

Landscape Referral Response

Application Number:	DA2023/1708
Date:	06/06/2024
Proposed Development:	Demolition works and construction of a Recreation Facility (indoor) with signage
Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 2743 DP 752038 , 431 Pittwater Road NORTH MANLY 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 development application is for the demolition of the existing site structures and the construction of a purpose-built gymnastics and multisport facility. Landscape Referral assess the application against Warringah Local Environmental Plan 2011 (WLEP) and the following Warringah Development Control Plan 2011 (WDCP) clauses (but not limited to): D9 Building Bulk and E7 Development on land adjoining public open space.

Updated Landscape Referral comments:

In response to the previous comments and concerns from Landscape Referral, updated Landscape Plans are submitted for consideration. The following amendments are noted in the Landscape Plans to address the Landscape Referral concerns:

- generally the Landscape Plans provide a scheme appropriate to the setting with trees and other planting proposed to reduce the built form and prominence of hard surfaces, however the species selections are inappropriate for the soil conditions including occasional inundation, and this is discussed in detail within this referral,
- a 3 metre wide zone along the eastern boundary is provided to allow for suitable screen planting as a landscape buffer between the development and the public open space, and this area shall be mass planted with small trees and other planting,
- the prominent existing planting of trees and hedges along the streetscape boundaries of Pittwater Road and Kentwell Road is retained to maintain the existing streetscape character,
- the proposed 2 metre high 'spearhead' fencing is removed from the Master Set Plans however the notation remains on the Landscape Plans and conditions shall be imposed for removal of all such references,
- existing trees to be retained and removed are indicated on the Landscape Plans.

The Landscape Referral suggestion to remove parking bays to accommodate tree planting has not eventuated, and in consideration of Council's Traffic Engineer Referral comments on the development parking provision, removal of parking bays is not considered feasible.

The submitted Arboricultural Impact Assessment (AIA) provides assessment of existing trees impacted or otherwise by the proposed works and provides retention values for all identified trees. It is noted that the AIA report includes exempt species however this is incorrect as the exempt provisions of the WDCP only apply to private land and not public land. Landscape Referral raise no objections to removal of the following trees within the lease area that are impacted by the proposed works: trees identified as number T15, T16, T18, T20, T23, T27, T28, T29, T30 and T31. The following trees within the lease area and fronting Pittwater Rd / Kentwell Road shall be preserved and protected: trees identified as number T17, T19, T21 x 2, T24 and T25, and additionally the existing Duranta shrub hedge fronting Pittwater Rd / Kentwell Road. All trees outside of the lease area and in proximity to the proposed works shall be preserved as follows: trees identified as number T1 to T14 and T25.

The proposed exit path shown on the Master Set Plans and Landscape Plans encroaches onto the public open space beyond the lease area, and whilst connection to public land is supported to achieve a pedestrian link, stairs are to be contained wholly within the lease area and conditions shall be imposed that beyond the lease area an at-grade path only is to be constructed. The proposed lawn area eastward of the café deck is considered inappropriate as this area will be in shade and Landscape Referral require this area to be mass planted, consistent with the adjacent 3 metre wide landscape buffer to achieve a landscape transition between the development and the public open space, and conditions shall be imposed.

In assessing the Landscape Plans and specifically the planting scheme, it is evident that the selected species are not appropriate for surviving periods on inundation and conditions shall be imposed for Amended Landscape Plans to be issued to Council for approval prior to the release of a Construction Certificate. The following species nominated on the Landscape Plans are prone to failure from high water table soil conditions / occasional inundation: Angophora, Westringia, Pimelea, Telopea, and Hibbertia, and these shall be replaced in the Amended Landscape Plans. Proposed trees shall be located appropriately based on available soil area and tree species shall vary from small to larger trees. To assist Landscape Referral provide the following suggested species list: trees - Eucalyptus robusta, Tristaniopsis laurina, Melaleuca linariifolia, Callistemon salignus, Backhousia citriodora, Elaeocarpus reticulatus, Livistona australis; shrubs - Leptospermum laevigatum, Callistemon species, dwarf Melaleuca varieties, Baeckea linifolia, Doryanthes excelsa; tall grasses - Lomandra hystrix, Dianella caerulea, Ficinia nodosa, Juncus kraussii. In principle to assist with the planting scheme, trees and groundcovers are the typical planting association for areas prone to inundation with shrubs in less occurrence.

Along the eastern 3 metre wide landscape buffer zone, the following planting is suggested: Elaeocarpus at 3 metre centres and other selected understorey planting as selected, and conditions shall be imposed.

All construction plans shall be amended prior to the release of a Construction Certificate to ensure no subsurface nor above ground utilities and structures within the 3 metre wide landscape buffer zone along the eastern boundary, except for the exist path connection to the public open space, and this matter is deferred to the Assessing Planning Officer for imposition of conditions.

Previous comments:

The PLM2023/0053 Pre-lodgement notes expressed the following concerns relative to the landscape outcomes of the development including:

- *The building needs to be repositioned to increase the setback of the building further back from*

Kentwell Road and Pittwater Road to allow sufficient space for landscaping to help reduce the visual bulk of the building,

- Impacts upon the landscape character, public use, visual appearance, and enjoyment of the adjoining reserve sports field areas and the prominence of the building within the open space landscape character of the recreational areas of Nolan Reserve,*
- Prominent built form to the streetscape of Kentwell Road and Pittwater Road,*
- To establish a landscape outcome to satisfy D1 and generally provide a suitable landscape outcome, the northern (Pittwater Road) and western (Kentwell Road) streetscape frontage should provide the majority of landscape area, whilst the southern lease area may not necessarily require landscape areas,*
- That the existing landscaped buffer character be maintained and that adequate garden bed width is provided to retain the existing planting if feasible; or mass plant with small trees and tall shrubs,*
- The landscape buffer along both Pittwater Road and Kentwell Road street frontage shall be preserved.*

Landscape Referral have reviewed the submitted Arboricultural Impact Assessment (AIA) report and Landscape Plans. Given the concerns as listed below, Landscape Referral shall withhold from the assessment of the AIA report and the Landscape Plans at this stage, as amendments are sought that will require adjustments to the AIA report and the Landscape Plans.

Landscape Referral raise concerns regarding the site planning layout that consequently impacts upon the landscape outcome that, based on the presented documents is unable to deliver an appropriate development outcome when in consideration of the impacts to streetscape amenity and impacts to the adjoining recreational open space land, and the following issues are expressed:

- Overall the site planning distribution of building and the car park hard surfaces as proposed results in an inadequate landscape transition from the development site to the streetscape and to the recreation land, and the outcome is a prominent built form as presented to the streetscape and to the recreational land.*
- It is considered that a re-arrangement of the layout is required to enable achievement of the landscape outcomes desired by WLEP and WDCP including relocating the building away from the playing fields of Nolan Reserve, and car parking away from Pittwater Road and Kentwell Road streetscape.*

In detail, the concerns relate to:

- Whilst the Plans including the Landscape Plans indicate retention of the existing vegetation planting along the eastern common boundary with Nolan Reserve, an overlay prepared by Landscape Referral (refer figure 1) indicates that the documentation is not accurate in locating the existing elements relative to the proposed works, as the existing vegetation is in fact located in close proximity to the proposed building wall alignment such that expected construction scaffolding and access will require removal of all the existing vegetation. It is noted that the AIA report lists the existing vegetation as exempt species however this is incorrect as the exempt provisions of the WDCP only apply to private land and not public land. Furthermore as the setback zone of 3.0 metre is subject to structures such stairs, paths for fire egress, and most likely utility services, the available width for replacement planting with small trees and other vegetation is not likely to establish in a zone interrupted by structures.*
- Whilst the Plans including the Landscape Plans indicate retention of the existing vegetation planting along the streetscape boundaries of Pittwater Road and Kentwell Road, an overlay prepared by Landscape Referral indicates that the documentation is not accurate as the existing trees and other vegetation are impacted by the proposed works.*
- The existing landscape buffer frontage to Pittwater Road and Kentwell Road is a prominent landscape feature that should be preserved and it is noted that the AIA report notes the following trees: T2 and T22 (Swamp Cypress), T24 (Weeping Bottlebrush) as high retention value trees and these shall be preserved through limiting encroachment into the tree protection zone. The Plans including Landscape Plans do not indicate retention. Additionally Landscape Referral consider that*

T24 (Crepe Myrtle) located within the vegetation hedge is worthy of retention and note that the exempt provision for the species does not apply. For information, contrary to the Plans and including Landscape Plans, the AIA report identifies the following trees for retention: 1, 2, 5, 8, 9, 10, 11, 14, 17, 20, 21, 22 and 24, and all plans and reports shall be co-ordinated.

- The extent of hard paved surfaces does not equate to an environmentally sensitive site planning layout and car parking shall incorporate tree planting.*
- The proposal for a 2 metre high 'spearhead' fence and entry gate along the lease boundary privatises the development and is not necessary for a public facility on public land.*

To achieve a reasonable solution to meet the objectives and requirements of WLEP and WDCP clauses D9 and E7, the following advice is suggested:

- Review of the built elements that will be located within the 3.0 metre setback zone adjoining Nolan Reserve to provide at least an unobstructed 2.0 metre wide landscape buffer zone to support small tree planting and understorey vegetation.*
- Review hard surface layout impacting the existing prominent landscape tree and vegetation buffer along the streetscape of Pittwater Road and Kentwell Road to preserve this existing landscape buffer.*
- Consider shade tree planting to car parking areas, and it is suggested that parking bays should be removed to accommodate tree planting.*
- Remove all proposed lease boundary fencing that offends public access.*

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

Amended Landscape Plans

Amended Landscape Plans shall be issued to Council for approval prior to the issue of a Construction Certificate to include the following details:

- a) the exit path connection to public open space shall ensure that proposed stairs shall be wholly contained within the lease area and that only an at-grade path beyond the lease area is to be constructed,
- b) the proposed lawn area shall be deleted and replaced as a planted landscape buffer continuing the planting along the eastern boundary, whereby the 3 metre landscape zone is planted as imposed by conditions,
- c) the 3 metre landscape zone along the eastern boundary shall not contain any subsurface nor above ground utilities and structures, except for the exist path connection to the public open space,
- d) the 3 metre landscape zone along the eastern boundary shall be mass planted with small trees and other planting, including *Eleocharis reticulatus* at no more than 3 metre centres,
- e) all references to the 2 metre high 'spearhead' fencing shall be deleted from documents,
- f) the following nominated species shall be deleted: *Angophora*, *Westringia*, *Pimelea*, *Telopea*, and *Hibbertia*; and replaced with the following suggested species: trees - *Eucalyptus robusta*, *Tristanopsis laurina*, *Melaleuca linariifolia*, *Callistemon salignus*, *Backhousia citriodora*, *Elaeocarpus reticulatus*, *Livistona australis*; shrubs - *Leptospermum laevigatum*, *Callistemon* species, dwarf *Melaleuca* varieties, *Baeckea linifolia*, *Doryanthes excelsa*; tall grasses - *Lomandra hystrix*, *Dianella caerulea*, *Ficinia nodosa*, *Juncus kraussii*.
- g) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared

planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located within garden beds,

h) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at minimum 6 plants per metre square for tall grasses of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

i) the following existing trees to be retained shall be documented: trees identified as number T17, T19, T21 x 2, T24 and T25, and the existing Duranta shrub hedge fronting Pittwater Rd / Kentwell Road. All trees outside of the lease area and in proximity to the proposed works shall be preserved as follows: trees identified as number T1 to T14 and T25,

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Removal Within the Lease area

This consent approves the removal of existing prescribed trees on the subject lease area as listed below and as identified in the Arboricultural Impact Assessment:

- a) trees identified as number T15, T16, T18, T20, T23, T27, T28, T29, T30 and T31,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Tree and Vegetation Protection

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

- i) all trees within the lease area not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment under section 6,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,

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 AS4970-2009 Protection of trees on development sites,

ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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.

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

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

Landscape Completion

Landscape works are to be implemented in accordance with the approved Amended Landscape Plans.

Prior to the issue of an Occupation Certificate, details from a landscape architect or landscape designer) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained by conditions, including the following information:

a) compliance to any Arborist recommendations for tree protection generally and during excavation works,

b) extent of damage sustained by vegetation as a result of the construction works,

c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

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 Amended Landscape Plans and any conditions of consent.

Reason: To maintain local environmental amenity.