

## Landscape Referral Response

<b>Application Number:</b>	DA2020/0302
<b>Date:</b>	11/05/2020
<b>Responsible Officer:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 6 DP 3742 , 41 Upper Clifford Avenue FAIRLIGHT NSW 2094

### 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 the proposed demolition of the existing site structures and the construction of multi dwelling housing on the site comprising 3 dwellings with integrated carparking and landscape works.

Council's Landscape Referral section have assessed the application against the landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types, and specifically: 3.3.1 Landscaping Design; and 4.1.5 Open Space and Landscaping.

A Landscape Plan and Arboricultural Impact Assessment are submitted in accordance with Council's DA Lodgement Requirements.

The existing site landscape contains one existing Cheese Tree of a height greater than 5 metres and this has been heavily pruned in the past for views, diminishing its amenity value, and is located within the building footprint, various smaller mixed planting under 5 metres in height that are exempt species, and scattered rock outcrops. The Cheese Tree, smaller vegetation and rock outcrops are proposed for removal and a landscape scheme is proposed enhancing the landscape amenity of the site.

The landscape component of the application is supported subject to tree protection measures to ensure the protection of existing trees within adjoining properties, and the completion of landscape works including tree planting with conditions imposed on the height of selected trees no higher than adjoining building heights, in consideration of 3.3.1 Landscaping Design b) iii) trees should be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.

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**

a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the garage concrete slab, soil and planting is being provided.

b) 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.

c) The following soil depths are required to support landscaping as proposed:

- 300mm for lawn
- 600mm for shrubs
- 1000mm for trees

d) Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the concrete slab is designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **Tree removal within the property**

The following tree located on the property and assessed as impacted by development, and without an alternative design layout to retain the tree, as assessed and recommended in the Arboricultural Impact Assessment prepared by Axiom Arbor Tree Services, is granted approval for removal:

- Tree 5 Cheese Tree (subject to tree replacement within the site)

Note: 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 a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property.

Exempt Species located within the site do not require consent for removal.

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

#### **Tree protection measures / Project Arborist**

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction works, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by Axiom Arbor Tree Services dated February 2020.

This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessment, and in particular the following trees: T1, T2, T3 and T4 (all Broad Leaf Paperbark) located on adjoining property.

The following activities as listed in the Arboricultural Impact Assessment shall be specifically supervised and certified as approved following attendance on site, review of the works and acceptance of the works. A Project Arborist shall be appointed prior to the commencement of works in accordance with the Arboricultural Impact Assessment section 6 Recommendations, including the actions detailed under the following:

- i) 6.1 Assigning a site arborist,
- ii) 6.2 Tree works,
- iii) 6.3 Tree Protection Fencing,
- iv) 6.4 Mulching within a TPZ,
- v) 6.5 Supervision of excavation works and demolition within the TPZ of protected Trees,
- vi) 6.6 Plantings within Tree Protection Zones,
- vii) 6.7 Restricted activities,
- viii) 6.8 Site Materials Storage, and
- ix) 6.9 Hold Points.

The Arborist shall submit certification to the Certifying Authority that the works and activities described in the above sections have been correctly installed and adhered to during the construction period.

The tree protection measures specified in this clause must:

- x) be in place before work commences on the site, and
- xi) be maintained in good condition during the construction period, and
- xii) remain in place for the duration of the construction works.

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that:

- xiii) the activities listed in section 4.2 of AS4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and
- xiv) 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.

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.

Reason: to ensure tree protection is provided and maintained.

### **Tree and vegetation protection - General**

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Axiom Arbor Tree Services, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, and in particular Tree 1, 2, 3 and 4 located on the neighbouring site of 43 Upper Clifford Avenue,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF minimum Level 5 Arborist,

- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum Level 5 Arborist,
  - iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF minimum Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
  - v) to minimise the impact on trees and vegetation to be retained and protected, 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,
  - vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF minimum Level 5 Project Arborist on site,
  - vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF minimum Level 5 Arborist on site,
  - viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF minimum Level 5 Arborist, including advice on root protection measures,
  - ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF minimum Level 5 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,
  - x) 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 AS 4970-2009,
  - xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.
- c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree

Reason: to retain and protect significant planting on development and adjoining sites.

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

### **Landscape works completion**

Landscape works are to be implemented in accordance with the Landscape Plans numbered Sheet 1 of 2 and Sheet 2 of 2, prepared by Paul Scrivener Landscape, inclusive of the following requirements:

- i) the proposed Tuckeroo (*Cupaniopsis anacardoides*) tree planting within the Unit 1 garden level (RL 52.15) shall be deleted and replaced with a non invasive seeding native tree suited to the site location, listed either in Manly DCP Schedule 4, Part B - Native Tree Selection, or in Council's Tree Guide, such as Blueberry Ash (*Elaeocarpus reticulatus*) or Snow-in-Summer (*Melaleuca linariifolia*), or as selected by the Landscape Architect, to attain a height of approximately 6 metres at maturity, equal to the roof parapet height of No. 43 Upper Clifford Avenue (RL 58.70), (\*)
- ii) the proposed Cheese Tree (*Glochion ferdinandi*) tree planting within the Unit 1 garden level (RL 52.15) shall be deleted and replaced with a native tree suited to the site location, as listed either in Manly DCP Schedule 4, Part B - Native Tree Selection, or in Council's Tree Guide, such as Blueberry Ash (*Elaeocarpus reticulatus*) or Snow-in-Summer (*Melaleuca linariifolia*), or as selected by the Landscape Architect, to attain a height of approximately 6 metres at maturity, equal to the roof parapet height of No. 43 Upper Clifford Avenue (RL 58.70), (\*)
- iii) the proposed Lillypilly (*Acmena smithii*) tree planting within the Unit 2 patio garden level (RL 50.79) shall be deleted and replaced with a native tree suited to the site location, as listed either in Manly DCP Schedule 4, Part B - Native Tree Selection, or in Council's Tree Guide, such as Magenta Lillypilly (*Syzygium paniculatum*), Blueberry Ash (*Elaeocarpus reticulatus*) or Riberry (*Syzygium leuhmannii*), or

as selected by the Landscape Architect, to attain a height of approximately 8 metres at maturity, equal to the roof parapet height of No. 43 Upper Clifford Avenue (RL 58.70), (\*)

iv) all tree planting within the site shall be planted at 75 litre container size, located within natural ground areas of substantial area (minimum 12m<sup>2</sup>) for each tree, located away from common boundaries, planted at least 4 metres from buildings for medium sized trees and at least 3 metres from buildings for small sized trees, and all at least 4 metres from all other trees.

(\*) The above conditions satisfy Manly DCP clause 3.3.1 Landscaping Design, item b) iii) trees should be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.

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 the Landscape Plan and any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

#### **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, identified as trees numbered 1, 2, 3, and 4 located within the adjoining property at No. 43, as a result of the development works, including the following information:

- i) compliance to any Arborist recommendations for tree protection and 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: to retain and protect significant planting on development sites.

### **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

#### **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.