

Landscape Referral Response

Application Number:	Mod2023/0416
Date:	29/08/2023
Proposed Development:	Modification of Development Consent DA2021/1805 granted by the Land and Environment Court for Demolition works and construction of a seniors housing development
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot A DP 379308 , 4 Alexander Street COLLAROY NSW 2097

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 application is for modification to development consent DA2021/1805 including refinement to architectural, landscape, stormwater and flood management details, and includes building height increase, provisions of two plunge pools at the rear, and removal of the flood gate from the driveway. The modification statement identifies the following updated landscape design changes: a) Level 1: proposed min. 1.5m wide grass swale at existing ground levels, based on overland flow assessment by Civil Engineer; b) Level 1: proposed 2 additional private plunge pools at rear; c) Level 1: revised boundary fencing height and design at rear; d) Level 1: revised external levels; e) Level 1: revised external backyard; and f) Ground Floor: revised front garden design to G.01 and around OSD tank area.

The application also seeks the modification/ deletion of the following conditions:

Condition 7 - On Slab Landscape Works: This condition is to be modified to reference the amended landscape plan rather than the specific soil depths identified.

Condition 8 - Green Roof: This condition is to be deleted to simplify buildability, reduce potential water penetration issues and minimise building maintenance.

Condition 57 - Landscape Completion: This condition is to be modified to reference the amended landscape plan which incorporates the required planting.

Condition 7 shall remain including the fundamental engineering requirement for design certification that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting). The Water Management Referral under Condition 8 regarding the Green Roof to the rooftop area is noted and supported. Modification to Condition 57 is currently unable to be addressed as the landscape proposal under the modification application is not supported as discussed

hereafter.

Concerns are raised by Landscape Referral that the proposed modifications alter the Land and Environment Court approved landscape outcome documented in the Landscape Plans. There are no landscape areas that provide a deep soil zone of minimum dimension of 3 metres that is not encroached by built structures and able to support tree planting, as represented by the approved Landscape Plans. The modification plans provide one area to satisfy the 3 metres deep soil zone requirement at the front of the property however no substantial planting and no tree planting is proposed in this area.

State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004, clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings, part (d) deep soil zones, requires that "there is soil of a sufficient depth to support the growth of trees and shrubs on an area of...deep soil...", and that "two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres".

The rear of the property under the approved Land and Environment Court landscape plans provided complying deep soil area and mass planted areas including tree planting across the rear of the property to soften the built form. The proposed modification plans, whilst maintaining a minimum 3 metres of deep soil zone from the basement to the rear property boundary, then removes the purpose of the deep soil zone by placing structures over the deep soil zone including: private pools, retaining walling, planters, decking, and stairs. Additionally a 1.5 metre wide grass swale along the rear boundary is proposed.

The proposed modification at the rear provides for narrow planters of appropriately 500mm in width to support planting include tree and shrub planting. Three Banksia trees are proposed (symbol BI) to the south west planters and Syzgium shrubs are proposed (symbol SSN) elsewhere within the planters. The proposed planter width is unlikely to allow the establishment of the proposed Banksia trees and only shrub planting realistically will establish over time and hence the landscape outcome is significantly different to the Land and Environment Court approved landscape outcome, and Landscape Referral do not support the modification application.

It is considered that should the requirement for a grass swale be required for overland flow then the area lost for deep soil zone tree planting shall be compensated elsewhere within the rear and thus should be extended beyond the grass swale zone. The modification proposal extends the private courtyard area at the expense of the deep soil zone and Landscape Referral contend that common areas for deep soil should be expanded northward at the expense of private courtyard areas to ensure the landscape outcomes of State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004, clause 50 and the approved Land and Environment Court landscape outcome is not abandoned.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Landscape Conditions:

Nil.