

Landscape Referral Response

Application Number:	DA2021/1135
Date:	10/11/2021
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot 3 DP 1196894 , 6 Guwara Road DUFFYS FOREST NSW 2084

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

Updated Landscape Referral Response:

Amended Plans and reports have been issued and the amendments relevant to landscape outcomes include: removal of the tennis court, and inclusion of a footpath between the proposed garage and existing house in close proximity to the front boundary and bordering the garden area edge.

The removal of the tennis court from the application preserves existing native trees. The proposed footpath between the garage and existing house impacts upon two existing Old Man Banksia trees of high retention value identified as tree numbers 1 and 3, and it is considered that realignment of the proposed footpath is feasible and as this design alternative is available, conditions shall be imposed to retain tree numbers 1 and 3, with realignment of the proposed footpath to a location that does not result in more than a 10% encroachment upon the tree protection zones of tree numbers 1 and 3.

The amended plans reduce the number of existing trees to be removed from within the property to a total of five Old Man Banksia trees, and a total of two within the road reserve verge, being one Angophora and one Casuarina.

The Landscape Plans have not been amended however conditions are imposed regarding delivery of the landscape outcomes.

Original Landscape Referral Response:

The development application is for alterations and additions to an existing dwelling house.

The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 LEP zone RU4 Primary Production Small Lots, and the following Warringah Development Control Plan 2011 controls (but not limited to):

- D1 Landscaped Open Space and Bushland Setting
- D16 Swimming Pools and Spa Pools

- E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation
- E6 Retaining unique environmental features
- E7 Development on land adjoining public open space

The existing site adjoins Ku-ring-gai Chase National Park with the western portion of the site containing natural forest landscape. A fire trail separates the natural forest landscape and the cleared area of the site fronting the streetscape.

Landscape Plans are provided with the application indicating new landscape elements and planting and are generally acceptable, including replacement tree planting, and screen planting along the perimeter side boundaries, to integrate the development into the landscape setting. The Landscape Plans include proposed planting known to be self-seeding into bushland areas and both *Cupaniopsis anacardioides* and *Rhapiolepis indica* shall be deleted and are not permitted to be planted, and shall be replaced with suitable locally native species.

The landscape proposal includes hedge planting along the eastern boundary within the road reserve verge and this is not approved, and such hedge planting shall be included within the site if desired. Advice is given that any proposed works within the road reserve may be considered under a Minor Encroachment Application, but not part of the development application.

All landscape works shall comply with the requirements under Planning for Bush Fire Protection - November 2019, and any new landscaping must comply with Section 3.7 'Landscaping' of Planning for Bush Fire Protection 2019.

An Arboricultural Impact Assessment is provided that determines the arboricultural impact upon existing trees located within proximity to the development works. A total of 20 native trees are recommended for removal based on major encroachment from the works, and with no design alternative for retention. 19 native trees in proximity to the development works but not impacted are proposed for retention and these shall be protected in accordance with the recommendations of the Arboricultural Impact Assessment report.

Landscape Referral raise no objections to the proposal subject to the protection of existing trees and vegetation, and subject to the completion of landscape works with conditions as imposed.

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 as follows:

- i) 9.2 Construction Design/Specification Requirements to retain tree numbers 2, 7, 15 and 38,
- ii) 9.2.1 Tree Sensitive Pavilion Footings to retain tree number tree 38,
- iii) 9.2.1 Tree Sensitive Hard Surfacing Construction to retain tree numbers 1, 2, 3, 7 and 15,
- iv) all other recommendations and requirements listed under section 9. Conclusions, section 10. Recommendations; section 11. Tree protection requirements; and section 12. Construction Hold Points.

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.

Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- Banksia serrata - T8, T9, T11, T14, and T17

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- Angophora costata - T10
- Allocasurina littoralis - T39

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section prior to removal.

Reason: Public liability.

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 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) or vi) 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.

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

Landscape works shall to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- i) the nominated *Cupaniopsis anacardioides* and *Rhapiolepis indica* shall be deleted and are not permitted to be planted, and shall be replaced with suitable locally native species,
- ii) the proposed hedge planting along the eastern boundary within the road reserve verge is not approved within the road reserve verge, and such hedge planting shall be included within the site if desired.
- iii) the proposed footpath within the front garden area between the proposed garage and existing house shall be realigned to avoid the tree protection zone of existing trees numbered 1 and 3 (both Old Man Banksia),
- iv) the final location of the footpath shall be approved by the Project Arborist including written approval to be submitted to the Principal Certifying Authority.

All landscape works shall comply with the requirements under Planning for Bush Fire Protection - November 2019, and any new landscaping must comply with Section 3.7 'Landscaping' of Planning for Bush Fire Protection 2019.

Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

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:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) 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 landscape works shall be maintained to comply with the requirements under Planning for Bush Fire Protection - November 2019.

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

Reason: To maintain local environmental amenity.