

## Landscape Referral Response

<b>Application Number:</b>	DA2021/1463
<b>Date:</b>	21/04/2022
<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 17 DP 13900 , 33 Parr Avenue NORTH CURL CURL NSW 2099

### 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

This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of existing site structures in order to facilitate internal layout re-configurations. Additions are inclusive of a dwelling extension to the east, a new double carport, swimming pool as well as associated landscape works.

Councils Landscape Referral section has considered the application against the Warringah Local Environmental Plan, and the following Warringah DCP 2011 controls:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of trees or Bushland Vegetation

#### *Updated comments:*

The amended plans including Landscape Plans issue B have not considered the matter raised in the previous comments, including the submission of a Arboricultural Impact Assessment and updated Landscape Plans. Additionally it is noted for the privacy issues from the pool and decking remain and the landscaping does not resolve this. The landscape open space area coverage is below the DCP requirement and thus this results in an inadequate landscape outcome.

#### *Previous comments:*

The Statement of Environmental Effects provided with the application notes that no trees are to be removed as a result of proposed works. That statement is largely supported by the Architectural and Landscape Plans as no existing tree within the site is shown to be removed. It is noted that the Architectural Plan indicates that an existing street tree within the road reserve is required to be removed, however this has previously been removed a number of years ago and hence is not a contributing factor to the application.

Although it is clear the proposed site has a limited amount of existing trees and vegetation, it is noted that there is a number of significant canopy trees located in the adjoining property to the south. All trees

located in adjoining properties are considered prescribed, irrespective of species, and must therefore be retained and protected throughout proposed works. Any negative impacts to both the short-term and long-term health of these trees would likely not be supported. Concern is raised as the proposed works, specifically the swimming pool and associated paved area including the stairway at the rear of the property, appear to encroach well into the Tree Protection Zone (TPZ), as well as the Structural Root Zone (SRZ) of these neighbouring trees. It is understood that an existing brick wall is located along the boundary line, however it is unclear if this is largely above ground or if substantial footings are present. For this reason, it is difficult to determine how much this wall has impacted this tree already, and whether or not the root structure of this tree has been restricted. As no Arboricultural Impact Assessment has been provided, the true impacts of these proposed works on the health and vitality of this tree is not known. As this tree is of high landscape value and is located in the adjoining property, it is recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Councils Development Application Lodgement Requirements. This Arboricultural Impact Assessment is required to assess the true impacts of proposed works in this location, and determine what tree protection measures, if any, should be enforced to ensure this tree is retained with minimal impacts. It should be noted that an encroachment into the TPZ of this tree by 10% or more, or any encroachment into the SRZ at all, is determined to be major, and as a result requires a tree root investigation as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

As the proposal seeks to increase the total size of built form, concern is raised regarding the potential for the modified dwelling to dominate the site and negatively impact the streetscape character of the locality. Some landscaping is proposed at the front of the site, however this is likely to provide minimal screening and built form mitigation, both of which are key to satisfying control D1. As there is a portion of this front setback dedicated to lawn, it is recommended that a locally native canopy tree be proposed in this area instead, providing greater height and density in order to effectively soften and complement the proposed built form as required by this control.

To further minimise the impact of proposed works on the streetscape character of the area, it is recommended that the pedestrian extension of the carport be reduced in size as this is the dominant feature of the front facade. This carport structure is greater than 60% of the front boundary line, hence why it is such a dominant feature. This recommendation is worth noting, however the need for this change is to be determined by the Councils Planning Department. Should this pedestrian entry be reduced, there is greater opportunity for the landscape area in the front yard to be increased, in turn providing a better opportunity for significant planting to be incorporated. This increase in landscape area could also assist in bringing the total landscape area of the site more in line with the 40% minimum requirement.

Further concern is raised regarding the use of *Howea fosteriana* as this is considered an exempt species, and is therefore not a desired species. It is recommended that this be substituted for a locally native alternative. If palms are a desired landscape treatment, *Livistona australis* is a viable replacement species which would be supported. The completion of other landscape works, inclusive of a canopy tree within the front yard, is vital to satisfying control D1, as key objectives of this control include "to enable planting to maintain and enhance the streetscape", "to 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", as well as "to enhance privacy between buildings". Due to these landscape concerns, it is recommended that an amended Landscape Plan be provided which demonstrates the required palm species change, as well as the required canopy tree planting in the front of the site.

The landscape component of the proposal is therefore not currently supported due to the unknown impacts of proposed works on trees located in adjoining properties, as well as concerns raised regarding proposed plant species and the lack of native canopy tree planting. It is therefore recommended that an Arboricultural Impact Assessment be provided in accordance with Councils

Development Application Lodgement Requirements. This Arboricultural Impact Assessment is required to assess the impacts of proposed works on the significant tree located in the adjoining property to the south. It should be noted that an encroachment into the TPZ of this tree by 10% or more, or any encroachment into the SRZ at all, is determined to be major, and as a result requires a tree root investigation as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*. In addition, it is recommended that an amended Landscape Plan be provided which demonstrates the requires palm species change, as well as the required canopy tree planting in the front of the site.

Upon the receipt of the required information, further assessment can be made.

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.