

Landscape Referral Response

Application Number:	DA2021/0325
Date:	05/07/2021
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 1 DP 31074 , 2 Dixon Avenue FRENCHS FOREST NSW 2086

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. Alterations include the reconfiguration of the internal layout to incorporate a new kitchen and create a new living space, with additions inclusive of a new garage, additions to the first floor as well as a swimming pool located at the rear of the property.

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

Original Comments - 20/05/2021

The Statement of Environmental Effects provided with the application notes that all existing trees on the property are to be retained and shall not be impacted by the proposed works. It is noted that no Arboricultural Impact Assessment has been provided with the application.

Concern is raised regarding the proposed driveway, retaining walls, and the required excavation needed to facilitate the proposed garage which is below existing level. This proposed work is well within the Tree Protection Zone (TPZ), as well as Structural Root Zone (SRZ) of the existing Paperbark street tree located within the road reserve, as well as the existing Gum adjacent to the northern boundary. Upon review of these trees, both appear to be in good condition with a long safe useful life expectancy. In order to understand the full impacts of the proposed works, an Arboricultural Impact Assessment is required in accordance with Councils Development Application Lodgement Requirements. In addition to this, due to the proximity of proposed works and the expected encroachment within both the TPZ and SRZ, a tree root investigation is required to be conducted in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*. This tree root investigation should take place in line with the proposed driveway works, and if extensive significant roots are located, it is recommended that an alternative design be sought, as the removal of these trees would not be supported. The retention of these trees is vital to satisfying 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 establishment 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".

Additional concern is raised regarding the limited planting area proposed surrounding the swimming pool at the rear of the dwelling. The current proposal indicates that a planter bed approximately 0.5m wide is allocated, however this limited planting area is insufficient to grow screen and privacy planting. Screen planting in this area is particularly important for the pool, and is also a key objective of control D1 which seeks to "enhance privacy between buildings". It is therefore recommended that the Architectural Plans be amended to increase this planting area to 1m at minimum, hence ensuring sufficient planting area is provided to support the growth of screen planting that is capable of reaching a minimum height of 2.5m at maturity.

In its current form, the landscape component of the proposal is therefore not supported. It is recommended that an Arboricultural Impact Assessment be provided in accordance with Councils Development Application Lodgement Requirements, as well as a tree root investigation in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*. It is also recommended that the amended Architectural Plans be provided that propose a minimum 1m wide planter bed surrounding the swimming pool. This planter bed increase is necessary to support screen and privacy planting.

Upon receipt of the required documents, further assessment can be made.

Updated Comments - 16/06/2021

Following original concerns regarding the potential impacts of proposed works on existing trees to the north of the site, amended Architectural Plans as well as an Arboricultural Impact Assessment have been provided with the application.

The Arboricultural Impact Assessment has assessed the potential impacts of proposed works on Tree No. 1, a significant canopy tree located within the road reserve, as well as Tree No. 2, a significant native canopy tree located partially within the site as well as the road reserve. A tree root investigation has also taken place as part of the Arboricultural Impact Assessment.

Concern is raised regarding the location of this tree root investigation, as it has been dug immediately adjacent to the existing driveway. Although this is somewhat informative as it has highlighted the presence of one significant root, this tree root investigation is required to take place in line with the proposed works, as per the original comments above. The reason for this is to understand the impacts of the proposed works, rather than what is existing. This is to ensure the proposed works do not have a significant impact on this tree and its SRZ, as it appears the current proposal will impact the structural integrity of this tree, and will likely see its decline and possible failure in the future. It is therefore recommended that the Arboricultural Impact Assessment be revised, with a new tree root investigation to occur specifically on the outside edge of the proposed retaining wall adjacent to the driveway widening (eastern side of driveway).

Upon further review of the proposal, an additional canopy tree is also required to be planted in the north-east corner of the site, a minimum 3m from the existing/proposed dwelling. This tree is necessary to mitigate the increase in built form and building mass as a result of the extensions to the first floor, as well as enhance the overall streetscape of the area. This tree planting is vital to satisfy control D1 as key objectives of this control include "to enable planting to maintain and enhance the streetscape" as well as "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".

The landscape component of the proposal is therefore not currently supported due to the unknown

impacts of the proposed driveway widening and associated retaining walls on the health of existing Tree No. 2. It is therefore recommended that an amended Arboricultural Impact Assessment be provided with a new tree root investigation, ensuring this tree root investigation is conducted on the outer edge of the proposed works. This is vital to understand the true impacts of the proposed works, rather than what is currently present within the site.

Upon the receipt of the required documents, further assessment can be made.

Updated Comments - 05/07/2021

Following the previous two rounds of comments, additional discussions have taken place regarding the impacts of the proposed works on existing trees, and the increase in overall bulk and scale of the dwelling. As a result of these discussions, amended Architectural Plans have been provided with the application.

The amended Architectural Plans demonstrate that the proposed driveway has been relocated outside of the SRZ of Tree No. 2, and as a result appears to not significantly impact this tree to be retained. As mentioned previously, this tree is required to be retained, and any impacts to both its short-term and long-term health and vitality would not be supported. The new driveway alignment is supported from a landscape perspective as it ensures construction works have minimal impacts on this tree to be retained. That being said, it is still recommended that a Project Arborist be engaged to supervise all works in this location, ensuring that these proposed works do not damage any significant structural roots in the process.

It is noted that an additional native canopy tree has been proposed in the north-east corner of the site as per previous discussions. This tree is vital to ensure the proposed increase in built form are mitigated and softened by landscape treatments, which is a key objectives of control D1.

No further concerns are raised with the amended plans. The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the completion of landscape works as proposed on the Landscape 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

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) all demolition, excavation and construction works within the TPZ's and SRZ's of tree to be retained.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on

Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,

- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) Section 6 - Recommendations.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

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

Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

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

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.