

## Landscape Referral Response

<b>Application Number:</b>	DA2022/0438
<b>Date:</b>	02/06/2022
<b>Responsible Officer:</b>	Stephanie Gelder
<b>Land to be developed (Address):</b>	Lot 13 DP 5305 , 50 West 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

The development application is for alterations and additions to the existing dual occupancy dwelling, as described and illustrated in the reports and plans.

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

- 3.1.1 Streetscape (Residential areas)
- 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
- 4.1.10 Fencing

#### *updated comments 2 June 2022:*

Amended Master Set plans are submitted to address the Landscape Referral concerns raised previously. The amended plans include a planting zone 600mm in width from the front boundary to the proposed 1.8m high pool fencing. This planting zone is capable in time of supporting dense hedge planting to soften and cover the proposed fencing, and Landscape Referral raise concerns should be application be approved, subject to a merit consideration by the Assessing Planning Officer in regards to the non-compliant fencing height noting the previous comments from Landscape Referral, and subject to imposed conditions for species type and densities.

#### *previous comments:*

No Landscape Plans are submitted and the development application documents indicate retention of existing vegetation within the property and new garden areas, without providing further information. The existing street tree shall be retained and protected should the application be approved.

Of concern is the landscape streetscape outcome impact from the proposed 1.8 metre high brick wall along the front boundary. The existing front brick fence estimated to be appropriately 1.6 metres in height, is currently setback from the front boundary and dense planting is located in front along the boundary and thus the existence of the brick fence is hardly noticed along the streetscape and thus the combination is appropriate. Along West Street no properties exhibit 1.8 metre high solid fences as

proposed in this development application along the front boundary and are instead compliant to the Manly DCP control 4.1.10.

The proposal, with essentially a front setback devoid of landscape area, will alter the landscape outcome and appeal of the streetscape and is not complimentary to the streetscape, and the front setback as proposed is unable to support soft landscape treatment. Manly DCP control 3.1.1 Streetscape (Residential areas) identifies that development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the character of the local area, and it is noted that front setbacks with landscape areas planted with vegetation are typical.

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 Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree (Water Gum) fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length and located within the edge of the kerb and existing footpath upon the grass area, 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 tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

#### **Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site, 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) 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, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Certifying Authority must ensure that:

- c) 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.

Reason: Tree and vegetation protection.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **Required Screen Planting**

Screen shrub planting between the front boundary and the proposed pool fencing shall be planted in accordance with the following:

- i) selected dense species planted at a minimum 200mm pot container, installed at no more than 700mm apart, and in a garden bed with a minimum 600mm garden bed width prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- ii) the species may be selected from the following suggested list: *Syzygium* 'varieties, *Murraya paniculata*, or *Viburnum tinus*, or as otherwise selected,
- iii) the planting shall be located along the fence line approximately 450mm from the front boundary,
- iv) the screen planting shall be maintained to the front property boundary without encroachment upon the public footpath and shall be maintained at no less than 2 metres in height,
- v) the existing *Rhapiolepis* species existing along the front boundary shall be removed as the species is known to self-seed into natural bushland areas.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

## **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.