

Landscape Referral Response

Application Number:	DA2021/2405
Date:	18/03/2022
Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 15A DP 31138 , 14 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

updated comments:

The requested information for the Landscape Referral is submitted for consideration, including a Landscape Plan and a Arboricultural Impact Assessment.

The Arboricultural Impact Assessment recommendations result in no trees preserved within the property. Of the eight trees reported, two have been removed under Tree Permit TA2020/0312 granted by Council's Tree Services approving the removal of two native trees, two others have already been removed, and the remaining four are identified as impacted by development and are exempt species, and as such no Council consent is required.

Should this application be approved, replacement native tree planting is required to satisfy DCP control 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings, requiring at least three native trees within the property to offset canopy loss from development impacts. No adjoining trees and vegetation within adjoining properties are permitted to be impacted upon, and the existing large native Blackbutt Gum fronting the development site shall be protected, and tree protection measures listed in the Arboricultural Impact Assessment shall be the subject of imposed conditions.

The Landscape Plan submitted indicates the enhancement of the existing garden within the front setback, and new landscape works to the rear of the property. The plan includes the retention of two exempt species Bangalow Palms and no objection is raised, however these do not count towards the requirement for native tree planting under the DCP, and conditions shall be imposed that the landscape works shall include the required minimum native tree planting.

previous comments:

The development application is for demolition of existing site structures and the construction of a new dwelling and external works, as described and illustrated in the reports and plans.

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, including 4.1.5.2 (c) Minimum Tree Plantings where applicable

No Landscape Plan and No Arboricultural Impact Assessment accompany the application.

The architectural site plan number DA002 indicates native garden planting areas to the front and rear of the property, and protection of existing trees within adjoining properties, without any information to allow this to be assessed as complying with the requirements of the DCP controls 3.3.1, 3.3.2 and 4.1.5.

Council's Development Application Lodgement Requirements include a provision of a Landscape Plan prepared by a suitably qualified professional, and this shall be submitted and shall include proposals including hard and soft landscape design with indications for tree planting and screen planting where required.

Additionally, Council's Development Application Lodgement Requirements include a provision for a Arboricultural Impact Assessment for any tree within 5 metres of any development work (ie. excavation for building, utilities, and site structures). The report is to identify existing trees to be retained and protected, or require removal. No impact to any tree or vegetation within adjoining properties is permitted. The large Gum street tree shall also be included in the report to identify any excavation and construction impact from the proposed reconstruction of the driveway and from the proposed front fencing. The Arboricultural Impact Assessment shall consider the guideline standards under Australian Standard 4970-2009 Protection of Trees on Development Sites, including providing tree root investigations to support the proposed works, or otherwise suggest alternative design alignment and construction techniques.

Following the issue of a Landscape Plan and a Arboricultural Impact Assessment, Landscape Referral are able to continue the assessment.

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, and the recommendations of the Arboricultural Impact Assessment.

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

i) works under section 7 - Assessment of Construction Impacts for the Blackbutt street tree identified as T1, including: that a semiflexible and slightly permeable product is used to replace this crossover, with a maximum of 100mm of excavation from existing ground levels to be undertaken; Project Arborist supervision will be required for the removal and replacement of this crossover; replacement of the concrete driveway area within the TPZ at the same levels; proposed stepper path within front garden to be installed at natural ground levels; the crossover and existing driveway be retained until the new house is built and replaced at the very end of construction,

- ii) works under section 7 - Assessment of Construction Impacts for the Mango tree identified as T13 within adjoining property, including: supervision of the removal of the existing footings and construction of the new footings by a Project Arborist; retention of the existing concrete path is proposed to be retained along the side fence line; any canopy pruning is to be undertaken by a qualified arborist, in line with the Australian Standard AS4373-2007 (Pruning of Amenity trees),
- iii) accordance with section 10 - Recommendations, section 11 - Arboricultural Work Method Statement and Tree Protection Specification, and section 12 - Hold Points,
- iv) accordance with the tree protection fencing works under Appendix 1A - Tree Protection Plan.

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

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 the Blackbutt street tree identified as T1 fronting the development site shall accord to Appendix 1A - Tree Protection Plan, and 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.

All street trees within the road verge 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.

No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

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: 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.

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.

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 Plans DA01 to DA04 as prepared by Podology, inclusive of the following conditions:

- i) three (3) native canopy trees shall be planted within the site capable of attaining at least 6 metres in height at maturity, selected in accordance with Schedule 4, Part B - Native Tree Selection or in accordance with Council's Native Plant Species Guide - Manly Ward, including two (2) located within the rear setback,
- ii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings and other trees, 2.0 metres from structures, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- iii) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- iv) any new planting near swimming pools shall be non-climbable to satisfy the relevant swimming pool Australian Standard.

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 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:

- 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: 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.