

## Landscape Referral Response

<b>Application Number:</b>	DA2020/0442
<b>Date:</b>	24/08/2020
<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot B DP 316404 , 231 Whale Beach Road WHALE BEACH NSW 2107

### 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 the demolition of existing structures and construction of a five-storey shop-top housing development, comprising five (5) residential apartments, three (3) retail premises, basement car parking, associated site and landscaping works and strata subdivision.

Council's Landscape Referral is assessed against State Environmental Planning Policy No. 65 Design Quality for Residential Apartment Development, Pittwater LEP Zone B1 Neighbourhood Centre, and the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation; C2.1 Landscaping; C2.20 Public Road Reserve - Landscaping and Infrastructure; and D12 Palm Beach Locality, including D12.1 Character as viewed from a public place.

The SEPP 65 Design quality principles included in Schedule 1 that are relevant to the landscape outcomes of the proposal include: Principle 1: Context and neighbourhood character; Principle 4: Sustainability; and Principle 5: Landscape.

In addition, under SEPP 65, the following provisions are to be considered: 3E: Deep Soil Zones; 3D: Communal Open Space; and 3F: Visual Privacy.

Landscape Plans and a Arboricultural Impact Assessment accompany the application, and both are submitted in accordance with Northern Beaches Council's DA Lodgement Requirements. The proposal for full width road verge as public domain pavement is a sensible proposal commensurate with the retail premises at ground level that may support cafes or restaurants or the like that benefit the community, as this meets the Zone B1 Neighbourhood Centre objectives to provide small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood, with the expectation that the proposal has potential for outdoor seating as part of the proposed retail premises. However, no garden bed planting is permitted within the road reserve and only street tree planting will be supported.

The Arboricultural Impact Assessment assesses existing trees within the road reserve and within adjoining properties. No existing trees exist within the development site. The proposal to remove

existing trees within the Whale Beach Road road verge is not supported, and shall be retained as these are not impacted by development works and are an established streetscape amenity element. Any proposal for works within the road reserve shall incorporate the existing trees, and the proposal is subject to a Roads Act Application for Civil Works under Sections 138 and 139, inclusive of Public Domain Plans for approval, with sufficient information such as: alignment levels showing existing and proposed levels for altered driveway crossovers, and kerbs and gutters; existing and proposed pavement levels, with proposed gradients no more than a 2.5% fall from building openings to top of kerb, and to match existing levels along adjoining properties; details of any utility alignment and level changes; and details of the proposed concrete pavement finish from building to kerb.

All other adjoining property trees are proposed for retention. Concern is raised that Tree 4 within No. 229 Whale Beach Road is encroached upon by the development and the report indicates possible decline in health, and concludes that a compensatory tree protection zone equal to a 4.5 metre setback along the southern boundary is required, contrary to the proposed 1.0 metres basement setback as proposed. Council does not permit any impact to existing trees within adjoining properties, regardless of species or horticultural value, unless adjoining owner's consent is obtained for consideration by Council.

Concern is raised that the development does not integrate with the landscape character of the locality, and that the proposal is unable to support landscape planting of a size that is capable of softening the built form. The deep soil areas referred to in Principle 1: Context and neighbourhood character, and 3E Deep Soil Zones, located along the western boundary and part northern boundary, are occupied by pavements, stairs, a kiosk, with small garden beds areas of planting along the western boundary, and courtyards and planters along part of the northern boundary, that is unable to soften the built form. The 3 metre side setbacks are interrupted by basement, courtyards and planters that effectively reduce the capability of planting to achieve softening of the built form. Along the southern boundary, the deep soil area is contained to an uninterrupted 1.0 metre wide zone for the length of the boundary, and 1.2 meters uninterrupted along the northern boundary, reducing the potential growth height of proposed planting.

At this stage, the landscape proposal is not supported in terms of achieving design integration by landscape provisions, as well as non support for the proposed removal of trees within the road reserve of Whale Beach Road, and the impact upon tree 4 within the neighbouring property.

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.