

Landscape Referral Response

Application Number:	DA2019/0611
Date:	17/07/2019
Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 280 DP 11162 , 1 Judith Street SEAFORTH NSW 2092

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 proposed development is for demolition of the existing garage and the construction of a new detached carport to an existing residential house.

The landscape component of the proposal is acceptable subject to the protection of street trees, canopy tree replacement, and subject to owners consent for removal of an existing tree on adjoining property No. 33 Kirkwood Street.

A Arboricultural Impact Assessment is provided with the development application, and this satisfies the requirements of Manly DCP2013, subject to conditions. The Arborist Report indicates that the neighbours tree T5 at 33 Kirkwood will be impacted by the proposal, and notes the requirement for owners consent from the neighbour. This needs to be resolved by the applicant and neighbour to provide a consenting agreement. Council will have no objection as the tree in question is exempt. If approval by the neighbour is not granted in writing, an alternative layout is required.

A Landscape Plan is provided with the development application, that demonstrates a complying landscape area calculation.

Council's Landscape section have assessed the application against the landscape controls of Manly DCP2013, 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

Required canopy tree planting

Details are to be provided of the proposed native trees for the site which are typically expected to reach a height at maturity of 10 metres, as tree replacement for the removal of existing trees, and to bring the proposal into compliance with Figure 37 of the Manly Development Control Plan 2013.

Details of new planting are to include appropriate siting and pot size (minimum of 75 litres) in accordance with section 2.1.3 of the Manly Development Control Plan 2013, and schedule 4, Part B, Native Tree Selection.

Details are to be submitted with the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: to ensure the planting of endemic trees back onto the site.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree removal

The removal of existing trees impacted by the development works: T1 - Jagera, T2 - Bauhinia, T3 - Tristaniospsis, and T4 - Syzygium, are granted approval based on the recommendation in the Arboricultural Impact Assessment prepared by Margot Blues Consulting Arborist, subject to tree replacement on the site.

Removal of existing tree T5 - Umbrella Tree, located within adjoining property 33 Kirkwood St, is approved only following written owners consent.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection

a) Existing trees and vegetation shall be retained and protected as follows:

- i) all trees and vegetation within the site not approved by Council for removal, excluding exempt 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 generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 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) Tree protection fencing shall be placed around the existing street tree identified in the Arboricultural Impact Assessment prepared by Margot Blues Consulting Arborist as T6 - Harpulia, consisting of fencing to the extent as recommended onsite by a AQZ level 5 Arborist with qualifications in arboriculture/horticulture.

i) details are to be submitted to the Certifying Authority prior to the commencement of works,

ii) the tree protection fencing works shall be certified by the Arborist with details submitted to the Certifying Authority.

d) 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.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

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, and specifically T6, as a result of the proposed development, 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 or planted 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.