

## Landscape Referral Response

<b>Application Number:</b>	DA2022/0145
<b>Date:</b>	11/05/2022
<b>Responsible Officer:</b>	Adam Mitchell
<b>Land to be developed (Address):</b>	Lot CP SP 32072 , 812 Pittwater Road DEE WHY NSW 2099 Lot CP SP 32071 , 4 Delmar 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 application seeks consent for demolition works and construction of a mixed-use development comprising a residential flat building and shop top housing, basement parking, lot consolidation and torrens title subdivision.

The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation

The proposal raises a number of issues which are considered to be unsatisfactory with regard to landscape issues.

As the issues are multiple and overlapping, referral response is provided addressing relevant components of the applicant's Statement of Environmental Effects to highlight where point of disagreement are found.

### 1. SEPP 65 Design Quality Principles Statement

## Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

Comment:

The existing site does not provide any areas of high-quality landscaping. The proposed development provides formal landscaped areas through the centre of the buildings adjoining the communal open space area. A total area of 962.8 m<sup>2</sup> of deep soil is provided to the south and east of the site promoting healthy growth of large trees. The landscaping provided will contribute to the enjoyment of these areas.

### Referral Response:

- The proposal requires the removal of 58 native trees from the site. In terms of tree canopy, this is a significant loss within the locality.
- Replanting of canopy trees is restricted by the limits placed upon the claimed 'deep soil area' to the east and south of the site as the land referred to is being used as a drainage control device from which canopy tree planting is excluded.
- Limited tree planting is only provided in above slab planters.

## 2. Apartment Design Guide Objectives – Part 3 & 4

4 Delmar Parade & 812 Pittwater Road  
Dee Why, NSW 2099

Communal and Public Open Space	<i>Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and</i>	<i>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) Developments achieve a minimum of 50% direct sunlight to the principal usable part of</i>	Yes	where possible The communal open space is identified in the development and placed
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Objective	Design Criteria	Objective Achieved	Comment
<i>to provide opportunities for landscaping</i>	<i>the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</i>		bbq and dining areas, an outdoor facilities promoting high amenity. 50% of the principal useable space achieve a minimum of 9:00 am and 3:00pm
<i>Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i>		Yes	Communal open spaces provided with varying uses, to allow for groups. The Architectural and the open space and landscaping
<i>Objective 3D-3 Communal open space is designed to maximise safety</i>		Yes	Communal open spaces are provided in open areas. They are overlooking level apartments, promoting
<i>Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</i>		N/A	Publicly-owned open space is provided in the development.

**Referral Response:**

- The Communal/Landscape plan Dwg No. TP06.04 A indicates that the calculation of solar access includes land used as a stormwater management device.
- The land is elevated above the dwellings and is not readily accessible nor particularly useable given it's primary use as controlling stormwater.
- The inclusion of the land as the 'principal useable part of the communal open space' is not supported.
- The requirement of Objective 3D-1 is not considered to be achieved.

**3.**

Deep Soil Zones	<i>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</i>	<i>Deep soil zones are to meet the following minimum requirements:</i>			Yes
		<i>Site Area</i>	<i>Min Dimensions</i>	<i>Deep Soil Zone (% of Site Area)</i>	
		<i>Less than 650m<sup>2</sup></i>	-	7%	
		<i>650m<sup>2</sup>-1500m<sup>2</sup></i>	3m		
		<i>Greater than 1500m<sup>2</sup></i>	6m		
		<i>Greater than 1500m<sup>2</sup> with significant tree cover</i>	6m		

**Referral Response:**

- The Deep Soil Zone nominated on Dwg No. TP 06.03 A as compliant with Objective 3E-1 is not considered adequate to comply with the objective.
- The area included encompasses, as its claimed compliance with the minimum 7%, retained concrete block planters separated by paving above slabs, rather than a continuous width of 6m of deep soil.
- The statement claims a total of 12%, however the claimed additional 5% is based on inclusion of the extension of the stormwater management device which also is restricted from containing shrubs and trees.
- Additionally, the total area included is the land used for stormwater management which does not allow for nor support healthy plant and tree growth.

The requirement of Objective 3E-1 is not considered to be achieved.

**4.**

	Objective	Design Criteria	Objective Achieved
Landscape Design		<i>Objective 4O-1 Landscape design is viable and sustainable</i>	Yes
		<i>Objective 4O-2 Landscape design contributes to the streetscape and amenity</i>	Yes
Planting on Structures		<i>Objective 4P-1 Appropriate soil profiles are provided</i>	Yes
		<i>Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance</i>	Yes
		<i>Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces</i>	Yes

**Referral Response:**

- The Landscape Design is not considered adequate as it relies on tree shrub and groundcover planting over slab in masonry planters, not deep soil areas.
- The design relies heavily on palm species which are exempt species under WDCP. (*Archontophoenix cunninghamiana*, *Archontophoenix alexandrae* and *Howea fosteriana*)
- The plans indicate planting of *Elaeocarpus eumundii* in narrow planters at the northern entrance to the site which will not be able to achieve growth true to their genetic disposition.
- 4 x *Banksia integrifolia* are indicated in planters. These would appear to be the only larger trees proposed on the site.
- In view of the removal of 58 existing native trees from the site, the proposed replanting of canopy trees is considered inadequate for a site and development of this size.

5.

The proposal is consistent with the relevant objectives for the De Clause 7.3, as follows:

- The proposal responds to and engages with the southern Gardens and protects the scenic qualities of Dee Why and it compliant height.

**Referral Response:**

- The proposal provides a sheer wall of apartments to the Stoney Range Botanic Garden. No transition to the reserve is provided.
- The tree removal plan indicates removal of trees from the reserve, which is not supported.
- No assessment of the extent of shadow and impacts on the vegetation of the reserve has been provided.
- A more generous and meaning full transition to the reserve would be anticipated for such a development.

6.

The proposed development is considered to exhibit design excellence for the following reasons:

- The bulk, massing and modulation of the proposal responds to the anticipated built form character for the site as identified by the WLEP and WDCP and will sit comfortably within the streetscapes surrounding the site. In particular, the proposal properly defines the street edge of the site and responds sympathetically and addresses the Botanic Gardens directly opposite to the south.
- The proposal provides a unique communal open space offering which exceeds the minimum size requirement and which offers a high level of amenity to the future occupants by being easily accessible from within the building, comprising both under cover and exposed areas. The under cover area comprises a multi-use space at the southern end of Building A on the ground floor level which provides for board washing area, outdoor gym and yoga space, and also BBQ facilities.

**Referral Response:**

- The location of the BBQ facilities adjacent to the southern end of Building A is considered inappropriate as it is directly below apartment buildings, affecting amenity for those residents.

7.

- The proposal will not result in any significant adverse impacts to adjacent properties.
- The proposed development does not adversely impact view corridors from the public domain.

**Referral Response:**

- These aspects have not been adequately addressed in the application.
- No assessment of impacts from adjoining properties and view analysis from the public domain has been provided.

8.

Part E The Natural Environment

Control	Response	Compliance
E1. Private Property Tree Management	<p>The Arboricultural Impact Assessment prepared by Dr Treegood which accompanies the application identifies the trees that may be impacted by the proposed development. The report identifies the trees proposed to be removed and those proposed to be retained and protected during construction.</p> <p>The proposed development requires the removal of the majority of trees from the subject site. Whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees, particularly having regard to the steep fall of</p>	Yes



Control	Response	Compliance
	<p>the land and required excavation. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Ground Ink landscape architects which accompany this application.</p>	
<p>E2 Prescribed Vegetation E5 Native Vegetation</p>	<p>Immediately to the south of the site is a car park, beyond which is the Stony Range Botanic Garden which is identified as native vegetation. However, the subject proposal does not result in any adverse impact to the Stony Range Botanic Gardens.</p> <p>The subject application is accompanied by a Flora and Fauna Assessment Report prepared by Dr Steven Douglas which provides an assessment of threatened flora, fauna, and ecological communities for a proposed redevelopment and confirms that:</p> <ul style="list-style-type: none"> <li>• The site is not shown on the Biodiversity Values Map (see Map 2) and does not trigger the Biodiversity Offsets Scheme (BOS) on that basis.</li> <li>• The area of 'native vegetation' proposed for clearing is below the lot zoning threshold and does not trigger the BOS on that basis.</li> <li>• A 5-part test of significance has been conducted in this report and does not find a significant impact could occur to any threatened species or ecological community, so the BOS is not triggered on that basis.</li> </ul>	<p>Yes</p>

Landscaping		
1. Where possible, existing trees should be retained, particularly where they are adjacent to the public domain. 2. A minimum of 20% of the site area is to be provided as landscaped area,	The proposal provides in excess of 20% of the site area as landscaped area which is capable of growing plants, grasses and trees.	Yes

**Referral Response:**

- The application proposes removal of all trees from the site, and the tree removal plan indicates removal of trees from the adjoining reserve.
- 58 native trees are to be removed. 15 non-exempt native trees and 3 non-exempt exotic trees are proposed on the site, all located within raised planters over slab.
- Replacement tree planting is considered inadequate to address the control.
- Impacts of overshadowing on the vegetation and amenity of Stoney Range Botanic Gardens have not been adequately assessed.

**9.**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Guidelines (in italics) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning (now the Department of Planning and Environment).

- What are the potential impacts on adjacent properties in terms of:
  - relationship and compatibility of adjacent land uses?
  - sunlight access (overshadowing)?
  - visual and acoustic privacy?
  - views and vistas?
  - edge conditions such as boundary treatments and fencing?

The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties. These issues have been discussed in detail in the body of this Statement.



## Flora and fauna

As discussed elsewhere in this Statement, the proposed development requires the removal of a number of trees. The proposed development will introduce a landscaped character to the site and will significantly increase vegetation in this location in comparison to the current situation. The proposed landscape scheme will enhance the amenity and liveability for residents and contribute positively to the surrounding streetscapes.

### **Referral Response:**

- The proposal has inadequately addressed the Relationship and compatibility with adjoining properties, Sunlight access, Visual privacy, Views and vistas and Boundary treatments.
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- The proposal is therefore not supported with regard to landscape issues.

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.