

Landscape Referral Response

Application Number:	DA2022/1848
Date:	11/04/2024
Proposed Development:	Alterations and additions to a dwelling house
Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 22 DP 805188 , 173 A Seaforth Crescent SEAFORTH NSW 2092

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

Council's Landscape Referral section have considered the application against the Manly Local Environment Plan (MLEP) for Land zoned C3 Environmental Management, and the following Manly DCP 2013 (MDCP) controls (but not limited to): 3.3.1 Landscaping Design; 3.3.2 Preservation of Trees or Bushland Vegetation; and 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings where applicable.

The landscape outcome of the zone C3 Environmental Management objectives include protection and management of the ecological and aesthetic landscape values, protection of tree canopies to maintain the natural scenic qualities of the foreshore, revegetate and rehabilitate the foreshore, and ensure that the bulk and scale of development integrates with the natural environment.

The property supports existing trees of heights between 9 to 10 metres as recorded on the Survey. Furthermore the presence of tall canopy trees are evident in surrounding properties downslope and along the foreshore zone and such landscape features provide an establishment landscape character to the foreshore zone. Landscape Referral consider that any existing trees removed shall be replaced with new trees to achieve a similar height as to those removed and in close proximity to any tree removed such that existing views of the waterway are not altered from the existing view captured in surrounding properties.

An arboricultural review of existing trees within the property as prepared by Peake Arboriculture is submitted and identifies that of the six existing trees present at this time, all are exempt species (Fiddlewood, Liquidamber, Jacaranda, Silky Oak and Box Elder) as defined under the MDCP, and thus may be managed or removed without Council consent. Of concern is that none of the submitted Plans including the Landscape Plan identify the intent for the existing trees (remove or retain) and therefore under this assessment it is assumed that all the exempt tree species will be removed. Given this

replacement tree planting is required within the property is close proximity to the location of exempt tree species to be removed.

A Landscape Plan is submitted and Landscape Referral raise concerns with the material presented in terms of co-ordination with the architectural plans and with the landscape design intent, that does not satisfy the landscape outcome of the zone C3 Environmental Management objectives nor MDCP control 4.1.5.2 (c) where 3 native trees are required to be supported within the property to satisfy Figure 37 - Minimum Number of Native Trees Required, and these shall be selected from MDCP native tree as listed in Schedule 4 Part B.

To support this application, an Amended Landscape Plan is required to document landscape treatments for all identified 'landscape areas' in co-ordination with the architectural plans, provide for native tree planting, as well as other amendments to the Landscape Plan including substitution of selected palm species that are exempt, and provision of a range of native plants suited to the microclimate and to integrate with the natural species found in the natural foreshore environment. Additionally the Amended Landscape Plans shall be submitted in accordance with Council's DA Lodgement Requirements and shall be prepared by a qualified Landscape Architect.

The above requirement is based on the application being approved by the Assessing Planning Officer, and if so, then the imposed condition shall be applied.

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

Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- a) the Amended Landscape Plan shall be prepared in accordance with Council's DA Lodgement Requirements for Landscape Plans and shall be prepared by a qualified Landscape Architect,
- b) the Amended Landscape Plan shall be co-ordinated with the approved architectural plans and shall document landscape treatments for all 'landscape areas' as approved and as identified in the approved architectural plans,
- c) all 'landscape areas' shall support planting s defined in the Manly LEP: means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area; and the 'landscape areas' shall be designed to support gardens and lawn areas,
- d) three (3) native trees shall be identified on the Amended Landscape Plans for planting within the property, as selected from Northern Beaches Council's Native Plant Species Guide - Manly Ward, Manly DCP Schedule 4 - Part B - Native Tree Selection to achieve 10 metres in height (as replacement for removal of existing trees at 9-10 metres existing height), and these shall be located in close proximity (#) to existing exempt trees to be removed and identified as T2, T3 and T4 in Peake Arboriculture letter dated 17/05/2023, whilst (#) ensuring that trees are at least 3 metres from buildings,
- e) mass planting shall be installed at minimum 1 metre intervals for shrubs/accents and other planting of a minimum 200mm container size at planting, and at 4 plants per metre square for groundcovers of

a minimum 140mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
f) the Amended Landscape Plan shall provide a Plant Schedule indicating at least 60% of the selected plant species are native species, as typically found in the locality,

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works. Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council (MLALC) are to be contacted.

Reason: Preservation of significant environmental features.

Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all prescribed trees within the site,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
- ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; 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; and structures are to bridge tree roots at or >25mm (Ø) diameter,
- iii) the activities listed in section 4.2 of AS4970-2009 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,
- iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- v) 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 arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

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 Amended Landscape Plan, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and other planting shall be installed as indicated on the approved Amended Landscape Plan, unless otherwise imposed by conditions,
- c) all tree planting shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- d) mass planting shall be installed at minimum 1 metre intervals for shrubs/accents and other planting of a minimum 200mm container size at planting, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

Prior to the issue of an Occupation Certificate, details from a Landscape Architect 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.

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 Amended Landscape Plan and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.