

Landscape Referral Response

Application Number:	DA2020/0502
Date:	15/07/2020
Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 34 DP 4689 , 36 Bardo Road NEWPORT NSW 2106 Lot 33 DP 4689 , 34 Bardo Road NEWPORT NSW 2106

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 proposes the demolition of existing buildings and structures and the construction of a 12 dwelling seniors housing development under SEPP65 - Seniors Housing, including the consolidation of the two existing allotments into one lot.

In the landscape assessment of this application, consideration of the submitted Landscape Plan prepared by Susan Read Landscapes and the Arboricultural Impact Assessment & Tree Protection Plan prepared by Joshua's Tree Service is assessed against the following relevant controls:

- Housing for Seniors or People with a Disability: clause 33 Neighbourhood amenity and streetscape, clause 34 Visual and acoustic privacy, and clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings
- Pittwater 21 DCP Controls: B4.22 Preservation of Existing Trees and Bushland Vegetation, C1.1 Landscaping, C1.21 Seniors Housing, and C1.24 Public Road Reserve - Landscaping and infrastructure

The following landscape outcomes are to be achieved to satisfy the relevant Housing for Seniors or People with a Disability controls:

- clause 33 Neighbourhood amenity and streetscape: the proposed development should: (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) retain, wherever reasonable, major existing trees
- clause 34 Visual and acoustic privacy, the proposed development should: consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping
- clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings: on any of the following grounds (c) landscaped area: if (ii) in any other case - a

minimum of 30% of the area of the site is to be landscaped; (d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres

In consideration of clause 33 (e) it is considered that the available deep soil area on the surface will only permit the establishment of small and possibly medium sized trees and not the large tall-trunk canopy trees that existed upon the site and as evident in the locality, including large Turpentine, Stringy Barks, and Spotted Gums, which require substantial surface areas.

The control intent of clause 34 to provide visual privacy to neighbours is able to be achieved along the rear boundary, subject to selection of appropriate tree species, but is not able to be achieved for much of the side boundaries where basement alignment close to the boundaries will limit the possibility for planting of a size that will offer screening. Concern is raised that for the proposed ground floor apartments 1, 2, 3, 4 and part 5 and 6, insufficient landscape garden width and soil volume is available to support planting capable of providing privacy to adjoining neighbours.

Whilst the numerical compliance of the proposal confirms that clause 50 is not a reason for refusal, the area allocated as deep soil to support the growth of trees is limited to the rear boundary area, albeit that only small to medium sized trees may be possible in this area. The front setback planting opportunities within deep soil is limited to one tree in the south west area as the front setback contains built elements within the deep soil area preventing planting of trees with the inclusion of the following elements in to the deep soil area: underground OSD encroachment, basement stairs, walling, entry path, and an extensive ramp. These elements reduce the deep soil area capable of supporting trees and as such only shrub and groundcover planting would be capable to establish. Concern is raised that the built form is not softened by this proposal and does not meet the requirements of Clause 33 Neighbourhood amenity and streetscape, of SEPP65, nor the requirements to minimise the bulk and scale as referenced in C1.1 Landscaping and C1.21 Seniors Housing of the Pittwater 21 DCP.

The following landscape outcomes are to be achieved to satisfy Pittwater 21 DCP:

- C1.1 Landscaping: retention of canopy trees; a range of low lying shrubs, medium to high shrubs and canopy trees shall be retained or provided to soften the built form; the front of buildings shall be landscaped to screen those buildings from the street by 50%, with consideration for clause 37 Crime prevention under SEPP65 - Seniors Housing; screening shall be of vegetation (not built items) when viewed directly onto the site
- C1.21 Seniors Housing: visual bulk and scale of development is limited
- C1.24 Public Road Reserve - Landscaping and infrastructure: a 1.5m footpath across the development site frontage shall be provided, noting a footpath of less width exists to Seaview Ave; street tree planting at 6m centres is to be provided within the road verge

In its current design layout, the front setback to Bardo Rd of 6m is inadequate to support planting of trees to soften the built form as the frontage is occupied by OSD encroachment, basement stairs, entry path, front boundary walling, services, and an extensive ramp, that reduces the deep soil area capable of supporting canopy trees to the eastern end of the site frontage where one tree is proposed. The proposed tree planting of *Angophora costata* (a large canopy tree capable of attaining 20 metres and more) is located in close proximity to the building, walling, stairs and services, such that its long term establishment and survival is unlikely. The remaining landscape area proposes shrub and groundcover

planting. Thus the built form is not softened by this proposal and does not meet the requirements of Clause 33 Neighbourhood amenity and streetscape, of SEPP65, nor the requirements to minimise the bulk and scale as referenced in C1.1 Landscaping and C1.21 Seniors Housing of the Pittwater DCP. To support the application proposal, deep soil area within the front setback shall be provided that will be of sufficient surface area to allow for the establishment of canopy trees. Under C1.1 Landscaping, references are provided including the requirement for each tree planted to have a minimum of 3 metres x 3 metres of ground area, and located a minimum of 5 metres from existing and proposed built structures.

The rear setback is 6.11m, excluding the paved terrace areas that reduce the rear setback to approximately 4.8m from paved terraces to the boundary. The landscape proposal includes the planting of four tall-trunk canopy trees, two located close to each other at the north-east boundary, one at the north-west boundary, and one forward of the paved terraces to apartment 7, and in consideration of the location of existing trees. Concern is raised that this setback distance is not adequate to support such large tall-trunk canopy trees and in fact is only suitable for small to medium sized trees, which with their canopy density are likely to impact upon solar access to the apartments.

The landscape proposal for the side setbacks is inadequate to provide privacy to adjoining properties, with the exclusion of the landscape proposal shown along the side boundaries for apartments 7 and 8. The landscape proposal along the remaining side boundaries contain planters or at-grade gardens of insufficient width to support planting to achieve privacy. Planters and at-grade gardens are to be increased in width to provide sufficient soil volume to support planting capable of achieving at least 3 metres in height at maturity, as well as small tree planting, and removal or reduction of the proposed lawn areas shall be undertaken.

The development proposal retains five trees of medium or high significance within the site identified in the Arboricultural Impact Assessment & Tree Protection Plan as trees 6, 7, 8, 16 and 32. Tree 6 - Norfolk Island Pine located at the front of No. 36, and tree 39 - Cheese Tree located at the rear of No. 34 are trees of high significance. Two of the existing street trees are proposed for retention, and no trees on adjoining properties are to be impacted upon.

Concern is raised in regard to the protection of the high retention value Norfolk Island Pine. In the first instance, the existing Norfolk Island Pine shall be retained and Council requires the development is to be designed to accommodate the future health and growth of this tree by aligning built elements such as basement excavation, building setback, paved terraces, ramps and the like to a distance away from the Norfolk Island Pine as determined by the structural root zone and tree protection zone requirements.

Council does not accept the Arboricultural Impact Assessment & Tree Protection Plan statement "*If the development is approved in its current form the retention of this tree will need to be considered flexible by Council, as there is no way to determine the impact the basement will have on its structural integrity until excavation takes place, and actual roots can be observed and assessed.*" The arboricultural assessment and recommendations, instead, shall be revised to provide a definitive setback distance from the Norfolk Island Pine where no development activity is permitted, and this advice will be reflected in the design layout of any proposed basement excavation, building setback, paved terraces, ramps and the like. The structural root zone is calculated at 3.01m and the tree protection zone is calculated at 9.24m, and with a 10% intrusion into the tree protection zone as permitted under Australian Standard 4970-2009 Protection of Trees on Development Sites, it is feasible to provide advice on the "no-go" surface areas that shall not have built elements proposed upon, and further to advise of the tree protection measures required should intrusion occur over and above the 10% encroachment limit.

It appears that the alignment of the basement wall considers the impact upon structural root zone

through an indication that vertical pile construction shall be utilised, however the extent of any batter shall be provided to allow the arboricultural assessment to be accurate. The impact to the Norfolk Island Pine from excavation for paved terraces, ramp walls, and the front boundary wall will potentially impact upon the Norfolk Island Pine. The proposal shall provide definitive construction methodology to ensure minimal impact to the Norfolk Island Pine including an alternative design layout to reduce the built elements within the tree protection zone.

In it's current form and in consideration of the landscape and arboricultural concerns raised, the application can't be supported.

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.