

Landscape Referral Response

Application Number:	DA2021/0868
Date:	24/06/2021
Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 5 DP 8075 , 82 - 84 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

This application is for the landscape works to support a previously approved development application of a dual occupancy residential dwelling.

Councils Landscape Referral section has considered the application against the Manly Local Environmental 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
- 5.4.1 Foreshore Scenic Protection Area

The Landscape Statement provided with the application notes that there are no significant trees located within the road reserve, and the Site Survey provided indicate that there are no existing trees located within the site. This is more than likely due to the previously approved development application as construction works for this are currently underway. For this reason, no Arboricultural Impact Assessment has been provided with the application.

The Landscape Plans provided propose the in-ground planting of trees, shrubs, succulents, groundcovers as well as climbers.

Generally, the intent of the proposed works are supported, as they seek to return trees, shrubs and groundcovers back to the site, not only increasing the amenity of each dwelling, but also increasing privacy and views to and from the Manly foreshore area. That being said, concern is raised regarding some of the selected plant and tree species, particularly as a number of environmental weeds and exempt species are proposed to be used.

It is understood that some species that although exempt, such as the *Lagerstroemia 'Natchez'*, form a key focus and aspect of the proposed design. The sparing use of these trees species is supported due to the presence of other locally native trees proposed within each individual site. Due to the locality of the site and its proximity to key habitat and biodiversity areas, it is vital to ensure all environmental

weeds are removed from the proposed design, and replaced with species that seek to seek to enhance and increase these habitat and biodiversity areas. Should these environmental weeds be replaced in the design, the landscape component would be supported.

Key environmental weeds that are proposed within the design include *Cupaniopsis anacardioides*, *Olea europaea*, *Rhaphiolepis 'Snow Maiden'*, *Agave americana*, as well as *Agave angustifolia*. It is recommended that the proposed *Cupaniopsis anacardioides* be replaced with a locally native alternative in order to minimise any environmental impacts. Further to this, the remaining environmental weeds as stated above are recommended to be replaced with species identified in control 3.3.1, specifically *Clause a) iv)*. It is noted that the proposed site is located in an area identified as habitat for the long-nosed bandicoot, and for this reason must seek to augment and enhance landscape habitat opportunities for this protected animal community. These substitutions are necessary in order for the proposal to comply with control 3.3.1, specifically *Clause a) iv)*, as this clause specifically states that the "landscape design must include native plant species to provide new and/or improved low dense clumping habitat to provide for potential foraging and nesting". Generally, the completion of landscaped works are also necessary to comply with control 3.3.1 more broadly, as well as control 4.1.5, as key objectives of these controls include "to encourage appropriate tree planting and maintenance of existing vegetation", "to maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland", as well as "to maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area".

The landscape component of the proposal is therefore supported subject to the completion of landscape works as proposed on the Landscape Plans, inclusive of the species changes as mentioned above.

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

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.

The Certifying Authority must ensure that:

c) 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, inclusive of the following conditions:

- i) replace the proposed *Cupaniopsis anacardioides* with a suitable species. Suggested species include: *Banksia integrifolia*, *Banksia serrata*, or *Tristaniopsis laurina*,
- ii) replace the proposed *Olea europaea* with suitable species from control 3.3.1, specifically *Clause a) iv)*. Suggested alternatives include: *Callistemon citrinus 'Endeavour'*, *Callistemon viminalis 'Red Alert'* or *Grevillea juniperina*,
- iii) replace the proposed *Rhaphioplepis 'Snow Maiden'* with suitable species from control 3.3.1, specifically *Clause a) iv)*. Suggested alternatives include: *Banksia spinulosa*, *Grevillea 'Robyn Gordon'* or *Xanthorrhoea sp.*,
- iv) replace the proposed *Agave Americana* and *Agave angustifolia* with suitable species from control 3.3.1, specifically *Clause a) iv)*. Suggested alternatives include: *Dianella sp.*, *Isolepis sp.*, *Juncus sp.*, or *Lomandra sp.*

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.

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.