

Landscape Referral Response

Application Number:	DA2020/1172
Date:	11/02/2021
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 42 DP 4689 , 54 Bardo Road NEWPORT NSW 2106

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 demolition of an existing residential dwelling, and the construction of a seniors housing development comprising of six total units.

Councils Landscape Referral section has considered the application against the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- C1.21 Seniors Housing
- D10.12 Landscaped Area - General

A Landscape Plan has been provided and proposed works include in ground planting of trees, shrubs, grasses and groundcovers, as well as on-slab planting of shrubs, grasses and groundcovers.

The Statement of Environmental Effects and Arboricultural Impact Assessment provided with the application note that a total of seventeen trees are identified on site. It is noted that two of those seventeen trees are located on an adjoining property, and shall not be impacted under any circumstances.

The Arboricultural Impact Assessment notes that a total of eight trees are to be removed due to the proposed works. Of these eight trees to be removed, two trees are exotic, with the remaining six trees being native. Majority of the tree removal will occur at the front of the property, with a total of five trees being removed as a result of existing trees being within the footprint of proposed works. The remaining three trees are located towards the rear of the property and also are located within the footprint of proposed works and have subsequently been allocated for removal.

Four trees, specifically Trees No. 1, 6, 14 and 15 are all deemed to have low tree significance and low priority for retention, as stated in the Arboricultural Impact Assessment. The remaining four trees to be removed, specifically Trees No. 5, 7, 8, and 9 are all native and significant canopy trees, with both a

high tree significance and a high priority for removal. At minimum, four large canopy trees shall be proposed to compensate the loss of these significant trees.

The Arboricultural Impact Assessment also indicates that of the seven trees to be retained (not including those on adjoining properties), three trees have no encroachment on the Tree Protection Zone (TPZ). These trees include Trees No. 2, 3 and 10. Of the remaining four trees to be retained, all have a major encroachment on the TPZ, ranging from 22% to 48% encroachment.

Tree No. 4 is located at the front of the property, with proposed work encroaching on the TPZ by 22%. With appropriate mitigation measures as stated in the Arboricultural Impact Assessment, it is likely this tree shall survive and the proposed works are seen to have a negligible impact on TPZ and Structural Root Zones (SRZ). Trees No. 11, 12 and 13 are located centrally to the site, and are proposed to form part of a communal lawn area, each with a 48%, 22% and 45% TPZ encroachment respectively. With appropriate mitigation measures as stated in the Arboricultural Impact Assessment, as well as further design modifications such as greater basement floor setback, suspended slabs where the ground floor extends into the TPZ of effected trees, as well as tree-sensitive pathways, it is still likely these trees may fail as a result of the scale of works. A tree root investigation and tree root map is needed in order to fully comprehend the extent of works and to make a sound judgement, in accordance with AS4970-2009 Clause 3.3.3 - Major Encroachment.

Due to the scale of tree loss, and the possible further loss of trees during construction, control B4.22 cannot be satisfied as the scenic value and character that the trees provide is not retained and protected.

In its current design, the front setback to Bardo Road is inadequate to support the planting of trees to soften the built form. This is partly due to the presence of the bin storage, entry paving and walkways, walling and services, but also due to the loss of trees resulting from the proposed driveway positioning. A key component of controls C1.1, C1.21 and D10.12 is that landscape shall help mitigate and reduce the bulk and scale of the built form. Clause 33 (c-i) of the SEPP also indicates that sufficient building setbacks shall be provided to reduce the bulk and overshadowing of the built form. As a result of this tree removal and lack of adequate space to plant new canopy trees, these controls and clauses cannot be satisfied.

In summary, the application documents do not provide sufficient satisfaction of development controls and clauses outlined in the Pittwater DCP and Housing for Seniors SEPP. The proposed development intends to remove, and potentially damage a large number of significant canopy trees with high retention values, with limited compensation planting to replace those lost. The built form has also not been reduced satisfactorily due to tree removal in the front setback, but also the presence of structures in within the front setback which has reduced the ability for canopy tree planting. For this reason, the landscape component of this proposal is no accepted.

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.