

Landscape Referral Response

Application Number:	DA2020/0634
Date:	29/09/2020
Responsible Officer:	David Auster
Land to be developed (Address):	Lot A DP 85983 , 402 Sydney Road BALGOWLAH 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 proposal is for the construction of a shop top housing development.

Council's Landscape Referral section have assessed the application against State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development, Apartment Design Guide, Manly Local Environment Plan under Land Zoned B2 Local Centre, and against the landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types.

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

No Arboricultural Impact Assessment is provided with this development application. No significant trees occur within the site, and all trees on the site are impacted by the development, and require removal. The existing street tree within the road verge frontage shall be retained and protected, and shall be subject to conditions of consent.

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

On slab landscape works

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate

indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 600mm for shrubs
- ii) 1m for small trees

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

Tree Protection Plan

a) 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(s):

- i) European Nettle Tree (*Celtis australis*) located within the road reserve.

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) layout of the development, including existing and proposed underground services,
- ii) location of all tree(s) identified for retention, including extent of canopy,
- iii) access routes throughout the site for construction activity that shall exclude activity within the tree protection zone,
- iv) location of tree protection fencing / barriers,
- v) root protection in the form of mulching or boards proposed within the tree protection zone,
- vi) trunk and branch protection within the tree protection zone,
- vii) inspection hold points,
- viii) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: tree protection.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near the European Nettle Tree (*Celtis australis*) to be retained within the road reserve, including construction methods to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Certifying Authority or Project Arborist must ensure that:

- i) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of the street tree,
- ii) any temporary access to, or location of scaffolding within the tree protection zone of street tree is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard, and under the supervision of the Project Arborist.
- iii) 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.
- iv) should the above limits require exceedance based on the recommendations of the Project Arborist, a written request to Council's Tree Services shall be issued for approval and shall contain recommendations from the Project Arborist on the extent of pruning required and any tree protection measures or treatments to be undertaken.

The Project Arborist shall submit certification during all stages of the works and prior to Occupation Certificate to the Certifying Authority that all tree protection measures as listed above have been completed prior to the commencement of excavation and construction works, and have been appropriately maintained during the works.

Reason: to ensure tree protection is provided and maintained.

Note: A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Tree removal within the property

This consent approves the removal of the existing trees within the property impacted by development construction, as identified on the Survey plan 108550 prepared by Byrne & Associates.

Reason: to enable authorised building works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Street Trees

All existing street trees in the vicinity of the works shall be retained and protected.

Existing street trees within the frontage of the development site shall be protected by tree protection fencing to the extent and alignment as determined in the Tree Protection Plan, and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, Council's Public Trees section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: tree protection.

Condition of Street 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 Landscape Plan LPDA 19 - 46, sheets 1, 2, 3 and 4, prepared by Conzept Landscape Architects, inclusive of the following requirements:

- i) the proposed tree planting along the northern boundary (*Elaeocarpus reticulatus* and *Waterhousia 'sweeper'*) shall be planted at a minimum 200 litre container size.

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 approved plan and inclusive of any conditions of consent.

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Reason: environmental amenity.

Condition of Street Trees

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) 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

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 fertilized 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.

Reason: to maintain local environmental amenity.