

## Landscape Referral Response

<b>Application Number:</b>	DA2024/0044
<b>Date:</b>	15/02/2024
<b>Proposed Development:</b>	Demolition works and construction of Seniors Housing with basement parking
<b>Responsible Officer:</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot 11 DP 12435 , 27 Kevin Avenue AVALON BEACH NSW 2107 Lot 10 DP 12435 , 25 Kevin Avenue AVALON BEACH NSW 2107

### 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

Council's Landscape Referral has been reviewed against the following policies and controls:

- State Environmental Planning Policy (Housing) 2021, Part 5 Housing for seniors and people with a disability: Division 6 Design principles - clause 99 Neighbourhood amenity and streetscape, for required landscape outcomes; Division 6 Design principles - clause 100 Visual and acoustic privacy, for required landscape outcomes; and Division 7 clause 108 Non-discretionary development standards, for landscape area and deep soil minimum requirements,
- Seniors Living Policy: Part 2 Site Planning and Design; Part 3 Impacts on Streetscape; and Part 4 Impacts on Neighbours.
- Pittwater 21 DCP controls B4.22 Preservation of Trees and Bushland Vegetation, C1.1 Landscaping, C1.21 Seniors Housing, and D1 Avalon Locality.

It is noted that the submitted Biodiversity Report suggests that the proposal does not trigger entry into the biodiversity offsets scheme, and this matter is to be considered by Council's Bushland & Biodiversity Referral team, and this Landscape Referral may require adjustment should Council's Bushland & Biodiversity Referral approach this matter from a different perspective to the submitted Biodiversity Report.

It is noted that the basement configuration is realigned in this application from the pre-lodgement plans, such that the viable and long term retention of existing trees is favourably demonstrated.

Deep soil area are adequately provided to the front of the property and the rear of the property, with some to the side boundaries, to either preserve existing trees or provide areas for new canopy tree

planting.

The submitted Arboricultural Impact Assessment (AIA) report includes recommendations for tree removal, tree retention and tree protection measures based on the submitted development proposal. Should the application be approved a total of twelve prescribed native trees are required to be removed. A total of eleven native trees are proposed for retention and protection with six in the front of the property. All road reserve trees and trees and vegetation within neighbouring properties shall be protected. Mitigation measures and Project Arborist supervision of works in proximity to existing trees to be retained as recommended in the AIA report shall be the subject of imposed conditions.

The Landscape Plans as submitted provide for an enhancement of the landscape setting, and generally no concerns are raised subject to additional tall canopy trees as canopy replacement to offset the existing canopy loss. Many of the proposed new tree planting are small to medium sized trees that, whilst achieving the intent to reduce the bulk and scale of development, do not provide tall canopy that is typical of the locality. Conditions shall be imposed for additional canopy trees within the front of the property where adequate landscape area is available to support such canopy trees, and replacement Turpentine species shall be provided to replace the six existing Turpentines of high retention value proposed for removal.

Landscape Referral provide conditions of consent should the application be approved.

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 Plan**

Amended landscape plans shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following additional details:

- a) a total of six *Syncarpia glomulifera* (Turpentine) shall be planted within the front of the property as succeeding generational canopy offset replacement, singularly or grouped,
- b) all tree planting (excluding native palms) shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size,
- c) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at minimum 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size.

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

#### **Tree Protection Plan**

- a) a Tree protection plan shall be submitted prepared by an Arborist with minimum AQF Level 5 in arboriculture to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites,

to protect the following trees:

- i) trees 3, 8, 49, 50 (Spotted Gum); tree 10 (White Mahogany); tree 11 (Sweet Pittosporum); tree 14 (Grey Gum); trees 16 and 17 (Smooth Barked Apple); trees 18 to 21 (Turpentine); trees 24, 30 (Scribbly Gum); trees 25, 27, 28, 60 (Cheese Tree); tree 26 (Red Bloodwood); tree 29 (Bottlebrush); trees 36, 37 (Cabbage Tree Palm); and tree 42 (Lillypilly),
- ii) any other tree as deemed necessary by the Arborist,

b) the Tree Protection Plan shall incorporate the following: location of all trees identified for retention, including extent of canopy; access routes throughout the site for construction activity; location of tree protection fencing / barriers; root protection in the form of mulching or boards proposed within the tree protection zone; trunk and branch protection within the tree protection zone; location of stockpile areas and materials storage; and other general tree protection measures.

Reason: Tree protection.

### **On slab landscape planters**

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. Soil depths shall be as shown on the approved plans.

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.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **Project Arborist**

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 AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the approved Arboricultural Impact Assessment and approved Tree Protection Plan, and in particular:

- a) section 4 and 5.

All tree protection measures specified 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.

The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 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**

This consent approves the removal of existing prescribed trees on the subject site as identified in the approved Arboricultural Impact Assessment. 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**

### **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 in accordance with the approved Tree Protection Plan.

All street trees within the road verge 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. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

### **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 AS4970-2009 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 AS4970-2009 Protection of trees on development sites,
  - ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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 Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

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/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- a) a general decline in health and vigour,
- b) damaged, crushed or dying roots due to poor pruning techniques,
- c) more than 10% loss or dieback of roots, branches and foliage,
- d) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- e) yellowing of foliage or a thinning of the canopy untypical of its species,
- f) an increase in the amount of deadwood not associated with normal growth,
- g) an increase in kino or gum exudation,
- h) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- i) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist/Project 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**

Landscape works are to be implemented in accordance with the approved Amended Landscape Plans, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,

b) tree, shrub and groundcover planting shall be installed as indicated on the approved Amended Landscape Plans, unless otherwise imposed by conditions.

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**

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 approved Arboricultural Impact Assessment, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) 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**

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(s) and any conditions of consent.

The approved landscape area 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.