

Landscape Referral Response

Application Number:	DA2021/0006
Date:	12/05/2021
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 14 DP 12012 , 10 Jamieson Parade COLLAROY NSW 2097

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 residential dwelling including a new double garage and swimming pool.

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 - 24/02/2021

The Statement of Environmental Effects provided with the application provides little information regarding the impacts of the proposed development on existing vegetation. An Arboricultural Impact Assessment has also been provided, which has identified three trees impacted by the development, all located towards the rear of the property. The Architectural and Landscape Plans indicate that four trees are located within the site and impacted by the development, with three of those to be removed. The fourth tree, not addressed in the Arboricultural Impact Assessment, appears to be below 5m in height, and is therefore exempt and does not require Council's approval for removal.

Of the three trees identified at the rear of the dwelling, Trees No. 1, 2 and 3, all have been identified as either exempt species, or exempt due to heights being below 5m. It is noted that this Arboricultural Impact Assessment is a pre-development consultation review, and does not provide sufficient and accurate information regarding the existing trees, particularly in relation to tree heights. Trees No. 1 and 2 have been identified as *Callistemon viminalis* however the heights of these two trees have been estimated, and this pre-development consultation review has noted these existing tree heights shall be confirmed by an Arborist prior to any work being undertaken. Upon further review, these trees appear to be at least 5m tall, and will therefore require an updated Arborist report to confirm this.

If these trees are confirmed to be 5m or above in height, design alternatives should be explored in order to protect these trees from removal. If justification can be provided for their removal, new native tree

planting shall be proposed in order to compensate this loss, as well as to provide screening between neighbouring properties which these existing trees currently provide. The protection of existing trees, and the amenity and screening they provide, is vital to satisfy control E1.

In addition, there is insufficient information regarding planting at the front of the property. Planting at the front of the property is vital to satisfy control D1, as a key objective of this control is for landscaped areas 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". There is currently a small tree/shrub located at the front of the property that has not been shown on plans, and is therefore assumed to be removed as a result of the proposed stairway location. With the removal of this tree and associated vegetation, control D1 is not satisfied as minimal softening of the built form has been provided.

At this stage Landscape Referral do not support the application as insufficient information has been provided regarding the justification of proposed existing tree removal, and the addition of new planting at the front of the site to mitigate the bulk and scale of the built form. An updated Arboricultural Impact Assessment and Landscape Plan is required.

Updated Comments - 12/05/2021

Following previous comments, amended Architectural and Landscape Plans have been provided with the application. A significant change within these amended plans is the increase in the front setback which is supported. This increase in area provides a larger area at the front of the site which is capable of supporting native tree planting.

Concerns were originally raised regarding the limited planting within the front of the site, and the potential impacts of the proposed increase in built form, particularly in relation to the surrounding streetscape. As amendments have been made to increase the front setback, it is recommended that a native canopy tree be planted to ensure the proposed built form is softened, as well as to further enhance the overall streetscape of the area. The implementation of this tree planting is vital to satisfy control D1, as key objectives of this control include "to enable planting to maintain and enhance the streetscape", as well as "to provide for landscape 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".

No concerns are raised regarding proposed tree removal as these have since been identified as below 5m in height, and are therefore exempt and may be removed without Council's approval. It is noted that Tree No. 3 has been proposed for retention and forms a key landscape element of the proposal as it is integrated into the backyard with a garden seat surrounding its trunk. It is therefore required to be protected during development to ensure its survival. The retention of this tree is key to satisfying control E1, which seeks to "protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

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 as proposed on the Landscape Plans, inclusive of an additional native canopy tree within the front setback to help mitigate and soften the proposed built form.

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

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.

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.

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 Landscape Plan, inclusive of the following conditions:

- i) an additional locally native canopy tree shall be required within the front yard of the property, minimum 75L pot size. Suggested species include: *Angophora costata*, *Banksia integrifolia* or *Eucalyptus haemastoma*.

Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list, specifically the *Native Plant Species Guide - Narrabeen Ward*: www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

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.

Any screen planting installed within the rear of the property shall be maintained at a height not exceeding 3m measured from the ground level adjacent to the trunk.

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.