

Landscape Referral Response

Application Number:	DA2019/0314
Date:	13/06/2019
Responsible Officer:	Rebecca Englund
Land to be developed (Address):	Lot 16 DP 9561 , 15 Tutus 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

The landscape component of the proposal is acceptable subject to the protection of existing trees and vegetation, and the completion of landscaping.

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, and specifically: 3.3.1 Landscaping Design; 3.3.2 Preservation of Trees or Bushland Vegetation; and 4.1.5 Open Space and Landscaping.

A Landscape Plan is provided in accordance with DA Lodgement Requirements, and satisfies the requirements of Manly DCP2013, subject to conditions.

A Arboricultural Impact Assessment report is provided in accordance with DA Lodgement Requirements, and provides tree protection measures for the existing Cheese Tree at the rear of the property.

Referral Body Recommendation

Recommended for approval, subject to conditions

Refusal comments

Recommended Landscape Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Protection Measures

A Project Arborist with AQZ Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for the existing tree nominated for retention and protection in the Arboricultural Impact Assessment report prepared by Urban Arbor, being existing tree identified as 5 (Cheese Tree) at the rear of the property, including complying with the works outlined in section 11. Tree Protection Requirements and section 12. Construction Hold Points for Tree Protection.

The Project Arborist shall inspect and approve installation of protective tree fencing to tree 5 at the commencement of site works, and shall provide certification to the Certifying Authority that the tree protection fencing meets the requirements under section 11. Tree Protection Requirements and section 12. Construction Hold Points for Tree Protection, and that these are maintained for the duration of the works.

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.

Reason: to ensure tree protection is provided and maintained.

Tree removal

The following existing trees impacted by development are granted approval for removal following assessment and recommendation in the Arboricultural Impact Assessment report prepared by Urban Arbor:

- tree 1 - Norfolk Island Pine
- tree 2 - dead tree
- tree 3 - dead tree
- tree 4 - dead tree
- tree 6 - Riberry
- hedge G1 - Riberry, subject to confirmation of ownership

The ownership of G1 - Riberry is unclear from site observation and is not represented on the Survey nor in the Arboricultural Impact Assessment. Approval for removal of G1 is only granted upon evidence that the trunk location at ground exists wholly within No. 15 Tutus St, submitted to the Certifying Authority.

Should the trunk locations of G1 belong to No. 13 Tutus St, no approval for removal is granted without owners consent.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and vegetation protection - General

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

- i) all trees and vegetation within the site identified for retention in the Arboricultural Impact Assessment prepared by Urban Arbor, excluding exempt trees and vegetation under the relevant planning instruments or legislation,
- ii) all trees and vegetation located on adjoining properties,
- iv) 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,
- 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 Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist 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 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 utility lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, to provide for 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.

Note: 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

Landscape works

Landscaping is to be implemented in accordance with the Landscape Plan F101 and F102, prepared by Sticks and Stones Landscape Design, inclusive of the following requirements:

- i) all tree planting is to be installed at a minimum 75 litre container size,
- ii) all tree planting shall comply with 3.3.1 Landscaping Design, section b) item iii) where trees should be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight as described in the clause, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
- iii) all tree planting shall have a minimum individual area of 3 metres x 3 metres of soil area, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.
- iv) at least two (2) of the proposed trees identified on the plant schedule (consider *Banksia integrifolia*) shall be planted within the front garden area, and at least one (1) tree shall be planted in the rear garden to allow development of a typical canopy crown without crowding from other trees, such that no other tree is planted within 5 metres.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved plan and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, and specifically the existing Cheese Tree (T5), including the following information:

- i) compliance to 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 together with any additional landscaping required by this Consent 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 natural life. Planting that may die or is removed must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

Environmental and priority weed control

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.