

Landscape Referral Response

Application Number:	DA2021/1136
Date:	20/07/2021
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 13 DP 758421 , 24 Milham Crescent FORESTVILLE NSW 2087

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 demolition and filling of an existing swimming pool, as well as reconfiguration of some internal rooms and stairs. Additions are inclusive of a rear extension that is to accommodate a new master bedroom and balcony, as well as a new swimming pool and 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

The Statement of Environmental Effects provided with the application does not reference the removal of any significant vegetation, however upon review of the Architectural Plan, it is clear tree removal is required in order to facilitate proposed works. It should also be noted that no Arboricultural Impact Assessment has been provided with the application.

The Architectural Plans provided indicate the removal of approximately eleven trees as result of proposed works. It was noted that of these eleven trees, nine have been identified as exempt species, and can therefore be removed without Council's approval. Upon review of the NSW Rural Fire Service online resources, it is also clear that the site falls within a 10/50 clearing zone, meaning it can clear trees within 10m of the existing dwelling, and as a result, an additional tree identified as a 7m tall Lilly Pilly may be removed without Council's approval. This leaves one prescribed tree for removal, and due to the tree being located within the proposed pool and associated structures building footprint, the removal of this tree would be necessary. In order to compensate the removal of this tree, an additional replacement tree would be required elsewhere within the site.

Concern is not necessarily raised regarding the existing trees proposed for removal, however, it is raised regarding the impacts of proposed works on those trees marked for retention. In order to facilitate proposed works, a large number of significant walls are proposed along both the northern and

eastern boundaries. These walls appear to be located well within the Tree Protection Zone (TPZ), and possibly within the Structural Root Zone (SRZ) of existing trees to be retained within the site, as well as those located in the adjoining property to the north. As no Arboricultural Impact Assessment has been provided with the application, the full impacts of these proposed works are not fully understood. It is therefore recommended that an Arboricultural Impact Assessment be provided with the application as per Council's Development Application Lodgement Requirements, assessing the proposed works and the expected impacts on these trees. It should be noted that if expected encroachments into the TPZ are greater than 10%, or any encroachment into the SRZ, a tree root investigation is required as per AS4970-2009, specifically *Clause 3.3.3 - Major Encroachment*. No detrimental impacts to both the short-term and long-term health of these trees to be retained would be supported. The retention of these trees is vital to satisfy control E1, as key objectives of this control include "to protect and enhance the urban forest of the Northern Beaches", "to effectively manage the risks that come with an established urban forest through professional management of trees", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".

The completion of landscape works, including the required compensatory tree planting, is necessary in order to satisfy control D1, as key objectives of this control include "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". The required compensatory tree planting can be included through conditions of consent rather than through re-submitting an amended Landscape Plan.

The landscape component of the proposal is therefore not currently supported due to the unknown impacts of proposed works on existing trees, particularly those along the northern boundary in the neighbouring property, as well as those along the eastern boundary. It is therefore recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Council's Development Application Lodgement Requirements. It should be noted that if expected encroachments into the TPZ are greater than 10%, or any encroachment into the SRZ, a tree root investigation is required as per AS4970-2009, specifically *Clause 3.3.3 - Major Encroachment*.

Upon 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.