

## Landscape Referral Response

<b>Application Number:</b>	DA2024/0081
<b>Date:</b>	07/05/2024
<b>Proposed Development:</b>	Demolition of all existing structures on site
<b>Responsible Officer:</b>	Jordan Howard
<b>Land to be developed (Address):</b>	Lot 1 DP 524083 , 21 A Warili Road FRENCHS FOREST NSW 2086 Lot 1 DP 1298188 , 49 Blackbutts Road 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

The proposed application is for demolition works of existing structures upon the property. As noted in the Statement of Environmental Effects (SoEE) the purpose of the demolition is to clear the site for future low density residential development.

Further comments 07/05/2024:

Landscape Referral raise no objections to tree removal of species identified as Exempt Species under Warringah Development Control Plan (WDCP), including tree species listed in the Exempt Tree List; trees under 5 metres in height; located within two metres of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building), with the measurement made from the building to the base of the tree trunk; or is considered a high risk/imminent danger certified by a Level 5 qualified arborist. Additionally there are a limited number of prescribed trees (ie. protected by WDCP) that are in close proximity to structures such as driveways that are proposed for removal and following consideration the following prescribed trees shall also be approved for removal: T10, 23, 28, 60, 64, 101, 114 and 137). However the Arboricultural Impact Assessment (AIA) report recommendations to remove the following prescribed trees: T7, 10, 15, 16, 29, 59, 74, 75, 77, 83, 84, 85, 86, 88, 89, 91, 96, 99, 100 and 121, is not supported and these trees shall be protected during demolition works along with all others indicated in the AIA report for tree fencing protection.

The site contains large areas of existing bitumen for demolition storage, pre demolition of buildings or post demolition of building, with or without the bitumen surface, such that the areas supporting existing trees do not need to be disturbed or utilised for site facilities, storage, machinery etc. The areas for demolition works and storage are further increased in area where exempt species are to be removed.

Upon review of the Plans it is considered that removal of the above listed exempt species as well as prescribed trees T10, 23, 28, 60, 64, 101, 114 and 137 provides adequate areas for the orderly demolition of structures. Council shall impose conditions on existing trees required to be retained and protected by fencing during the demolition of structures. Should the property be subdivided into separate lots, then any proposed new dwelling(s) and structures that require possible tree removal shall be considered under such separate Lot applications for agreement to remove, or otherwise consideration of an alternative site planning strategy to preserve trees.

**Updated comments 16/04/2024:**

*Landscape Referral shall consider the application for demolition works only and shall not consider future works as information is not provided to allow for any determination beyond the application at hand, and future intentions cannot be determined and may also change.*

*It is noted that the SoEE writes that "no tree removal is proposed as part of this DA", and furthermore but without concern from Landscape Referral "Any trees on Site that are within 2 metres of the existing buildings to be demolished and that meet the Northern Beaches Council exempt criteria for tree removal without a permit will be removed. Given the proximity of these trees to the buildings proposed to be demolished, the tree removal will be carried out concurrently with the demolition works." Removal of exempt trees within the property does not require Council consent and the exempt species located within the property include: species listed in the Exempt Species List, trees within 2 metres of existing approved buildings, and trees under 5 metres in height.*

*The submitted Arboricultural Impact Assessment (AIA) report appears to be written in response to future works and proposes further trees be removed beyond the SoEE statement, and references a Earthworks Cut and Fill Plan, which is not part of the submitted documents under this development application, and as indicated applications for future works applications may change. As such Landscape Referral do not accept any of the recommendations for tree removal beyond the Exempt Species.*

**Previous comment 26/04/2024:**

*The proposed application is for demolition works of existing structures upon the property. The Demolition Work Plan provides for perimeter fencing and for stockpiling of demolished material. Concern is raised that the Demolition Work Plan provides no consideration of existing prescribed trees within the property in terms of tree protection measures during the demolition works, and thus there is no protection mechanism in place to prevent damage to such prescribed trees.*

*To assess the application further, Landscape Referral require a definitive Tree Protection Plan prepared by a qualified Arborist that identifies existing prescribed trees and these shall be protected during demolition. It is expected that all prescribed trees within the site shall be protected by standard chain-wire construction fencing and this shall be documented in the Tree Protection Plan, and all stockpile areas shall be excluded from within the tree fencing zones.*

*In summary, the Tree Protection Plan, prepared by an Arborist with minimum AQF Level 5 in arboriculture shall document:*

*i) location of all prescribed trees, including extent of canopy; ii) access routes throughout the site for demolition activity; iii) location of tree protection fencing / barriers; iv) root protection in the form of mulching or boards proposed within the tree protection zone; v) trunk and branch protection within the tree protection zone; vi) location of stockpile areas and materials storage; and vii) other general tree protection measures.*

*Reason: Tree protection.*

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:**

#### **Tree Protection Plan**

a) a Tree Protection Plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following trees:

i) tree numbers 1 to 5, 7 to 22, 25, 27, 29 to 31, 34 to 39, 41 to 43, 44, 46 to 50, 52 to 55, 57, 59, 67, 71, 74, 75, 77, 79, 81 to 86, 88, 89, 91, 96, 99, 100, 120, 121, 140, 141, 143, 145 to 149.

b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) location of all trees identified for retention,
- ii) access routes throughout the site for construction activity,
- iii) location of tree protection fencing / barriers,
- iv) root protection in the form of mulching or boards proposed within the tree protection zone,
- v) trunk and branch protection within the tree protection zone,
- vi) location of stockpile areas and materials storage,
- vii) other general tree protection measures.

Reason: Tree protection.

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

#### **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan.

The Project Arborist shall be in attendance and supervise all works as nominated in the Tree Protection Plan. All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the works under the approved Tree Protection Plan 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:

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.

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

This consent approves the removal of existing prescribed trees on the subject site as listed below:

- a) tree numbers 10, 23, 28, 60, 64, 101, 114 and 137,
- 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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan or Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project 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/Project Arborist to the Principal Certifier,
- 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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.

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan or Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.