landscape Plan prepared by PDLA is assessed by Landscape Referral as a basis for satisfying the requirements of WDCP control D1. However the current Landscape Plan is inadequate and an Amended Landscape Plan is required to enhance the landscape setting, and conditions shall be imposed. It is considered that additional / alternative tree planting is required to offset canopy loss as the selected trees nominated do not adequately achieve this.

All existing street trees within the road reserve shall be protected and conditions shall be imposed including fencing to restrict construction activity within the tree protection zone of all the existing street trees, including the local heritage street tree along Soldiers Avenue.

The AIA report recommends the removal of one prescribed native tree within the property, impacted by proposed works. The recommendation for removal is able to be supported due to the location of the tree over the zone of influence for the Sydney Water sewer mains that are likely to be impacted over time and the available landscape area will not be able to support such a large sized tree as it further grows in the long term. Other trees within the property are exempt species that do not require Council consent for management or removal.

Should the application be approved, landscape conditions are provided.

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 Plan**

An amended landscape plan, based on the landscape plan prepared by PDLA, shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- a) all approved landscape areas shall be planted with trees, shrubs, other planting and lawn, and shall not consist of any hard surface materials unable to be planted including gravel or paverslabs,
- b) a total of two (2) locally native trees shall be incorporated within the landscape area; selected from Northern Beaches Council's Native Plant Species Guide - Curl Curl Ward, or Council's Tree Guide to achieve at least 8.5 metres height at maturity; be a minimum pre-ordered planting size of 75 litres; located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- c) the landscape area nominated as lawn between the entry foyer and meals room shall be deleted and shall be replaced with mass planting with suitable shrubs and other planting capable of acclimatising to shade,
- d) mass planting shall be installed at minimum 1metre 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 75mm depth of mulch,
- e) the nominated Rhipiolepis species shall not be planted and shall be replaced with a non self-spreading species of similar size and form.

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

#### **Tree Protection Plan**

- a) a Tree Protection Plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following trees:
  - i) Brushbox identified as T1 in the Arboricultural Impact Assessment as well as the Survey Plan, and located within Soldiers Avenue road reserve verge,
  - ii) Brushbox identified as T2 and T3 in the Arboricultural Impact Assessment as well as the Survey Plan, and located within Eric Street road reserve verge,
- b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following: recommended access routes across the road reserve utilising the existing crossover only; location of tree protection fencing / barriers; root protection in the form of mulching or boards proposed within the tree protection zone; trunk and branch protection

within the tree protection zone; notations that location of stockpile areas and materials storage shall only be placed within the property boundaries; any other general tree protection measures.

Note: As a minimum, and not excluding other tree protection measures, tree protection fencing shall be provided to the street trees to mitigate construction access and activity within the tree protection zone, compaction of the ground surface, and exclude any storage of materials.

Reason: Street tree protection.

### **Heritage Listed Trees**

The site is adjacent to a Heritage Listed Tree (*Lophostemon confertus* - Brushbox) as identified in the Local Environmental Plan. The Heritage Listed Tree located within the road reserve fronting the property is to be protected from damage during construction, and shall be protected in accordance with the Tree Protection Plan.

The Tree Protection Plan, to be prepared by an Arborist with minimum AQF Level 5 in arboriculture shall incorporate the following:

i) annotated photographs of the tree trunk, branches and any exposed roots, any existing gardens, and ground conditions.

Reason: Protection of significant community assets.

## **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 below:

- a) tree 5,
- b) 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 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 Section 4 of AS4970-2009 Protection of trees on development sites and the approved Tree Protection Plan. As a minimum the tree protection fencing for street trees fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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 trees is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

### **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, unless authorised 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**

Landscape works are to be implemented in accordance with the approved Amended Landscape Plan, 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 Amended Landscape Plan, unless otherwise imposed by conditions,

c) the Amended Landscape Plan shall include the following:

- i) all approved landscape areas shall be planted with trees, shrubs, other planting and lawn, and shall not consist of any hard surface materials unable to be planted including gravel or paverslabs,
  - ii) a total of two (2) locally native trees shall be incorporated within the landscape area; selected from Northern Beaches Council's Native Plant Species Guide - Curl Curl Ward, or Council's Tree Guide to achieve at least 8.5 metres height at maturity; be a minimum pre-ordered planting size of 75 litres; located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
  - iii) the landscape area nominated as lawn between the entry foyer and meals room shall be deleted and shall be replaced with mass planting with suitable shrubs and other planting capable of acclimatising to shade,
  - iv) mass planting shall be installed at minimum 1metre 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 75mm depth of mulch,
  - v) the nominated Rhipiolepis species shall not be planted and shall be replaced with a non self-spreading species of similar size and form,
- d) 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 within the road reserve (T1, T2 and T3) 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: Street 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 Amended Landscape Plan 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.