

Landscape Referral Response

Application Number:	DA2021/0197
Date:	07/06/2021
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 62 DP 14682 , 13 Iluka Road PALM BEACH NSW 2108

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

Council's Landscape Referral is assessed against the following Pittwater 21 DCP Controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D12 Palm Beach Locality

No prescribed trees as defined and protected under the Pittwater 21 DCP exist within the site. Otherwise the site contains gardens, paved areas, and lawn. An existing street tree of prominence is located within the Nabilla Road verge and existing trees are located in proximity to the proposed development works in neighbouring properties.

A Landscape Plan and a Arboricultural Impact Assessment is provided with the development application. The Statement of Environmental Effects states that the proposal will have a minor effect/increase on the existing footprint of the building, and that the proposal aims to minimise any adverse effects to the existing landscape within and around the site.

The Landscape Plan indicates planting of small native trees within the site as well as other garden planting, lawn areas, and paved areas. Subject to conditions of consent the Landscape Plan for works within the site can be supported. However, extensive encroachment planting within the public road verge is proposed and this is not supported as part of the development application. Any proposed encroachment into road reserve land shall be subject to formal approval or otherwise of a proposed encroachment under a Minor Encroachments/Constructions within Road Reserve 20/21 application.

The initial Arboricultural Impact Assessment provided with the development application proposed the removal of an existing Angophora floribunda (Rough-barked Apple), identified as T4, located within the road reserve verge of Nabilla Road. This recommendation was based on tree protection encroachment or 38% from the proposed driveway and the location of the proposed pool, as well as the required canopy pruning for construction works associated with the garage and granny flat over. The Rough-barked Apple is reported in the Arboricultural Impact Assessment as a mature specimen in good health and condition, with a medium useful life expectancy and landscape significance.

The initial Landscape Referral advised that the Rough-barked Apple should be retained as a street tree that provides streetscape amenity, and that design alternatives are available for the preservation of this tree. Design alternatives include re-design of the proposed garage alignment that is setback from the boundary and the possibly located further east in direction, and relocation of the proposed pool, where such arrangement will reduce the tree protection zone encroachment and increase the distance from the tree canopy to the proposed building.

Subsequent amended plans and an updated Arboricultural Impact Assessment is provided. The amended plans do not reflect adequate design alternative to reduce impact to existing *Angophora floribunda* (Rough-barked Apple) street tree. The driveway and garage remain in the same alignment and the pool is setback an inadequate 600mm further from the initial plans, thus the percentage encroachment is not significantly reduced. The updated Arboricultural Impact Assessment under section 3.0, part 3.4 continues to report that the impact is " ... considered to be extensive and likely to affect tree growth ...".

The updated Arboricultural Impact Assessment recommends retention of the existing *Angophora floribunda* (Rough-barked Apple) street tree with all works for the driveway crossover, pool and garage within the TPZ to be supervised by the project arborist. Council is unable to accept this as no exploratory investigations have been undertaken to validate and determine arboricultural impacts. Under section 1.3, part 1.3.5, the updated Arboricultural Impact Assessment references the requirement of Australian Standard 4970-2009 Protection of trees on development sites, noting that a major encroachment is greater than 10% of the area of the TPZ or is inside the SRZ. Where a major encroachment exists the project arborist must demonstrate that the tree will remain viable. The area lost should be compensated for elsewhere and contiguous with the TPZ. Major encroachments may require detailed root investigation works to be undertaken.

No tree root investigation works are presented to justify the long term survival of the of existing *Angophora floribunda* (Rough-barked Apple) street tree based on the current development application proposal, and likewise natural ground area lost for root growth is not compensated for elsewhere.

Landscape Referral do not support the development 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.