

Landscape Referral Response

Application Number:	DA2021/0393
Date:	25/06/2021
Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 1 DP 932637 , 41 Pacific Parade 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

This application is for the subdivision of one residential lot into two, with alterations and additions to the existing residential dwelling. Alterations include the minor demolition of internal walls and structures in order to seal off the existing house down the middle, as well as create larger master bedrooms at the front of the property. Additions are inclusive of a rear extension supporting new living, dining, and kitchen areas alongside a laundry and internal courtyard. First floor additions also create an additional three bedrooms and living room for each dwelling.

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
- 4.4.8 Subdivision

A Landscape Plans is provided with the application and proposed works include the in-ground planting of trees, shrubs, grasses and groundcovers.

Original Comments - 27/04/2021

The Statement of Environmental Effects provided with the application notes a number of trees are to be removed as a result of the proposed works. For this reason, an Arboricultural Impact Assessment has been provided which has identified and assessed a total of nineteen trees. Of these nineteen trees, fourteen trees are located within the site boundaries, one is an existing heritage street tree located towards the north of the site, and the remaining four trees are located within the road reserve adjacent to the southern boundary. All trees located outside of the property boundaries have been noted as retained and are therefore required to be protected throughout development. It is noted that the proposed swimming pool is expected to encroach within the Tree Protection Zone (TPZ) by approximately 10-15%. It is therefore recommended that a Project Arborist be appointed to supervise all demolition, excavation and construction works within this area, ensuring that the existing trees noted as retained are protected and not negatively impacted by the proposed works. No negative effects on

the ongoing health and vitality of these trees would be supported.

Of the fourteen trees located within the site, three trees are proposed for retention, with the remaining eleven trees proposed for removal. The three trees proposed for retention are Trees No. 4, 5 and 6, and are all located towards the front of the site. Tree No. 4 is located adjacent to the entry of the existing residential dwelling, with both Trees No. 5 and 6 located adjacent to the western boundary. Trees No. 4 and 6 are expected to have varying levels of encroachment within the TPZ, however it has been noted in the Arboricultural impact Assessment that no notable impacts are expected, and both are anticipated to be viable in the long-term. For this reason the Arborists recommendations are supported.

Of the eleven trees proposed to be removed as a result of the proposed works, nine trees are exempt species, and therefore do not require Council's approval prior to being removed. The remaining trees proposed for removal, Trees No. 2 and 3, are both located immediately adjacent to the existing residential dwelling at the front of the site. Tree No. 2 has been identified as a tree of low landscape and environmental significance, with a low retention value. Tree No. 3 has been identified as a tree of moderate landscape and environmental significance, with a medium retention value. As the Landscape Plan provided indicate the planting of a number of new trees, the removal of these trees is supported. The retention of all other trees noted as retained, including all existing street trees and trees within the road reserve adjacent to the southern boundary, 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", "to effectively manage the risks that come with an established urban forest through professional management of trees", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

Concern is raised regarding the proposed landscape works, particularly in relation to proposed trees. The current proposed trees do not provide sufficient mature canopy size that is to replace the large amount of trees removed as part of the application, as most of the trees proposed reach a mature height of 4-5m. It is therefore recommended that of the trees proposed on site, at least one tree within each lot be substituted for a native canopy tree, ensuring the selected species is capable of attaining a minimum height of 8m once mature.

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, and the completion of landscape works as proposed on the Landscape Plan, inclusive of the tree species changes to ensure at least one native canopy tree is proposed within each lot.

Updated Comments - 25/06/2021

Following concerns raised by other referral officers, amended Architectural and Landscape Plans have been submitted with the application. These plans seek to address concerns raised, and from a landscape perspective, address the issue revolving around tree planting within the site. More specifically, the need to supplement the site with native canopy trees.

It is noted the amended Landscape Plans address the required tree planting, however slight concern is raised as the amended Landscape Plan provided is not descriptive as to where specific tree species are to be planted. As the amended Landscape Plan proposes the use of four significant trees, identified as *Agonis flexuosa*, *Banksia integrifolia*, *Banksia serrata*, and *Glochidion ferdinadni*, it is recommended that each of the proposed lots accommodates two of the four species as stated above. This can be addressed through conditions of consent.

No additional concerns are raised with the proposal as sufficient tree planting is now proposed, addressing any concerns previously raised from the Landscape Referral section.

The landscape component of the proposal is therefore supported subject to the protection of existing

trees, and the competition of landscape works as proposed on the amended Landscape Plans.

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 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 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.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

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

- i) installation of tree protection fencing and trunk protection,
- ii) all demolition, excavation and construction works within the TPZ's of trees to be retained.

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: Tree protection.

Tree Removal Within the Property

This consent approves the removal of the following trees within the property (as recommended in the Arboricultural Impact Assessment):

- i) *Pittosporum undulatum*, located towards the front of the property adjacent to the existing residential

dwelling, Tree No. 2,

ii) *Plumeria acutifolia*, located towards the front of the property adjacent to the existing residential dwelling, Tree No. 3.

Note:

i) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan do not require Council consent for removal,

ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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

Reason: 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 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

i) Section 6 - Recommendations,

ii) Appendix C - Tree Protection Plan Parts 1 & 2.

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.

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 amended Landscape Plan, inclusive of the following conditions:

i) each individual lot is to accommodate two of the four native canopy trees proposed. These species have been identified in the planting schedule as *Agonis flexuosa*, *Banksia integrifolia*, *Banksia serrata*, and *Glochidion ferdinandi*. This is to ensure each lot achieves maximum canopy coverage and as a result achieves the required objectives and outcomes of the relevant Manly DCP 2013 controls.

Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list, specifically the *Native Plant Species Guide - Manly Ward*: www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

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.

Condition of Retained Vegetation - 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 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 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.