

Landscape Referral Response

Application Number:	DA2021/0626
Date:	29/06/2021
Responsible Officer:	Penny Wood
Land to be developed (Address):	Lot 15 DP 200198 , 2 Rounce Avenue FORESTVILLE NSW 2087

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. Proposed works include the demolition of the existing driveway and the existing patio at the rear of the dwelling, and the construction of a new driveway and double garage, deck at the rear of the dwelling, as well as a building extension towards the side boundary to accommodate a new kitchen and laundry.

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 Comment - 25/05/2021

The Statement of Environmental Effects provided with the application notes that the proposal will not detrimentally impact existing trees or significantly alter the natural landscape. The Architectural Plans provided support this statement as all existing trees are noted as retained on plan.

Concern is raised with regards to the proposed works and their potential impacts on existing trees located within the road reserve adjacent to the eastern boundary, as well as trees located in adjoining properties, specifically the neighbouring property to the north. The proposal seeks to construct a new driveway that appears to be within the Tree Protection Zone (TPZ) of the existing street tree located at the front of the property. As this is a street tree it is required to be protected and retained accordingly, as no impacts to its short and long-term health would be supported. In addition, the proposed garage also appears to not only encroach into the TPZ of a tree located in the neighbouring property, but possibly the Structural Root Zone (SRZ) as well. As this tree is located in the adjoining property it is protected by the Warringah DCP, and as a result shall be retained and protected accordingly. Any detrimental impacts to this tree would not be supported. As no Arboricultural Impact Assessment has been provided with the application, it is currently unclear as to the expected impacts of the proposed works, and the likely effects they shall have on these trees. The retention of these trees is vital to satisfy 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 established 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". It is therefore recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Council's Development Application Lodgement Requirements, investigating the proposed works and the likely impact on these existing trees.

In its current form, the landscape component is not supported due to insufficient information regarding the potential impacts of the proposed works on existing trees located within the road reserve and in adjacent properties. For this reason, it is recommended that an Arboricultural Impact Assessment be provided with the application in accordance with Council's Development Application Lodgement Requirements, that seeks to address these concerns and provide insight into the potential impact of the proposed works. It should be noted that any encroachment greater than 10% into the TPZ, or any encroachment into the SRZ of these trees, is deemed major and requires a tree root investigation in accordance with AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

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

Updated Comment - 29/06/2021

Following original concerns regarding the potential encroachment into the TPZ and SRZ of existing trees within neighbouring properties and the road reserve, an Arboricultural Impact Assessment has been provided with the application.

This Arboricultural Impact Assessment has noted that the proposed works will have an encroachment of less than 10% in the TPZ of each of the concerned trees, and no encroachment into the SRZ. For this reason, the expected encroachments have been assessed as minor, and no negative impacts towards the health of these trees is expected. It should be noted that the Arboricultural Impact Assessment has recommended that a Project Arborist be engaged to supervise the removal of the existing driveway, and for this reason the Arborists recommendations are supported.

The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation.

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) the lifting of existing slabs,
- ii) any 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 5 - Discussion,
- ii) Section 6 - Overall Recommendations,
- iii) Appendix 4 - Overall Site Map and Tree Protection Plan,
- iv) Appendix 7 - Arboricultural Management Plan.

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

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

Environmental and Priority Weed Control

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

Reason: Preservation of environmental amenity.