

## Landscape Referral Response

<b>Application Number:</b>	DA2021/1046
<b>Date:</b>	19/07/2021
<b>Responsible Officer:</b>	Kye Miles
<b>Land to be developed (Address):</b>	Lot 351 DP 11162 , 25 Waterview Street SEAFORTH NSW 2092

### 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 construction of a new swimming pool, as well as new retaining walls, deck and pergola, all at the rear of an existing residential dwelling.

Councils Landscape Referral section has considered the application against the Manly Local Environment Plan, and the following Manly DCP 2013 controls:

- 3.3.1 Landscaping Design
- 3.3.2 Preservation of Trees or Bushland Vegetation
- 4.1.5 Open Space and Landscaping

The Statement of Environmental Effects provided with the application notes that no significant trees are to be removed as a result of proposed works. It is noted that works are located within close proximity to a number of significant native trees, hence an Arboricultural Impact Assessment has been provided with the application.

The Arboricultural Impact Assessment has identified a total of three trees, all of which are located within the site boundaries. Tree No. 1 is a significant native canopy tree located centrally within the back yard, adjacent to the proposed swimming pool. The Arboricultural Impact Assessment has identified the proposed swimming pool as having a 14% encroachment into the Tree Protection Zone (TPZ) of Tree No. 1, as well as encroaching well into the Structural Root Zone (SRZ) too. Despite the Arboricultural Impact Assessment stating that there are minimal works in the remainder of the TPZ area and beyond, the impacts expected from the proposed works are deemed major according to AS4970-2009, and have the potential to significantly impact the health of Tree No. 1. Any impacts to both the short-term and long-term health of Tree No. 1 would not be supported. For this reason, it is recommended that a tree root investigation take place as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*, in order to determine if any significant roots are impacted by the proposed works. This tree root investigation is to take place on the outer edge of the proposed pool, in line with the required excavation line. Should significant roots be located as a result of this investigation, it is recommended that an alternative pool layout be sought, ensuring that the Tree No. 1 is not impacted and can be

retained in a healthy condition. Tree No. 2 is also located within the rear of the site, with proposed works having a minor encroachment of 5.6% into the TPZ. No adverse impacts are expected as a result of proposed works. Tree No. 3 is located adjacent to the south-east boundary at the rear of the site and has been proposed for removal. Tree No. 3 is an exempt species and therefore may be removed without Councils approval. The retention of both Tree No. 1 and 2 is vital to satisfy control 3.3.2, 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 the professional management of trees", as well as "to protect and enhance the scenic value and character that trees and/or bushland provide".

It should be noted that a Landscape Plan has been provided with the application that proposes the in-ground planting of trees and shrubs. No concern is raised with the proposed landscape works.

The landscape component of the application is therefore not currently supported due to the potential negative impacts of significant trees to be retained. It is recommended that a tree root investigation take place in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*, ensuring that no significant roots are impacted by the proposed works. Should significant roots be impacted, it is further recommended that an alternative layout be sought, minimising any impacts towards existing trees, specifically Tree No. 1.

Upon receipt of the require 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.