

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0370
<b>Date:</b>	23/04/2021
<b>Responsible Officer:</b>	Clare Costanzo
<b>Land to be developed (Address):</b>	Lot 2 DP 246696 , 13 Kinsdale Close KILLARNEY HEIGHTS NSW 2087

### 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 alterations and additions to an existing residential dwelling. Alterations include the replacement of an existing window on the first floor with a new sliding door, with additions inclusive of deck extensions to both the ground floor and first floor, new roof over the proposed deck as well as a new 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 - 19/09/2021

The Architectural Plans provided with the application indicate that one tree is to be removed as a result of proposed pool location. It should be noted that the Statement of Environmental Effects provided with the application does not make reference to existing vegetation located on the site, specifically trees located at the rear of the dwelling adjacent to the western boundary.

According to the Site Survey provided with the application, this tree proposed for removal is 6m tall. It is worth noting that the Site Survey indicates an additional two trees are located adjacent to this tree, both of which are also 6m tall, however these have not been identified on the Architectural Plans. The species of all three of these trees has not been identified and it is currently unclear if they are exempt species or not. All three of these trees would be heavily impacted by the proposed works, and would necessitate removal based on the current design provided.

It is recommended that an Arboricultural Impact Statement be provided with the application in accordance with Council's DA Lodgement Requirements, identifying the species of these trees, and their associated landscape significance and retention values. As these trees are greater than 5m in height, they are required to be protected and retained, unless they are identified as exempt species. If these trees are exempt and are removed to allow for the proposed pool, it is necessary to retain

existing screen planting along the southern boundary to provide privacy between the neighbouring properties. The retention of this screen planting is vital to satisfy control D1, as key objectives of this control include "to enhance privacy between buildings". If these three trees are not exempt species, it is recommended that an alternative design be sought, exploring the relocation of the proposed pool away from the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of these trees. The retention of these trees is necessary to satisfy control E1, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", as well as "to promote and enhance the scenic value and character that trees and/or bushland vegetation provide".

It is recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Council's DA Lodgement Requirements, identifying the species of trees impacted by the proposed works, as well as their associated landscape value and significance. Should these trees not be exempt species, it is recommended that an alternative design be sought ensuring these trees are protected and retained. Upon receipt of the required documents, further assessment can be made.

#### **Updated Comments - 23/04/2021**

Following further analysis and site investigation, the proposed site is located within an identified Bushfire Buffer Zone of Category 1 Bushfire Vegetation. It is also noted the site falls within areas identified by the 10/50 Vegetation Clearing Scheme. This scheme allows residents to clear trees within 10m of their homes without approval in order to create greater clearances between bushland and the residential dwelling in order to protect against future bushfires. For this reason the trees proposed for removal are therefore exempt, and do not require Council's approval prior to removal as they are located within 10m of the existing residential dwelling. An Arboricultural Impact Assessment is therefore not required to be submitted with the application.

The landscape component of the proposal is therefore supported subject to protection of existing trees noted for retention.

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

#### **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.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

### **Environmental and Priority Weed Control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.

