

Landscape Referral Response

Application Number:	Mod2021/0042
Date:	11/03/2021
Responsible Officer:	Penny Wood
Land to be developed (Address):	Lot 16 DP 14366 , 26 Seaview Avenue CURL CURL 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

This modification is for the minor alterations and additions to a previously approved Development Application. Alterations and additions as part of this modification include an increase to the paved area between the proposed pool and dwelling, changes to proposed landscaping, a new retaining wall along the northern boundary at the rear of the property, as well as minor increases to balcony areas with new clear glazed balustrades.

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

- B5 Side Boundary Setbacks
- C7 Excavation and Landfill
- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation

An amended Landscape Plan is provided with the modification and proposed works include the in-ground planting of trees, shrubs, grasses and groundcovers.

Concern is raised particularly in relation to the proposed new retaining wall located at the rear of the property, adjacent to the northern boundary surrounding the proposed pool. A requirement of condition B5 is to ensure "side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences". In addition, a key objective of control C7 is to "ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment on adjoining and adjacent properties". The proposed retaining wall would likely impact the neighbouring property, and therefore should not be supported as it is in contradiction to both control B5 and C7.

It is also noted that there are two existing trees within the adjoining property to the north. The proposed retaining wall is likely to cause disturbance to the existing ground level and soil within the Tree Protection Zones, and possibly within the Structural Root Zones, of these existing trees. Concern is

raised regarding the effects of the proposed works, and the impacts on the future health of these trees. As these trees are within the adjacent property, they are required to be protected.

Concern is also raised regarding some of the plant and tree species proposed for the site. The use of *Archontophoenix cunninghamiana* and *Cupressus sempervirens 'Glauca'* would not be supported as both of these species are exempt species, and shall be substituted for locally native alternatives instead. The use of native species for these trees is important to "enhance indigenous vegetation", which is an objective of control D1. In addition, there appears to be significantly less proposed planting within the front yard of the property as compared to the original approved application. This planting provided valuable screening to mitigate the height, bulk and scale of the proposed building. Concern is therefore raised regarding the removal of this vegetation as there is no longer sufficient screening and built form mitigation, which is a key objective of D1.

In its current form, Council's Landscape Referral section does not support the modification on the basis that the proposed retaining wall does not satisfy conditions B5 and C7, and that it is likely to cause impacts on existing trees within the adjacent property. The concerns raised regarding proposed tree species and the removal of shrub planting at the front of the property could be adequately addressed through new conditions to ensure an ideal landscape outcome is achieved. It is therefore recommended that an amended Architectural Plan be provided indicating the removal of this retaining wall.

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.