

Landscape Referral Response

Application Number:	DA2020/1453
Date:	13/09/2021
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 881326 , 4 Collaroy Street COLLAROY NSW 2097 Lot CP SP 5367 , 1 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

Without Prejudice Conditions

Without Prejudice conditions provided for the Land and Environment Court hearing. AP

Original Comment

The development application is for demolition of existing site structures and the construction of a shop top housing development located on land zoned B2 Local Centre, and associated works including landscape works.

The application is assessed by Landscape Referral against State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65), and associated Apartment Design Guide (ADG), and Warringah Local Environmental Plan (WLEP) and Warringah Development Control Plan 2011 (WDCP), including but not limited to the following clauses:

- Principle 5: Landscape, of SEPP65 requires " that ... landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance ... which contribute to the local context, ... micro-climate, tree canopy, ... and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity ..."
- ADG: Part 3E Deep Soil Zones - under the objective of 3E a minimum of 7% deep soil shall be provided with a minimum width of 6 metres; Part 4O Landscape Design - Table 4 of this section recommends tree planting at a rate of 1 large tree or 2 medium trees per 80m² of deep soil zones, and provides the following guidance - diverse planting, shade tree planting, areas for residents to plant vegetables and herbs, and use of green roofs or walls; and Part 4P Planting on Structures - medium size trees require 6m x 6m in 1m soil depth; small trees require 3m x 3m in 1m soil depth.

- WLEP: no deep soil requirements exist under Warringah Local Environmental Plan for land zoned B2 Local Centre.
- WDCP: the minimum soil depth of land that can be included as landscaped open space is 1 metre.

Landscape Plans are provided with the development application and these require modifications to be acceptable and shall be the subject of amended landscape plans.

Natural ground deep soil equals 90 square metres and is calculated as 3.5% of the site area and does not achieve the minimum width of 6 metres. The Apartment Design Guide (ADG) requires a minimum 7% deep soil zone to meet the design criteria of objective 3E-1 of the ADG and the current deep soil provisions do not meet the ADG objectives, and furthermore the ADG suggests a design guidance of 15% for sites greater than 1500m² such as this site.

The remaining landscape areas occur as planting on structure with the minimum depth of 1 metre achieved in accordance with ADG, with various ground floor planters providing approximately 290 metres square area, various level 1 planters providing approximately 440 metres square area, various level 3 planters providing approximately 120 metres square area, and various level 4 planters providing approximately 150 metres square area. As such the total area of landscape area provided as planting on structure is capable of achieving of landscape outcome to provide an attractive residential landscape amenity, subject to variations to the current landscape scheme as documented.

Concern is raised that planting densities are inadequate and/or sparse in areas to support mass planting that will provide the required landscape amenity outcome. The landscape plans require modification to ensure an appropriate landscape amenity outcome is achieved and shall additionally include the following design suggestions:

Ground floor:

- planters facing Alexander Street shall incorporate small tree planting in lieu of the proposed palm planting,
- incorporate a mix of small tree planting and palms to the ground floor where open to the sky, and consider mature heights of planting underneath level 1 slabs.

Level 1:

- incorporate small trees to planters where the planter is at least 3m x 3m in area,
- all planters located adjacent to terraces shall support shrub planting capable of attaining 1 metre in height for visual privacy, as well as groundcover planting, in lieu of the groundcover only planting proposed and documented in some areas,

Level 3:

- all planters located adjacent to terraces shall support shrub planting capable of attaining 1 metre in height for visual privacy, as well as groundcover planting, in lieu of the groundcover only planting proposed and documented in some areas,

Level 4

- incorporate small trees to planters where the planter is at least 3m x 3m in area,
- all planters located adjacent to terraces shall support shrub planting capable of attaining 1 metre in height for visual privacy, as well as groundcover planting, in lieu of the groundcover only

planting proposed and documented in some areas,

All levels:

- planting densities shall be documented as follows: i) screen shrubs - 1 per linear metre centre; ii) small shrubs - 700mm centres; iii) groundcovers - 450mm centres; iv) ferns - 450mm centres except for Cyathea and Dicksonia; v) succulents - 300mm centres.

Amended landscape plans are required to accurately determine the appropriateness of the landscape proposals to achieve acceptance of the landscape scheme including the required deep soil zone areas, and at this stage the proposal does not warrant approval until amended landscape plans for review and approval by Council are submitted. With the complexity of the micro-climate and light levels for planting between the two buildings and the use of planters to undercroft areas, it is advised that a landscape architect may be utilised to further develop the scheme to ensure ongoing suitability of the proposed landscape design including selection of materials and planting. The selection of suitable planter soils and the installation of an automatic irrigation system is a key component to achieving successful landscape treatments within planters on slab.

Additionally a landscape maintenance program will be required to establish ongoing landscape maintenance of the landscape planters, as well as all other landscape areas, requiring regular monitoring of soil conditions and any requirement for additional soil additives, fertilising program, monitoring of soil moisture, and general care and maintenance including replacement. Conditions of consent for this component is to be imposed as Ongoing Landscape Maintenance.

A Arboricultural Impact Assessment report is provided with the development application, proposing the retention of two native trees within the site (Paperbark and Blueberry Ash), transplanting of native Cabbage Tree Palm, protection of adjoining property trees, removal of one native tree (Coast Banksia) within the site, and removal of Exempt Species within the site. The report recommendations raise no issues.

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 also 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 the Arboricultural Impact Assessment dated 17 October 2020 prepared by Jackson's Nature Works and 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 transplanting, 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.

All tree protection measures specified 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 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 dated 17 October 2020 prepared by Jackson's Nature Works:

- i) 1, 2, 3, 4, 6, 7, 10 & 11.
- ii) Transplanting of Tree 5

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

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. For clarity, Trees 8 and 9 within the site as identified in the Arboricultural Impact Assessment dated 17 October 2020 prepared by Jackson's Nature Works are to be retained and Tree 5 is to be transplanted as indicated on the landscape plans.
 - 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 the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
 - 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 the Project Arborist on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project 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,
 - 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.

Protection sites of significance

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

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

Required Tree Planting

- a) Trees and palms shall be planted in accordance with Landscape Plans Dwg Nos. L-01, -02, -03, -04 Issue A1 dated 12/08/2021 prepared by Gartner Trovato :
- b) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Government's 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

Reason: To maintain environmental amenity.

Landscape completion certification

Condition:

Landscaping is to be implemented in accordance with the approved Landscape Plans.

- a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a qualified horticulturalist, 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 plan and inclusive of any conditions of consent.
- b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a qualified horticulturalist, landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

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

Condition of Retained Vegetation - Project Arborist

Prior to the issue of any 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

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) 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.

Reason: To maintain local environmental amenity.