

Landscape Referral Response

Application Number:	DA2022/0550
Date:	17/08/2022
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 7 DP 1251955 , 121 Dove Lane WARRIEWOOD NSW 2102

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 construction of a two dwelling homes on two separate lots, including swimming pools, earthworks, drainage works and associated site and landscape works.

Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls (but not limited to):

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D16 Warriewood Valley Locality, and in particular D16.1 Character as viewed from a Public Place, D16.5 Landscaped Area for Newly Created Individual Allotments, and D16.12 Fences

In the Plans much of the northern side boundary is shown as not fenced to achieve, according to the Statement of Environmental Effects, a "natural transition between the adjacent public open space and the development" property upon lot 1, and the Landscape Plans show this as a 'native bushland buffer' with a line of sandstone logs along the boundary. However the width of the zone and the architectural layout with living and dining rooms with access to this area suggest pedestrian accessibility and rather this is not likely to result in the successful establishment of the native bushland buffer as the width is inadequate to achieve this aim. Such intent may be achieved with a substantial increase in the native bushland buffer to at least a width of 3 metres within the property. Concern is raised that no fencing along the side boundary may result in the use of the public open space by the occupant of lot 1 and thus such land use may be viewed as privatisation of public land and this is not supported. A condition shall be imposed for side boundary fencing to eliminate any potential public land encroachment, and Landscape Referral shall defer this matter to the Parks, Reserves and Foreshores Referral team.

The Landscape Plans numbered L01 to L08 inclusive, in consideration of the above comments requirement for a fencing conditions, are otherwise supported as illustrated for both lot 1 and lot 2, subject to conditions of consent requiring detailed landscape plans at construction certificate stage.

The Arboricultural Impact Assessment submitted for this development proposal includes the retention requirements to preserve four existing native trees (tree 42, 45, and 46) across lot and 1 and lot 2, and

the recommended removal of two native trees (tree 43 and 44) impacted by the building works. It is noted that on the Landscape Plans tree 43 is identified as tree 9 and tree 44 is identified as tree 10. All existing trees upon adjoining land are not impacted by the development proposal, and Landscape Referral supports the recommendations.

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

Detailed Landscape Plans

The Landscape Plans L01 to L08 inclusive shall be updated to provide detailed landscape information, including:

- i) construction documents with hardscape design layout and materials selection, and softscape design layout including plant schedules, plant spacing and container sizes,
- ii) all tree planting shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, 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, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iii) 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,
- iv) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- v) 1.8 metre high solid timber fencing shall be included along the northern common side boundary with the public recreation open space land, from the rear corner boundary to the front building line,
- vi) fencing is not permitted forward of the front building line facing the streetscape of the road reserve. Boundaries between the public road reserve and private land shall be delineated by vegetation, such as low hedges, garden beds or the like.

The Detailed Landscape Plans shall be issued to the Certifying Authority and to Council prior to the issue of a Construction Certificate. Certification shall be provided to the Certifying Authority that these amendments have been documented and approved by Council.

Reason: Landscape amenity.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Removal Within the Property

This consent approves the removal of the following tree within the property impacted by the works:

- i) tree 43 and tree 44 - *Glochidion ferdinandi* (as shown in the Arboricultural Impact Assessment), and noted as tree 9 and tree 10 (as shown on the Landscape Plans),

ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark 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) 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

Landscape works are to be implemented in accordance with the approved Detailed 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.

Reason: To maintain local environmental amenity.