

## Landscape Referral Response

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| <b>Application Number:</b>             | DA2023/0987                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Date:</b>                           | 26/02/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Proposed Development:</b>           | Demolition and construction of a shop top housing development with basement parking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Responsible Officer:</b>            | Maxwell Duncan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Land to be developed (Address):</b> | Lot 1 SP 14133 , 39 Belgrave Street MANLY NSW 2095<br>Lot 2 SP 14133 , 38 Belgrave Street MANLY NSW 2095<br>Lot 3 SP 14133 , 36 Belgrave Street MANLY NSW 2095<br>Lot 4 SP 14133 , 35 Belgrave Street MANLY NSW 2095<br>Lot 5 SP 14133 , 1 / 37 Belgrave Street MANLY NSW 2095<br>Lot 6 SP 14133 , 2 / 37 Belgrave Street MANLY NSW 2095<br>Lot 7 SP 14133 , 3 / 37 Belgrave Street MANLY NSW 2095<br>Lot 1 DP 100633 , 40 Belgrave Street MANLY NSW 2095<br>Lot 1 DP 104766 , 41 Belgrave Street MANLY NSW 2095<br>Lot 1 DP 34395 , 42 Belgrave Street MANLY NSW 2095<br>Lot 1 DP 719821 , 43 Belgrave Street MANLY NSW 2095<br>Lot CP SP 14133 , 35 - 39 Belgrave Street MANLY NSW 2095 |

### 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 for the proposed shop top development is assessed by Council's Landscape Referral against the following relevant landscape controls and policies:

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65) under: clause 28(2) (a) (b) and (c), including Schedule 1, Principle 5: Landscape,
- the associated Apartment Design Guide, including the objectives of control 3E Deep Soil Zones, 4O Landscape Design, 4P Planting on Structures, and
- Manly Local Environment Plan (MLEP), and the following Manly Development Control Plan (MDCP) controls (but not limited to): 3.3.1 Landscaping Design.

The landscape proposal contained within the property generally provides adequate landscape treatment to satisfy Schedule 1 Design quality principles of SEPP65, including:

- Principle 5: Landscape - positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood; enhances the

development's environmental performance by retaining positive natural features which contribute to the local context, micro-climate, tree canopy, habitat values and preserving green networks; optimises useability, privacy and opportunities for social interaction.

Additionally, the objectives of the Apartment Design Guide are satisfied within the property as follows: 3D Communal and public open space: to provide residential amenity; 3E Deep Soil Zone: to promote the establishment of canopy trees to provide shade and amenity for residents, as well as achieve environmental benefits and stormwater management; 4O Landscape Design: to contribute to the setting of the property within the locality; and 4P Planting on Structures: to provide amenity, improve air quality and microclimate, and reduce direct energy use and stormwater runoff.

Amended Landscape Plans identified as revision 2 are submitted to address the concerns regarding the public domain proposals in revision 1 that introduced landscape elements within the public domain that cluttered and obstructed the pedestrian zone, which experiences high foot traffic. The amended landscape plans maintain the full width pavement currently existing and have added additional street tree planting and this is supported by Landscape Referral, subject to identification of constraints such as existing street lights, signage, other public domain elements and solar access. Landscape Referral advises that the proposed street tree planting to Raglan Street likewise shall consider existing street lights, signage, and other public domain elements, and furthermore all proposed street tree planting shall be subject to a s138 application for works in the road reserve.

It is noted that Amended Landscape Plans (revision 2) imagery vision documents include the public domain street furniture obstructions (planters within the road reserve) and any approval of the application shall not be interpreted as approval of such landscape elements within the public domain, which shall consist of full width pavement and street trees only.

As documented in the amended landscape plans revision 2: LD-DA000, LD-DA001, LD-DA100, LD-DA200, LD-DA110, LD-DA210, LD-DA120, LD-DA130, LD-DA140, LD-DA400, and LD-DA900, Landscape Referral raise no concerns with the landscape outcomes of the development application, subject to imposed conditions.

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 Plans**

Amended Landscape Plans shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- a) all plan shall conform to Landscape Plans LD-DA000, LD-DA001, LD-DA100, LD-DA200, LD-DA110, LD-DA210, LD-DA120, LD-DA130, LD-DA140, LD-DA400, LD-DA900 and any subsequent detailed material selection and layout design,
- b) landscape works are to be contained within the legal property boundaries, unless otherwise granted approval,
- c) tree, shrub and groundcover planting shall be installed as indicated on the approved Amended Landscape Plans, unless otherwise imposed by conditions,
- d) all street tree planting shall be pre-ordered 400 litre stock with a minimum 60mm caliper and

minimum 1.8 metres clear trunk, and in ground works shall be in accordance Council's Standard Drawing 1300 - Tree Pit Details,

e) the street tree planting along Belgrave Street shall be *Tristania laurina* 'Luscious' and the street tree planting along Raglan Street shall be *Lagerstroemia indica* 'Natchez'.

Prior to the issue of an Occupation Certificate, details from a qualified landscape architect shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

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

Reason: Landscape and streetscape amenity.

### **Street Tree Protection Plan**

a) a Street Tree Protection Plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following street trees: all existing street trees fronting the development property along Belgrave Street.

b) the Street 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,
- ii) location of tree protection fencing around each individual street tree, consisting of standard chain-wire fencing,
- iii) trunk and branch protection, where required,
- iv) other general tree protection measures.

Reason: Street tree protection.

### **On Slab Landscape Works**

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab and to planting over awnings, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: 300mm for groundcovers, perennials, grasses and lawn; 600mm for shrubs; and 1m for small trees / proposed palm planting.

All drainage outlet provisions shall be captured within the awning planters and concealed from public view, and connected to on-site stormwater.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that all planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

## **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 the approved Street Tree Protection Plan. As a minimum the tree protection fencing for street trees fronting the development site shall consist of standard 2.4m panel length to four sides 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 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.

Reason: Street tree protection.

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

### **Street Tree Planting**

Street tree planting shall be completed in accordance with the approved s138 documentation and in accordance with Council's Standard Drawing 1300 - Tree Pit Details, and imposed conditions for planting species, container size and specification for sub-surface works.

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

Reason: To maintain environmental and streetscape amenity.

### **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Amended Landscape Plans.

Prior to the issue of an Occupation Certificate, details from a qualified landscape architect shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Landscape and streetscape amenity.

### **Condition of Retained Street Trees**

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 street trees required to be retained on the approved Plans, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during demolition and construction works,
- b) extent of damage sustained by vegetation as a result of the demolition and construction works,
- c) any subsequent remedial works required to ensure the long term retention of the street trees.

Reason: Street tree 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 Plans and any conditions of consent.

Proposed and existing street trees fronting the development property are subject to a 12 month establishment and maintenance period prior to handover to Council.

Reason: To maintain local environmental amenity.