

## Landscape Referral Response

<b>Application Number:</b>	DA2020/1179
<b>Date:</b>	13/01/2021
<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 4 DP 76695 , 1795 Pittwater Road MONA VALE NSW 2103 Lot 1 DP 219265 , 1797 Pittwater Road MONA VALE NSW 2103 Lot 2 DP 219265 , 38 Park Street MONA VALE NSW 2103 Lot 5 DP 77493 , 1793 Pittwater Road MONA VALE NSW 2103

### 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 application seeks approval of a seniors housing development at 1793-1797 Pittwater Road and 38 Park Street Mona Vale.

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

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: clause 33 Neighbourhood amenity and streetscape.
- Seniors Living Policy: clause 2. Site Planning and Design; and clause 3. Impacts on Streetscape.
- Pittwater 21 DCP Controls: B4.22 Preservation of Existing Trees and Bushland Vegetation; C1.1 Landscaping; C1.21 Seniors Housing; and C1.24 Public Road Reserve - Landscaping and infrastructure, and D9 - Mona Vale Locality.

Development consent DA2019/1072 was granted for seniors housing upon No. 1795 and No. 1797 Pittwater Road and No. 38 Park Street Mona Vale. Subsequently No. 1793 Pittwater Road was acquired and now forms part of this development application. An updated Landscape Plan dated 21 September 2020, drawing number LA-01 incorporating all four lots is provided with the application. A Arboricultural Impact Assessment dated 17 September 2020 is provided for the additional portion of land (No. 1793) in addition to the previous Arboricultural Impact Assessment dated 25 September 2019 for the other portions of land. Conditions of consent shall refer to the updated Landscape Plan and to both the Arboricultural Impact Assessment reports.

The landscape component of the proposal is acceptable, with the relevant landscape controls and policies satisfied by the proposal, subject to the protection of nominated existing trees, and the completion of landscape works

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 planter 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 on 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:

- 300mm for lawn
- 600mm for shrubs
- 1m for small trees

Design certification shall be submitted to the Certifying Authority by a structural engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow away from habitable areas.

### **Tree Protection Plan**

In order to protect existing trees and vegetation the following existing trees shall be protected in accordance with a Tree Protection Plan, based on the recommendations of the Arboricultural Impact Assessment reports dated 25 September 2019 and 17 September 2020:

i) 25 September 2019:

- T2 and T3 *Melaleuca quinquernervia* along Pittwater Road within the road reserve,
- T27 *Corymbia maculata* along Park Street within the road reserve,
- T4 *Glochidion ferdinandi*, T7 *Michelia figo*, T8 *Magnolia grandiflora*, T22 *Jacaranda mimosifolia*, and T24 *Brachychiton acerifolius* within the site,
- T25 *Melaleuca quinquernervia* and T26 *Callistemon salignus* within adjoining property.

ii) 17 September 2020:

- T10 *Melaleuca quinquernervia* along Pittwater Road within the road reserve,
- T1, T2, and T3 *Waterhousia floribunda* and T11 *Tibouchina grandulosa* within adjoining property.

a) A Tree Protection Plan prepared by a AQF Level 5 Arborist with qualifications in arboriculture/horticulture, in accordance with AS4970-2009 Protection of trees on development sites, and consistent with the recommendations of the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019 (section 4. Recommendations) and 17 September 2020 (section 4. Recommendations), demonstrating as a minimum, the following:

- Layout of the approved development,
- Extent of permitted basement,

- Location of trees including trunk, structural root zone and tree protection zone,
- Location of tree protection fencing / barriers,
- General tree protection measures, including ground and trunk protection.

b) A schedule of site inspections, hold points and related certification of construction works near the existing trees the subject of the Tree Protection Plan.

c) The Tree Protection Plan is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

d) Tree protection measures identified on the plan are to be in place prior to commencement of works.

Reason: to ensure compliance with the requirement to retain and protect significant planting on the site

### **Transplanting Methodology**

A Transplanting Methodology prepared by a AQF Level 5 Arborist with qualifications in arboriculture/horticulture, shall be prepared to demonstrate the requirement for transplanting the proposed T38 *Livistona australis* (Cabbage Tree Palm) as recommended in the Arboricultural Impact Assessment dated 25 September 2019, including:

- schedule of events, inspections, hold points and related certification
- preparation for trenching
- treatment of roots following trenching
- lifting technique
- sitting and planting
- post planting treatment of roots
- watering and fertilising regime
- maintenance program
- replacement strategy if transplanting fails in the long term

The Transplanting Methodology is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

Reason: to ensure adequate planning, execution and on-going care is undertaken.

## **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 and certify compliance with the Tree Protection Plan and the recommendations of the Arboricultural impact Assessment reports dated 25 September 2019 and 17 September 2020, and 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.

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

- i) section 4. recommendations of the Arboricultural impact Assessment dated 25 September 2019
- ii) section 4. recommendations of the Arboricultural impact Assessment dated 17 September 2020

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.

#### **Tree removal within the property**

This consent approves the removal of the following trees within the property (as recommended in the Arboricultural Impact Assessment):

i) report dated 25 September 2019:

- tree 23 - *Acmena smithii*

ii) report dated 17 September 2020:

- tree 6 - Claret Ash, and tree 9 - Crepe Myrtle

The following Exempt Species do not require Council consent for removal:

i) report dated 25 September 2019:

- trees numbered 5, 6, 9, 10, 10A, 11 to 21 inclusive, 29, 31 to 34 inclusive, 37, 39 to 42 inclusive, and 44
- additional trees numbered 30, 35, 36, and 45

ii) report dated 17 September 2020:

- trees numbered 4, 5, 7, and 8

Reason: to enable authorised building works

Note: Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

#### **Tree removal within the road reserve**

The following tree is approved for removal within the public reserve based on the recommendations of the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019:

- Tree 1: *Grevillea robusta* (Silky Oak)
- Tree 28: *Corymbia maculata* (Spotted Gum)

Removal of these trees within public land shall only be undertaken by a Council approved Tree Contractor.

Details of currently approved Tree Contractors can be obtained from Northern Beaches Council's Tree Services section prior to removal.

Reason: Public liability.

## 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, excluding T1 and T28 approved for removal.

Existing street trees within the frontage of the development site shall be protected by tree protection measures as determined by an Arborist with minimum AQF Level 5 in arboriculture, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, 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 in accordance with the approved Tree Protection Plan, the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019 and 17 September 2020, and AS 4970-2009 Protection of trees on development sites, with particular reference to Section 4, and as follows:

- i) all trees and vegetation located within the property as listed in the report dated 25 September 2019: T4 (*Glochidion ferdinandi*), T7 (*Michelia figo*), T8 (*Magnolia grandiflora*), T22 (*Jacaranda mimosifolia*), T24 (*Brachychiton acerifolius*), and T43 (*Cedrus deodara*),
- ii) all trees and vegetation located on adjoining properties as listed in the report dated 25 September 2019: T25 (*Melaleuca quinquenervia*) and T39 (*Jacaranda mimosifolia*), and as listed in the report dated 17 September 2020: T1, T2, T3 (all *Waterhousia floribunda*) and T11 (*Tibouchina granulosa*),
- iii) all road reserve trees and vegetation as listed in the report dated 25 September 2019: T2 (*Melaleuca quinquenervia*), T3 (*Melaleuca quinquenervia*), and T27 (*Corymbia maculata*), and as listed in the report dated 17 September 2020: T10 (*Melaleuca quinquenervia*),
- iv) the following palm recommended in the Arboricultural Impact Assessment for transplanting - T38 *Livistona australis* (Cabbage Tree Palm).

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a

AQF Level 5 Project Arborist on site,

vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,

ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

x) 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,

xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019 and 17 September 2020.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.

e) 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.

f) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect planting worthy of retention on development and adjoining sites.

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

### **Landscape completion**

Landscaping shall implemented in accordance with the Landscape Plan LA-01 (issue A), prepared by Gartner Trovato Architects, inclusive of the following requirements:

i) the planting scheme shall be installed in accordance with the design layout and schedule as shown on the Landscape Plan LA-01 (issue A),

ii) all large and medium tree shall be planted at least 5 metres from existing and proposed buildings,

iii) all small tree planting shall be planted at least 3 metres from existing and proposed buildings,

iv) tree and palm planting in close proximity to walling shall be located centrally to the garden area,

v) all edging groundcover planting to paths and the like must be at least 200mm from the edge,

vi) all street tree planting shall be planted at 75 litre minimum container size, and installed with a tree guard consisting of 4 posts and top & mid rails, and installed into a prepared planting hole 1m x 1m x 0.7m deep backfilled with sandy loam soil, finished with 75mm compacted mulch, and installed centrally between the footpath and front boundary,

vii) all tree and palm planting listed on the Landscape Plan schedule shall be planted at 75 litre minimum container size,

viii) all screen shrub planting listed on the Landscape Plan schedule shall be planted at 300mm

minimum container size, at no more than 1 metre apart,

- ix) all small shrub planting listed on the Landscape Plan schedule shall be planted at 200mm minimum container size,
- x) all groundcover and succulent planting listed on the Landscape Plan schedule shall be planted at 140mm minimum container size,
- xi) no planting is permitted within the road reserve, with the exception of street tree planting and turf.
- xii) hard landscape elements such as retaining walling, paving, fencing, and planters shall be located and finished in accordance with the approved plans prepared by Gartner Trovato Architects,
- xiii) all on slab planters shall include a dripline irrigation system.

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 landscape plans, and any relevant condition of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

#### **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection and 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: to retain and protect significant planting on development sites.

### **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

#### **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Newly planted street trees must be maintained, by a watering, fertilising and mulching program as a minimum, for a period of 12 months following the issue of an Occupation Certificate. Any failure due to lack of maintenance will require replacement tree planting with a further 12 months maintenance period applying.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.