

Landscape Referral Response

Application Number:	DA2020/1743
Date:	23/02/2021
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 3 DP 26532 , 45 Lantana Avenue WHEELER HEIGHTS 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 proposal is for the demolition of an existing residential dwelling, and the construction of a seniors housing development which shall incorporate eight, three bedroom apartments alongside basement car parking.

Councils Landscape Referral section has considered the application against the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Warringah Local Environmental Plan, and the following Warringah DCP 2011 controls:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation

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

The Arboricultural Impact Assessment provided with the application notes that a total of thirteen trees were assessed as part of the proposal, with eleven of those trees located within the site boundary, and the remaining two trees located within adjoining properties. The two trees located in adjoining properties, Trees No. 5 and 13 have been noted as retained, and shall not be impacted by the proposed works and, as a result, shall be protected throughout all stages of development. Of the eleven trees located within the site boundary, seven trees, Trees No. 1, 2, 3, 4, 8, 9 and 10, have been proposed for removal. Trees No. 1, 3, 4, 8 and 9 are all exempt species and therefore do not require Council's approval for removal. Tree No. 2 is located adjacent to the western boundary, and has suspect structural integrity according to the Arboricultural Impact Assessment. The proposed works also have a 40% encroachment in the Tree Protection Zone (TPZ) and will necessitate its removal. Tree No. 10 is located adjacent to the eastern boundary, and has been identified to exhibit a decline in health with over 40% of its branches and foliage being dead or dying, hence has been recommended to be removed. Both Trees No. 2 and 10 have been recommended to be replaced as result of their removal, and for this reason the Arborists recommendations are accepted.

The remaining four trees located within the site have been identified for retention, and shall be protected throughout the life of the development in accordance with the Arborist recommendations. The retention and protection of these trees is necessary to comply with condition E1, which aims to "protect and enhance the scenic value and character that trees provide".

The Landscape Plans propose a diverse mix of planting typologies that provide valuable vegetative screening between individual units as well as neighbours on adjoining properties. In addition to this, numerous canopy trees have been proposed that not only support this vegetative screening, but also seek to compensate the removal of existing trees as a result of the proposed works. The current landscape plans indicate that sufficient compensation planting has already been proposed, thus no additional tree planting, in addition to that already proposed, is needed to compensate tree loss as recommended by the Arborist. The implementation of the proposed landscape works is vital to satisfying control D1, as key objectives include mitigating the bulk and scale of the built form, as well as to enhance the privacy between buildings.

The retention of existing trees, as well as the proposed landscape works, are also necessary to ensure compliance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. As per Section 33 (f) in the SEPP, major existing trees shall be retained where reasonable. This is satisfied through the retention of Trees No. 5, 7 and 12, all of which exceed 14m in height. In addition, numerous canopy trees have been proposed as part of the development which seek to compensate tree removal that is to take place. The proposed development also provides sufficient total landscape area as well as deep soil zones which are in line with both DCP and SEPP requirements.

It is noted that due to the unique shape of the lot and long driveway access, the actual built form and proposed buildings are setback a great distance from the road and are not visible from the street. The built form is set back behind on-slab planters of shrubs and spill over planting that seek to provide visual screening and a softening of the built form as viewed from the shared driveway. Concern however is raised with the landscape treatment at the street frontage, particularly in relation to the storage of rubbish bins. As there are many bins to accommodate the proposed units of this development, as well as those of adjoining property at 43 Lantana Avenue, it is recommended that the proposed planting of *Lomandra longifolia* 'Tanika' be replaced with an alternative species capable of hedging or screening to visually mitigate the bin storage area. In addition to this, the bins could be further set back to provide a more substantial planting area capable of a more dense planting approach, or alternatively, provide a built bin enclosure capable of housing and screening the bins from public view.

The landscape component of the proposal is therefore acceptable subject to the protection of existing trees, and the completion of landscape works as proposed in the Landscape Plans, inclusive of plant species changes along the Lantana Avenue frontage.

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:

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) demolition and construction works within the TPZ's and SRZ's of existing trees,

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) *Agonis flexuosa*, located adjacent to the western boundary, Tree No. 2,
- ii) *Eucalyptus haemastoma*, located adjacent to the eastern boundary, Tree No. 10.

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.

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 not approved for removal.

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 4 - Recommendations
- ii) Annexure D - Tree Protection Details

The Certifying Authority must ensure that:

- d) 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) the proposed *Lomandra longifolia* 'Tanika' proposed adjacent to the proposed bin storage area along the site frontage shall be replaced with an alternative species capable of screening or hedging, with a minimum maintained height of 2m. Proposed alternatives include: *Alpinia zerumbet* (proposed elsewhere on site), *Murraya paniculata* (existing species on site and adjoining property), or *Syzygium leuhmannii* x *wilsonii* (proposed elsewhere on site).

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 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 on slab landscape works, establish an on-going landscape maintenance plan that shall be submitted to the Certifying Authority that aims to monitor and replenish soil levels annually 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.