

## Landscape Referral Response

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| <b>Application Number:</b>             | DA2020/1173  |
| <b>Date:</b>                           | 31/12/2020   |
| <b>Responsible Officer:</b>            | Phil Lane  |
| <b>Land to be developed (Address):</b> | Lot 15A DP 31138 , 14 Ernest Street BALGOWLAH HEIGHTS 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 alterations and additions to an existing dwelling and the construction of a swimming pool.

Council's Landscape Referral section have assessed the application against the Manly Local Environment Plan, and against the following landscape controls of Manly DCP 2013:

- section 3: General Principles of Development, including but not limited to clauses 3.3.1 Landscape Design, and 3.3.2 Preservation of Trees and Bushland Vegetation,
- section 4: Development Controls and Development Types, including but not limited to clauses 4.1.5 Open Space and Landscaping.

No Landscape Plans are provided with the application. The site contains existing landscape within the front setback that remains largely unchanged and the rear yard includes new landscape works including raised lawn area associated with the swimming pool works and thus screen planting shall be a condition of consent along the east and west rear boundaries to the extent of the raised lawn and swimming pool alignment. One small tree is proposed to be removed within the rear to accommodate the swimming pool works, and no design alternative is available to retain this tree. Additional two exempt species (by type or height) are required to be removed for the swimming pool works. Landscape works shall include the provision of replacement tree planting to satisfy the requirement of clause 4.1.5.2 (c) minimum number of native trees to be supported within the site (existing or proposed), that is a total of three in this case.

Landscape Referral provide no objections to the proposal subject to conditions of consent.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### Tree removal within the property

This consent approves the removal of the following trees within the property:

- trees (x 3) as identified for removal as determined by drawing number DA01 and DA02.

Reason: to enable authorised building works.

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 an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

## 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, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

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 by fencing shall be installed around the existing large Gum within the road verge. As a minimum the tree protection fencing shall consist of 1 standard 2.4m panel length to four sides, and placed at the back of kerb on one side and along the existing driveway along on the one side, and installation shall be in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970- 2009 Protection of Trees on Development Sites. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the fencing nor the canopy dripline.

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**

### **Landscape completion**

Landscaping is to be implemented in accordance with the following conditions:

- i) three (3) native canopy trees shall be planted within the site, selected in accordance with Schedule 4, Part B - Native Tree Selection or in accordance with Council's Native Plant Species Guide - Manly Ward, including two (2) located within the rear setback,
- ii) tree planting shall be installed at a minimum 75 litre container pot and shall be located within a 9m<sup>2</sup> deep soil area and be located a minimum of 5 metres from existing and proposed buildings,
- iii) tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views,
- iv) along the eastern and west boundary to the extent of the swimming pool / paved area, and the levelled lawn area, screening planting shall be installed to achieve residential screening amenity, and shall be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch, and capable of attaining 3 metres in height at maturity,
- v) all planting near swimming pools shall be non-climbable to satisfy the relevant swimming pool Australian Standard,
- vi) all other garden beds shall be either retained existing vegetation or new planting.

Prior to the issue of an Occupation Certificate, details 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.

## **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 fertilized 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 conditions of consent.

Reason: to maintain local environmental amenity.