

## Landscape Referral Response

<b>Application Number:</b>	DA2021/1744
<b>Date:</b>	30/05/2022
<b>Responsible Officer:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 13 DP 300716 , 153 Queenscliff Road QUEENSCLIFF 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

*30 May 2022*

A Structural Report and a Arboricultural Impact Assessment is submitted in relation to the structural integrity of existing retaining walls and the impact to existing two street trees within the road reserve, as well as the impact to these trees from adjacent prior tree removal, and the proposed works.

The Structural Report indicates that extensive excavation works near the trees impacts the root systems. The Arboricultural Impact Assessment investigation concludes that the prior loss of existing adjacent trees has resulted in the two Mock Olive trees becoming unbalanced and unstable. As identified in the Arboricultural Impact Assessment, tree 1 is in fair condition only and if the retaining wall continues to collapse then the tree may fail and fall, whilst tree 2 is in poor health with structural defects. Both trees are recommended for removal based on their current condition and the condition of the existing retaining wall, and tree 2 is required to be removed to permit the proposed works to proceed.

Amended Plans submitted include the proposal for replacement street tree and understorey planting, and no issues are raised subject to conditions of consent. All works within the road reserve including driveway, retaining walling and landscape works are subject to a separate section 138 application to Council under the Roads Act.

#### *Further comments*

Following discussions with the applicant, amended Plans including updated Landscape Plans have been submitted that provide a revised landscape scheme with:

- increased on-structure planters of sufficient depth (1090mm) to support tree planting; and areas of natural ground along the boundary to support shrub screen planting within the frontage, and
- raised planters (1000mm) to support tree and shrub screen planting within the rear of the property.

As such the landscape proposal is able to provide adequate tree and screen planting to mitigate the height, bulk and scale of the building.

The soil depth to on-structure planters is represented on drawing numbers DA1004, DA1013, DA1014, DA3000, DA4002 and DA4003, and conditions shall be imposed that these soil depths are satisfied at construction.

The property does not support any prescribed trees (ie. protected by the DCP) and instead shrubs and lawn are found within the rear of the property and rock and lawn are found within the front of the property. Existing street trees exist and these shall be protected.

Existing street trees as shown on drawing number DA1007 shall be preserved and the existing walling as indicated on this drawing shall be retained as documented to ensure protection of existing tree roots.

Subject to conditions of consent, Landscape Referral raises no concerns.

*updated comments:*

The updated plans do not alter the Landscape Referral previous comments, and the landscape outcome remains unacceptable.

*previous comments:*

The development application is for alterations and additions to an existing dwelling. Externally the proposed works include: new concrete drive; excavated garage & stairs to the street level; new studio with stairs & level grassed area with planting; front and rear decks; and new retaining walls to front & rear yard with levelled grassed areas.

The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):

- D1 Landscaped Open Space and Bushland Setting
- D9 Building Bulk
- E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation

The site does not contain any prescribed vegetation (ie. protected under the DCP) within the site, whilst existing street tree planting exists at the road verge of the property and shall be protected.

A Landscape Plan is provided with the application. The proposed Landscaped Area is 26% upon natural ground, with the frontage occupied by on structure planter above the garage level to a depth of 490mm, which is unable to be calculated as Landscaped Area. The Landscape Plan is inadequate to satisfy any of the landscape controls of the DCP. The Landscape Plan proposes grass only to the rear of the property, and in the majority grass over the garage at the frontage with a small planter and low shrub hedge planting.

The landscape controls include the requirement to appropriately landscape development sites to soften the built form and enhance the landscape setting. The following DCP controls are relevant and have not been satisfied by the proposed development:

1. DCP control D1 Landscaped Open Space and Bushland Setting requires the following objectives and requirements amongst others to be satisfied:

- To enable planting to maintain and enhance the streetscape.
- To provide for landscaped 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.
- Landscaped open space must be at ground level (finished); and
- The minimum soil depth of land that can be included as landscaped open space is 1 metre.

2. D9 Building Bulk control requirements amongst others include:

- Landscape plantings are to be provided to reduce the visual bulk of new building and works.

Landscape Referral are concerned that the reduced Landscape Area requirements results in an unsatisfactory landscape outcome, contrary to the Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan.

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. Planter soil depth shall comply with the documented plans as represented on drawing numbers DA1004, DA1013, DA1014, DA3000, DA4002 and DA4003.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

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

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 1 and tree 2 - both *Notelaea microcarpa* (Mock Olive), subject to street tree replacement,
- ii) 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 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 and vegetation located on adjoining properties.

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) or vi) 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) 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, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

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.

Reason: Tree and vegetation protection.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **Street Tree Planting**

Street tree and understorey planting shall be planted in accordance with the following:

- i) one *Banksia integrifolia* (Coast Banksia) shall be planted within the road reserve verge, at a pre-ordered minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) the street tree shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established and shall be located at least 2 metres from any structures including driveways, and shall generally be centralised within the road verge,
- iii) the remaining road verge area shall be mass planted with *Westringia fruticosa* 'mundi' or *Westringia*

fruticosa 'low horizon' or a similar low height and type of native species at 4 plants per square metre, and installed at a minimum planting size of 200mm pot container.

All works within the road reserve are subject to a separate section 138 application to Council under the Roads Acts, for approval or otherwise.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

### **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plans DA1013 and DA1014, and inclusive of the following conditions:

- i) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) the nominated *Syzygium smithii* shall be selected as a shrub 'dwarf' variety capable of attaining at least 3 metres in height at maturity,
- iii) the above shrub planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 300mm container size at planting.

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

Reason: To maintain local environmental amenity.