

Landscape Referral Response

Application Number:	DA2019/0080
Date:	08/04/2019
Responsible Officer:	Danielle Deegan
Land to be developed (Address):	Lot 21A DP 350345 , 34 Beatty Street BALGOWLAH HEIGHTS NSW 2093

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 landscape component of the proposal is acceptable subject to the protection of existing trees and vegetation, and completion of landscaping.

Council's Landscape section have assessed the application against the landscape controls of Manly DCP2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types, and specifically: 3.3.1 Landscaping Design; 3.3.2 Preservation of Trees or Bushland Vegetation; and 4.1.5 Open Space and Landscaping.

A Landscape Plan is provided with the development application, and this satisfies the requirements of Manly DCP2013, subject to conditions.

A Arboricultural Impact Assessment is provided with the application, and this satisfies the requirements of Manly DCP2013, subject to conditions.

Twenty one (21) trees and/or palms are assessed within the site under this development proposal which consist of seventeen (17) non-prescribed exempt species.

Non-prescribed species being undesirable trees, palms or trees less than 5m in height are identified as trees T1, 2, 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20, with several small trees and shrubs scattered throughout the rear yard. Exempt species are permitted to be managed (pruned, removed or relocated) without Council consent. One (1) exempt species, identified as T1 - Canary Island Palm, is considered to provide landscape amenity and shall be conditioned to the retained and protected.

The remaining prescribed trees, identified as T5 - Tree Fern, T6 - Tree Fern, T8 - Frangipani, and T21 - Strawberry Tree, are impacted by the proposal as assessed in the arboricultural assessment & development impact report, and shall be removed and replaced with suitable native tree planting.

Referral Body Recommendation

Recommended for approval, subject to conditions

Refusal comments

Recommended Landscape Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Native tree planting

Details are to be provided of the existing or proposed native trees for the site which are typically expected to reach a height at maturity of 10 metres, to bring the proposal into compliance with Figure 37 of the Manly Development Control Plan 2013.

Details of new planting are to include appropriate siting and pot size (minimum of 75 litres) in accordance with section 2.1.3 of the Manly Development Control Plan 2013, and schedule 4, Part B, Native Tree Selection.

Details are to be submitted with the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: to ensure the planting of endemic trees back onto the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection

A) Existing trees and vegetation shall be retained and protected as follows:

- i) all trees and vegetation within the site identified for retention in the Arboricultural Assessment & Development Impact report, prepared by RainTree Consulting, being T1,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation,
- iv) all foreshore 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, with particular reference to Section 4, and the recommendations of the Arboricultural Assessment & Development Impact report,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- iv) 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,
- v) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a Project Arborist on site,
- vi) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5

Arborist on site,

vii) excavation for stormwater lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist,

viii) no existing ground levels around trees and vegetation are permitted to be altered, without consultation with a AQF Level 5 Arborist,

ix) should either or all of v), vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 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.

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

Project Arborist

Any work on Council's foreshore reserve must be supervised by a AQF Level 5 Project Arborist, qualified in Horticulture, to supervise and certify tree protection works in accordance with AS4970- 2009 Protection of Trees on Development Sites, noting that a request for vehicular access over land under the management and care of Council is subject to Council approval and may not necessarily be granted by Council.

Any approved vehicular access must protect the existing foreshore trees and comply with the recommended tree management requirement listed under section 2.2.1 (1) of the Arboricultural Assessment & Development Impact report, including tree trunk and ground protection measures, as prepared by RainTree Consulting.

Details shall be submitted to the Certifying Authority prior to the Occupation Certificate.

Reason: to ensure tree protection is provided and maintained.

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

Landscape works

Landscaping is to be implemented in accordance with the landscape plans BT1, BT2, and BT3, as prepared by Libby Birley Garden Design, inclusive of the following conditions:

i) native tree planting shown on the plans shall be planted in ground area containing at least 3m x 3m soil area, and shall be planted at least 3 metres (small trees) or 5 metres (medium to large trees) from any structures or underground utilities

ii) the Rhipiolepis species shall be deleted and replaced with a non self-seeding species.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the amended landscape plan and the conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

All landscape components are to be maintained for the life of the development.

A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme of the landscape plan.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

Environmental and priority weed control

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

Reason: preservation of environmental amenity.