

## Landscape Referral Response

<b>Application Number:</b>	DA2024/0849
<b>Date:</b>	11/07/2024
<b>Proposed Development:</b>	Construction of a dwelling house
<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 34 DP 20097 , 231 - 233 McCarrs Creek Road CHURCH POINT NSW 2105 Lot 35 DP 20097 , 231 - 233 McCarrs Creek Road CHURCH POINT NSW 2105

### 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

Inconsistent information is currently submitted within reports and plans to continue assessment.

#### Arboricultural Impact Assessment:

Specifically the Architectural Plans and Landscape Plans nominate retention of existing tree identified as T21 (Blackbutt) which is a high retention value tree of significance in the landscape setting. The Arboricultural Impact Assessment (AIA) report recommends this tree for removal due to unacceptable levels of tree protection zone encroachment and observations of structural defects. Landscape Referral consider that the encroachments are able to be reduced through relocation of the driveway and retaining walling away from T21 as an excessive turning area is available on the plans that are able to be altered. More importantly what is currently unknown is the reporting that T21 is structurally unstable as indicated in the AIA report without any documentary evidence to support this through any of the relevant investigations such as: Diagnostic Testing e.g. PICUS Sonic Tomography / Resistograph or Electrical Resistivity Tomography cross check to verify the results / and inclusion of a hazard & risk assessment. The applicant is advised that such documentary evidence is required.

Should documentary evidence be provided that T21 requires removal due to structural issues, it is noted that the existing hollow at the base of the tree is able to provide biodiversity habitat such that the lower trunk may be a valuable environmental asset to be preserved, and this specific matter shall be deferred to Council's Biodiversity Referral team.

Clarification is sought on the location of T9 recommended for removal in the AIA report based on development encroachment, and if this tree is co-owned it will require owners consent to permit removal.

The AIA report recommends the preservation and protection of two high retention value trees within the property that are located at the front south-west corner of the property (T1 Turpentine) and the rear north-east corner of the property (T15 Bangalay) as well as one medium retention tree (T18 Black She Oak). All existing native trees upon the road reserve fronting the property (T22, T23 and T25) are to be retained with one native tree (T24) proposed for removal due to the location of the proposed crossover and driveway.

#### Landscape Plans / other plans:

The C4 land zone requirements for landscape area is not achieved and Landscape Referral notes that proposals under the 60% 'landscaped area' limit the capability of the property to satisfy the landscape outcome intent of the C4 Environmental Living zone and PDCP control C1.1 as reduced areas of deep soil is available and this alters the landscape outcome. The definition of 'landscape area' under PLEP is "... a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area", and Landscape Referral raise concern that the proposed lawn area as shown on the Landscape Plan and located at the lowest terrace is unlikely to receive adequate solar access to achieve permanent establishment and given that the area is sited adjacent to internal living areas it is anticipated that a paved solution may eventuate. This matter shall be determined by the Assessing Planning Officer.

The Landscape Plan proposal includes replacement planting however tree species shall be selected based on the typical vegetation association and distribution of all planting shall be mindful of the requirements for an inner protection zone in perpetuity in accordance with Planning for Bush Fire Protection 2019, as noted in the recommendations of the Bushfire Report. Conditions of consent are able to be imposed regarding the Landscape Plan proposal.

At this stage however, the issue of justified tree removal for T21 is not currently resolved, nor is information regarding T9, and the requested information shall be submitted.

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.