

Landscape Referral Response

Application Number:	Mod2024/0570
Date:	17/10/2024
Proposed Development:	Modification of Development Consent DA2022/1675 for Alterations and additions to a dwelling house including a swimming pool
Responsible Officer:	Reeve Cocks
Land to be developed (Address):	Lot 30 DP 25654 , 57 Cutler Road CLONTARF NSW 2093

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 application is for modification of development consent DA2022/1675 as described in reports and as illustrated on plans, including a reduction in the scope of approved works; the deletion of the approved swimming pool, and the removal of a tree.

The existing Angophora, identified as tree 1, was reported under development application DA2022/1675 with a minor encroachment and able to be managed and retained, and additionally the tree exhibited good vigour and only in fair condition.

The Arborist Report submitted with the modification application provides no arboricultural justification for tree removal, and rather indicates that "under the 10/50 entitlement Tree 1 can be removed without a permit from Council". This is incorrect and justification for removal is required that determines reasons why the tree is unable to be retained.

It is noted that the 10/50 Code of Practice provides protection of trees that are approved for retention under a development consent under clause 7.8 Protection of vegetation to which a legal obligation exists to preserve that vegetation by agreement or otherwise, as follows:

› Clearing under this 10/50 Code cannot be inconsistent with any of the following: any condition of development consent or approval under the Environmental Planning and Assessment Act 1979 that identifies and requires the retention and management of vegetation for conservation purposes.

To continue the assessment, an Arborist Report with justifiable reasons for tree removal is required. Furthermore it is advised that tree replacement will be required and this should be indicated on Plans.

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.