

Landscape Referral Response

Application Number:	DA2019/1393
Date:	23/01/2020
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 1 SP 67726 , 1 / 17 Francis 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

The development application proposes alterations and additions to an existing townhouse. The first floor addition will require removal of lower branches of the existing Norfolk Island Pine within close proximity to the works in the order of no more than 10%, which is permitted under Manly DCP clause 3.3.2.3, part c), item ii).

The landscape component of the proposal is acceptable subject to the submission of a Tree Protection Plan at Construction Certificate application stage addressing the protection of the existing Norfolk Island Pine.

Council's Landscape section have assessed the application against the landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types.

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

Tree Protection Plan

A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following tree in close proximity to the works:

a) Norfolk Island Pine

The Tree Protection Plan shall be prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture, showing the following:

- i) layout of the development, including existing and proposed underground services,
- ii) location of all trees identified for retention, including extent of canopy,
- iii) access routes throughout the site for construction activity,
- iv) location of tree protection fencing / barriers,
- v) root protection in the form of mulching within the tree protection zone,
- vi) trunk and branch protection within the tree protection zone, and specifically for this development, any aerial trunk and/or branch protection,
- vii) location of stockpile areas and materials storage,
- viii) other general tree protection measures.

Tree protection fencing to the extent and alignment as determined by an AQF minimum Level 5 Arborist, shall comply to Australian Standard 4687-2007 Temporary Fencing and Hoardings, including 2.4m wide x 2.1m high fence panels, and weighted foot blocks. Alternatives to fencing shall be used only for sloping sites unsuited to fencing, including the use of tree trunk and branch protection battens in accordance with Figure 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Tree protection measures identified on the plan are to be in place prior to commencement of works. An AQF minimum Level 5 Arborist shall provide certification to the Certifying Authority that the tree protection measures are satisfactory prior to the commencement of works.

Reason: to ensure compliance with the requirement to retain and protect the existing Norfolk Island Pine.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site 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.

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.

Tree and vegetation protection - General

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

- i) all trees and vegetation within the site, excluding exempt 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 generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 minimum qualification Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 minimum qualification Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 minimum qualification Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, 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,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 minimum qualification Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 minimum qualification Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 minimum qualification Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 minimum qualification Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) 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 AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on the Norfolk Island Pine required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection and 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: to retain and protect significant planting on development sites.