

Landscape Referral Response

Application Number:	DA2023/1107
Date:	29/04/2024
Proposed Development:	Change of use and alterations and additions to Office C for the purpose of a child care centre and landscaping
Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER 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

The proposal is supported with regard to landscape issues.

Additional Information Comment 29/04/24:

The amended reports and plans are noted.

The Arboricultural Impact Assessment (AIA) identified 15 trees of which trees T1, T63, T66, T70, T72 and T75 are proposed for removal. Tree T63 is exempt by species and as such can be managed or removed at the discretion of the applicant without consent. Trees T66 and T72 have been identified as 'not suitable for retention' in the AIA, and should the application be approved no concerns are raised with their removal. Trees T1, T70 and T75 are identified in the AIA as low quality and value and should the application be approved no concerns are raised with their removal. The amended Landscape Plans include 11 replacement native trees which will sufficiently offset the proposed canopy loss. A Project Arborist shall be engaged to supervise all work in the tree protection zone of trees to be retained and the required pruning works identified in the AIA. All other trees and vegetation shall be protected during works.

The amended landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent. Should any existing planting, recently installed and shown to be retained, be damaged or removed during construction it shall be replaced with like for like substitutes to ensure the landscape character is maintained.

Any approval or otherwise for netting under the existing mature canopy is deferred to the Assessing Planning Officer for comment.

Original Comment:

It is noted this property has undergone many applications since DA2019/1346 was approved. Upon review of the subsequent applications the original landscape character has mainly remained as approved. It is noted this application seeks to change the landscape character and streetscape amenity provided along Inman Road, and approved under DA2019/1346.

Landscape Referral raises the following concerns:

- The Tree Risk Assessment provided with the application does not comment on the impact of proposed works to the trees which are to be retained. Artificial turf will almost entirely impact structural root zones and tree protection zones, and sandstone flagging will impact tree protection zones; comment in the form of an Arboricultural Impact Assessment (AIA) is required (refer to Council's DA Lodgement Requirements under AIA Report for more information). Landscape Referral notes compaction of subgrade is normally required for artificial turf and sandstone flagging which would significantly alter the permeability within the tree protection zones. The Arborist shall outline the tree sensitive construction methodology required to mitigate impact to existing trees to be retained and provide comment that the landscape proposal is acceptable in terms of tree protection/retention.
- The Tree Risk Assessment shows 6 trees to be removed and the plans show 10 trees to be removed; please coordinate and clarify. Trees that have previously been removed shall be identified to avoid confusion.
- Landscape Referral questions the suitability of a childcare play area under mature Eucalyptus species and raises concerns that construction impacts and ongoing risk may eventually require the removal of the entire mature canopy in this area, if the application is approved.
- Upon visiting site it is noted the landscaped buffer along the western boundary, approved under DA2019/1346 and slightly modified under MOD2022/0452, has been installed to some capacity. It is noted the proposed plans state that the existing fence will be removed and replaced. To help maintain the streetscape character approved under DA2019/1346 it is suggested that the existing newly planted vegetation be retained and the new fencing be installed along the inside (eastern side) of the newly planted vegetation.
- This application shows 6-10 trees to be removed and the Landscape Plan provided is unclear as to how many trees are proposed as replacements. Please clearly provide species selection, location, quantities, mature heights and pot sizes for all planting; refer to Council's DA Lodgement Requirements under Landscape Plans for more information.

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

Project Arborist

a) 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 AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

- i) tree protection measures and works under sections 8 Discussion and 9 Recommendations,
- ii) any required tree pruning.

c) All tree protection measures specified 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.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 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

a) this consent approves the removal of existing trees on the subject site as listed below:

- i) trees T1 - *Melaleuca bracteata*, T63 - *Lagunaria patersonii*, T66 - *Eucalyptus sieberi*, T70 - *Leptospermum petersonii*, T72 - *Callistemon viminalis*, and T75 - *Hibiscus tiliaceus*.

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.

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 within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

Condition of Trees

a) 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:

- 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.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) 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

- a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings CCC LP 01, and CCC LP 02 by Learn and Play Child Care Services dated 27/03/24), and inclusive of the following conditions:
- i) landscape works are to be contained within the legal property boundaries,
 - ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
 - iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, 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 or more, at least 1.0 metre from common boundaries; and located either within garden bed or within a prepared bed within lawn,
 - iv) mass planting shall be installed at minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 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 75mm depth of mulch,
 - v) should any existing vegetation shown to be retained be damaged or removed during construction, it shall be replaced with a like-for-like substitute to ensure the existing landscape character is maintained.
- b) 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

- a) 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:
- 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

- a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.
- b) 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.
- c) 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.
- d) the approved landscape planted areas, whether containing lawn, gardens or planters 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.