

## Landscape Referral Response

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| <b>Application Number:</b>             | DA2021/1426  |
| <b>Date:</b>                           | 16/09/2021   |
| <b>Responsible Officer:</b>            | Adam Mitchell  |
| <b>Land to be developed (Address):</b> | Lot 2 DP 528120 , 51 Kalang Road ELANORA HEIGHTS<br>NSW 2101 |

### 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 development application is for demolition of the existing dwelling and the construction of a shop top housing development with basement, associated works and landscape works.

Council's Landscape Referral section have assessed the application against the following relevant controls and policies:

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65) under clause 28(2)(b) against the design quality principles within schedule 1
- The Apartment Design Guide under SEPP 65 clause 28(2)(c)
- Pittwater 21 Development Control Plan including B4.22 Preservation of Trees and Bushland Vegetation, C1.1 Landscaping, and D5 Elanora Heights Locality including D5.28 Active Frontages - Elanora Heights Village Centre, and D5.34 Public Domain - Elanora Heights Village Centre.

Landscape Plans in accordance with Council's DA Lodgement requirements and a Arboricultural Impact Assessment are provided with the development application.

The landscape proposal generally provides adequate landscape treatment to satisfy Schedule 1 Design quality principles of SEPP65, including: Principle 5: Landscape - positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood; and optimises useability, privacy and opportunities for social interaction, equitable access.

Additionally, the objectives of the Apartment Design Guide are able to be satisfied, including: 3E Deep Soil Zone, 4O Landscape Design, and 4P Planting on Structures. Pittwater 21 DCP control C1.1 Landscaping as applied to shop top housing is able to be satisfied with a minimum landscaped area of 20% provided at the front and rear of the development into natural ground.

To be acceptable to Landscape Referral the development and associated Landscape Plan shall be the subject of imposed conditions for amended landscape plans to ensure adequate landscape outcomes are achieved including: removal of the carspace part within Council's road verge; existing footpaths

fronting the site to be widened to 1500mm and paved as granite surface to match Kalang Rd B2 Local Centre existing pavements; and additional street tree planting within the road verge.

The Arboricultural Impact Assessment provides recommendations for tree protection measures for the existing Angophora street tree and conditions shall be imposed, including the preparation of a tree protection plan to identify the locations of fencing and ground protection (and other measures) to ensure the impacts to the tree are minimised. It is noted that the site contains 3 existing Gums and 1 existing Deciduous tree within the frontage and 1 existing Gum at the rear corner of the property that are not referenced in the Arboricultural Impact Assessment as required by Council's DA Lodgement requirements. The four trees within the existing front setback are unable to be retained as they are impacted by the proposed development without a design alternative for retention, being located wholly within the development footprint. The existing Gum at the rear corner is not impacted by the proposed development and shall be retained and protected.

Landscape Referral are able to support the application subject to amended landscape plans and provision of a tree protection plan and tree protection measures.

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**

#### **Amended Landscape Plans and Public Domain Plan**

An Amended Landscape Plan and Public Domain Plan is to be issued to the Certifying Authority documenting the following required changes:

- i) the indicated carspace located part within Council's road verge is to be removed and replaced with an extended garden area and lawn,
- ii) the existing footpath fronting the site to be widened to 1500mm and paved as Sesame Grey granite pavement to match the granite pavement treatment existing along the road reserve pavement to the northern part of Kalang Road,
- iii) the proposed footpath between kerb and building entry shall be a minimum 1500mm width and paved as Sesame Grey granite pavement,
- iv) one (1) *Lophostemon confertus* (Brushbox) is to be planted within the lawn area within the road verge, and shall be planted at a minimum pre-ordered 200 litre container size,
- v) all nominated trees within the plant schedule shall be planted at a minimum 75 litre container size,
- vi) the proposed *Pennisetum* species shall be substituted for a non self-seeding / invasive species of similar form and size.

The Certifying Authority shall document acceptance of the Amended Landscape Plan and Public Domain Plan satisfying the above conditions i), ii), iii), iv), v), and vi).

Reason: To ensure that the landscape treatments are installed to provide landscape and public domain amenity, and soften the built form.

#### **Tree Protection Plan**

- a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees:
  - i) Angophora street tree within the road verge,

ii) existing Angophora or other Gum at the rear of the property.

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) location of tree protection fencing / barriers,
- ii) root protection in the form of mulching or boards proposed within the tree protection zone,
- iii) trunk and branch protection within the tree protection zone,
- iv) location of stockpile areas and materials storage,
- v) inspection hold points,
- vi) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

### **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.

The following soil depths are required to support landscaping as proposed:

- i) 600mm minimum for shrubs

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**

### **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) Angophora street tree within the road verge, as listed in the Arboricultural Impact Assessment under section 2.1 Observations,
- ii) existing Angophora or other Gum at the rear of the property.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all 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:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) 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.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Protection of Existing Street Tree

The existing Angophora street tree within the road verge frontage of the site shall be protected during all stages of construction. Construction temporary fencing consisting of 1.8m high x 2.4m wide in accordance with the Tree Protection Plan.

As a minimum, the tree protection fencing for street tree 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, in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites. 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: Street 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 (ie. Angophora street tree and Angophora or other Gum at rear of the site), 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) 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) 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.

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

### **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Amended Landscape Plan and Public Domain Plan.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or

landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved Amended Landscape Plan and Public Domain Plan, inclusive of any conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

## **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.

For all new residential works with two or more dwellings and mixed use developments, 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.

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

Reason: To maintain local environmental amenity.