

## Landscape Referral Response

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| <b>Application Number:</b>             | DA2019/0916                                     |
| <b>Date:</b>                           | 12/11/2019                                      |
| <b>Responsible Officer:</b>            | Rebecca Englund                                 |
| <b>Land to be developed (Address):</b> | Lot 28 DP 8075 , 32 Bower Street MANLY NSW 2095 |

### 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 nominated existing trees and vegetation, and the completion of landscaping.

Amended Landscape Plans are required to change minor aspects of the landscape proposal.

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.

### 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

#### On slab landscape planting and associated works

- a) 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,
- b) 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,

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

- 300mm for lawn
- 600mm for shrubs
- 1m for small trees

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

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system.

### **Tree Protection Plan**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

a) A Tree Protection Plan prepared by a AQF Level 5 Arborist with qualifications in arboriculture/horticulture shall be provided, in accordance with AS4970-2009 Protection of trees on development sites and the recommendations of the Construction Impact Assessment and Management Plan dated January 2019 prepared by Botanics Tree Wise People P/L demonstrating, as a minimum, the following:

- Layout of the approved development
- Location of trees identified for retention
- Extent of canopy spread
- Location of tree protection fencing / barriers
- General tree protection measures
- Project Arborist inspection hold points

b) The Tree Protection Plan is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

Reason: to ensure compliance with the requirement to retain and protect significant planting on the site.

### **Amended Landscape Plan**

Amended Landscape Plans, based on drawing numbers DA-01, DA-02, DA-03, and DA-04 as prepared by Secret Gardens, shall be issued to the Certifying Authority at Construction Certificate stage demonstrating the following changes to the Landscape Plans:

- *Cupaniopsis anacardiodes* (establishing within the LGA as a self-seeding species) shall be deleted from the plans and replaced with tree planting in accordance with Manly DCP, Schedule 4, Part B - Native Tree Selection, with the inclusion of the following trees: *Acmena smithii*, *Ceratopetalum apetulum*, *Glochiodion ferdinandi* and *Syzygium oleasum*,
- at least one *Ficus rubiginosa* of minimum pot size 200 litre is to be planted in a suitable location on the eastern side of the site,
- all tree planting shall be approximately 5 metres from buildings,
- all existing plants nominated for transplanting shall be documented by location, with notation that any failed transplanting shall be replaced by native tree planting,
- selection of only native trees as canopy amenity is advised,
- species selection of exempt species is to be limited to avoid potential future removal of the species,
- documentation shall be in accordance with the DA Lodgement Requirements for Landscape

Plans.

Reason: provide landscape amenity to soften the built form

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### Tree removal within the property

The following trees within the property are approved for removal based on the recommendations of the Construction Impact Assessment and Management Plan prepared by Botanics Tree Wise People Pty Ltd:

- Tree 6: Pittosporum under 5m
- Tree 7: Paperbark impacted by development with no alternative design potential (removal is subject to tree replacement within the development site)
- Tree 8 and 9: Cocus Palms (exempt species)
- Tree 10: Cheese Tree
- Tree 13 and 14: Cordyline
- Tree 15: Dragon Tree
- Tree 17: Port Jackson Fig (in poor condition)
- Tree 20: Chinese Cabbage Tree Palm (exempt species)
- Tree 26: Macadamia impacted by development with no alternative design potential (removal is subject to tree replacement within the development site)
- Tree 32: dead Ficus tree stump

### Tree removal within the road reserve

The following tree is approved for removal within the public reserve based on the recommendations of the Construction Impact Assessment and Management Plan prepared by Botanics Tree Wise People Pty Ltd:

- Tree 3: Cupressus torulosa (exempt species), located within the Bower Street road verge, and as located and identified in the Construction Impact Assessment and Management Plan.

Removal of these trees within public land shall only be undertaken by a Council approved Tree Contractor.

Details of currently approved Tree Contractors can be obtained from Northern Beaches Council's Tree Services section prior to removal.

Reason: Public liability

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Project Arborist

- a) A Project Arborist with a minimum AQF Level 5 qualification in arboriculture/horticulture is to be appointed prior to commencement of works,
- b) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved Tree Protection Plan, the Construction Impact Assessment

and Management Plan prepared by Botanics Tree Wise People Pty Ltd and AS 4970-2009 Protection of trees on development sites,

c) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

The Project Arborist is to recommend tree protection measures such as tree fencing, trunk protection and ground protection, and supervise all excavation and construction works near all trees, including recommending the construction methods near the existing trees to protect tree roots, trunks, branches and canopy.

Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Reason: to ensure the protection of the existing landscape amenity.

### **Tree and vegetation protection**

a) Existing trees and vegetation shall be retained and protected in accordance with the approved Tree Protection Plan, the Construction Impact Assessment and Management Plan prepared by Botanics Tree Wise People Pty Ltd, and AS 4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures, and as follows:

- i) all trees and vegetation, including T4, T25, T27, T28, T30, and T31 within the site not approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, including T1, T16, T33 to T37 inclusive, T38, and T39,
- iii) all road reserve trees and vegetation, including T2 (Bower Street), and T29, T30, and T31 (Marine Parade).

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS 4970-2009 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 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 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 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 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 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 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 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.

#### **Protection of rock and sites of significance**

a) 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.

b) 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.

### **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 approved Amended Landscape Plans.

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 plans, and any relevant condition of consent.

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

#### **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees 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.

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

#### **Landscape maintenance**

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

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.