



SUPPLEMENTARY BUSINESS PAPER

**Local Planning Panel meeting
Late Item Memo – Item 1**

**Wednesday 23 September 2026
at 4:00 PM**



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ITEM 1 **LPP21/26** - DA/800/2025/B - Section 4.55(2) modification for approved alterations and additions to a dwelling - 136 Riverview Avenue, Dangar Island

Additional information with CHANGE to Recommendation

Two late submissions were received on 22 September 2026 which raised concerns with respect to the biodiversity and bushfire risk and tree preservation. A discussion of these matters is provided below.

ASSESSMENT

1. Biodiversity and Bushfire Risk

Submissions received raised concerns of biodiversity assessment and concerns regarding ecological impacts.

The submission raises generalised biodiversity matters reviewed by Council's natural resource unit.

In response, biodiversity impacts were considered in both the original assessment and subject modification application. Impacts to biodiversity were assessed on balance with other planning considerations against relevant planning controls, including bushfire risk which requires establishment of an asset protection zone.

Council's assessment of biodiversity with respect to the subject modification is discussed in Section 3.1.2 of the assessment report.

The proposed modification does not alter Council's position on the original biodiversity assessment. Council's original assessment deemed that on balance, the proposal meets the prescriptive measures of Part 1.2.6.1 Tree Preservation of the HDCP and is considered acceptable, subject to conditions.

The applicant's bushfire consultant provided additional advice to the panel meeting prior to determination of DA/800/2025, advising that Tree Nos. 1, 9, 11, 18 and 19 would require removal to accommodate an APZ, irrespective of proposed works. This would be to achieve APZ requirements specified in Appendix 4 of Planning for Bushfire Protecting 2019 which includes requiring *"tree canopy cover should be less than 15% at maturity; trees at maturity should not touch or overhang the building; lower limbs should be removed up to a height of 2m above the ground; tree canopies should be separated by 2 to 5m."*

Further, a condition of consent was recommended in DA/800/2025 (Condition No. 1B) to include replacement tree planting as follows:

2. To provide suitable landscaping and satisfy the requirements landscaping on *bushfire prone land, the approved Landscape Plans (Plan No. LA01 Rev. E and LA02 Rev. A) prepared by wardarchitecture dated November 2025 are to be amended as follows:*
 - a. *Clearly demonstrate the provision of the maximum allowable replacement trees and shrubs to be planted in conjunction with the retention of natural*

vegetation. The replacement planting is to be in accordance with Planning for Bushfire Protection 2019 and to be in consultation with a BPAD accredited bushfire consultant.

- b. The amended landscape plans are to be prepared in consultation with a BPAD accredited bushfire consultant to ensure the proposed planting satisfies the requirements of Planning for Bushfire Protection 2019 and the Inner Protection Area (IPA) required by the NSW Rural Fire Service.*

- 3. These amended plans must be submitted with the application for the Construction Certificate.*

No changes are proposed to this condition, with the exception of subsection 1 which relates to requiring deletion of the swimming pool as detailed in Schedule 1.

Regarding tree impacts with respect to the establishment of an Asset Protection Zone (APZ), the nominated trees would still require removal to appropriately mitigate bushfire risk, irrespective of the works proposed.

Tree Nos. 6 and 7 were approved for removal notwithstanding the deletion of the pool/ deck area given these trees were identified by the arborist to be in declining health condition, exhibiting excessive branch die back and having major asymmetry in poor form.

2. Tree Preservation

A submission raised concerns that the arborist report recommends protection measures to trees located outside of the site boundaries.

In response, the Arboricultural Impact Assessments (AIA) considers impacts of trees in the vicinity to proposed works, including trees located on adjacent properties and recommends appropriate tree protection measures.

The trees located outside of the subject site are identified as Tree Nos 2, 3, 4, 5, 12, 14, 15 (partially), 16, 17, 20, 21, 22, 23, 24 and 25.

Tree Nos. 1, 6, 7, 8, 9, 10, 11, 13, 18, 19, 26 and 27 are located within the subject premise No. 136 Riverview Road.

Condition No. 27 is recommended requiring installation of protection measures for trees to be retained. This is recommended to be updated to reflect the updated arborist report as follows and ensures appropriate tree protection measures are imposed:

Condition No. 27 reads as follows:

27 Installation of Tree Protection Measures

- 1. Trees to be retained as identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate Tree Assessment dated October 2025 must have tree protection measures for the ground, trunk and canopy installed by the Project Arborist for the duration of demolition and construction works.*
- 2. Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 Project Arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard (Temporary Fencing and Hoardings (AS4687)).*

3. *The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates, and liquids from entering the tree protection zone.*
4. *Tree crown protection measures are required and must be installed by the AQF 5 Project Arborist.*
5. *The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.*
6. *Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.*
7. *All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.*
8. *Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the woodchip must be covered with a layer of geotextile fabric and rumble boards.*

Reason: To protect trees during construction.

Condition No. 27 is recommended to be amended as follows:

27 Installation of Tree Protection Measures

1. *Trees to be retained as identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate Tree Assessment dated 16 July 2026 (D09816363) must have tree protection measures for the ground, trunk and canopy installed by the Project Arborist for the duration of demolition and construction works.*
2. *Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 Project Arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard (Temporary Fencing and Hoardings (AS4687).*
3. *The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates, and liquids from entering the tree protection zone.*
4. *Tree crown protection measures are required and must be installed by the AQF 5 Project Arborist.*
5. *In the event that tree protection fencing is not practical as recommended by the project arborist, trunk protection measures should be implemented:*
 - a. *The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.*
 - b. *Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.*
 - c. *All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.*

6. *All tree protection measures installed by the project arborist are not to be located in an adjoining residential site.*

Reason: To protect trees during construction.

Condition No. 47 is recommended to maintain the health of trees to be retained. This is recommended to be amended to reflect the updated arborist report as follows and ensures appropriate monitoring and undertaking of required actions to maintain tree health and conditions for trees to be retained.

Condition No. 47 reads as follows:

47 Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for all trees to be retained identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate Tree Assessment dated October 2025.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

Condition No. 47 is recommended to be amended as follows:

47. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for all trees to be retained identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate Tree Assessment dated 16 July 2026 (D09816363).

Reason: To ensure appropriate monitoring of tree(s) to be retained.

The table on Page 28 of the assessment report is recommended to be updated to include updates to Condition Nos. 27 and 47 to identify these as modified conditions under Schedule 1.

CONCLUSION

Councils' assessment has concluded the proposed amendments to condition Nos. 27 and 47 to update tree protection requirements to the updated arborist report and provide greater clarity in this respect.

Accordingly, it is recommended that the condition Nos. 27 and 47 be amended, with no change to the recommendation.

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, amend Development Application No. DA/800/2025 for alterations and additions to a dwelling house including a swimming pool and deck at Lot 233 DP 11921, No. 136 Riverview Avenue, Dangar Island as detailed in Schedule 1 of LPP Report No. LPP21/26 as amended by LM11/26.

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

There are no attachments for this report.

File Reference: DA/800/2025/B
Document Number: D09911184