

Landscape Referral Response

Application Number:	DA2021/0624
Date:	25/05/2021
Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 11 DP 10321 , 22 Marmora Street FRESHWATER NSW 2096

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 alterations and additions to an existing residential dwelling. The proposed works include the demolition of the existing carport and studio, as well as the partial demolition of the existing dwelling. Construction works on the ground floor include an extension to the rear of the existing dwelling to include a new open plan kitchen, dining and living area, a new swimming pool and single carport, as well as a new studio located at the rear of the property. In addition to this, a new first floor is also proposed which comprises of a new master bedroom, ordinary bedroom as well as study.

Councils Landscape Referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:

- D1 Landscaped Open Space and Bushland Setting
- E1 Preservation of Trees or Bushland Vegetation

The Statement of Environmental Effects provided with the application notes the proposal seeks to retain as many existing trees and vegetation as possible, however notes some existing trees are required to be removed. This statement is supported in the Architectural Plans provided as a number of existing trees have been shown for removal. For this reason, an Arboricultural Impact Assessment has been provided.

The Arboricultural Impact Assessment has identified a total of twenty trees, two of which are located in the road reserve, four within neighbouring properties, and the remaining fourteen located within the site boundaries. Of these twenty trees identified, nine trees are proposed for retention. It is noted that all trees within the road reserve and within adjoining properties have been proposed for retention. These trees are protected under the Warringah DCP, and are therefore required to be retained and protected accordingly. It is also worth noting that two of the three trees proposed to be retained within the site boundaries are exempt species, resulting in only one protected tree within the site.

Concern is raised regarding the proposed works and the potential impacts on Tree No. 2. Tree No. 2 is located in the adjoining property to the east, and the proposed stormwater design has an expected

major encroachment of 13.92% into the Tree Protection Zone (TPZ) of this tree, with the front boundary fence footing also encroaching into the Structural Root Zone (SRZ) of this tree. The Arboricultural Impact Assessment notes that although this encroachment of 13.92% is deemed major, it is considered acceptable as Tree No. 2 is an exempt species. Although this tree is an exempt species, it is located within the neighbouring property, and is therefore protected under the Warringah DCP. For this reason, as well as that proposed works are located within the SRZ, a tree root investigation in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*, is required to ensure that the proposed stormwater design and front fence footing avoids significant roots, and that this tree can be retained with no compromises to both the short and long-term health, vitality as well as structural integrity.

Further concern is raised regarding the proposed works, specifically the rear studio, and its potential impact on Tree No. 14. Tree No. 14 is located in the neighbouring property to the west, and the proposed studio is located within both the TPZ and SRZ of this tree. The Arboricultural Impact Assessment notes that a tree sensitive construction type, the use of pier and beams, was decided on during the initial design stage. In addition to this, footings were to be hand dug. It is currently unclear in the Architectural and Engineering Plans provided whether or not pier and beams are to be utilised in this area. Section 02 on Architectural Plan DA.11 indicates some excavation is also expected at the rear of the property as a result of the proposed studio. This is within both the TPZ and SRZ, and has the potential to impact this tree's ongoing health, as well as the structural integrity and stability of this tree. The expected impacts of the studio are currently unclear, and as a result further information is needed. It is also recommended that a tree root investigation in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*, takes place in this area as impacts to this tree would not be supported. Further to this, additional information is required to demonstrate pier and beams will be utilised in this area as this construction methodology would be supported. It could also be worth indicating where pier footings should be located following this tree root investigation exercise as an Arborist should be engaged during this design process to ensure footings avoid significant roots.

The retention of Trees No. 2 and 14, as well as others noted as retained, is vital to satisfy control E1 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".

Of the eleven trees proposed for removal, seven trees have been identified as exempt species, and therefore may be removed without Council's approval. The remaining trees proposed for removal include Trees No. 12, 13, 17 and 19. Trees No. 12 and 13 are located towards the rear of the site and within the proposed footprint of the studio and its associated access stairs. Both Trees No. 12 and 13 have been identified as having fair health and condition, medium useful life expectancy, as well as low landscape significance and retention value. Trees No. 17 and 19 are located to the rear of the existing dwelling, however are located within the footprint of the proposed dwelling extension. Both Trees No. 17 and 19 have been identified as having fair health, fair to poor condition, medium useful life expectancy, as well as low landscape significance and retention value. As concern is raised regarding the number of protected trees and vegetation remaining on the site post development, compensatory planting is required. At minimum, two canopy trees shall be required to be planted at the rear of the dwelling. In addition to this, screen planting along the front and side boundaries shall also be required to enhance privacy between the site and its existing neighbours which is particularly important due to the existing mixed use building located adjacent to the site. This compensatory tree planting and additional screen planting is necessary to satisfy with control D1 as key objectives of this control include "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building", as well as "to enhance privacy between buildings". It is therefore recommended that a Landscape Plan be provided with the application in accordance with Council's Development Application Lodgement Requirements, ensuring that compensatory tree planting is

proposed, and that additional screen planting is implemented.

In its current form, the landscape component of the proposal cannot be supported due to the potential impacts on existing trees located in adjoining properties, as well as concerns revolving around privacy and the need for compensatory tree planting. It is therefore recommended that a tree root investigation in accordance with AS4970-2009, specifically *Clause 3.3.3. Major Encroachment*, take place ensuring both Trees No. 2 and 14 can be retained with no impacts to their health and structural integrity. It is also recommended that a Landscape Plan be provided in accordance with Councils Development Application Lodgement Requirements, ensuring adequate canopy tree replacements are proposed, as well as additional screen planting ensuring privacy between dwellings is retained.

Following the receipt of the required documents, 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.