

## Landscape Referral Response

<b>Application Number:</b>	DA2022/1000
<b>Date:</b>	24/08/2022
<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 100 DP 1276056 , 19 - 21 South Steyne MANLY NSW 2095

### 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 development application proposes the implementation of Stages 3 and 4 of the Part 3A Concept Plan approval MP10.0159 MOD1, including demolition, alterations, additions and construction of mixed use buildings. Specifically, the works involve the retention of the previously constructed Stages 1 and 2 (hospital facility 'Centre for Country Kids' now known as the 'CCK' building) as well as partial demolition, alterations and additions to Drummond House and the construction of mixed use buildings which incorporate residential, retail/ commercial and hospital/ medical uses and associated guest accommodation with basement parking and landscape works.

A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral. Council's Landscape Referral section have considered the application against the Manly Local Environment Plan for land zoned B2 and the objectives under clause 6.11 Active street frontages, and the following Manly DCP 2013 controls (but not limited to):

- 3.3.1 Landscaping Design
- 3.3.2 Preservation of Trees or Bushland Vegetation
- 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings where applicable

The following State Environmental Planning Policy applies: No. 65 - Design Quality of Residential Apartment Development (SEPP 65), under Schedule 1 Design quality principles of SEPP65, including: Principle 5: Landscape. Additionally, the objectives of the Apartment Design Guide shall be satisfied as follows: 3C Public domain interface; 3D Communal and public open space; 3E Deep Soil Zone; 4O Landscape Design; and 4P Planting on Structures.

The Landscape Plans submitted are generally without concern, except as identified by Landscape Referral regarding the practicality of achieving the desired outcomes as shown on the plans, and these matters require resolution and further explanation, as follows:

#### 1. Deep soil

- the numerical requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65), objective 3E Deep Soil Zone is not satisfied. A

minimum 7% is required, and an approximate calculated area of 4.65% along the western boundary to property 12 Wentworth Street and southern boundary to property 25-29 Victoria Parade and part of the Manly Village School is provided.

## 2. Ground Level on structure planting

- The proposed selection of large sized trees (Angophora costata 20m, Banksia integrifolia 15m, and Eucalyptus botryoides 25m) on structure over basement raises concern regarding the practicality of establishing such tall trees on structure and within appropriate soil volumes that do not appear to be adequately provided with this scheme,
- Such trees in advanced years carry a heavy trunk, branch and canopy load and in combination with other planting, soil and planter materials, any structure is required to support the 'wet weight' of soil and vegetation, and the design intent may not be achieved with the availability of the soil volumes under this proposal,
- It appears that inadequate soil area and volumes are provided for the establishment of tree planting as proposed on structure in accordance with the Apartment Design Guide objective 4P Planting on Structures. It appears that only small trees and palms may be supported within the on structure areas as shown,
- The sections show an impracticable gradient to the mounding which would result in continual maintenance issues with material moving onto the adjacent paved surfaces. Mounding gradients should not exceed 1:3 and if mounding is to be this steep suitable edge conditions shall be considered so all material is contained to the planting beds,
- Support anchoring systems should be considered for the large tree and palm plantings on slab to reduce any stability risks for the trees/palms as they mature,
- Tree planting locations must consider any overhead structures, and in particular the two Angophoras adjacent to Building B and the group of three trees to the west of the northern Building D,
- It is unknown if the following soil areas and volumes, as suggested in the Apartment Design Guide under section 3E Deep Soil, are achieved for the proposed tree planting:
  - › Large trees 13-18m high: 80m<sup>3</sup> soil volume
  - › Medium trees 9-12m high: 35m<sup>3</sup> soil volume
  - › Small trees 6-8m high: 15m<sup>3</sup> soil volume

## 3. Ground Level public domain surfaces materials

- the proposed crushed sandstone in an urban environment with high pedestrian movements is likely to create extensive ongoing maintenance costs for the future strata body corporation and whilst the ideology is understood, the ground surfaces selected should be able to withstand high use as is to be expected in such a 'public' environment.

## 4. Active Street frontages

- the setback at ground level from the proposed Retail premises along South Steyne to the boundary at approximately 2500mm may be viewed as inadequate to service the Retail premises for outdoor dining, and additionally not impede upon the public footpath area where high volume pedestrian movement is likely, and it is encouraged that a more serviceable width be provided that creates public domain social and economic benefits and safe passage.

The Arboricultural Impact Assessment submitted provides determination of the impact to existing trees within the property and within adjoining land, from the proposed development works, and provide recommended tree protection measures that shall be the subject of imposed conditions. Within the property five prescribed trees ranging from 5 to 6 metres in height are impacted by the works and recommended for removal subject to Council consent (including for Bottlebrush and one Hibiscus), and five exempt trees under 5 metres in height are impacted by the works (including Bottlebrush, Hibiscus, Murraya and Coprosma) and do not require Council consent.

Three heritage listed Norfolk Island Pine street trees under the Manly Local Environmental Plan (item

246) are located within the Wentworth Street road reserve and shall be protected by conditions as imposed. Three trees within adjoining property 25-29 Victoria Parade are in proximity to the works and the Arboricultural Impact Assessment advises of minimal physical impact subject to tree protection measures. Of concern is that whilst the physical attributes for retention of the Cooks Pine (tree 14) is determined not to be an arboricultural constraint, the environmental impact from increased cast shadow from the proposed buildings is unknown and should be reviewed and comments provided as an addendum to the Arboricultural Impact Assessment.

The following information is required by Landscape Referral:

- justification for non-compliance with deep soil minimum areas that may easily be achieved by a reduction in the basement extent.
- calculation and identification of soil areas and volumes to support the selected trees, and the large trees in particular.
- review of the use of crushed sandstone as a ground surface and whether an alternative solution should be used to represent the design theme.
- review of the Retail frontages setback to activate the street appropriately and enhance the public domain outcomes.
- addendum to the Arboricultural Impact Assessment to comment on additional cast shadow to tree 14 - Cooks Pine.

Should the application be approved as per the current development application plans, Landscape Referral provide conditions of consent to be imposed.

The proposal is therefore unsupported.

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, otherwise listed as a Tree Management Plan in the Arboricultural Impact Assessment, 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) Heritage listed street tree numbers 1, 2 and 3
- ii) Tree numbers 14, 15 and 16

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) plan documentation of tree protection measures including: location of tree protection fencing; root protection in the form of mulching or boards proposed within the tree protection zone, as required; and trunk and branch protection within the tree protection zone, as required,
- v) inspection hold points,
- vi) other general tree protection measures.

c) Heritage listed trees documentation:

i) annotated photographs of the tree trunk, any exposed roots, branches and canopy.

d) 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 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.

On structure planter soil depths shall be certified as suitable to support the proposed planting. All proposed trees and palms on structure shall be supported by tree rootball anchors for each individual nominated tree and palm to be planted.

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 ensure 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, and the recommendations of the Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the approved Tree Protection Plan and the Arboricultural Impact Assessment under section 4. Recommendations, and in particular:

- i) during excavation works to monitor if any roots from existing trees numbered 14, 15 and 16, located with adjoining property, have grown beyond the existing building and its foundations, and provide any remedial actions, and if required a root mapping investigation shall detail the size, location and depth of any roots from this tree to determine the arboricultural tree protection measures to be undertaken to retain trees 14, 15 and 16,
- ii) monitor the health of the existing street trees numbered 1, 2 and 3, including the preservation of the tree protection measures identified in section 4. Recommendations (tree protection fencing, and trunk protection).

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:

- 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**

The following trees as identified in the Arboricultural Impact Assessment require removal:

- i) trees 4, 5, 6, 7 and 11
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Exempt Species (by species type or by height) as listed in the Development Control Plan do not require Council consent for management or removal, and the following exempt species are identified in the Arboricultural Impact Assessment: trees 8, 9, 10, 12 and 13.

Reason: To enable authorised development works.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **Protection of Sites of Significance**

- a) Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.
- b) Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

### **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from the Project Arborist during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Project Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

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

### **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans.

Prior to the issue of an Occupation Certificate, details from a landscape architect 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:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) 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.

Reason: To maintain local environmental amenity.