

Landscape Referral Response

Application Number:	DA2024/1430
Date:	25/11/2024
Proposed Development:	Demolition works and construction of a dual occupancy (attached) and strata subdivision
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 22 DP 5118 , 38 Undercliff Road 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

The proposal is not supported with regard to landscape issues.

The application is assessed by Landscape Referral against 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

Landscape referral notes there is opportunity for compliance to the relevant controls when a new dwelling is proposed. Concern is raised that compliant landscaped area (or landscaped open space) does not achieve the 40% requirement. Each proposed lot must be able to satisfy the landscaped area requirement individually. The requirements under WDCP D1 state *"...roofed areas...and any open space areas with a dimension of less than 2 metres are excluded from the calculation"*, and *"Landscaped open space must be at ground level (finished)"*. Furthermore, WLEP defines landscaped area as *"means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area"*. Areas of gravel are not considered of being in accordance with this definition.

Concern is also raised that some landscaped areas have a low likelihood of long term success due to the normal functioning of outdoor space (e.g. the lawn around the BBQ area). Furthermore, the lawn areas off the ground floor living spaces are covered by the level 1 footprint above which will likely create ongoing maintenance issues ultimately resulting in failure of these areas.

Compliance with the landscaped area requirements should be achieved as a new dwelling is proposed

and at this stage the proposal cannot 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.