

Landscape Referral Response

Application Number:	DA2021/1182
Date:	27/07/2021
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 6 DP 17229 , 36 Myola 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 new residential dwelling including a double garage.

Councils Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:

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

The Statement of Environmental Effects provided with the application notes that existing trees that are overgrown or in poor condition are to be removed. Upon review of the Architectural and Landscape Plans, it is clear that all existing trees within the site are proposed to be removed. It is noted that no Arboricultural Impact Assessment has been provided with the application.

Concern is raised regarding the proposed retaining walls located on the north, south and western boundary lines. These walls appear to be located well within both the Tree Protection Zone (TPZ), as well as Structural Root Zone (SRZ) of trees located in neighbouring properties, with construction works for these walls likely to negatively impact both the short-term and long-term health of these trees. This is particularly prevalent in the adjoining properties to the south and west, and possibly the property to the north as well. As these trees are located in neighbouring properties, they are prescribed trees and are required to be protected and retained accordingly. As no Arboricultural Impact Assessment has been provided, the true impacts of these walls on existing trees is not currently known. It is therefore recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Councils Development Application Lodgement Requirements in order to assess the impacts of proposed works on existing trees in adjoining properties. In addition, this Arboricultural Impact Assessment is also required to identify species of trees removed and assess their associated health and landscape significance, as upon review of the Site Survey, there are a number of significant trees in the north-west corner of the site. Should these trees be identified as native species with high landscape value, these trees should be retained as they are well clear of proposed building works.

Further concern is raised regarding the proximity of the proposed driveway crossover to an existing street tree adjacent to the eastern boundary of the site. The proposed crossover appears to be located within the TPZ, and possibly the SRZ of this tree that is required to be retained. It is recommended the Arboricultural Impact Assessment that is to be provided also assess the impacts of this proposed crossover on this existing street tree, and as negative impacts to its on-going health and vitality would likely not be supported. It should also be noted that any encroachment into the TPZ by 10% or more, or any encroachment into the SRZ at all, is deemed major, and therefore must be accompanied by a tree root investigation as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*. The retention of this street tree, as well as other significant trees within the site and adjoining properties, is vital to satisfy control B4.22, 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 Landscape Plan provided with the application proposes the in-ground planting of trees and shrubs. No concerns are raised regarding species, however it is noted that only one canopy tree is proposed. Control C1.1 requires at least two canopy trees to be located in the front yard, with one canopy tree in the rear yard. The current proposal indicates only one canopy tree is proposed in the rear yard, with shrubs only located adjacent to the eastern boundary at the front of the site. It is recommended that an additional canopy tree be planted in the front yard in order to effectively soften the proposed built form. Considering the presence of an existing street tree and limited planting area, one tree in the front yard would suffice, however two canopy trees are required to be planted in the rear of the site. It is recommended that the Landscape Plan be updated to reflect this, however it is possible to include this requirement through conditions of consent. The completion of these landscape works, in addition with the required additional tree planting, is necessary to comply with controls C1.1 and D10.12, as key objectives of these controls seek to ensure "landscaping enhances habitat and amenity value", "landscaping reflected the scale and form of development", as well as landscaping softens and complements the built form.

The landscape component of the proposal is therefore not currently supported due to the unknown impacts of proposed works on existing street trees, and trees located in adjoining properties. It is therefore recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Councils Development Application Lodgement Requirements in order to assess the true impacts of proposed works on these existing trees which are required to be retained. It should also be noted that any encroachment into the TPZ by 10% or more, or any encroachment into the SRZ at all, is deemed major, and therefore must be accompanied by a tree root investigation 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.