

Landscape Referral Response

Application Number:	DA2021/0381
Date:	01/06/2021
Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 32 DP 758044 , 17 Ernest 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

This application is for the alterations and additions of an existing residential dwelling. Alterations include the minor demolition of internal walls and structures in order to alter the internal arrangement of the dwelling, with additions inclusive of a new double garage and swimming pool, with a new first floor to support a new kitchen, dining, and living area as well as master bedroom and balcony.

Councils Landscape Referral section has considered the application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls:

- 3.3.1 Landscaping Design
- 3.3.2 Preservation of Trees or Bushland Vegetation
- 4.1.5 Open Space and Landscaping

Original Comments - 29/04/2021

The Arboricultural Impact Assessment provided with the application has identified a total of twenty one trees, with three of those trees located in the adjoining property to the east.

Of the twenty one identified trees, eight have been proposed for removal. These eight trees, identified as Trees No. 11, 12, 13, 15, 16, 17, 18 and 19, have all been identified as exempt species, or exempt due to their heights, and therefore do not require Councils approval prior to being removed. It is worth noting that majority of these trees have been identified as having a low to very-low landscape significance and amenity value within the Arboricultural Impact Assessment.

The proposed works are expected to encroach with the Tree protection Zone (TPZ) of Trees No. 1, located within the site, as well as Trees No. 2 and 6 on the adjoining property. It is noted that due to the presence of existing retaining walls at the front of the site, which are to be retained as part of this proposal, the actual impacts on these trees are expected to be much less than what is shown on plan. Any negative impacts towards both the short and long-term health and vitality of these trees would not be supported. The retention of these three trees, as well as all other trees noted as retained, is vital to satisfy control 3.3.2, 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".

Concern is raised regarding the limited new planting proposed, particularly in relation to privacy at the rear of the property. As the proposed works largely remove existing vegetation in the rear of the property, there is opportunity for overlooking to become an issue. For this reason it is recommended that additional screen planting be proposed with the rear yard around the boundary to ensure this privacy concern is addressed. As a new swimming pool is proposed, this is particularly important. The addition of this screening vegetation is necessary to comply with condition 3.3.1 and 4.1.5, as key objectives of these controls include "to encourage appropriate tree planting and maintenance of existing vegetation", as well as "to maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area".

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the addition of screen planting to alleviate privacy concerns.

Updated Comments - 01/06/2021

Following previous comments in support of the application, concern had been raised by the applicant regarding the unsafe and sometime hazardous driveway entry/exit. Due to the large retaining walls, existing street trees and in some cases the presence of parked cars, the visibility out of the driveway can often be dangerous. As a result, modified Architectural and Landscape Plans have been provided which indicate the removal and reconstruction of a small portion of the retaining wall in order to accommodate a wider driveway footprint that seeks to facilitate greater visibility when exiting the property.

As a result of this widening, a number of existing trees are required to be removed. The existing screen planting on top of this retaining wall currently provides valuable screening, as well as built form mitigation, both of which are vital to satisfy controls 3.3.2 and 4.1.5. As a large number of these trees shall be retained, with additional compensatory planting as proposed on the Landscape Plans to replace those removed, the built form is sufficiently screened and softened, hence satisfying these controls.

No further concern is raised with the proposed works, and is supported subject to the protection of existing trees and vegetation, as well as the completion of landscape works as proposed on the amended Landscape Plan.

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

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 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 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.

Condition of Trees

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. 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.

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

Landscape Completion

Landscaping is to be implemented in accordance with the approved amended Landscape Plan.

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.