

Landscape Referral Response

Application Number:	DA2025/1280
Date:	24/09/2025
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool
Responsible Officer:	Adriana Bramley
Land to be developed (Address):	Lot 12 DP 829988 , 38 The Drive 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
- E6 Retaining unique environmental features

Landscape Concerns:

Landscape Referral raises concern that the proposed development does not achieve the 40% landscaped area under the WDCP requirement and this matter shall be assessed and determined under merit consideration by the Assessing Planning Officer. The calculations shown in the Statement of Environmental Effects includes non-complaint areas (e.g. area above the gym does not have sufficient soil depth).

Furthermore, some areas of the landscape proposal cannot be established as proposed due to insufficient soil depths. Section BB (drawing A2.102) shows a soil depth above the gym of approximately 160mm where trees, shrubs, groundcovers and lawn is proposed. Similarly, Section AA (drawing A2.101) shows a soil depth above the rumpus/home office of approximately 190mm where trees, shrubs and groundcovers are proposed. The following soil depths are required to support planting; 1000mm for trees, 600mm for shrubs and 300mm for groundcovers and lawn. The over excavation shown on Section AA (drawing A2.101) for the main courtyard and west courtyard is noted, and soil depths for the proposed planting shall meet the aforementioned requirements.

Concern is raised that the treatment of the landscaped area between the proposed garage and the new dwelling does not respond to the existing rock outcropping and existing landform which is contrary to WDCP part E6. Landscape Plan - Level 3 & 4 (drawing 11) shows a stair landing at RL32.87 adjacent to the southern boundary. The retaining wall immediately west of this stair landing has a top of wall level at

38.95, some 6 metres higher than the stair landing. The retaining wall further to the west again is shown to have a top of wall level of 42.35 (drawing 12), another 3.4 metres higher. The combined height of these two walls is 9.48 metres, noting the height reduces as the stairs move to the north. Concern is raised with the visual impact of these walls (and surrounding walls) which have not been shown on any elevation or section. It is suggested the proposed stair access is better integrated into the existing landform and excavation/fill is reduced where possible, and a lightweight stair construction, where required, is considered.

The Geotechnical Report suggests further investigation is required in order to determine the construction methodology for the lift shaft (tunnelling or open cut excavation). It is suggested these further investigations are completed as the open cut methodology will have a significant impact on the rock outcropping between the proposed garage and new dwelling.

Landscape referral can continue their assessment upon receipt of further information.

General Comments:

The Arboricultural Impact Assessment identified eight trees for removal. Of these eight trees, seven are located within the property boundaries and are all exempt. Exempt species within the property boundaries may be managed or removed at the discretion of the applicant without consent. One street tree, tree 1, is proposed for removal. No concerns are raised with the removal of tree 1 subject to native tree replacement planting.

Please note, all understorey planting in the road reserve will be subject for approval or otherwise under a minor encroachments application.

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.