



northern
beaches
council

MEMORANDUM

DATE: 6 June 2023

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Peter Robinson, Executive Manager Development Assessment

FROM: Stephanie Gelder

SUBJECT: Item No. 5.1 – DA2023/0082 – 1A Myoora Road TERREY HILLS NSW 2084

TRIM REFERENCE: 2023/357747

The purpose of this memo is to advise the Panel that the applicant has provided additional information requesting amendment to Condition 17 - Ball Fencing Netting Colour and amendment to Condition 36(b) – Landscape Completion.

The additional information provided by the applicant include the following documents:

- Letter from Willowtree Planning (dated 5 June 2023);
- Letter from Space Landscape Designs (dated 5 June 2023);
- Letter from Narla Environmental (dated 5 June 2023);
- Letter from Glascott Landscape & Civil (dated 2 June 2023); and
- Letter from Country Club International (dated 1 June 2023).

An assessment of the proposed changes to Condition 17, and Condition 36(b) are provided below:

Issue 1

Condition 17 - Ball Fencing Netting Colour

Condition 17 was recommended to be imposed as per the recommendation contained within the Flora and Fauna Report (prepared by Narla Environmental, dated 20 January 2023). Council's Bushland and Biodiversity Officer has reviewed the additional information submitted by the applicant, and provided the following comments:

The Council Biodiversity Referral team note the additional information provided. On review, we are able to support an amendment of Condition 17 for the following reasons:

- *Advice from the Managing Director of CCI - Safety Fencing, stating that the proposed netting product is not available in white; and*

- *Advice from a Senior Ecologist at Narla who has proposed an alternate mitigation measure to minimise indirect impacts to fauna, namely that that white (or brightly coloured) flagging should be run along the top of the netting and at equal intervals down to the ground on the sides of the fence that adjoin the National Park.*

In the Submission to the Panel by Willowtree Planning, they state that (based on the above reasons) the applicant is agreeable to providing flagging along the top of the netting along the boundary that adjoins the National Park. I note that this proposed design change is not aligned with the advice from Narla, as the applicant has not committed to flagging at equal intervals to the ground.

While the Biodiversity Referral team support the alternate mitigation measure, Narla did not specify a suitable material for the white or brightly coloured flagging, or propose a minimum or spacing for the proposed equal intervals of the flagging.

In summary, we consider that the fencing design be amended to comply with the following:

- *Be constructed using black netting as proposed by CCI – Safety Fencing, AND*
- *Include as a minimum, that white (or brightly coloured) flagging, made from a suitable and long-lasting material, should run along the top of the netting on the sides of the fence that adjoin the National Park, AND*
- *The white (or brightly coloured) flagging is maintained for the life of the development.*

Additional requirements of the design could include the following:

- *Include white (or brightly coloured) flagging at equal intervals down to the ground on the sides of the fence that adjoin the National Park, OR Include white (or brightly coloured) flagging run at equal intervals to below the tree canopy height on the sides that adjoin the National Park, AND*
- *The spacing for the equal intervals of the flagging (if conditioned by the Panel) is to be determined, but a suitable spacing is considered to be in the order of every three to five metres in the horizontal and vertical planes.*

Therefore, an amendment to Condition 17 is recommended, and an additional Condition 60 is recommended for the on-going maintenance of the flagging.

Issue 2

Condition 36(b) – Landscape Completion

Condition 36(b) was recommended to be imposed by Council's Landscape Officer. Council's Landscape Officer has reviewed the additional information submitted by the applicant, and provided the following comments:

Condition 36(b) shall remain:

b) all tree planting shall be a minimum pre-ordered planting size of 75 litres; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,

- *The requirement is for pre-order to ensure pot and planting is equal to the expectation of plants at 75 litre size, when planted, and as required by Natspec - Specifying Trees.*
- *Pre-order of plants is no different to ordering other materials on any construction project.*
- *If planting meets the requirements of Natspec - Specifying Trees, then no growth issue is present in the plant species, and care by watering is no different to any other pot size plant.*
- *Whilst the 1m x 1m planting hole is a Council standard, variations on site of course occur and are not evident until works on site commences and adjustments should be made once*

excavation is commenced by either less depth of planting hole etc, or if no issues are encountered, in accordance with the condition.

- *Failure in newly planted species, whether at 150mm pots, 300mm pots, 45 litres, 75 litres, or larger, is due to inadequate maintenance only, and not the pot size.*

Therefore, the amendment to Condition 36(b) is not supported by Council's Landscape Officer. It is considered that Condition 36(b) shall remain unaltered.

Conclusion

In summary, it is recommended to amend Condition 17 – Ball Fencing Netting Colour, add Condition 60 – Maintenance of Flagging on Ball Fence Netting. No changes are recommended to Condition 36(b) – Landscape Completion.

Recommendation

The following amendments are recommended to Condition 17, and an additional Condition 60 is recommended accordingly as detailed below:

- **Amend Condition 17 – Ball Fencing Netting Colour to read as follows:**

The ball fencing netting shall be black and include white (or brightly coloured) flagging, made from a suitable and long-lasting material. The white (or brightly coloured) flagging shall run along the top of the netting on the sides of the fence that adjoin the National Park at equal intervals of 3 to 5 metres in horizontal and vertical panes down to the ground on the sides of the fence that adjoin the National Park.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure protection of surrounding fauna.

- **Add Condition 60 – Maintenance of Flagging on Ball Fence Netting to read as follows:**

The white (or brightly coloured) flagging is maintained for the life of the development.

Flagging that is damaged, shall be removed and replaced with new flagging to match existing.

Reason: To ensure ongoing protection of surrounding fauna.