

Landscape Referral Response

Application Number:	DA2022/1000
Date:	31/10/2022
Responsible Officer:	Jordan Davies
Land to be developed (Address):	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.

Amended Landscape Plans are submitted that address the previous concerns regarding the following: deep soil, ground level on structure planting, ground level public domain surfaces materials, and active street frontages. Detailed Landscape Plans for construction certificate incorporating hard landscape plans, soft landscape plans, landscape construction details, and landscape specifications shall be developed to deliver the landscape outcome as proposed.

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 provides 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, and five exempt trees under 5 metres in height are impacted by the works 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.

Should the application be approved, Landscape Referral provide conditions of consent to 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

Detailed Landscape Plans

Detailed Landscape Plans for construction purposes, prepared by a qualified and registered Landscape Architect and based on the approved Landscape Plans prepared by Jane Irwin Landscape Architecture, shall be submitted to the Certifier prior to the issue of a Construction Certificate including the following details:

- i) hard landscape plans,
- ii) soft landscape plans,
- iii) landscape construction details, and
- iv) landscape specifications.

Certification shall be provided to the Certifier that these documents generally comply with the approved Landscape Plans.

Reason: Landscape amenity.

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 Certifier 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 Certifier 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 Certifier 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.

Design certification shall be submitted to the Certifier 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 Certifier 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

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. 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 Detailed Landscape Plans, inclusive of the following requirements:

- i) at least 6 *Cyathea australis* and 6 *Dicksonia antarctica* to the southern boundary landscape area adjoining property at 25-27 Victoria Parade,
- ii) at least 3 *Elaeocarpus reticulatus* and 5 *Cyathea australis* to the western boundary landscape area adjoining property at 25-27 Victoria Parade.

Prior to the issue of an Occupation Certificate, certification details from a registered landscape architect shall be submitted to the Principal Certifier 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 Principal Certifier, 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 Detailed Landscape Plans 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.