

Landscape Referral Response

Application Number:	DA2021/0383
Date:	27/04/2021
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 2 DP 1046861 , 53 B Amourin Street NORTH MANLY NSW 2100

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 transform part of the existing garage into a storage area on the ground floor, with minor configuration changes to the first floor to create a larger bathroom. Additions are inclusive of a new entrance way and garage extension on the ground floor, with a new master bedroom located on the first floor above the new garage and storage area.

Councils Landscape referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation

The Statement of Environmental Effects provided with the application notes that a number of trees and shrubs are required to be removed as result of the proposed works. For this reason, an Arboricultural Impact Assessment has been provided, which has identified a total of ten trees, or tree groupings, within the site.

Of these ten trees identified by the Arboricultural Impact Assessment, a total of six trees have been identified as retained, and four have been noted as removed. It is worth noting the proposed works are largely located along the eastern boundary of the site, with all existing vegetation elsewhere in the site no effected by the proposal. For this reason, no negative impacts on the health and vitality of these trees are expected.

Of the four trees noted for removal, Tree No. 7 is located along the southern boundary towards the south-east corner of the site, and Trees No. 8, 9 and 10 are all located adjacent to the eastern boundary and existing driveway towards the north-east corner of the site. Tree No. 7 is a group of seven trees forming part of hedge. The proposal seeks to remove two of the seven individual trees to allow for a new glass door to connect to the rear of the garden. It is worth noting that the proposed new storage area and garage have been offset 900mm from the boundary to increase the overall setback

from the boundary as well as to increase the total landscape area of the site. This has created an opportunity for additional planting to not only compensate the removal of these two hedge species, but also allow for additional planting to help create additional privacy but also built form softening and mitigation. For this reason, the removal of these two hedge species is supported.

Trees No. 8 and 9 have been identified as exempt species, and therefore do not require Council's approval prior to being removed. Tree No. 10 is a grouping of two *Syzygium spp.* that is also proposed for removal. It is noted in the Arboricultural Impact Assessment that both of these trees have been heavily suppressed by Tree No. 9, and also has a heavy infestation of scale, and as a result exhibits evidence of stress and poor performance. The Landscape Plans and Arboricultural Impact Assessment provided indicate that these trees shall be replaced with three trees of the same species. For this reason the removal of these trees is supported.

The retention of the remaining trees on site, as well as those located on adjoining properties is vital to satisfy control E1, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches" as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide". The completion of landscape works as proposed on the Landscape Plans and Arboricultural Impact Assessment is also necessary to satisfy control D1, as key objectives of this control include "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building", as well as "to enhance the privacy between buildings".

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, and completion of landscape works as proposed in the Landscape Plans and Arboricultural Impact Assessment.

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 (as recommended in the Arboricultural Impact Assessment):

- i) *Syzygium spp.* located adjacent to the southern boundary in the south-east corner of the site. This has been identified as Tree No. 7 which is a group of seven individual trees. The **two** northern-most trees are approved for removal only.
- ii) *Syzygium spp.* located adjacent to the eastern boundary in the north-east corner of the site, Tree No. 10.

Note:

- i) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan do not require Council consent for removal,
- ii) 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.

Reason: To enable authorised building works.

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.

The Certifying Authority must ensure that:

- c) 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 Landscape Plan and recommendations made within the Arboricultural Impact Assessment.

The selected planting is to comprise of native species capable of attaining a height of 2 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 (from a landscape architect or landscape designer) 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 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.