

Landscape Referral Response

Application Number:	DA2024/1501
Date:	20/02/2025
Proposed Development:	Subdivision of one lot into two, demolition works and construction of two dwelling houses including swimming pools
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 11 DP 14450 , 90 Brighton Street FRESHWATER 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

The proposal is supported with regard to landscape issues.

Additional Information Comment 20/02/25:

The amended reports and plans are noted.

Concerns around excavation in the tree protection zone of tree 2 have been resolved and to ensure its protection a Project Arborist shall be engaged to supervise all works in its vicinity. Tree 7 is proposed to be transplanted which is supported and to ensure its survival a Transplanting Methodology Plan shall be prepared and submitted prior to issuing a Construction Certificate. Due to the intensification of the site prescribed tree removal can be expected if the development is approved. The native tree replacement planting shown on the landscape plans will help to offset any canopy loss.

The landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent. All on slab landscape planters shall meet Council's minimum soil depth requirements. It is noted an on slab planter (lot 1 first floor) has been missed on the landscape plans and appropriate planting shall be selected for this planter.

Original Comment:

The Arboricultural Impact Assessment (AIA) identified 12 trees and of these trees 8 are proposed to be removed. Trees 6 and 10 are exempt by species or height and as such may be managed or removed at the discretion of the applicant without consent. If the application is approved tree removal can be expected due to the narrowness and topography of the site. Trees 4, 5 and 11 are centrally located and have large tree protection zones that would significantly reduce the developable area of the site.

The topography of the site, sloping up from north to south, would further impact developable area as excavation and development upslope and in close proximity of trees would likely destabilise the existing root structure. Trees 8, 9 and 12 are low significance and category Z trees which can be easily replaced. Transplanting tree 7 is supported.

At this stage landscape referral is unsupportive of the proposal as tree 2 (proposed for retention) will suffer considerable encroachment due to the excavation proposed in its tree protection zone. Up to 900mm will be excavated in the tree protection zone, as shown on drawing DA09 Lot 1 - Section AA, and some form of excavation will occur for majority of the upslope tree protection zone, which will detrimentally impact the tree. It is suggested the 'door to front garden' is removed and existing ground levels are maintained in the tree protection zone of tree 2 (tree 2 must be retained). The AIA states, regarding tree 2, "...The proposed works result in a very minor encroachment within this trees TPZ..." which suggests this excavation has not been assessed or considered.

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

a) details shall be submitted to the Certifier 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 Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

b) The following soil depths are required to support planting: 300mm for groundcovers, succulents and grasses; and 600mm for shrubs.

c) design certification shall be submitted to the Certifier 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 ensure waterproofing and drainage is installed.

Transplanting Methodology Plan

a) a Transplanting methodology plan, prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture, shall be documented to demonstrate the requirement for transplanting tree 7 - *Livistona australis*, including:

- i) preparation of the palm to be transplanted,
- ii) transplanting methodology and installation works,
- iii) post-transplanting care and duration,
- iv) ongoing maintenance program,
- v) replacement strategy if transplanting fails in the long term.

b) the Transplanting methodology plan is to be submitted to the Certifier for approval prior to issue of a

Construction Certificate.

Reason: Tree protection.

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 4 Arboricultural Method Statement and Appendix 8 Tree Management Plan.
- 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 listed below:
- i) tree 4 - *Eucalyptus botryoides*, tree 5 - *Eucalyptus robusta*, tree 8 - *Melaleuca quinquenervia*, tree 9 - *Glochidion ferdinandi*, tree 11 - *Syncarpia glomulifera*, and tree 12 *Glochidion ferdinandi*.
- 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 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.

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

Street Tree Planting

a) street tree planting shall be installed in accordance with the following:

- i) as shown on the approved landscape plans.

b) all street trees shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of AS2303 – Tree Stock for Landscape Use. All street trees shall be 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, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways, and shall generally be centralised within the road verge.

c) details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of

any Occupation Certificate.

Reason: to maintain environmental and streetscape amenity.

Landscape Completion

- a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings 2 of 6 and 3 of 6 issue F by Paul Scrivener dated 13/02/25), 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 native tree planting shall be a minimum pre-ordered planting size of 75 litres (except *Leptospermum petersonii*); meet the requirements of AS2303 – Tree Stock for Landscape Use; 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 located either within garden bed or within a prepared bed within lawn,
 - iv) the *Angophora costata* and *Glochidion ferdinandi* in the front setback of lot 1 shall be located at least 3.0 metres from buildings and other trees or more, and at least 1.5 metres from common boundaries,
 - v) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
 - vi) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone,
 - vii) substitute all *Rhaphiolepis* species with a suitable alternative (although a cultivar is proposed, Council deems this species an environmental threat),
 - viii) include appropriate planting species for the on slab planter in lot 1 on the first floor.
- 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) a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

e) 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.