

## Landscape Referral Response

<b>Application Number:</b>	DA2020/1597
<b>Date:</b>	11/05/2021
<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 25 DP 7002 , 67 Pacific Parade DEE WHY NSW 2099

### 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 the construction of a part three, part four storey boarding house development, basement parking and associated landscaping.

The application is assessed by Landscape Referral against State Environmental Planning Policy (Affordable Rental Housing) 2009, Division 3 Boarding Houses, and in particular clause 29 - Standards that cannot be used to refuse consent (2) (b) landscaped area, Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011, including but not limited to the following clauses:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation
- E6 Retaining Unique Environmental Features

The existing site contains natural rock outcrops at the frontage and rear that is retained in parts not impacted by development. Existing vegetation on the site is predominately Exempt Species by either species type or by height and therefore not protected by Council's DCP controls. One prescribed species (Bottlebrush), protected under the DCP and therefore requiring Council consent for removal is located within the frontage. All trees and vegetation within adjoining properties are to be protected.

Amended Plans have been provided in response to Landscape Referral's initial response, and landscape amendments increase the landscaped area to the frontage including: increase to landscape strip adjacent to north western boundary by an additional 1 metre to provide adequate area for planting; and increase soil depth above garbage bin storage to 1 metre depth to provide adequate soil volume to support small tree planting and other planting.

#### *Landscape Referral's initial response:*

*A Landscape Plan and an Arboricultural Impact Assessment are provided with the application. The proposal includes deep soil areas of 6125mm to the rear setback, 2000mm to the side southern boundary, and 2000mm to the side northern boundary (in part only). Within the front setback deep soil planting is not provided apart from the southern side boundary area containing 2000m x 7095mm in area, and an insignificant garden area at the northern front corner. The front setback contains built*

*elements including a driveway, pavement forecourt, and bin storage with a podium garden over, that excludes planting of any prominent size to be established within the front setback.*

*Within the front setback, the landscape proposal fails to provide adequate landscape area treatment under the SEPP (ARH) clause 29 intent, as well as under DCP clause D1, where the landscape proposal within the site is not compatible with the landscape treatment of front setbacks of adjoining residential unit developments in Pacific Parade. It is noted that the adjoining residential flat building property at No. 65 does not provide landscape planting within the frontage, however on balance when the remainder of Pacific Parade is considered, the front setback areas typically contain tree planting and other vegetation to soften the built form, and this is not achieved by the proposed development.*

*Landscaped Area under WLEP is defined as: a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. The landscape plans indicate areas of landscaped area on slab that do not provide the required minimum soil depth of 1 metre to be included as landscaped open space.*

*The inadequate provision of Landscaped Area deep soil within the front setback is not compatible with the streetscape in which the building is located, to be able to satisfy the provision of State Environmental Planning Policy (Affordable Rental Housing) 2009, Division 3 Boarding Houses, and in particular clause 29 - Standards that cannot be used to refuse consent (2) (b) landscaped area.*

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**

#### **On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall also be submitted to the Certifying Authority 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 as proposed in accordance with the Landscape Plans:

- i) 1000mm soil depth planter over recycle waste storage area,
- ii) 600mm soil depth on structure to upper ground planters,
- iii) 1000mm soil depth on structure for palm planting to upper ground circular planter,
- iv) 600mm soil depth planter to level 3 common open space area.

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer that the 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 secure waterproofing and drainage is installed.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### Tree Removal Within the Property

This consent approves the removal of the following tree within the property (as recommended in the Arboricultural Impact Assessment):

- i) tree identified as number 1 - *Callistemon viminalis*

Note: Exempt Species upon the site and listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Protection of Rock and Sites of Significance

All rock outcrops outside of the area of approved works in the Landscape Plan are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

### Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation located on adjoining properties,
- ii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) 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,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection

of Trees on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 4970-2009 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,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,

xi) 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.

Note: All street trees within the road verge and trees within private property 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.

Reason: Tree and vegetation protection.

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

### **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) retaining walls and planters walling shall be in accordance with the Landscape Plan, excluding the requirement of item ii) below,
- ii) the double retaining wall within the rear shall be replaced with a single wall at the location closet to the building, to provide uninterrupted deep soil volume to the rear area,
- iii) the nominated corten steel upper ground circular planter shall be a minimum 2.4 metre diameter size to support planting,
- iv) nominated Archontophoenix palm (Exempt Species) shall be replaced with *Livistona australis* (Cabbage Tree Palm) installed at a minimum 2 metre tall clear trunk size,
- v) the nominated *Tristaniopsis laurina* to the rear boundary shall be replaced with *Banksia integrifolia*,
- vi) two *Elaeocarpus reticulatus* shall be installed within the planter above the recycle waste storage area, and separated by 2.5 metres,
- vii) all screening shrub planting in ground along the east, west, and south boundaries shall be installed at minimum 1 metre intervals, and the nominated Plant Schedule container sizes,
- viii) all nominated *Rhapiolepis* species shall be deleted and replaced with non self-seeding species of similar form and size,
- ix) all palm planting (*Livistona australis*) shall be installed at a minimum 2 metre tall clear trunk size where indicated under item iv), or otherwise at a minimum 3 metre tall clear trunk size,
- x) all tree planting shall be installed at 100 litre container size as per Plant Schedule,
- xi) the proposed planting front of the existing exposed rock face, within the road verge, shall be part of the proposed road reserve works application under section 138 and 139 of the Roads Act.

Prior to the issue of an Occupation Certificate, details from a landscape architect or landscape designer shall be submitted to the Certifying Authority, 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 Plan and any conditions of consent.

For all new residential works with two or more dwellings and mixed use developments, a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.