

Landscape Referral Response

Application Number:	DA2021/1522
Date:	10/09/2021
Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot C DP 381427 , 189 Riverview Road AVALON BEACH NSW 2107 Lot LIC 567410 , 189 Riverview Road AVALON BEACH NSW 2107

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 demolition of an existing residential dwelling, and the construction of a new residential dwelling, inclusive of a swimming pool, double garage and new landscape works.

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
- D1.14 Landscaped Area - Environmentally Sensitive Land
- D1.20 Scenic Protection Category One Areas

The Statement of Environmental Effects provided with the application notes that a number of trees are required to be removed in order to facilitate proposed works. This statement is largely supported by the Architectural Plans as it is evident a significant number of trees are proposed to be removed. It is further noted that an Ecology Report has been provided alongside the application, however an Arboricultural Impact Assessment has not.

Generally, there a number of concerns raised with the proposal, largely relating to the removal significant, high value, native canopy trees, as well as the impacts of proposed works on those trees proposed to be retained. The Ecology Report provided has noted that a total of seventeen native canopy trees are to be removed, sixteen of which are from the Pittwater Spotted Gum Forest, an Endangered Ecological Community (EEC). Nine trees are proposed to be retained, all of which are located below the Foreshore Building Line. Two additional trees also appear to be retained within the road reserve at the front of the site.

It is noted that a Pre-Lodgement Meeting was conducted for this site, with Biodiversity Advice recommending the redesign of the built form and site layout to ensure Trees No. 13 and 27 be retained.

Tree No. 13 and 27 are of particular high value, and efforts should be made to retain these. Landscape comments also recommended that an alternative building layout be sought, particularly in the eastern portion of the site, preventing the removal of a number of significant native trees. It is evident that limited re-design has occurred, as both of these two high value trees, as well as trees towards the eastern boundary, are proposed for removal. Considering the bulk and scale of the building, it is recommended again that the site layout be re-visited, exploring opportunities to retain these two trees and other high value vegetation. That being said, the need for this is to be determined following advice by both the Planning and Biodiversity Teams respectively.

Further concern is raised regarding the impacts of proposed works on trees to be retained, specifically on those trees located in adjoining properties as well as the road reserve. Trees in neighbouring properties are considered prescribed, irrespective of species and height, and must therefore be protected and retained throughout proposed works. Any negative impacts towards the short-term and long-term health of these trees would likely not be supported. The Tree Protection Zone Diagram demonstrated that the proposed dwelling is to have an encroachment of 8.97% into the Tree Protection Zone (TPZ) of Tree No. 15, a 13.89% TPZ encroachment for Tree No. 24, and a 15.41% TPZ encroachment for Tree No. 26. These encroachments into the TPZ of Trees No. 24 and 26 are in addition to existing TPZ encroachments as result of the existing dwelling, meaning Tree No. 24 has a total encroachment of 17.69%, with the total for Tree No. 26 equalling 19.89%. Trees No. 4 and 5 are both located within the road reserve adjacent to the eastern boundary and have expected TPZ encroachments of 23.41% and 22.23% respectively, with both Structural Root Zones (SRZ) impacted as well. In addition, Tree No. 23, located in the neighbouring property to the south is also likely to be impacted by proposed works, with the proposed dwelling encroaching a total of 29.24% into the TPZ, an increase of 15.53% when compared to the existing dwelling and site conditions. It is clear that proposed works are expected to have a significant impact of these trees, with the potential to negatively impact the health and vitality of these existing trees long term. As no Arboricultural Impact Assessment has been provided, the true impacts of these works are not fully known. For this reason, it is therefore recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Councils Development Application Lodgement Requirements. This Arboricultural Impact Assessment is required to investigate the proposed works, including the required excavation, and determine the likely impacts these are to have on existing trees to be retained. The removal of any of these trees, in addition to the significant tree removal already proposed, would likely not be supported. It should be noted that any encroachment into the TPZ of existing trees by greater than 10%, or any encroachment into the SRZ, is deemed to be major, and therefore requires a tree root investigation in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

The retention of existing native canopy trees is vital to satisfying control B4.22 as key objectives of this control include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide". The retention of existing vegetation is also necessary to satisfy control D1.20, as key objectives of this control include "to achieve the desired future character of the locality", as well as "to maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component".

The landscape component of the proposal is therefore not currently supported due to the significant impacts of proposed works on existing trees and vegetation. It is recommended that an alternative building design and site layout be sought, exploring the retention of key native trees, including Trees No. 13 and 27, as well as other significant vegetation towards the eastern boundary. In addition, it is also recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Councils Development Application Lodgement Requirements. This Arboricultural Impact Assessment is required to investigate the proposed works and determine the likely impacts

these are to have on existing trees to be retained. It should be noted that any encroachment into the TPZ of existing trees by greater than 10%, or any encroachment into the SRZ, is deemed to be major, and therefore requires a tree root investigation in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

Upon the receipt of the required information and documentation, 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.