

## Landscape Referral Response

<b>Application Number:</b>	DA2020/0103
<b>Date:</b>	11/05/2020
<b>Responsible Officer:</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot 50 DP 705739 , 30 Fairlight Street FAIRLIGHT NSW 2094

### 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 the proposed demolition of the existing dwelling, garage and associated structures and the construction of a new part three (3) storey, part four (4) storey residential flat building development comprising 7 residential units with basement carparking and associated landscaping works.

Council's Landscape Referral section have assessed the application against the following:

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and the associated Apartment Design Guide, including Principle 5: Landscape, and the objectives of control 3E Deep Soil Zones, 4O Landscape Design, 4P Planting on Structures, and
- landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types, and specifically: 3.3.1 Landscaping Design; and 4.1.5 Open Space and Landscaping.

A Landscape Plan prepared by Conzept Landscape Architects and a Arboricultural Impact Assessment prepared by Footprint Green are submitted in accordance with Council's DA Lodgement Requirements, subject to conditions.

The existing site vegetation contains 38 trees of which 5 will be retained and 33 will be removed. Additionally all trees and vegetation located on adjoining properties shall be protected. Of the 33 existing trees assessed for removal, 30 of these are Exempt Species are defined by Council and may be removed without consent. The Exempt Species located on the site include QLD Black Bean, Cypress, Umbrella Tree, Gleditsia, Willow, Camphor Laurel, Sweet Pittosporum, Kentia Palm, Golden Cane Palm, Cocus Palm, Alexandra Palm, and Canary Island Date Palm.

Four of the existing trees to be retained are rated by the arboricultural assessment as trees of low significance, and one (T19 - Himalayan Cedar) is rated with a high retention value. T19 is located within the building footprint and without a design alternative to retain this tree.

The landscape component of the application is supported subject to tree protection measures to ensure

the protection of existing trees within the site, within adjoining properties, and the completion of landscape works.

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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**On-slab landscape works**

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the slab, soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
- c) The following soil depths are required to support landscaping as proposed:
  - 300mm for lawn
  - 600mm for shrubs
  - 1000mm for trees
- d) Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the structure slab is designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**Tree removal within the property**

The following trees located on the property and assessed as impacted by development, and without an alternative design layout to retain the tree, as assessed and recommended in the Arboricultural Impact Assessment prepared by Footprint Green, are granted approval for removal:

- Trees 1 to 7 inclusive,
- Trees 9 to 11 inclusive,
- Trees 13 to 26 inclusive,
- Tree 28,
- Tree 32,
- Trees 36 to 41 inclusive,
- Trees 43.

No trees nor vegetation is permitted to be removed from adjoining properties.

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**Tree protection measures / Project Arborist**

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, in

accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by Footprint Green dated 12 December 2019.

This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessment, and in particular the works as outlined in the Tree Protection Plan numbered - aiap1.01, sheet 10 of 11.

The Arborist shall submit certification to the Certifying Authority that the works and activities described in the above Tree Protection Plan have been correctly installed and adhered to during the construction period.

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 or a Project Arborist AQF Level 5 must ensure that:

- iv) the activities listed in section 4.2 of AS4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and
- v) 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.

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.

Reason: to ensure tree protection is provided and maintained.

### **Tree and vegetation protection - General**

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Footprint Green, including:

- i) all trees and vegetation within the site not approved for removal,
- ii) all trees and vegetation located on adjoining properties in close proximity to development works, and in particular Tree 8 (group), 12, 29, 35, 42 and 44,
- iii) all trees and vegetation within the road reserve.

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, and the recommendations of the Arboricultural Impact Assessment,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF minimum Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF minimum 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 minimum 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 minimum Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF

minimum 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 minimum 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 minimum 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) 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 completion

Landscape works are to be implemented in accordance with the Landscape Plans numbered LPDA 20-101 / sheets 01, 02, 03 and 04, prepared by Conzept Landscape Architects, inclusive of the following requirements:

- i) the proposed Coast Banksia (*Banksia integrifolia*) tree planting shall be deleted and replaced with a smaller native tree suited to the available deep soil area, with the species to be selected listed either in Manly DCP Schedule 4, Part B - Native Tree Selection, or in Council's Tree Guide, or as selected by the Landscape Architect, to attain a height of approximately 6 to 8 metres at maturity. (\*)
- ii) all tree planting within the site shall be planted at 75 litre container size, located within natural ground areas of substantial deep soil area (minimum 12m<sup>2</sup>) for each tree, located away from common boundaries, planted at least 4 metres from buildings for medium sized trees and at least 3 metres from buildings for small sized trees, and all at least 4 metres from all other trees.

(\*) The above conditions satisfy Manly DCP clause 3.3.1 Landscaping Design, item b) iii) trees should be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views. Coast Banksia is capable of attaining a height in excess of 15 metres in maturity.

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 Landscape Plan and 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 Arborist with AQF minimum 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, as a result of the development works, 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 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 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.