

Landscape Referral Response

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| Application Number: | DA2023/0020 |
| Date: | 26/05/2023 |
| Proposed Development: | Demolition work and change of use of site to an educational establishment (Stella Maris College) and installation of temporary demountable buildings. |
| Responsible Officer: | Jordan Davies |
| Land to be developed (Address): | Lot CP SP 12627 , 50 Eurobin Avenue MANLY NSW 2095 Lot 1 SP 12627 , 1 / 50 Eurobin Avenue MANLY NSW 2095 Lot 2 SP 12627 , 2 / 50 Eurobin Avenue MANLY NSW 2095 Lot 42 DP 14521 , 48 Eurobin Avenue 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

Amended Plans Comment 26/05/2023

Amended plans, additional Arborist's comment, and Heritage Report are noted.

The Heritage Report confirms that there are no linked landscape elements impacted by the works.

The Arborist's Statement re-confirms that trees to be removed are exempt or approved for removal under previous application. (Tree 78 was approved for removal under TA2022/0796)

If the proposal is to proceed, screen planting as indicated on the Landscape Plans will assist in providing a buffer to adjoining properties.

It is further recommended that 2 trees selected from Manly Development Control Plan Schedule 4 - Part B - Native Tree Selection be planted in accordance with the DCP requirements.

Previous issues raised with regard to landscape issues, however, if the proposal is to be supported on planning considerations, recommended conditions have been provided to maximise landscape outcomes.

Original Comment

The application seeks consent for demolition work and change of use of site to an educational establishment (Stella Maris College) and installation of temporary demountable buildings.

The Plans and Arborist's Report indicate that all trees from the site are to be removed.

It is noted that the SEE states that no trees are to be removed to accommodate the proposed works.

However there are at least two trees indicated on the Survey Plan to be 5m height, and a further eight trees of 5m or more height to be removed.

It is noted that Manly DCP Dictionary defines a tree as:

tree

means a palm or woody perennial plant, single or multi stem greater than 5m in height.

It is apparent therefore that some 13 trees are to be removed to accommodate the works.

It is noted that the majority of the trees to be removed are listed in Manly DCP as Exemption Species (Figure 7A). Whilst the species listed in Fig 7A are noted as suitable for removal without consent (subject to certain conditions), they are still defined as trees if they fit the dictionary definition.

The Landscape Plan provided indicates replanting of 5 palm trees which could grow to a height that meet the definition of a tree under the DCP.

Under Section 4.1.5.2 Landscaped Area each lot currently requires planting of at least 1 tree from the list of native trees in Schedule 4 Part B.

Trees proposed to be planted do not reflect the species in Schedule 4.

The proposed demountables also impact upon the landscaped open space area provided .

The issue of the application for change of use from Residential to educational establishment school is left for planning consideration.

However under the current Zoning, the proposal does not comply with landscape requirements.

If however the proposal is to be supported on planning considerations, recommended conditions have been provided.

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 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 indicated for removal on the approved plans, excluding exempt trees and vegetation under the relevant planning instruments or 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 Principal Certifier,
 - 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 Principal Certifier 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.

Condition of Trees

a) 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 an Arborist with minimum AQF Level 5 in arboriculture during the works.

b) 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.

c) Any mitigating measures and recommendations required by the 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

Required Tree Planting

a) Additional canopy trees shall be planted in accordance with the following:

- i) 2 trees selected from Manly Development Control Plan Schedule 4 - Part B - Native Tree Selection
- ii) All trees/palms as indicated on Landscape Plan dated 19/12/2022 prepared by JDH Architects
- iii) All trees are to be planted from stock a minimum 75 litre pot size

b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

Required Screen Planting

a) Screen planting shall be planted in accordance with the following:

All screen planting as indicated along the boundaries of the site as indicated on Landscape Plans dated 19/12/2022 prepared by JDH Architects

b) Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 25 litre at planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

c) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

Landscape Completion

a) Planting is to be implemented in accordance with the approved Landscape Plan, inclusive of additional conditions of consent regarding planting:

b) Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifier certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier assessing the health and impact on all existing trees and vegetation required to be retained including the following information:

- i) compliance with conditions of consent 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

a) 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.

b) 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.

Reason: To maintain local environmental amenity.