

Landscape Referral Response

Application Number:	DA2021/1766
Date:	02/11/2021
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 8 DP 6984 , 18 Alexander Street COLLAROY NSW 2097 Lot 9 DP 6984 , 18 Alexander Street COLLAROY NSW 2097

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 demolition of an existing residential dwelling and swimming pool, and the construction of a new housing development for seniors or people with a disability. The proposed development comprises of five three-bedroom apartments, with underground parking and new landscape works.

Councils Landscape Referral section has assessed for compliance with the following relevant controls and policies:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004 - *Clause 33 Neighbourhood amenity and streetscape*; and *Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings*,
- Seniors Living Policy - Urban Design Guidelines for Infill Development - *Clause 2 Site Planning and Design*; and *Clause 3 Impacts on Streetscape*,
- Warringah Local Environmental Plan 2011,
- Warringah Development Control Plan 2011 - *D1 Landscaped Open Space and Bushland Setting*; and *E1 Preservation of Trees and Bushland Setting*.

The Statement of Environmental Effects provided with the application notes that a number of existing trees are to be removed as a result of proposed works, and for this reason, an Arboricultural Impact Assessment has been provided.

This Arboricultural Impact Assessment has identified a total of nine trees, three of which are located in the adjoining property to the south, two within the adjoining property to the west, with the remaining four trees located within the site boundaries. Of the nine trees identified, all trees outside of the site boundaries are proposed to be retained, with all those within the site proposed for removal. These trees proposed for removal include Tree No. 1, 2, 3 and 9. Tree No. 1 has been identified as two individual trees that have grown around each other, hence their health and structural integrity are heavily intertwined. These trees are located centrally within the site, and have been identified as being in good health, fair structure, with a high landscape amenity value. Tree No. 1 has been proposed for removal

as it falls within the footprint of proposed works and is unable to be retained with the current site layout. Trees No. 2, 3 and 9 have all been identified as exempt palm species, and as a result, may therefore be removed without Council's approval. Trees No. 2 and 3 are located centrally within the site adjacent to Tree No. 1, whereas Tree No. 9, a group of palms, is located adjacent to the western boundary. Considering a large number of compensatory canopy trees have been proposed within the development, no concern is raised, and the removal of these trees is supported.

Of the five trees proposed to be retained, identified as Trees No. 4, 5, 6, 7, and 8, Tree No. 6 is the only tree likely to be impacted by proposed works. The Arboricultural Impact Assessment has noted that the proposed basement, is anticipated to encroach into the Tree Protection Zone (TPZ) of this tree by less than 10%, with no encroachment into its Structural Root Zone (SRZ). The Arboricultural Impact Assessment has also accommodated for the over excavation that is likely to occur to construct the basement, hence no major concerns are raised regarding the impact of proposed works on the health and vitality of these trees. The retention of these trees is vital to satisfy control E1, as key objectives of this control include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological populations", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

A Landscape Plan has been provided with the application, with proposed works including the in-ground planting of trees, shrubs, accents, grasses and groundcovers, as well as the on-slab planting of shrubs, accents, grasses and groundcovers. Trees in pots have also been proposed.

Generally, the proposed landscape works are supported as it is evident proposed works seek to enhance the landscape amenity of the site, whilst ensuring compensatory canopy trees are incorporated to replace those trees removed. In addition, the significant planting in the front and rear setbacks, alongside the use of on-slab planting with spill over planting, provides valuable built form mitigation and softening, whilst positively contributing to the streetscape character of the locality. This is particularly important considering the proposed works seek to increase the overall scale of the built form when compared to that of the existing dwelling. Although this is the case, concern is raised with some of the proposed plant species, specifically the use of *Archontophoenix cunninghamiana*, *Brachychiton populneus x acerifolius* 'Bella Pink', *Pennisetum alopecuroides* 'Nafray' and *Rhaphiolepis indica* 'Oriental Pearl', as these have been identified as exempt species, or environmental weeds, and are therefore considered undesirable species. For this reason, it is recommended that these be substituted for locally native alternatives. Rather than the need for the applicant to re-submit an amended Landscape Plan, the need for this species change can be addressed through conditions of consent. The completion of these landscape works, inclusive of the required species change, is necessary to satisfy control D1, as key objectives of this control 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 dwelling", as well as "to enhance privacy between buildings".

In terms of the State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004, with respect to Clause 33 Neighbourhood amenity and streetscape, development should, according to sub-clause (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, sub-clause (f) retain, wherever reasonable, major existing trees, and, sub-clause (g) be designed so that no building is constructed in a riparian zone. In addition, with respect to Clause 34 Visual and acoustic privacy, development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by (a) appropriate site planning, the location and design of window and balconies, the use of screening devices and landscaping. Upon further review of the proposal, it is evident that sub-clause (e) and (f) of Clause 33 have been satisfied, as the proposal

seeks to largely retain significant native canopy trees adjacent to the southern boundary. Although a major tree within the site is to be removed to accommodate proposed works, the proposal seeks to supplement this with a number of additional locally native canopy trees, alongside shrubs and under-storey planting, significantly improving the landscape amenity, character and value of the site. Sub-clause (g) has also been satisfied as no riparian zone is to be affected or impacted by proposed works. The landscape component of Clause 34 has also been satisfied, as the Landscape Plan demonstrates significant screen planting is to be incorporated on the ground floor along each boundary, as well as in raised on-slab planters to prevent overlooking to neighbouring properties.

Additionally, under the State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004, with respect to Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings, a consent authority must not refuse consent to the development application made pursuant to this chapter for carrying out of development for the purpose of self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds: (c) landscaped area if - (i) in the case of a development application made by a social housing provider - a minimum 25 square metres of landscape area per dwelling is provided, or (ii) in any other case - a minimum 30% of the area of the site is to be landscaped, (d) deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres. The Landscape and Architectural Plans provided illustrate a total landscape area of 43.3%, of which 25.8% is deep soil. This is well above the minimum requirements outlined in sub-clause (c) (ii) and (d), with a significant area dedicated to deep soil planting. The whole rear setback of the site, totalling 154.6 square metres has been dedicated to deep soil, with a minimum dimension of approximately 4 metres at its smallest, and 6.5 metres at its largest. In addition, a deep soil area of 117.4 square metres has been allocated to the north-east corner of the site, within the front setback. This area provides valuable deep soil area to establish large canopy trees which are necessary to mitigate and soften the bulk and scale of the dwelling. Considering the above information, the proposal appears to be compliant against the State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004.

Furthermore, with relation to the Seniors Living Policy 'Urban Design Guidelines for Infill Development', the objectives of this policy are largely synonymous with that of the State Environmental Planning Policy. The two primary clauses that relate to landscape include *Clause 2 Site Planning and Design*: and *Clause 3 Impacts on Streetscape*. The objectives of Clause 2 include "to retained existing natural features of the site that contribute to the neighbourhood character", "to provide high levels of amenity for new dwellings", "to maximise deep soil and open space for mature tree planting, water percolation and residential amenity" as well as "to minimise the physical and visual dominance of car parking, garaging and vehicular circulation". The key objectives of Clause 3 include "to minimise impacts on the existing streetscape and enhance its desirable characteristics", "to ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape". As discussed above, the proposed landscape works seek to retain significant trees at the rear of the site, compensate tree removal with the planting of new native canopy trees, as well as improve the overall amenity of the site through the implementation of layered planting to enhance privacy of the site and its immediate neighbours. For this reason, the proposal appears to be compliant and achieve the key objectives of this design policy.

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

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

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) 300mm for lawn
- ii) 600mm for shrubs
- iii) 1m for small trees

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) all works within the TPZ's and SRZ's of trees to be retained.

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 tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) *Ficus rubiginosa*, located centrally within the site within the footprint of proposed works, Tree No. 1.

Note:

- i) Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.
- ii) 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.

Reason: To enable authorised building 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 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) Section 8 - Conclusions,
- ii) Section 10 - Recommendations,
- iii) Section 11 - Arboricultural Work Method State and Tree Protection Requirements,
- iv) Section 12 - Hold Points,
- v) Appendix 1A - Proposed Basement and Tree Protection Plan.

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.

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

Landscaping is to be implemented in accordance with the approved Landscape Plan, inclusive of the following conditions:

- i) substitute the proposed *Archontophoenix cunninghamiana* for a native alternative, minimum 45L pot size. Suggested species include: *Livistona australis*,
- ii) substitute the proposed *Brachychiton populneus x acerifolius 'Bella Pink'* for a native alternative, minimum 75L pot size. Suggested species include: *Angophora hispida*, *Banksia serrata*, or *Corymbia*

ficifolia,

iii) substitute the proposed *Pennisetum alopecuroides* 'Nafray' with a native alternative, minimum 140mm pot size. Suggested species include: *Ficinia nodosa*, *Imperata cylindrica*, or *Lomandra longifolia*,

iv) substitute the proposed *Rhaphiolepis indica* 'Oriental Pearl' with a native alternative, minimum 200mm pot size. Suggested species include: *Banksia spinulosa*, *Grevillea sericea*, or *Westringia fruticosa*.

Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

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.

Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, 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 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 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.

Undesirable Trees

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.