

Landscape Referral Response

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| Application Number: | DA2022/1985 |
| Date: | 19/01/2023 |
| Proposed Development: | Demolition works and construction of a residential flat building. |
| Responsible Officer: | Maxwell Duncan |
| Land to be developed (Address): | Lot A DP 412396 , 27 Waine Street FRESHWATER NSW 2096 |

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

Council's Landscape Referral have assessed the application against the following relevant landscape controls and policies:

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65) under: clause 28(2) (a) (b) and (c), including Schedule 1, Principle 5: Landscape,
- the associated Apartment Design Guide, including the objectives of control 3E Deep Soil Zones, 4O Landscape Design, 4P Planting on Structures, and
- Warringah Local Environmental Plan (WLEP) 2011 and the following Warringah Development Control Plan (WDCP) 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 landscape proposal is required to satisfy Schedule 1 Design quality principles of SEPP65, including:

- Principle 5: Landscape - positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood; 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; optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Additionally, the objectives of the Apartment Design Guide shall be satisfied as follows: 2G Street Setback: to contribute to the landscape character; 2H Side and rear setbacks: to achieve setbacks that maximise deep soil areas and retain existing landscaping and support mature vegetation; 3C Public domain interface: as contributes to the quality and character of the streetscape; 3D Communal and public open space: to provide residential amenity; 3E Deep Soil Zone: to promote the retention and/or establishment of canopy trees to provide shade and amenity for residents, as well an achieve environmental benefits and stormwater management; 4O Landscape Design: to contribute to the setting

of the property within the locality; and 4P Planting on Structures: to provide amenity, improve air quality and microclimate, and reduce direct energy use and stormwater runoff, and supplement deep soil planting.

Landscape Plans and a Arboricultural Impact Assessment are provided with the development application in accordance with Council's DA Lodgement requirements.

On review of the proposed development, and more particular the development architectural built form footprint and its impact on landscape setting, it is considered that Principle 5 Landscape of SEPP 65 is not satisfied. The landscape character of the streetscape and neighbourhood is altered, with the loss of existing tree canopy that is unable to be replaced as the available landscape areas proposed will not support trees of adequate size and canopy.

Whilst numerically the requirement for deep soil under Apartment Design Guide, section 3E Deep soil zones, is satisfied, the width of the deep soil area is limited and proximity to the basement and building will preclude the establishment of trees of adequate size and canopy within the deep soil area, and rather such deep soil areas may more realistically only support small tree planting at best and more likely only tall shrub planting. The Landscape Plans indication of tree planting along the south west boundary adjoining the property at 25 Waine Street includes the majority of this deep soil area as on slab thus the amount of any small tree planting is limited to one small tree per 15m³ of soil volume as guided in the Apartment Design Guide, section 3E, Table 2, and this also applies to the north west boundary area facing Waine Street. For reference medium sized trees require 35m³ and large trees require 80m³, and the available landscape areas restrict capacity to support such trees. The objectives of section 3E Deep soil zones under Apartment Design Guide, require " ... promoting healthy growth of large trees with large canopies and protecting existing mature trees which assist with temperature reduction in urban environments. ... to provide shade and amenity for residents ... ", and this is not satisfied.

The total landscaped open space of the proposed development does not satisfy the 50% requirement of WDCP clause D1 Landscaped Open Space and Bushland Setting. The application documents provide a calculation of 36% landscaped open space coverage, and the non complying landscape area will result in a landscape outcome unable to support trees of adequate size in particular to replace existing canopy loss. The objectives of clause D1 includes: enable planting to maintain and enhance the streetscape; conserve and enhance indigenous vegetation, topographical features and habitat for wildlife; 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; enhance privacy between buildings; and accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.

It is considered that the development proposal is unable to satisfy WDCP clause D1 as: streetscape landscape setting is altered; the proposal removes all vegetation within the property; is unable to soften the built form as planting of adequate size is limited; planting within the property is unable to provide reasonable privacy to adjoining buildings; and no useable landscape areas are provided for outdoor recreation.

The recommendations of the Arboricultural Impact Assessment are considered and no issues are noted with the report assessment of trees, however no further comment is provided at this stage as Landscape Referral do not support the development architectural built form footprint and its impact on landscape setting, and thus any re design of the footprint may alter the impact to existing trees and may result in retention of some trees of arboricultural value including trees 1, 2, 3, and 7.

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.