

Landscape Referral Response

Application Number:	DA2021/0275
Date:	24/05/2021
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 1794 DP 752038 , 90 Griffiths Street 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

This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of internal walls and structures to create more space for the family room, as well as kitchen and dining area, with additions inclusive of a new garage, new lower ground area comprising of a rumpus room, gym, storage, and bathroom, as well as a new swimming pool.

Councils Landscape Referral section has considered the application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls:

- 3.3.1 Landscaping Design
- 3.3.2 Preservation of Trees or Bushland Vegetation
- 4.1.5 Open Space and Landscaping

Original Comments - 19/04/2021

The Statement of Environmental Effects provided with the application notes that the proposal will retain all existing trees to maximise residential amenity and protect natural features, inclusive of all trees along the southern and western boundaries surrounding the proposed pool. This is supported in the Architectural Plans provided as these trees have been noted for retention.

Concern is raised regarding how these trees are to be retained as the proposed pool, including the required excavation, is located both within the Tree Protection Zones (TPZ) and possibly the Structural Root Zones (SRZ) of these existing trees. It is noted that these trees form a large hedge with multiple trees, and is therefore exempt under control 3.3.2, specifically 3.3.2.3 *Clause c) iii)*. Despite being exempt, these trees have been identified for retention as part of this proposal, and therefore require evidence of how they are going to be retained throughout development. It is recommended that an Arboricultural Impact Statement be provided with the application, identifying how these existing trees are going to be retained and the impacts of the proposed works on both the short and long term health and vitality of these trees. These trees currently provide valuable screening and privacy, alongside built form softening and mitigation, all of which are key objectives of control 4.1.5. Key objectives of control 4.1.5 include "to maintain and enhance the amenity (including sunlight, privacy and views) of the site,

the streetscape and the surrounding area", as well as "to maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland". If these trees cannot be retained, and are removed as a result, replacement screen planting is required to ensure privacy is maintained.

Concern is also raised regarding the limited information provided in relation to proposed planting. The Architectural Plans provided indicate that landscape works are proposed adjacent to the eastern boundary, in addition to that surrounding the proposed deck and pergola at the rear of the property. It is currently unclear as to how privacy shall be maintained at the rear of the property as proposed plant species and their associated mature heights is currently unknown. It is also noted that from the Site Survey provided, numerous trees are located along this boundary, however these have not been identified in the Architectural Plans provided. It is therefore recommended that a Landscape Plan be provided with the application in accordance with Council's DA Lodgement Requirements.

In its current form, the landscape component of the proposal is not supported. It is recommended that an Arboricultural Impact Assessment and Landscape Plan be provided with the application in accordance with Council's DA Lodgement Requirements. These documents are required to satisfy concerns regarding tree retention and protection, and the limited information provided regarding proposed landscape works. Upon receipt of these documents, further assessment can be made.

Updated Comments - 24/05/2021

Following original concerns regarding the potential impacts of the proposed pool in relation to the existing trees located on the western boundary, amended Architectural Plans and an Arboricultural Impact Assessment have been provided with the application.

The amended Architectural Plans provided have amended the pools design and location, ensuring it is located 1.5m from the boundary. The Arboricultural Impact Assessment has noted that this new pool location results in an encroachment of less than 10% into the TPZ of the existing trees lining the western boundary. This is deemed a minor encroachment, and through sensitive excavation techniques as outlined in the Arboricultural Impact Assessment, these trees can successfully be retained with no detrimental impacts expected. The appointment of a Project Arborist shall also take place as per Arboricultural Impact Assessment recommendations, ensuring all works within the TPZ of these trees is carefully monitored, ensuring no significant roots are impacted. For this reason, the Arborists recommendations are supported. The retention of these trees is vital to satisfy control 3.3.2, as key objectives of this control include "to effectively manage the risks that come with an established urban forest through the professional management of trees", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

It is recommended that additional screen vegetation be planted in the rear of the property to increase the privacy for residents of the application, as well as those in neighboring properties. As the existing pool is being removed, ample opportunity for this planting is present. This planting is necessary to satisfy controls 3.3.1 and 4.1.5, as key objectives of these controls include "to encourage appropriate tree planting and maintenance of existing vegetation", as well as "to maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and surrounding area".

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the implementation of additional screen planting at the rear of the dwelling.

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

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. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

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.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

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.

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 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.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

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, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

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 shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) Section 6 - Recommendations,
- ii) Attachment C - Tree Protection Plan.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) 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 approved Architectural Plan, inclusive of the following conditions:

- i) at minimum, 6x screening shrubs are required to be planted at the rear of the property adjacent to the northern boundary. Suggested species include: *Acmena smithii* 'Minor', *Callistemon citrinus* 'Kings Parks Special', or *Syzygium* 'Cascade'.

The selected planting is to comprise of native species capable of attaining a height of 2.5 metres at maturity.

Plants are to 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.

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.

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:

- 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

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.

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

Reason: To maintain local environmental amenity.

Undesirable Trees

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.