

Landscape Referral Response

Application Number:	DA2020/0116
Date:	22/04/2020
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 189 DP 11162 , 129 Upper Clontarf Street SEAFORTH NSW 2092

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 application is for the construction of alterations & additions to an existing dwelling including a new partially above ground swimming pool, timber decking, access stairs and hardstand parking area.

The proposed landscape works include a new concrete plunge pool, adjacent to the existing deck, new stairs to lower lawn area and a new concrete driveway. Minor building alterations are also proposed to convert the existing single car garage into a new entry/ mudroom and the addition of a new bathroom on the ground floor.

The development application is assessed by Council's Landscape Referral section against the landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and Development Types.

A Landscape Plan is provided in accordance with the DA Lodgement Requirements, and the proposes are generally acceptable, with the exception of the design intent to provide softening to the pool elevation on the southern side, with climbing plants that are exposed to a shaded aspect thus not necessarily capable of establishing a dense planting growth.

A Arboricultural Impact Assessment is provided in accordance with the DA Lodgement Requirements, and the recommendations are supported.

Concern is raised that the pool height above natural ground results in a bulk and scale that is contrary to the controls of the Manly DCP, and the pool height DCP control exceedance is not warranted. The proposal to locate the proposed pool above ground by approximately 4m at the location of the pool and 8 metres at the boundary is contrary to Manly DCP clause 4.1.9 Swimming Pools, Spas and Water Features. The objectives of this clause requires the pool to be located to maintain visual and aural privacy to adjoining properties. The height permitted under clause 4.1.9.1 Height above ground, is 1m above the natural ground. Exceptions to this includes 4.1.9.1 (ii): a minimum distance from any side boundary equivalent to the height of the swimming pool ... at any point above existing ground level.

The pool proposal includes vertical architectural timber battens (with proposed planted climbers) from the top of the pool to the ground that accentuates the bulk, and the proposal relies on existing planting (Bamboo) to provide visual screening between the proposed pool and adjoining properties. Whilst in some circumstances the provision or maintenance of landscaping is an appropriate solution, the long term effectiveness is uncertain, as accepted in the planning principle by the Land & Environment Court (*), and should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible to maintain landscaping to achieve height and density, in practice this rarely happens. (*) Super Studio v Waverley Council 2004.

The possibility for accepting planting as screening, subject to conditions for height control, maintenance and replacement, is also unlikely to result in any future certainty. Possible plant failures that are replaced will not achieve screening height for many years, thus exposing adjoining neighbours to privacy issues.

The current proposal, due to the pool height above ground, can't be supported.

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.