

## Landscape Referral Response

<b>Application Number:</b>	DA2021/0008
<b>Date:</b>	09/03/2021
<b>Responsible Officer:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot 22 DP 7577 , 14 Ponsonby Parade SEAFORTH NSW 2092 Lot 21 DP 7577 , 12 Ponsonby Parade SEAFORTH NSW 2092

### 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 two existing residential dwellings on two adjoining lots, and the construction of a new seniors housing development on one consolidated lot. The new development will consist of 9 units in total, including a basement car park.

Councils Landscape Referral section has considered the application against the State Environmental Planning Policy (Housing for Seniors or People with a Disability), Manly Local Environment Plan, and the following Manly DCP 2013 controls:

- 3.3.1 Landscaping Design
- 3.3.2 Preservation of Trees or Bushland Vegetation
- 4.1.5 Open Space and Landscaping

A Landscape Plan is provided with the application and proposed works include the in-ground planting of trees, shrubs, grasses and groundcovers, as well as on-slab planters with palms, shrubs, grasses and groundcovers.

The Arboricultural Impact Assessment provided with the application notes a total of ten trees within close proximity to the site, with nine trees located within the site boundaries, and one tree located in the adjoining property to the east. Of the ten trees identified, six trees have been recommended to be removed, with four trees to be retained. Of the six trees to be removed, two trees, Tree No. 1 and 2, are located adjacent to Ponsonby Street along the southern boundary. These trees are within the footprint of the proposed pedestrian entry, and would therefore need to be removed in order to accommodate the proposed works. The remaining four trees to be removed, Trees No. 3, 4, 5 and 6, are located towards the north-west of the site, and are located within the footprint of the proposed buildings. These four trees would therefore also need to be removed in order to accommodate the proposed works. The Arboricultural Impact Assessment has recommended these six trees to be removed shall be replaced in order to compensate for the loss of landscape amenity and canopy. For

this reason the Arborists recommendations are supported.

The four trees to be retained, including Tree No. 10 which is located in the adjoining property to the east, shall all be protected throughout the life of the development in accordance with the Arborists recommendations.

It is worth noting that additional trees, seven in total, are present on the site, located predominantly along the northern boundary adjacent to Ross Street. These trees have been identified in the Arboricultural Impact Assessment, however it was noted that they did not require discussion. It is unclear as to why these trees shall not be discussed, as all trees within the site should be assessed. Of the seven trees, three have been proposed to be removed. Tree No. 102 is located within the footprint of the proposed pedestrian entry off Ross Street, and would therefore necessitate removal. The other two trees, Tree No. 105 and 106 appear to be either exempt species (*pinus spp.*) or exempt due to the height being below 5m. These trees therefore do not require Council's approval prior to removal. The current Landscape Plans indicate that sufficient compensation planting has already been proposed therefore no additional planting, in addition to that already proposed, is needed to compensate tree loss.

The protection of trees noted for retention is vital to satisfy control 3.3.2, which seeks to "protect and enhance the scenic value and character that trees and bushland vegetation provide", as well as "to protect and enhance the urban forest of the Northern Beaches".

Concern is raised regarding the proposed landscape works, particularly the use of canopy trees capable of reaching a mature height greater than 25m, the use of palms as vegetative screening between units, as well as insufficient information regarding proposed tree, and plant pot sizes/planting densities. Firstly, the proposed *Eucalyptus punctata* is recommended to be replaced with an alternative tree species capable of reaching a maximum height of 15m at maturity. Suggested alternatives include *Angophora costata* (as proposed elsewhere on site), *Banksia integrifolia* or *Eucalyptus haemastoma*. This substitution is particularly important in order to ensure views from the existing dwellings on Ross Street (as identified in the site analysis drawing) are maintained, as well as the solar access to adjoining properties to the west is preserved. The use of palms between the two unit blocks is also recommended to be substituted, as these palms are exempt species, and are also not likely to provide sufficient screening and privacy between dwellings on the first floor. These palms should be substituted with trees similar to those proposed elsewhere on site such as *Tristanopsis laurina* or *Backhousia citriodora*, or alternatively *Elaeocarpus reticulatus*.

The completion of the works as proposed on the Landscape Plans, inclusive of proposed species changes outlined above, is necessary to satisfy control 3.3.1 and 4.1.5. Key objectives of these controls include "to encourage appropriate tree planting and maintenance of existing vegetation", "maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting" as well as "to maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area".

In order to comply with the State Environmental Planning Policy (Housing for Seniors or People with a Disability), specifically Section 33 (c), the proposed development should "maintain reasonable neighbourhood amenity and appropriate residential character". This is achieved by providing building setbacks that aid in reducing the bulk, scale and overshadowing of the proposed development. The proposed site is unique within its block, as the two lots that will house the new seniors development are both dual access and are large in comparison to surrounding properties. The existing site, as well as the property to the east, are large parcels of land, with the existing dwellings centrally located. This has resulted in very large setbacks, particularly when compared to other lots immediately to the east and west. The proposed setbacks of 6.5m appear to be in line with those of the dwellings immediately to the west, whilst providing adequate space for landscape, which is in excess of the minimum area required.

Considering the above, the landscape component is therefore acceptable subject to the protection of existing trees, and completion of landscape works as proposed on the Landscape Plans, inclusive of the tree species changes and requirements for increased planting intervals.

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).

For all new residential works with two or more dwellings and mixed use developments, the maintenance activity schedule shall incorporate an on-going maintenance plan that shall be submitted to the Certifying Authority outlining a program to monitor and replenish soil levels as a result of soil shrinkage over time.

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 demolition, excavation and construction 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 trees within the property (as recommended in the Arboricultural Impact Assessment):

- i) *Juniperus chinensis*, located adjacent to the southern boundary within the proposed works footprint, Tree No. 1,
- ii) *Juniperus chinensis*, located adjacent to the southern boundary within the proposed works footprint, Tree No. 2,
- iii) *Murraya paniculata*, located towards the north-west of the site within the proposed works footprint, Tree No. 3,
- iv) *Juniperus chinensis*, located towards the north-west of the site within the proposed works footprint, Tree No. 4,
- v) *Juniperus chinensis*, located towards the north-west of the site within the proposed works footprint, Tree No. 5,
- vi) *Callistemon viminalis*, located towards the north-west of the site within the proposed works footprint, Tree No. 6.

Note:

- i) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan 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.

### **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 6 - Site Specific Tree Management Strategy
- ii) Section 7 - Recommendations
- iii) Appendix C - Tree protection/Management Prior to and During Construction

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 *Eucalyptus punctata* with an alternative species capable of reaching a maximum of 15m at maturity. Suggested alternatives include: *Angophora costata* (proposed elsewhere on site), *Banksia integrifolia* or *Eucalyptus haemastoma*,
- ii) substitute the proposed *Howea fosteriana* with an alternative tree species capable of providing a canopy to aid in privacy screening. Suggested alternatives include: *Backhousia citriodora* (proposed elsewhere on site), *Elaeocarpus reticulatus* or *Tristaniopsis laurina* (proposed elsewhere on site),
- iii) shrub and screen planting shall be installed at minimum 1 metre intervals and be of a minimum container size of 200mm.

Tree planting shall be located within a 9m<sup>2</sup> deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees. Tree pot sizes shall be minimum 100L in size.

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, specifically the *Native Plant Species Guide - Manly Ward*: [www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide](http://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.

### 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.