

## Landscape Referral Response

<b>Application Number:</b>	DA2023/1224
<b>Date:</b>	05/04/2024
<b>Proposed Development:</b>	Alterations and additions to the existing garden centre
<b>Responsible Officer:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 4 DP 737411 , 62 Myoora Road TERREY HILLS NSW 2084

### 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 05/04/24:

The amended plans are noted.

The landscaped area has been increased which is supported. The amended proposal has improved the buffer planting to Mona Vale Rd and added additional landscape in the carpark which will improve the overall amenity. The removal of prescribed trees within the property boundaries, as outlined in the Arboricultural Impact Assessment, can be supported and include trees 10, 14, 16, 40, 41, 42, 73, 74, 75, 76, 77, 78, 83, and 84. Safety and traffic concerns require the removal of street trees 82 and 101, and as such these trees can be supported for removal. Sufficient native tree replacement is shown on the Landscape Plans which will offset any canopy loss. Landscape Referral supports the tree protection recommendations outlined in the Arboricultural Impact Assessment and a Project Arborist shall be engaged to supervise all work in the tree protection zone of trees to be retained.

Exempt trees, as identified in the Arboricultural Impact Assessment (and including tree 79), may be managed or removed at the discretion of the applicant without consent.

The mature tree canopy coverage is under the 15% requirement of an Inner Protection Area and as such the proposal as shown can be implemented in accordance with Planning for Bushfire Protection 2019.

No further concerns are raised.

#### Original Comment:

The Arboricultural Impact Assessment (AIA) outlines that 101 trees were assessed, of which 56 trees are exempt. No concerns are raised with the removal of exempt trees, subject to tree replacement to help mitigate the loss of canopy. Concern is raised with the removal of existing significant street trees, and in particular street trees 82 and 101. The removal of significant street trees is not supported and as such trees 82 and 101 shall be retained. The carpark entries shall be designed in collaboration with the Arborist and locations selected that result in no loss of existing street trees and minimal impact to existing significant trees within the property boundaries. Tree sensitive construction methods shall be utilised where necessary and as recommended by the Arborist to enable tree retention.

The site has been identified as an Inner Protection Area (IPA) for its entirety. Please provide more information outlining that the requirements of the IPA are being met by the landscape proposal e.g. 15% tree canopy cover (proposed trees and existing trees to be retained) etc.

Upon receipt of further information regarding the above concerns, Landscape Referral will continue their assessment.

Landscape Referral also notes the following matters. The landscaped buffers provided as part of the proposal along all boundaries will improve the amenity of the surrounding streetscapes and neighbouring properties. However, concern is raised that the proposed development has a significant departure from the required 70% landscaped area under the WDCP requirement. The calculations shown on drawing DA14 include the open nursery area which appears to be on hard paved surface. Not including the open nursery area, the landscaped area (or landscape open space) is in fact more likely 4622m<sup>2</sup> (approximately) or 16%. Landscaped area is defined under WLEP as "*...part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.*" It is noted this matter is ultimately of planning concern and will be assessed and determined under merit consideration by the Assessing Planning Officer.

Landscape Referral makes the following suggestions:

- The traffic report outlines a surplus of 34 carparking spaces which should be returned to landscaped area (approximately 450m<sup>2</sup>),
- If the entry to Mona Vale Road is removed, continue the 12m landscaped buffer for the entirety of the Mona Vale Road frontage, further helping the significantly deficient landscaped area,
- Although not included in landscaped area calculations, consider permeable parking areas.

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) works and tree protection measures under sections 7 Recommendations, 8 Pre-Construction Tree Protection Measures, 9 Site Management Issues, and 10 Tree Protection Measures During Construction,

ii) any hold points identified by the Arborist.

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 prescribed trees on the subject site as identified in the Arboricultural Impact Assessment:

i) trees 10 - *Eucalyptus haemastoma*, 14 - *Elaeocarpus reticulatus*, 16 - *Eucalyptus haemastoma*, 40 - *Syncarpia glomulifera*, 41 - *Corymbia citriodora*, 42 - *Eucalyptus tereticornis*, 73 - *Acer palmatum*, 74 to 78 - *Magnolia grandiflora*, 83 - *Corymbia gummifera*, and 84 - *Pittosporum undulatum*.

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**

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

i) trees 82 - *Corymbia gummifera*, and 101 - *Eucalyptus haemastoma*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

c) removal of the approved tree/s by the applicant 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 business unit prior to removal.

Reason: Public liability.

### **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 compliant 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 101 Issue F, 102 Issue F, 103 Issue F, 104 Issue F, 501 Issue F, 502 Issue F by Site Image dated 02/04/2024), 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 carpark tree planting shall be a minimum pre-ordered planting size of 100 litres and all boundary tree planting shall be a minimum pre-ordered planting size of 45 litres; 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 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
  - iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
  - v) where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019.
- 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.