

Landscape Referral Response

| | |
|--|--|
| Application Number: | DA2021/1805 |
| Date: | 03/11/2021 |
| Responsible Officer: | Adam Mitchell |
| Land to be developed (Address): | Lot A DP 379308 , 4 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 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, all of which are located within the site boundaries and are proposed to be removed. Majority of the existing trees within the site are located along the eastern boundary, largely towards the rear of the site. It is noted that an additional two trees located towards the southern boundary at the rear of the site are shown on the Site Survey, however these have not been assessed by the Arboricultural Impact Assessment as they have previously been removed. Of the nine trees identified in the Arboricultural Impact Assessment, eight trees, Trees No. 1, 2, 3, 4, 5, 6, 8 and 9, have been identified as being exempt either due to height, species or being dead, and can therefore be removed without Council's approval. The remaining tree, Tree No. 7, is a native canopy tree that has been identified as being in poor health with low landscape

significance and a short useful life expectancy, and for this reason has been proposed to be removed. Due to the current condition of this tree, and that the Landscape Plan has proposed several replacement tree plantings, no major concerns are raised with its proposed removal. It is further noted that a number of additional trees are located outside of the site boundaries in adjoining properties, however these appear to be largely clear of proposed works and are not anticipated to be negatively impacted. The retention of these trees is vital to satisfy control E1, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", "to effectively manage the risks that come with an established urban forest through professional management of trees", 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 and on-slab planting of trees, shrubs, accents, grasses and groundcovers.

Generally, the proposed landscape works appear to be beneficial 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 side and rear setbacks, alongside the use of on-slab planters with spill over planting, provides valuable built form mitigation and softening, particularly when viewed from neighbouring properties. To further reinforce the proposed planting scheme and mitigate the bulk and scale of the built form, it is recommended that an additional tree be incorporated into the front setback, alongside those already proposed, adjacent to the pedestrian entryway in the north-west corner of the site. This is particularly important considering the proposed works seek to increase the overall scale and height of the built form when compared to that of the existing dwelling. Slight concern is also raised with some of the proposed plant species, specifically the use of *Rhaphiolepis indica* 'Snow Maiden' as this has been identified as an environmental weed and is therefore considered undesirable. For this reason, it is recommended that this be substituted for a native alternative. Moreover, slight concern is raised with the use of *Elaeocarpus reticulatus* not because of the species, rather the mature height of this tree and its potential to further impact solar access on the adjoining properties to the east. For this reason, it is recommended that this tree be substituted for a smaller tree or shrub, providing greater solar access to the adjoining property, whilst simultaneously providing built form mitigation and valuable privacy screening. Rather than the need for the applicant to re-submit an amended Landscape Plan, the need for the above 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) of Clause 33 has been satisfied, as the proposed landscape scheme seeks to utilise a variety of locally native canopy trees, alongside shrubs and understorey planting that relate to the broader landscape character of the locality, whilst being sympathetic to those in the immediate vicinity. Sub-clause (g) has not directly been satisfied as the proposal seeks to remove all trees within the boundary, however, as these trees have been identified as exempt and are not significant in nature, no major concern is raised. Similarly, sub-clause (g) has

indirectly been satisfied as proposed works are not located within a riparian zone. The landscape component of Clause 34 has also been fulfilled, 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 on the first and second floors to prevent overlooking of 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 30%, of which 19% is deep soil. This is compliant with the minimum requirements outlined in sub-clause (c) (ii) and (d), with a significant area dedicated to deep soil planting. A large portion of the rear setback has been dedicated a deep soil zone, with a minimum dimension of approximately 3 metres at its smallest, and 4 metres at its largest. In addition, a large deep soil zone has also been allocated 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 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 the 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 provided, 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

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) *Eucalyptus botryoides*, located along the eastern boundary of the site, towards the rear of the property, Tre No. 7.

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.

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.

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

- i) a general decline in health and vigour,

- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the 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

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

- i) substitute the proposed *Rhaphiolepis indica* 'Snow Maiden' with a native alternative, minimum 200mm pot size. Suggested species include: *Banksia spinulosa*, *Grevillea sericea*, or *Westringia fruticosa*,
- ii) substitute the proposed *Elaeocarpus reticulatus* with a native alternative, capable of reaching a maximum height of 6 metres at maturity, minimum pot size 45L. Suggested species include: *Acmena smithii* 'Firescreen', *Acmena smithii* 'Minor' or *Callistemon viminalis* 'Prolific',
- iii) at minimum, an additional 1x native canopy tree is to be planted within the setback in the north-west corner of the site, minimum 75L pot size. Suggested species include: *Banksia integrifolia*, *Banksia serrata* or *Tristaniopsis laurina*.

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.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list:
www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

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.

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.