

Landscape Referral Response

Application Number:	DA2021/0341
Date:	01/06/2021
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot A DP 364385 , 205 Headland Road NORTH CURL CURL 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

Additions are inclusive of new decking at the rear of the proposed alongside a new swimming pool, as well as reconstruction of the existing driveway.

Councils Landscape Referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:

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

Original Comments - 20/04/2021

The Statement of Environmental Effects provided with the application notes that no existing trees are to be removed or detrimentally impacted as a result of the proposed development. This is supported by the Architectural Plans provided as no existing trees are noted for removal.

Concern is raised with the above statement as the proposed driveway widening is expected to encroach well into the Tree Protection Zone (TPZ) as well as the Structural Root Zone (SRZ) of an existing tree located within the road reserve to the west of the existing driveway. As this tree is located within the road reserve it is required to be protected and retained accordingly. Any damage to both the short-term and long-term health of this tree would not be supported, as this tree provides valuable built form mitigation, a key objective of control D1. In addition, the retention of this tree is vital to satisfy control E1, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide". It is therefore recommended that the proposed driveway widening be removed, ensuring this existing tree is safely retained. Alternatively, an Arboricultural Impact Assessment may be provided with the application identifying the proposed works and the expected impacts on this existing tree. If the Arboricultural Impact Assessment can identify how this tree can successfully be retained without impacts to both the short-term and long-term health of this tree, the proposed widening would be supported. It is worth noting no Arboricultural Impact Assessment has been provided with the application.

No further landscape concerns are raised with the application.

The landscape component of the proposal is therefore not supported due to insufficient information provided regarding how the existing tree in the road reserve is to be retained. It is recommended that amended Architectural Plans be provided showing the proposed driveway widening removed, or alternatively an Arboricultural Impact Assessment may be submitted. This Arboricultural Impact Assessment shall identify the proposed works and the likely impact they will have on this existing tree and should no detrimental effects on the short-term and long-term health be expected, the proposed widening would be supported.

Upon receipt of the required documents, further assessment can be made.

Updated Comments - 27/05/2021

Following previous concerns regarding the impact of the proposed driveway works on the existing street tree, amended Architectural Plans have been provided with the application.

As a result of discussions with the Planning and Engineering Teams, as well as the applicant, amended plans indicate the removal of the existing driveway, and the reconstruction of a new driveway with altered alignment. Concerns were originally raised regarding the increase of the driveway not only due to the impacts on existing street trees, but also due to the increase hardstand area that has become a dominant feature of the streetscape. For this reason, it was agreed that the existing driveway would be removed, and reconstructed with a smaller footprint, and of a size and orientation that better suits the residents of the property, and also has a reduced impact on the surrounding streetscape amenity. In order for this to occur, the existing street tree is proposed for removal. Despite this tree having relatively low significance and height, it provides valuable built form mitigation, as well as streetscape amenity, both of which are key objectives of control D1. In order to ensure this built form mitigation is maintained and the streetscape is enhanced, it is recommended that the existing street tree be replaced, at the owners expense, providing a benefit to the future streetscape character of the area.

In addition, the proposal indicates screen planting on all boundaries at the rear of the property. It is noted that the eastern boundary at the rear of the property has an existing hedge which is assumed to be retained. In contrast, the western boundary currently has limited planting, however the proposal seeks to alleviate this by planting new screening vegetation. All new planting along the rear boundaries is to have a minimum mature height of at least 2m to ensure privacy is enhanced between the adjoining neighbours to the east and west. This screen planting, as well as the compensatory street tree planting at the front of the site, is vital to satisfy control D1 as key objectives include "to enable planting to maintain and enhance the streetscape", "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", as well as "to enhance privacy between buildings".

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the completion of landscape works indicated on the Architectural Plans, inclusive of replacement street tree planting.

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 Road Reserve

This consent approves the removal of the following tree(s) within the road reserve:

- i) *Banksia spp.* located within the road reserve to the west of the existing driveway.

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 Section prior to removal.

Reason: To enable authorised building 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), 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.

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.

Condition of Trees

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

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 Architectural Plan, inclusive of the following conditions:

- i) 1x street tree is required to be planted in a similar location to these removed as part of the proposed works. Suggested species include *Banksia serrata* or *Tristanopsis laurina*.
- ii) at minimum, 5x screening shrubs shall be required along the western boundary at the rear of the property adjacent to the proposed swimming pool. Proposed species include: *Acmena smithii* 'Minor', *Acmena smithii* 'Firescreen', or *Syzygium* 'Cascade'.

All street trees shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

All street trees shall be 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, including a four post and top and mid rail timber tree guard, and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths, and shall generally be centralised within the road verge.

The selected screen planting is to comprise of native species capable of attaining a height of 2 metres at maturity.

Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Prior to the issue of an Occupation Certificate, details 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.

Undesirable Trees

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.