

## Landscape Referral Response

<b>Application Number:</b>	DA2022/0601
<b>Date:</b>	13/05/2022
<b>Responsible Officer:</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot 27 DP 758566 , 70 Killarney Drive KILLARNEY HEIGHTS NSW 2087

### 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 alterations and additions to the existing dwelling, a swimming pool, and associated works, as described and illustrated in the reports and plans. A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral.

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; D8 Privacy; D9 Building Bulk; D16 Swimming Pools and Spa Pools; E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation

The Arboricultural Impact Assessment report identifies eleven existing trees within the property. The proposed development works including landscape design as proposed results in all existing trees recommended for removal. Three of these, identified as T3, T4, and T5 are Exempt Species that do not require Council consent, whilst the remaining existing prescribed trees are subject to approval for removal and the report identifies these trees as of varying amenity value that can't be retained should this development application be approved due to impacts including civil, building and landscape construction works, alterations to existing levels and tree condition.

Concern is raised with the impact of the proposed swimming pool within the front setback upon the streetscape amenity and upon the adjoining neighbour as currently represented in the Landscape Plan. The objectives of DCP control D16 includes that swimming pools are located to preserve the streetscape and residential amenity, and it is considered that the raised setting of the pool and associated terrace is exposed visually to the streetscape and the adjoining neighbour.

The Landscape Plan indicates screen planting along the side boundary to alleviate privacy to the adjoining neighbour however such planting treatment will require many years to achieve an effective screen and is subject to merit consideration from the Planning Officer as to whether other or additional measures are required. The Landscape Plan indicates understorey planting forward of the proposed swimming pool to the front street boundary and such planting is low height planting less than a metre in

height and as such the pool elevation structure is exposed to the streetscape. Conditions shall be imposed to ensure taller screen planting within the front setback to reduce the built form appearance to the streetscape, should the application be approved.

Subject to conditions of consent to reduce the built form to the streetscape and subject to merit consideration by the Planning Officer, Landscape Referral are able to support the landscape outcome of the development application.

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 the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) tree number 1 - Grevillea 'Moonlight'; tree numbers 2 and 3 - Callistemon viminalis; tree number 7 - Ceratopetalum gummiferum; tree numbers 8, 9, 10 and 11 - Syzygium sp.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised development works.

#### **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.

The Certifying Authority must ensure that:

c) 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 numbered LA1 to LA10 inclusive, and as required by the following conditions:

i) all landscape works shall be confined to the legal site boundaries,

ii) shrub screen planting along the front boundary shall be planted to achieve at least 2 metres in height at maturity above the existing road verge level at the boundary, and shall consist of selected species installed at minimum 1 metre intervals for shrubs of a minimum 300mm container size at planting.

All new landscaping should be implemented in accordance with the Asset Protection Zone (APZ) requirements as specified within Appendix 4 of Planning for Bushfire Protection 2019.

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.

## **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.