



Landscape Referral Response

Application Number:	DA2019/1190
Date:	02/01/2020
Responsible Officer:	Daniel Milliken
Land to be developed (Address):	Lot 1 DP 651395 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 1 DP 784268 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot B DP 966128 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 6 DP 785409 , 9999 Pittwater Road 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

The plans indicate removal of a row of eleven significant *Lophostemon conferta* (Brush Box Trees) long the northern end of Brookvale Oval. The trees form part of a listed Item of Environmental Heritage in Warringah LEP 2011.

The only reason for removal of the trees is to construct the proposed building. Alternate designs should be sought that enables retention of the trees.

In view of the status afforded them by WLEP2011, the trees should be a significant design constraint on any development proposed..

Further impacts on three additional. listed *L.conferta* tress, Trees 47. 48 and 49 (as identified in the Arborist's Report) caused by the need to excavate for a new stormwater drainage diversion. construction of retaining walls and bioretention swale are of concern. Drawings SKC05 - Storm Water and Site Works Concept Plan and SKC15 - Bulk Earthwork Plan prepared by TTW also indicate significant works around the Tree Protection Zone of these trees on the eastern side of the building and Tree 35 on the western side of the building. The combined impacts on these trees is considered likely to adversely affect their retention.

Concern is also raised regarding tree 24 and 25 on the Alfred Road side of the existing toilet block which appear to be removed on the Drawing A_0400 Site Plan prepared by Hassell and Drawing CS100 - Combined Services Site Plan prepared by LCI Consultants to accommodate proposed Authority water meter, Authority gas meter and fire hydrant booster assembly for the Centre of Excellence. Trees 74 and 75 *Cinnamomum camphora* (Camphor Laurel Trees) on the Pine Avenue

side of the ground appear significantly affected by the new sewer line required for the Centre of Excellence as indicated on Drawing CS100 - Combined Services Site Plan prepared by LCI Consultants

The removal of and high potential for damage to the listed trees as significant Cultural Landscape items is not supported.

Further, the proposal to remove the trees does not appear permissible under Part 3 Clause 10 of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 which states (emphasis added):

Part 3 Clause 10

10 Council may issue permit for clearing of vegetation

(3) A permit under this Part cannot allow the clearing of vegetation—

(a) that is or forms part of a heritage item or that is within a heritage conservation area, or

(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the council is satisfied that the proposed activity—

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

The proposed replanting of some trees within the site and adjoining parkland is not considered suitable to compensate for the loss of the trees proposed and the locations indicated bear no resemblance to the existing formal avenue planting that would be removed. The proposed locations, particularly those in the narrow area between the ramp structure on the eastern side, are not likely to enable growth to maturity.

At this stage, the proposal is not supported with regard to Landscape issues.

Relevant Planning controls (emphasis added in italics):

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Part 1 Clause 3

3 Aims of Policy

The aims of this Policy are—

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Part 3 Clause 10

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unless the council is satisfied that the proposed activity—

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

(4) A permit may be granted under this Part subject to any conditions specified in the permit

WLEP 2011

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of Warringah.

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

WDCP

E1 Preservation of Trees or Bushland Vegetation

Objectives

- 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.
- To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.
- To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.
- To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Landscape Conditions:

Nil.