

Landscape Referral Response

Application Number:	DA2024/0882
Date:	24/07/2024
Proposed Development:	Alterations and additions to a seniors housing development (residential care facility)
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 748426 , 33 Bassett Street MONA VALE NSW 2103 Lot 38 DP 7236 , 23 Bassett Street MONA VALE NSW 2103

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

The proposed development is for alterations and additions to a residential care facility pursuant to the Part 5 provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). Council's Landscape Referral has been reviewed against the following policies and controls:

- State Environmental Planning Policy (Housing) 2021, Part 5 Housing for seniors and people with a disability: i) Division 3 Development Standards - clause 84 Development standards - general; ii) Division 5 Design requirements - clause 97 Design of seniors housing; iii) Division 7 Non-discretionary development standards - clause 108 for landscape area and deep soil minimum requirements.
- Pittwater 21 DCP controls B4.22 Preservation of Trees and Bushland Vegetation, C1.1 Landscaping, C1.21 Seniors Housing, and D9 Mona Vale Locality.

An Addendum to the Arboricultural Impact Assessment is submitted in relation to the alterations and additions impact to existing trees identified as tree 5 and tree 6. The Landscape Plans indicate existing tree retention and removal based on the proposed works. It is noted that the previous development application as approved under development consent DA2020/0816 included a full scope Arboricultural Impact Assessment that included all existing trees located upon the property. Upon review it is considered that the existing trees proposed for removal on the Landscape Plan will require removal should the application be approved, including four prescribed trees within the property (trees 1, 3, 29 and 32) and two street trees (trees 11 and 12). Exempt species identified as trees 4, 7, 9, 18-23, 27, 30 and 31 do not require Council consent for management or removal. It is noted on the Landscape Plan that removal of tree 10 within adjoining property is proposed and this is not supported and all trees within adjoining properties shall be protected.

The submitted Landscape Plan proposals for hard and soft landscape works raise no concerns and

conditions shall be imposed for completion. The *Raphiolepis* 'snow maiden' and *Pennisetum* 'nafray' species shall be substituted for a non self-seeding species. It is noted that the proposed removal of the two street trees (trees 11 and 12) are proposed for like for like replacement in the Landscape Plans. The Landscape Plans provide adequate tree replacement and furthermore the scheme enhances the landscape setting.

The proposed Landscape Plan includes mass planting and presumably garden bed edging within the public road reserve and this is not approved under the development application as such works require a Minor Encroachment application to Council for approval or otherwise. The proposed street tree planting however is supported and conditions shall be imposed.

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 planters

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). Soil depth shall be a minimum depth as identified on the Landscape Plans.

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.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment and the Addendum to Arboricultural Impact Assessment, including the listed Recommendation for tree 5 (Cooks Pine) and tree 6 (Chinese Elm). Additionally any excavation and construction works in proximity to the following trees shall be subject to inspection and approval by the Project Arborist: tree 10 (Umbrella Tree) in adjoining property; group 13 (Swamp She-Oak); group 14 (Brush Cherry), tree 15 (Paperbark), and tree 16 (Common Ash).

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and 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 impacted by development: tree number 1 (Prickly Paperbark), 3 (Bangalay), 25 (Pin Oak), 29 (Cabbage Tree Palm), and 32 (Cabbage Tree Palm). A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: to enable authorised building works.

Tree Removal Within the Road Reserve

This consent approves the removal of the following trees within the road reserve:

- i) tree number 11 and 12 (Banksia).

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section prior to removal.

Reason: public liability.

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, including trees numbered 5 (Cooks Pine), 6 (Chinese Elm), 13 (group of Swamp She-Oak), 14 (group of Brush Cherry), 15 (Paperbark), and 16 (Common Ash),
- ii) all trees and vegetation located on adjoining properties, including tree numbered 10 (Umbrella Tree).

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 and the Addendum to Arboricultural Impact Assessment prepared by Urban Forestry Australia.

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

Street Tree Planting

Street tree planting shall be installed in location as identified in the Landscape Plans, and as imposed by the following requirements:

- i) All street trees shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways, and shall generally be centralised within the road verge.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental and streetscape amenity.

Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plans prepared by Trish Dobson landscape Architecture, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
- c) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more; and located either within garden bed or within a prepared bed within lawn,
- d) mass planting shall be installed as scheduled in the Landscape Plans; and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) the following nominated species shall be substituted for a non self-seeding alternative: *Raphiolepis* 'snow maiden' and *Pennisetum* 'nafray'.
- f) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained as imposed by the conditions, 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 and vegetation 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 Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.