

Landscape Referral Response

Application Number:	DA2021/1363
Date:	22/09/2021
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 2 DP 209499 , 59 Alexander 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 development application is for the construction of a crossover and driveway, front boundary fencing and gate, carparking hardstand to the front setback, and landscape works.

Council's Landscape Referral section have considered the application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls (but not limited to):

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

The existing site landscape character provides for small gardens with one tree and decking at the rear of the property, and planting and paving to the frontage, and essentially the proposal maintains this character. Both the Open Space and Landscape Area of the proposal are below the requirements of the DCP.

Within the road reservation a Local Heritage street tree under item i77 of the LEP - Street trees in Alexander Street, exists fronting the development site and in close proximity to the proposed crossover and driveway. A trench root investigation is provided to determine impact by the proposed driveway crossover excavations upon the existing Bunya Pine (*Araucaria bidwillii*), and to recommend tree sensitive construction options for the driveway crossover.

The root investigations conclude that five roots appeared to be from the Bunya Pine larger than 40mm in diameter, and are considered critical to the condition and stability of the tree. All the identified roots are located at a depth of 240mm or greater below the existing ground levels. The arboricultural investigation determines that due to the depth of the identified roots within the trench, it is possible to retain the roots below the proposed driveway crossover, and recommendations are provided to ensure the identified roots can be retained, including: the driveway crossover must be constructed in a tree sensitive method; the driveway crossover should be constructed above the identified roots; and the excavations should be supervised by a project Arborist with a minimum AQF level 5 qualification.

The proposal requires the removal of one exempt species (identified as either Alexander Palm or

Bangalow Palm) within the front of the property, and no objections are raised as exempt species do not require Council consent.

A Landscape Plan is provided and no issues are raised. The 1 metre high fence and gate comply with the DCP requirements, and replacement garden planting is provided to left over areas beyond the hardstand pavement.

Landscape Referral raise no objections subject to tree protection measures and the completion of landscape works.

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

Crossover and Driveway Engineering Design

The proposed crossover and driveway engineering design shall comply with the recommendations of the Arboricultural Root Investigation Report under section 6.2.3 Tree Sensitive Driveway Crossover Construction, including:

- i) the driveway crossover must be constructed in a tree sensitive method;
- ii) the driveway crossover should be constructed above the identified roots within the Report; and the excavations should be supervised by a project Arborist with a minimum AQF level 5 qualification.

Protection of Existing Bunya Pine Street Tree

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide arboricultural inspections and supervise tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

The Project Arborist shall provide the following arboricultural services to protect the existing heritage listed Bunya Pine located within the road carriageway fronting the development site:

- a) supervise and certify excavation works for the proposed crossover and driveway to ensure compliance with the recommendations of the Arboricultural Root Investigation Report under section 6.2.3 Tree Sensitive Driveway Crossover Construction, and
- b) 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 all trees to be retained, including construction methods near the existing trees 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.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment and the Arboricultural Root Investigation Report, including:

- i) recommendations under section 6.2.3 Tree Sensitive Driveway Crossover Construction, of the Arboricultural Root Investigation Report
- ii) all recommendations under section 9. Tree Protection Requirements of the Arboricultural Impact Assessment
- iii) all recommendations under section 10. Construction Hold Points for Tree Protection of the Arboricultural Impact Assessment

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 Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) 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.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Street tree protection.

Tree and Vegetation Protection

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

- i) all trees and vegetation within the site, 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) or vi) 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment and Arboricultural Root Investigation Report.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment and Arboricultural Root Investigation Report.
e) 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.

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 Landscape Plan.

Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Bunya Pine street tree - Project Arborist

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 the Bunya Pine street tree, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during 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: Street 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 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.