

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0322
<b>Date:</b>	27/04/2021
<b>Responsible Officer:</b>	Dean Pattalis
<b>Land to be developed (Address):</b>	Lot 121 DP 237862 , 12 Howse Crescent 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

This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of internal structures to create a more open living and dining area, as well as transform an existing bedroom into a home gym and study area. Additions are inclusive of a deck extension to most sides of the dwelling, a new walk in robe to the master bedroom on the ground floor, as well as a new first floor comprising of new sitting area in addition to two bedrooms with accompanying en-suites and walk in robes. A new rooftop terrace is also proposed above the existing garage.

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 - 13/04/2021

The Statement of Environmental Effects provided with the application does not make note of the existing trees or vegetation on site, however the Architectural Plans provided do not indicate that any of the existing trees or palms are proposed for removal. Upon review, all trees and palms are clear of the proposed works and are able to be safely retained and protected. The retention of these trees and palms, including those located within the road reserve, is vital in order to satisfy control E1, as key objectives of this control include "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", as well as "to protect and enhance the urban forest of the Northern Beaches".

Concern is raised regarding the limited presence of proposed landscape works, specifically screen planting and trees, which is vital to ensure the proposed built form is softened. As the proposal seeks to add an additional level to the existing dwelling, this built form mitigation is vital as the current site is largely turfed, with the existing palms providing little built form mitigation and softening. In addition to this, majority of the existing vegetation on site are exempt species, or exempt due to their heights below 5m, and can therefore be removed without Councils approval. If these tree are removed in the future,

no mitigation measures will be in place. Concern is also raised regarding the privacy of not only the residents of the site itself, but also neighbours to the west. As the first floor addition provides overlooking opportunity into neighbouring properties, the need for screening vegetation along the western boundary is necessary. The Architectural Plans also indicate the presence of proposed planting above the existing garage on the new rooftop terrace. Currently no information has been made regarding this planting, specifically what species are proposed and what soil depth is proposed. This planting, as well as the need for additional screening vegetation is necessary in order to satisfy control D1, as key objectives of this condition include "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", as well as "to enhance privacy between buildings". It is therefore recommended that a Landscape Plan be provided in accordance with the Council's Lodgement Requirements, addressing the issues above regarding built form mitigation as well as privacy between neighbours.

As a result, in its current form, the landscape component of the proposal cannot be supported. It is recommended that a Landscape Plan be provided with the application addressing built form mitigation and privacy concerns. Upon receipt of the required plans, further assessment can be made.

#### **Updated Comments - 27/04/2021**

Following previous comments, and amended Statement of Environmental Effects and new Landscape Plans have been provided with the application. The amended Statement of Environmental Effects makes note that all existing trees and vegetation located on site are to be retained throughout development. This is supported as the retention of these trees and palms, including those located within the road reserve, is vital in order to satisfy control E1.

The Landscape Plan provided indicates a number of screen and shrub planting is proposed within planter boxes. It has been made clear that due to an existing rock shelf on site located below the soil, there is limited soil depth available, hence in-ground planting has proven difficult. For this reason, the use of planter boxes instead is supported. This proposed landscaping not only provides valuable built form softening and mitigation, but also enhances the overall streetscape amenity through the addition of more planting, both of which are key objectives of control D1.

The landscape component is therefore supported subject to the protection of existing trees and vegetation, and the completion of landscape works as proposed on the Landscape Plans.

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 Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF

Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

### **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.

### **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 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.

Any mitigating measures and recommendations required by the 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**

Landscaping is to be implemented in accordance with the approved Landscape Plan.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) 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.