

## Landscape Referral Response

<b>Application Number:</b>	DA2021/1341
<b>Date:</b>	07/02/2022
<b>Responsible Officer:</b>	Adam Croft
<b>Land to be developed (Address):</b>	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

#### *updated comments:*

Amended development proposal plans and reports are submitted, including updated Landscape Plans and updated Arboricultural Impact Assessment. As a consequence of the basement and structures layout, the landscaped area into natural ground or upon 1 metre deep planters, available for landscape treatment is represented as 33% as calculated (>2m) and shown on the architectural ground floor plan, and noting a total landscape open space area of 38.47%.

Landscape Referral maintain concerns regarding the development proposal. A conclusive position is not provided on the status of the large Jacaranda at the rear of the development site. The updated Arboricultural Impact Assessment provides no commentary as the Jacaranda is an exempt species yet the updated Landscape Plan shows this Jacaranda as retained by notation. It is noted that the existing Jacaranda provides landscape amenity as well as a landscape buffer to the adjoining rear property at 46-48 Old Pittwater Road, and removal of the Jacaranda may expose occupants to the proposed development and the Landscape Plan does not propose any tree replacement to provide privacy and to replace the net canopy loss. The previous referral response required that updated plans and reports provide a coordinated and clear indication of the design intent to assess the landscape outcome of the development.

The architectural design is updated such that the entry driveway is now relocated and subsequently the impact to existing trees within the property at 1 Brookvale Avenue is reduced to a manageable level as assessed in the updated Arboricultural Impact Assessment, requiring on site intervention by a Project Arborist. No further concerns are raised with the recommendations of the updated Arboricultural Impact Assessment, subject to the imposition of conditions.

The proposed development includes works within the public road reserve, including driveway, pedestrian ramp and walling, stairs and walling, street tree planting, and mass planting. These works are not approved under the development application and such encroachments within the road verge shall be part of the proposed road reserve works application under section 138 and 139 of the Roads Act, for approval or otherwise. Landscape Referral raise no objects for the proposed street tree planting

and all other works shall be considered by the relevant Council Officers.

Concern regarding the landscape outcome as a result of the inadequate provision of landscaped area remains. The landscape proposal is restricted by the building setbacks and basement footprint and the following inadequacy is present:

- front setback: the selected small deciduous tree planting is of a mature height (5 metres) that is insufficient to reduce the bulk and scale of the development and a larger species to achieve a mature height of at least 8.5 metres shall be recommended; the proposed lawn areas are small in area to be useful for outdoor recreation, and would likely end up as paved surfaces, and it is suggested that the lawn areas be replaced with mass planted garden to support adequate tree planting,
- rear setback: no replacement tree planting is proposed; the proposed lawn areas are small in area to be useful for outdoor recreation, and would likely end up as paved terrace extensions, and it is suggested that the lawn areas be replaced with mass planted garden,
- side setback: the northern side boundary adjacent to the property at 5 Brookvale Avenue provides no landscape opportunity to approximately half of the boundary length, to assist with reducing the built form and to provide for residential privacy.

*previous 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.