

Landscape Referral Response

Application Number:	DA2024/1562
Date:	21/01/2025
Proposed Development:	Demolition works and construction of a residential flat building including strata subdivision
Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot A DP 24923 , 5 Lauderdale Avenue 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 development application is assessed by Council's Landscape Referral against the following relevant landscape controls and policies:

- Chapter 4 of State Environmental Planning Policy (Housing) 2021, including: (a) Clause 147(1)(a) requires the proposal to be assessed against the nine design quality principles contained in the Apartment Design Guide (ADG) and specifically for Landscape Referral, Principle 5 - Landscape; (b) Clause 147(1)(b) requires the consent authority to take into consideration the Apartment Design Guide - 3E Deep soil zones, 4O Landscape design, and 4P Planting on structures,
- Manly Local Environmental Plan (MLEP) objectives for land zoned C4 Environmental Living;
- Manly Development Control Plan (MDCP) controls (but not limited to): 3.3.1 Landscaping Design; 3.3.2 Preservation of Trees or Bushland Vegetation; 4.1.5 Open Space and Landscaping, including 4.1.5.2 (c) Minimum Tree Plantings where applicable.

The objectives of the Zone C4 Environmental Living include: ensure that residential development does not have an adverse effect on in areas with special ecological, scientific or aesthetic values; protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore; ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation; and ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

An Arboricultural Impact Assessment (AIA) and Landscape Plans are submitted for consideration by Landscape Referral. It is noted that other Plans indicate that the total open space and landscape areas are indicated as compliant with Manly DCP requirements as well as the deep soil requirements of the ADG. It is noted however that planters on level 1 and level 2 are less than as listed in Manly

DCP control 4.1.5.2 a) i) requiring 1 metre soil depth, and this matter shall be considered by the Assessing Planning Officer.

The submitted AIA report recommends the removal of all existing trees within the property based on the detrimental impacts from the proposed development works, including the following prescribed trees that require Council consent: T7, T8 and T12. Other existing trees within the property identified as exempt species by either species type or height do not require Council consent for management or removal. All existing trees within adjoining properties (residential lots, public reserve and road reserve) shall be protected. Landscape Referral consider that no existing trees within the property are able to be preserved without site planning adjustment to maintain adequate existing landscape areas/ soil volume and natural ground levels around existing trees.

The submitted Landscape Plans provide landscape setting outcomes to the available landscape areas including at natural ground within deep soil and on structure planters. Replacement tree planting is proposed however to satisfy MDCP control 4.1.5.2 (c) Minimum Tree Plantings, four (4) trees as listed in Schedule 4 - Part B - Native Tree Selection, or otherwise known to be suited to the coast conditions are required, and it is noted that two of the selected trees (*Livistona australis*) do not establish within foreshore areas. Given the available landscape areas in deep soil it is considered at best only three trees are likely to establish. There are two areas of concern that are not supported and will require adjustment to the overall scheme including all plans, as follows:

- the provision of retaining walls and planters at the common boundary with the public reserve presents as a poor landscape transition when viewed from the foreshore and the reserve, and is more akin to the existing residential character that visually and physically dominates the boundaries between residential lots and the foreshore and reserve, that do not meet the principles of the C4 Environmental Living Zone, including: provide for low-impact residential development in areas with special ecological, scientific or aesthetic values; ensure that residential development does not have an adverse effect on those values; and protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore. These principles require a solution that is transitional that is perceived to integrate development within the surrounding natural environment rather than present a delineation between private and public land. To achieve this balance Landscape referral consider a landscape buffer contained within the rear of the property of adequate width shall be provided,
- the provided deep soil zone along the eastern boundary within the drainage easement is proposed for inclusion of mass planting, however it is noted that such planting is contrary to the requirements for access and maintenance of Council's drainage assets under Northern Beaches Water Management for Development Policy. Specifically under section 6.0 Stormwater Drainage System, sub clause 6.1.1.1.2 Structural Provisions "planting of trees or large shrubs, particularly those with extensive root systems, is not permitted over the public drainage system or within an easement, as they damage the system and obstruct overland flows" and furthermore any future upgrade of the asset by Council will require demolition of any such planting. It is considered that there is potential to reconsider the site planning and utilise the drainage easement along this boundary for the proposed access currently shown at the western boundary, and use the western boundary area for deep soil planting.

At this stage Landscape Referral are unable to support the development proposal based on the concerns as described.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Landscape Conditions:

Nil.