

Landscape Referral Response

Application Number:	DA2021/0175
Date:	21/06/2021
Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 4 DP 556466 , 12 Fisher 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 development application is for landscape works to the rear of the property including construction of new masonry terrace retaining walls and stairs, and replacement of existing pavements.

Council's Landscape Referral section have assessed the application against the Manly Local Environment Plan, and against the following landscape controls of Manly Development Control (but not limited to):

- 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,
- section 4: Development Controls and Development Types, including but not limited to clauses 4.1.5 Open Space and Landscaping, and 4.4.5 Earthworks (Excavation and Filling) of particular reference to this application.

Amended plans have been issued and whilst the setback alignment of retaining walls off the common boundaries are adequate to support screen planting once established, the proposed heights of the terraces are not supported and remain at a height that does not have regard for the existing topography and does not provide a suitable visual relationship with adjoining properties such that overlooking is possible and any existing vegetation within adjoining properties should not be relied upon nor should any adjoining owner be obliged to maintain vegetation for the benefit of another property owner should that vegetation be exempt and not protected by Council's DCP controls.

The original proposal provided for raising the levels to RL51.20 beyond the existing paved area (RL50.90) as the first terrace with the second terrace at RL49.60 and the third terrace at RL48.00. The amended proposal includes retention of the existing paved area at RL50.90 and the first terrace is RL50.90 with the second terrace at RL49.20 and the third terrace at RL47.50, and the heights of walling is 1700mm, 1700mm, and 1100, and contrary to clause 4.4.5 Earthworks (Excavation and Filling).

A design solution is available to provide a favourable outcome that can be supported that will not impact the quantitative area of useable open space, consisting of lowering the finished terraces, as follows: retain existing paved area at RL50.90 and the first terrace is RL50.90 with additional stairs from the

edge of the paved area to result in a second terrace at RL48.54 and the third terrace at RL47.57.

As the amended plans stand, Landscape Referral does not support the application due to failure to comply with clause 4.4.5 Earthworks (Excavation and Filling) and privacy concerns under Part 3.4.2 Privacy and Security.

Previous Landscape Referral comments:

Concern is raised that the filling as part of the retaining wall terraces works is over 1 metre in height, contrary to clause 4.4.5.3 Filling a) Filling must not exceed 1m above natural ground level.

This results on open space privacy issues for adjoining properties. Existing vegetation and hedge planting within adjoining properties may not be used to assert that privacy is gained as existing planting within adjoining properties are able to be removed under Exempt Species provisions or by approval, and hence reliance of other properties vegetation is not justified. Any proposed screen planting within the property will not achieve a reasonable height to provide privacy for many years.

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.