

## Landscape Referral Response

<b>Application Number:</b>	DA2022/1985
<b>Date:</b>	16/08/2023
<b>Proposed Development:</b>	Demolition works and construction of a residential flat building.
<b>Responsible Officer:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot A DP 412396 , 27 Waine Street 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

Council's Landscape Referral have assessed the application against the following relevant landscape controls and policies:

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65) under: clause 28(2) (a) (b) and (c), including Schedule 1, Principle 5: Landscape,
- the associated Apartment Design Guide, including the objectives of control 3E Deep Soil Zones, 4O Landscape Design, 4P Planting on Structures, and
- Warringah Local Environmental Plan (WLEP) 2011 and the following Warringah Development Control Plan (WDCP) 2011 controls (but not limited to): D1 Landscaped Open Space and Bushland Setting; E1 Preservation of Trees or Bushland Vegetation; and E2 Prescribed Vegetation

The landscape proposal is required to satisfy Schedule 1 Design quality principles of SEPP65, including:

- Principle 5: Landscape - positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood; enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks; optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Additionally, the objectives of the Apartment Design Guide shall be satisfied as follows: 2G Street Setback: to contribute to the landscape character; 2H Side and rear setbacks: to achieve setbacks that maximise deep soil areas and retain existing landscaping and support mature vegetation; 3C Public domain interface: as contributes to the quality and character of the streetscape; 3D Communal and

public open space: to provide residential amenity; 3E Deep Soil Zone: to promote the retention and/or establishment of canopy trees to provide shade and amenity for residents, as well as achieve environmental benefits and stormwater management; 4O Landscape Design: to contribute to the setting of the property within the locality; and 4P Planting on Structures: to provide amenity, improve air quality and microclimate, and reduce direct energy use and stormwater runoff, and supplement deep soil planting.

The following plans and reports, in accordance with Council's DA Lodgement requirements, are submitted for assessment by Landscape Referral: Updated Landscape Plans; an Arboricultural Impact Assessment; and an Addendum to the Arboricultural Impact Assessment.

The Addendum to the Arboricultural Impact Assessment addresses the potential to retain T8 Rusty Fig, and the recommendation following further review is that this tree can't be retained and has arboricultural issues including several pockets of decay and a overall poor condition and low vitality. As recommended in the Arboricultural Impact Assessment all other existing trees within the property (T1, T2, T7 - Brushbox; T3 - Bottlebrush; and T4 Irish Strawberry) are proposed for removal based on impact of the proposed development basement layout. Two existing trees within the road reserve verge (T22 Lillypilly and T23 Paperbark) are impacted by the proposed driveway and require removal should the application be approved. Landscape referral raise no objections to removal of existing trees impacted by the proposed development, subject to tree canopy replacement within the property in deep soil areas with locally native trees, as indicated on the Landscape Plans.

The updated Landscape Plans are a response to the site planning architectural layout including the availability of deep soil planting areas. In principle Landscape Referral raise no objections to the scheme as the Landscape Plans show buffer screening to boundaries adjoining neighbouring residential properties as well as amenity planting to soften the built form as viewed from the streetscape. The landscape scheme provides replacement tall canopy trees within the northern boundary corners where natural deep soil is retained and otherwise small to medium sized tree planting elsewhere. It is noted that whilst numerically the requirement for deep soil under Apartment Design Guide, section 3E Deep soil zones, is satisfied, the WDCP requirement for landscape area is not satisfied and this impacts the landscape scheme to provision of small trees in the majority rather than canopy trees, and the matter of landscape area as a planning principle shall be determined by the Assessing Planning Officer.

Should the application be approved, Landscape Referral provide conditions of consent.

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**

#### **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 road reserve verge trees as identified in the Arboricultural Impact Assessment as : tree ID numbers 5, 6, and 9 to 21 inclusive.
- b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in

arboriculture, incorporating the following:

- i) location of all trees identified for retention,
- ii) location of tree protection fencing / barriers as either a group or singularly, enclosing the whole of the road reserve verge excluding the existing footpath,
- iii) root protection in the form of mulching or boards proposed within the tree protection zone, where required,
- iv) trunk and branch protection within the tree protection zone, where required,
- v) notation advise that no areas within the road reserve verge is to be used for the location of stockpile areas and materials storage,
- vi) other general tree protection measures.

Reason: Tree protection.

### **On Slab landscape planters**

Details shall be submitted to the Certifier 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 Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: as identified in the approved Landscape Plan LDA02, including the following minimums: 300mm for groundcovers, perennials, grasses and lawn; 600mm for shrubs; and 1m for small trees.

Design certification shall be submitted to the Certifier 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 ensure waterproofing and drainage is installed.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and the approved Tree Protection Plan.

The Project Arborist shall be in attendance and supervise all works as nominated in the approved Tree Protection Plan. All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s).

Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

### **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) T1, T2, T7 - Brushbox; T3 - Bottlebrush; T4 Irish Strawberry, and T8 Rusty Fig,
- 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.

### **Tree Removal Within the Road Reserve**

This consent approves the removal of existing trees within the road reserve as identified in the Arboricultural Impact Assessment, or as listed below:

- a) T22 Lillypilly and T23 Paperbark,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve, by the applicant, 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 business unit prior to removal.

Reason: Public liability.

## **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 tree(s) fronting the development site shall be protected by tree protection measures in accordance with Section 4 of AS4970-2009 Protection of trees on development sites, and in accordance with the approved Tree Protection Plan. 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 tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of existing trees within the road reserve verge.

Reason: Street tree protection.

### **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation located on adjoining properties,
- ii) 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 the approved Arboricultural Impact Assessment and Addendum to the 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 and certified by an Arborist/Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of the approved Arboricultural Impact Assessment and Addendum to the Arboricultural Impact Assessment.

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/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

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

Any mitigating measures and recommendations required by the Arborist/Project 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**

Landscape works are to be implemented in accordance with the approved Landscape Plan(s) LD01, LD02, LD03 and LD04 as prepared by Taylor Brammer, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) all tree planting shall be a minimum pre-ordered planting size of 75 litres; and meet the requirements of Natspec - Specifying Trees,
- c) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan(s).

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 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: 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(s) and any conditions of consent.

A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

The approved landscape planted areas consisting of lawn, planting at grade, planting on structure 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.