

## Landscape Referral Response

<b>Application Number:</b>	REV2021/0012
<b>Date:</b>	09/04/2021
<b>Responsible Officer:</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot B DP 85983 , 396 - 400 Sydney Road BALGOWLAH NSW 2093 Lot A DP 85983 , 402 Sydney Road BALGOWLAH NSW 2093

### 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 proposal is for the construction of a shop top housing development.

Council's Landscape Referral section have assessed the application against State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development, Apartment Design Guide, Manly Local Environment Plan under Land Zoned B2 Local Centre, and against the landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types.

The Landscape Plan provided with the application is noted and considered adequate, subject to conditions of consent.

The plans indicate that no significant landscape features are affected by the proposed works.

No objections are raised to approval subject to conditions as recommended.

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**

**Tree Protection Plan**

- a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate demonstrating tree protection measures to protect the following trees:
  - i) European Nettle Tree (*Celtis australis*) located within the road reserve.
- b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture incorporating the following:
  - i) layout of the development, including existing and proposed underground services,
  - ii) location of all trees identified for retention, including extent of canopy,
  - iii) access routes throughout the site for construction activity,
  - iv) location of tree protection fencing / barriers,
  - v) root protection in the form of mulching or boards proposed within the tree protection zone,
  - vi) trunk and branch protection within the tree protection zone,
  - vii) location of stockpile areas and materials storage,
  - viii) inspection hold points,
  - ix) other general tree protection measures.
- c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

**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) 600mm for shrubs
- ii) 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) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the approved Tree Protection Plan 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.
- b) 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.
- c) Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.
- d) 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.
- e) 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 existing trees within the property impacted by development construction.

- 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****Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with the approved Tree Protection Plan and in accordance with Section 4 of Australian

#### Standard 4970-2009 Protection of Trees on Development Sites.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, the Project Arborist is to immediately contact Council's Tree Services section to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

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

#### **Landscape Completion**

a) Landscaping is to be implemented in accordance with the Landscape Plans sheets 1, 2, and 3 Rev B dated 02.03.21 prepared by Conzept Landscape Architects, inclusive of the following requirements:

i) the proposed tree planting along the Ground Floor northern boundary (*Elaeocarpus reticulatus* and *Waterhousia floribunda* 'Sweeper') shall be planted at a minimum 200 litre container size.

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

Reason: Environmental amenity.

#### **Condition of Retained Street Tree - 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**

a) 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.

b) 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.

c) All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.