

Landscape Referral Response

Application Number:	DA2018/0487
Date:	24/05/2018
Responsible Officer:	
Land to be developed (Address):	Lot 45 DP 6040 , 4 Brookvale Avenue BROOKVALE NSW 2100

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 rear of the site contains significant rock outcrops. Comment was made in pre-lodgement noted regarding protection of the outcrops, particularly the escarpment through the rear of the site.

The plans provided indicate that the escarpment is to be removed to accommodate the development.

Additionally, the landscape plan provided indicates removal of rock at the rear of the site to create level garden areas with significant retaining walls near the boundary.

In view of the extent of rock proposed to be removed and the prominence of the rock in the rear of the site, the proposal is considered to be inconsistent with the Aims of WLEP 2011, the Objectives of the R3 Zone, C7 Excavation and landfill and WDCP E6 Retaining unique environmental features.

The proposed OSD tank is located in the front setback. The structure as indicated on the Stormwater Plans is 5m x 4.5m size, flush with the ground level. The landscape plan indicates low planting over the tank and the sections and elevations indicate landscaped embankment. The location of the tank and hydraulic design indicates that the tank requires flat land without landscape cover.

The location of the OSD structure in the front setback prohibits planting of canopy trees to assist with integrating the development to the streetscape and soften bulk and scale of the building.

The landscape plans indicate no canopy trees within the front setback area on either side of the driveway.

The location of the OSD structure in the front setback and lack of opportunity for provision of suitable soft landscape elements in this area is considered to be inconsistent with WDCP B7 Front Boundary Setbacks and D1 Landscaped Open Space and Bushland Setting. It is also likely based on the OSD details provided that the area of the tank does not qualify to be included in landscaped open space calculations over the site.

At this stage, the proposal is not supported with regard to landscape issues.

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as Warringah) in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

- (a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,
- (b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,
- (c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,
- (d) in relation to residential development, to:
 - (i) protect and enhance the residential use and amenity of existing residential environments, and
 - (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
 - (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,
- (e) in relation to non-residential development, to:
 - (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and
 - (ii) maintain a diversity of employment, services, cultural and recreational facilities,
- (f) in relation to environmental quality, to:
 - (i) achieve development outcomes of quality urban design, and
 - (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and
 - (iii) achieve land use relationships that promote the efficient use of infrastructure, and
 - (iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and
 - (v) protect, conserve and manage biodiversity and the natural environment, and
 - (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,
- (g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,
- (h) in relation to community well-being, to:
 - (i) ensure good management of public assets and promote opportunities for social, cultural and community activities, and
 - (ii) ensure that the social and economic effects of development are appropriate.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone:

- (a) the objectives for development, and
- (b) development that may be carried out without development consent, and
- (c) development that may be carried out only with development consent, and
- (d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part:

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a

reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Plan.

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

B7 Front Boundary Setbacks

Objectives

- To create a sense of openness.
- To maintain the visual continuity and pattern of buildings and landscape elements.
- To protect and enhance the visual quality of streetscapes and public spaces.
- To achieve reasonable view sharing.

Requirements

Development is to maintain a minimum setback to road frontages.

The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways. For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.

C7 Excavation and Landfill

Applies to Land

This control applies to land to which Warringah Local Environmental Plan 2011 applies.

Objectives

- To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.
- To require that excavation and landfill does not create airborne pollution.
- To preserve the integrity of the physical environment.
- To maintain and enhance visual and scenic quality.

Requirements

1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.
2. Excavation and landfill works must not result in any adverse impact on adjoining land.
3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.
4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.

5. Rehabilitation and revegetation techniques shall be applied to the fill.
6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.

E6 Retaining unique environmental features

Applies to Land

This control applies to land to which Warringah Local Environmental Plan 2011 applies.

Objectives

- To conserve those parts of land which distinguish it from its surroundings.

Requirements

1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.
2. Development should respond to these features through location of structures, outlook, design and materials.

D1 Landscaped Open Space and Bushland Setting

Applies to Land

This control applies to land shown on DCP Map Landscaped Open Space and Bushland Setting.

Objectives

- To enable planting to maintain and enhance the streetscape.
- To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.
- To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.
- To enhance privacy between buildings.
- To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.
- To provide space for service functions, including clothes drying.
- To facilitate water management, including on-site detention and infiltration of stormwater.

Requirements

1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:
 - a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;
 - b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;
 - c) Landscaped open space must be at ground level (finished); and
 - d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.

Referral Body Recommendation

Recommended for refusal

Refusal comments

Recommended Landscape Conditions:

Nil.