

Landscape Referral Response

Application Number:	DA2021/1341
Date:	25/08/2021
Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 17 DP 6040 , 3 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 application is for the demolition the existing site structures and the construction of multi dwelling housing containing 4 townhouses with basement level parking, and associated external works.

A Landscape Plan is provided with the application and a number of concerns are raised. The landscaped area requirement of 50% under DCP control D1 Landscaped Open Space is not satisfied due to the development footprint. It is reported in the Statement of Environmental Effects that 34.4% is provided with a landscape dimension of at least 2 metres, and that additional non-compliant landscaped areas result in a total of 40% Landscaped Open Space for the development proposal. The result of this non-compliance is that the landscape proposal does not provide a landscape outcome capable of mitigating the bulk and scale of the proposed development.

Control D1 requires that development provides for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees, and in this proposal the proposed small tree planting of Eleocarpus as the only tree planting, within limited side boundary landscape soil areas 2 metres and less in places (ie. 1330mm to basement), does not provide adequate canopy establishment nor typical mature height as indicated. Within such restricted landscape soil areas and proximity to the building, the Elaeocarpus are unlikely to achieve mature heights to soften the built form of the development, and are more likely to be managed as tall shrub/hedges.

A significant portion of the side setback is encroached by structures or is non-existent and this impacts on the ability to provide adequate planting opportunities to soften the built form as well as provide privacy to adjoining properties.

The front setback contains walls, paths, garbage store, clotheslines and lawns, and the area for garden planting is limited with inadequate tree canopy planting to soften the built form along the streetscape.

The rear setback contains garden bed planting. clothesline and lawns, and retains two existing trees. However the Landscape Plan provides notation that the existing Jacaranda identified as T12, noted as

a significant tree and proposed for retention, is an exempt species that may be removed without Council consent. Likewise the existing Conifer identified as T13 is also noted for retention, yet as an exempt species may be removed. This stance is unsatisfactory in the assessment by Landscape Referral. Should the landscape design intention be to retain such trees within the rear, then the exempt provisions are not applicable and conditions of consent may be imposed. A clear indication of the design intent is required to assess the landscape outcome of the development.

A Arboricultural Impact Assessment is provided with the application and concern is raised on a number of issues. The Statement of Environmental Effects notes that owner's consent from No. 1 Brookvale Avenue " has been obtained from this adjoining property owner in relation to the replacement of a number of trees located within their property as detailed in the accompanying arborist report prepared by Growing My Way Tree Services". This information is not included in any of the development application documents and Council requires sighting of such owners consent. Regardless of any owners' consent document it is advised that Council may not agree to any vegetation removal on adjoining properties if prescribed trees (ie. protected under the DCP) are involved that do not warrant removal.

The following trees proposed for removal upon adjoining property include: tree 5 *Callistemon viminalis* - 9.5 metres high and in good condition; tree 8 *Syzygium jambos* - 7.5 metres high and in good condition; and tree 10 *Syzygium jambos* - 8.0 metres high and in good condition. In any available tree permit application for removal, such trees without arboricultural issues would not be approved by Council for removal, and in any development application for works upon No.1 property would only be approved for removal should no design alternative be available. Development works upon an adjoining property is not a valid reason to remove these prescribed trees (ie. protected under the DCP) in this instance.

Concern is raised that the development application documents do not include a tree root investigation for tree 3 *Angophora floribunda* located within adjoining No. 1 property as recommended in the Arboricultural Impact Assessment under section 7. Recommendations "The Author's recommendation is for the Tree #3 discussed manually excavated 'live root investigation' to proceed as soon as is practicable, probably post pre lodgement meeting to see if the NBC can generally support the as proposed development concept." to assess location of tree roots impacted by the proposed development works and also to provide definitive construction recommendations for the driveway and walling that will be located in close proximity.

Landscape Referral are unable to support the application without the issues raised above being attended to.

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.