

Landscape Referral Response

Application Number:	DA2019/0749
Date:	02/10/2019
Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 28 DP 233779 , 4 Yachtsmans Paradise NEWPORT NSW 2106

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 plans indicate construction of a pool in the rear yard over an area which is currently turfed.

No trees are proposed to be removed to accommodate the works.

An Arborist's Report was provided as additional information addressing 1 x *Laurus nobilis* (Bay tree) adjacent to the boundary on the adjoining property to the east. The tree is described as being in Fair/Poor health, Fair/Poor condition and of Low retention value

The Report indicates the pool to be located on the edge of the calculated Structural Root Zone of the tree, at 2.7m radius. Based on calculations provided in the Arborist's Report, my calculation is the at the SRZ is 2.2m from the tree, with the pool clear of this area.

Notwithstanding the above, it is considered that in this instance, the pool can be constructed in the proposed location subject to conditions, including hand digging as indicated in the Arborist's Report.

No objections are raised to approval subject to conditions as recommended.

Referral Body Recommendation

Recommended for approval, subject to conditions

Refusal comments

Recommended Landscape Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the recommendations in the Arboricultural Assessment and Development Impact report Ref No: RTC-13319 dated 23 September 2019 prepared by RainTree Consulting and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Tree Protection

No tree other than on land identified for the construction of buildings and works as shown on the building drawing can be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

Reason: To prevent the destruction of trees on other properties adjoining the development site.