

Landscape Referral Response

Application Number:	DA2022/0095
Date:	06/06/2022
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 11 DP 2610 , 13 Barrabooka Street CLONTARF 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 development application is for alterations and additions to the existing dwelling, as described and illustrated in the reports and plans. A Landscape Plan accompanies the application and is assessed as part of this Landscape Referral. External works proposed includes demolition of the existing pool, construct a new pool and associated terrace, new stairs to rear yard, and a new passenger lift.

Council's Landscape Referral section have considered the application against the zone C3 Environmental Management objectives of Manly Local Environment Plan, and the following Manly DCP 2013 controls (but not limited to):

- DCP section 3: General Principles of Development, including but not limited to clauses 3.3.1 Landscape Design, and 3.3.2 Preservation of Trees and Bushland Vegetation,
- DCP section 4: Development Controls and Development Types, including but not limited to clauses 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings where applicable.

The landscape outcome of the zone C3 Environmental Management objectives include protection and management of the ecological and aesthetic landscape values, protection of tree canopies to maintain the natural scenic qualities of the foreshore, revegetate and rehabilitate the foreshore, and ensure that the bulk and scale of development integrates with the natural environment.

updated comments 6 June 2022:

An updated Landscape Plan and a Arboricultural Impact Assessment titled Tree Assessment & Management Report is submitted. The Arboricultural Impact Assessment considers the impact of the development proposal upon one Sydney Red Gum within the property identified as tree 1 and one Sydney Red Gum with adjoining property at 11 Barrabooka St identified as tree 2. It is determined that tree 1 is worthy of being retained and is isolated from the proposed works, and that retention without compromise to its Useful Life Expectancy is identified in the report, and conditions shall be imposed for the implementation of arboricultural works as recommended in the Arboricultural Impact Assessment.

The existing Sydney Red Gum within adjoining property at 11 Barrabooka St is assessed as isolated from the proposed works adequately and subject to tree protection measures retention is able to be

managed. It is noted in the report that the Sydney Red Gum is in a state of decline, and it is determined that the proposed works are unlikely to further impact the tree.

The updated Landscape Plan responds to the concerns raised previously with the exception that the proposal continues to include changes to the existing ground level within the tree protection zone of the existing Sydney Red Gum within the property identified as tree 1, including retaining walling within the structural root zone. The Arboricultural Impact Assessment does not include commentary regarding the impact of fill for a lawn area to RL 42.75 and construction of retaining walling to TW42.70 in close proximity to tree 1, all which is likely to impact tree 1. It is noted that the Arboricultural Impact Assessment utilises the Master Set plans which show existing ground levels around existing tree 1 remaining. To ensure the preservation of tree 1, Landscape Referral shall impose conditions that the existing ground levels shall be maintained and the walling and fill shall be deleted, should the application be approved. Other proposed works as represented in the Landscape Plan are supported subject to conditions of consent.

previous comments:

The Statement of Environmental Effects notes that the proposed works are mainly within the existing footprint and there is no impact to existing trees. However it is noted that the pool is proposed within 5 metres of the existing Gum within the rear of the property as well as the existing Gum within the adjoining property at 11 Barrabooka St, and in accordance with Council's DA Lodgement Requirements a Arboricultural Impact Assessment shall be submitted to assess impact and recommend tree protection measures including advising of setback distances to development where appropriate.

The Landscape Plan includes changes to the existing ground level within the tree protection zone of the existing Gum within the rear of the property, including retaining walling within the structural root zone, and such proposed works may impact the retention of the existing Gum, and this is not supported by Council. Due to the proximity to the foreshore area, any new landscape planting shall be locally native species, and the Landscape Plan shall provide such information including a selection of native species to be included in any new landscaping, or an indication of the existing planting retained. As indicated natural landscape features such as rock outcrops shall be retained and incorporated into the landscape scheme. The Landscape Plan shall provide an indication of compliance with DCP clause 4.1.5 Open Space and Landscaping, 4.1.5.2 (c) Minimum Tree Plantings, where two native trees are required within the property.

To continue the landscape assessment, the matters raised above shall be addressed, including the submission of a Arboricultural Impact Assessment and an updated Landscape Plan.

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

Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the

NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

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) 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.

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

Landscape works are to be implemented in accordance with the approved Landscape Plan, except as altered by the following conditions, and inclusive of the following conditions:

- i) the retaining wall, and associated fill within the rear yard near tree 1 - Sydney Red Gum are not consented to and must be deleted in their entirety, and the natural ground area shall either be mass planted that continues the proposed planting theme in the rear yard, or may be grassed over existing levels,
- ii) all tree planting shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees; shall be 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 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) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- v) landscape works are confined to the legal lot boundaries.

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.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture 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 and vegetation 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.