

Landscape Referral Response

Application Number:	DA2025/0132
Date:	15/05/2025
Proposed Development:	Demolition works and construction of a restaurant (McDonalds) including signage
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 100 DP 1199949 , 37 Roseberry Street BALGOWLAH 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

updated comments:

Amended plans and reports are submitted, principally in respect to traffic management proposals, signage and trading hours.

Landscape Referral note that the amended Landscape Plan reduces tree planting by two in total at the northern western boundary along Kenneth Road, where signage is located. The remaining proposed tree planting is adequate to satisfy MDCP control 4.1.5. All other landscape design outcomes remain unaltered. Landscape Referral conditions of consent should the application be approved remain unaltered.

previous comments:

The application as described in reports and as illustrated on plans is assessed by Landscape Referral against the Manly Local Environment Plan (MLEP) zone E3 Productivity Support, and the following Manly DCP 2013 (MDCP) controls (but not limited to): 3.3.1 Landscaping Design; 3.3.2 Preservation of Trees or Bushland Vegetation; and 4.1.5 Open Space and Landscaping.

The proposed development property and immediate adjoining properties are zoned E3 - Productivity Support. Directly across Roseberry Street the land is zoned E3, whilst the land along the northern side of Kenneth Road is R3 Medium Residential. Of relevance to the landscape setting outcomes, under zone E3 Productivity Support, the following objective is noted: create employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.

Based on the above landscape setting outcomes, it is considered that the proposed development

provides an adequate landscape buffer along the Kenneth Road and Roseberry Street frontages. The submitted Landscape Plan for external landscape works across the property raises no concerns, subject to satisfying imposed conditions of consent should the application be approved, including substitution of inappropriate self-seeding species as nominated on the Landscape Plan and plant density requirements.

The existing newly planted street trees along Kenneth Road (3 x Brushbox) and Roseberry Street (2 x Brushbox) shall be retained and protected, and conditions shall be imposed for street tree protection.

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

Amended Landscape Plan

Landscape Plan DA007 shall be amended and issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- a) the three existing Brushbox trees located with the Kenneth Road road reserve and the two existing Brushbox trees located within the Roseberry Street road reserve fronting the development site shall be documented for retention and protection measures,
- b) all tree planting, consistent in location and quantity with Landscape Plan DA007, shall be a minimum pre-ordered planting size of 75 litres,
- c) the nominated *Diets grandiflora*, that is prone to self-seed, shall be substituted with a non self-seeding species of similar form and size,
- d) the nominated *Carpobrutus* species shall be substituted with a locally native species such as *Carpobrutus glaucescens*,
- e) the nominated *Myoporum* species, prone to failure, shall be substituted with a hardy locally native species of similar form and size,
- f) the Feature Plants and Low Border Plants nominated in Landscape Plan DA007 shall be at a planting density of at least 6 plants per square metre,
- g) the Mix A and Mix B planting nominated in Landscape Plan DA007 shall be at a planting density of at least 6 plants per square metre, and at a minimum 140mm container size.

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

Tree Protection Plan

a) a Tree protection plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following trees within the road reserve verge:

- i) 3 x Brushbox trees within the Kenneth Road road reserve and 2 x Brushbox trees within the Roseberry Street road reserve.

b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) location of all trees identified for retention, including extent of canopy,
- ii) access routes throughout the site for construction activity, away from the street trees,
- iii) location of tree protection fencing,
- iv) arboricultural requirements during the works including fertilising and watering,
- v) other general tree protection measures.

Reason: Street tree protection.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street trees fronting the development site shall consist of standard 2.4m panel length and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge 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 trees is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all prescribed trees within the site, or otherwise existing trees nominated for retention on the approved plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
- ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; 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; and structures are to bridge tree roots at or >25mm (Ø) diameter,
- iii) the activities listed in section 4.2 of AS4970-2009 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,
- iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- v) 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 Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as compliance to AS4970-2009 Protection

of trees on development sites.

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 Amended Landscape Plan, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) planting shall be installed as indicated on the approved Amended Landscape Plan.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, 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/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans including existing prescribed trees within the property and all trees within the road reserve fronting the development site, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) 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 Amended Landscape Plan and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.