

Landscape Referral Response

Application Number:	DA2023/0976
Date:	04/12/2024
Proposed Development:	Demolition works, subdivision into 53 lots and one community title lot, construction of 53 dwellings, including internal roadways, stormwater, creekline rehabilitation and landscape works
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 592091 , 20 - 22 Macpherson Street WARRIEWOOD NSW 2102

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 with Draft Conditions of Consent :04/12/2024

Previous comments:

Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan (PLEP), and the following Pittwater 21 DCP (PDCP) controls (but not limited to):

- C6.1 Integrated Water Cycle Management; C6.2 Natural Environment and Landscaping Principles; C6.4 The Road System and Pedestrian and Cyclist Network; and C6.7 Landscape Area (Sector, Buffer Area or Development Site)
- D16 Warriewood Valley Locality, and in particular D16.5 Landscaped Area for Newly Created Individual Allotments, and D16.12 Fences
- Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018 (WVLMDG), and the Warriewood Valley Roads Masterplan, August 2018 (WVRM).

Under C6.2 Natural Environment and Landscaping Principles, the control intent of 'Integration with Creekline Corridor and the Public Domain' is not satisfied for Lots 48 to 57 inclusive, and Lots 58 to 61 inclusive, as all these Lots encroach upon the Outer Creekline Corridor that is required to appear as part of the public domain. Furthermore C6.2 notes that "Any part of residential lots, dwellings, garages, fences and other vertical built structures (wholly or in part) must not encroach into the 25 metre wide Outer Creekline Corridor".

This Outer zone, under C6.1, 'Creekline Corridor', the "25 metre Outer Creekline Corridor (commonly known as the 'private buffer strip') to be provided on each side of the Inner Creekline Corridor is to be

retained in private ownership and is to perform the functions of part water quality control and a fauna/flora corridor. The private buffer strip is to be a multifunctional corridor, appear to be part of the public domain, and may contain: water quality control ponds; other water quality treatment measures; and/or roads and other impervious areas traditionally sited in the public domain, for up to 25% of the Outer Creekline Corridor area subject to merit assessment".

However the proposed landscape treatment within the 25 metre wide Outer Creekline Corridor is designed as a traditional 'backyard' to be utilised by the occupants of the Lots and includes private open space, fencing to separate the lots, pavements, lawns and garden, and this aspect is not supported.

As part of the 50 metre riparian corridor a Landscape Plan is required for the Outer Creekline Corridor and a Vegetation Management Plan is required for the Inner Creekline Corridor, and the current documentation within both the Landscape Plan and Vegetation Management Plan do not distinguish the 25 metre zones.

The Landscape Plans submitted are conceptual at this stage and provide reasonable information to assess the landscape outcome, however will be subject to the issue of detailed landscape plans at construction certificate should the application be approved. Of concern however with the Landscape Plans is the proposal for timber decking within area nominated in landscape calculations as 'landscape area'. The timber decking areas are not able to be calculated as 'landscape areas' hence such Lots do not achieve the required 'landscape area'. The definition of 'landscape area' in PLEP "means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area". Additionally it is noted that paved areas are also indicated on plans to further reduce the 'landscape area', and of note is that the ground floor plans include living areas adjoining the proposed private open space area nominated as 'landscape areas' yet realistically the private open space area beyond the building would be utilised for outdoor living upon hard surfaces for all Lots and in particular for Lots 9 to 26 inclusive which provide a small distance between the garage and dwelling nominated as private open space.

The proposal within the road reserve shall consider the streetscape guidelines of the Warriewood Valley Landscape Masterplan including street tree planting for sub arterial streets under section S-1 requiring street tree planting. It is noted that roadworks including car parking have been completed, however the deep soil area at the development at the entrance should be utilised for street tree planting.

Based on the above concerns Landscape Referral at present do not support the landscape components of the application, and in summary the issues are:

- encroachment into the Outer Creekline Corridor.
- co-ordination of the Landscape Plan and Vegetation Management Plan.
- strict compliance with the requirements to provide adequate 'landscape area' as defined in the PLEP (for the Landscape plans)
- lack of street tree planting.

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

Detailed Landscape Plans

Detailed Landscape Plans shall be issued to Council for approval prior to the issue of a Construction Certificate to include the following design details for construction:

- i) hard landscape layout and materials, including dimensions and finished levels; and not limited to features, walling, fences, pavements, garden edges, lawns, ground stabilisation, drainage, irrigation etc; existing and proposed ground levels; location of any underground services.
- ii) planting layout and schedules; including species selection, location, quantities, mature heights and pot sizes,
- iii) street trees within the internal roadways shall be pre-ordered 200 litre container size at a minimum, each installed with a tree guard as per Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4, including tree pit dimensions, soil mix, mulch and tree guards as detailed,
- iv) all other trees within the development shall be as nominated on the Amended Landscape Plans,
- v) the inclusion of one small native tree as selected under section 2.0 of the Warriewood Valley Landscape Masterplan to attain a mature height of at least 6 metres, shall be nominated to the rear of each lot identified as Lots 142 to 147 inclusive,
- vi) the inclusion of one small native tree as selected under section 2.0 of the Warriewood Valley Landscape Masterplan to attain a mature height of at least 6 metres, shall be nominated between the garages and dwelling to each lot identified as Lots 109 to 126 inclusive. All landscaped areas within these Lots shall be mass planted with shrubs and other planting, in addition to the required one small tree,
- vii) All street tree locations shall be co-ordinated with the location of waste bin placement for collection,
- viii) note: fencing forward of each building line is not permitted.

Reason: Landscape and streetscape amenity.

Landscape Maintenance Program

A Landscape Maintenance program for the management and care of both hard and soft landscape elements shall be issued to Council for approval prior to the issue of a Construction Certificate to include the following information:

- i) street tree maintenance to uplift the tree crown under the management and care of the Body Corporate,
- ii) maintenance program including activities and intervals,
- iii) action plan for failure by replacement of landscape elements.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Removal Within the Property

This consent approves the removal of existing prescribed trees on the subject site as identified in the Arboricultural Impact Assessment prepared by Naturally Trees. A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

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.

All street trees within the road verge are protected under Northern Beaches Council development

control plans. 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.

Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Naturally Trees, including recommendations and works under appendices.

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 complaint 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

Street Tree Planting

All street tree planting shall be installed in accordance with Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4, and as detailed in the approved Landscape Plans.

All street trees indicated in the Plant Schedule shall be pre-ordered to be delivered at the nominated pot size or otherwise larger; meet the requirements of Natspec - Specifying Trees. All street trees and required garden area planting under the street tree shall satisfy the Warriewood Valley Landscape Masterplan and Design Guidelines and landscape materials schedule as per S-3 and S-4 (Internal Roads); including turf areas, planted garden areas, soils, and mulch, tree guards.

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

Reason: 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 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.

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 Plans 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.