

## Landscape Referral Response

<b>Application Number:</b>	Mod2024/0570
<b>Date:</b>	26/11/2024
<b>Proposed Development:</b>	Modification of Development Consent DA2022/1675 for Alterations and additions to a dwelling house including a swimming pool
<b>Responsible Officer:</b>	Reeve Cocks
<b>Land to be developed (Address):</b>	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.

Updated comment:

As outlined in the Arborist Report prepared by Arbor Express and dated 7/11/2024, the reason for tree removal of the existing Angophora identified as tree 1 is that the "development includes the installation of a new sewer line connecting to the main sewer, which is necessary to address existing major sewer issues, as the gully is higher than the internal floor level. Excavation to a depth of 1.2m is required for the sewer works to locate and install the new sewer line. Hand digging was attempted to route the sewer line beneath the existing root system, but this was unsuccessful due to the substantial amount of rock that needed to be removed. This rock cannot be removed without the use of an excavator which would impact the root system of Tree 1. Every attempt has been made to avoid the impact to the tree but it is unachievable. As such removal of Tree 1 is required to install the new sewer line connecting to the main sewer".

Landscape Referral raise no concerns as the removal is justified as described above, and a native tree replacement shall be installed within the property as imposed by conditions.

Previous comment 23.10.2024:

*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 supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

#### **Recommended Landscape Conditions:**

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **ADD Tree Removal Within the Property**

This consent approves the removal of the existing prescribed tree on the subject site as identified in the Arboricultural Impact Assessment, approved Plans, or as listed below:

- a) tree 1
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

### **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **ADD Required Tree Replacement**

- a) one locally native tree shall be planted within the property to achieve at least 10.0 metres height at maturity, and in accordance with Manly DCP Schedule 4 - Part B - Native Tree Selection, and as listed:
  - i) tree planting shall be a minimum pre-ordered planting size of 75 litres; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
  - ii) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.