

Landscape Referral Response

Application Number:	DA2025/0699
Date:	24/06/2025
Proposed Development:	Construction of a dwelling house on proposed future lot 3
Responsible Officer:	Charlotte Asbridge
Land to be developed (Address):	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 application as described in reports and as illustrated on plans is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 (WLEP) and the following Warringah Development Control Plan 2011 (WDCP) controls (but not limited to): D1 Landscaped Open Space and Bushland Setting; E1 Preservation of Trees or Bushland Vegetation; and E2 Prescribed Vegetation. An Arboricultural Impact Assessment (AIA) and a Landscape Plan accompany the application and are assessed as part of this Landscape Referral.

The objectives of D1 Landscaped Open Space and Bushland Setting, that shall be satisfied include: at least 40% of the site shall be 'landscaped area' containing "a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area"; to achieve the following: enable planting to maintain and enhance the streetscape; provide for landscaped open space with dimensions that are sufficient to enable the establishment of shrubs and trees of a size and density to mitigate the height, bulk and scale of the building; enhance privacy between buildings; amongst other objectives.

The existing Lot contains existing prescribed trees, and these are impacted by development works and an Arboricultural Impact Assessment (AIA) report dated 15th August 2025 utilised for the subdivision application is submitted. The following existing trees within Lot 3 have previously been recommended for removal in the AIA report based on impact from the building footprint: T15, T17 to 22, T29, T30, T34 to T38 and T42 to T47, and Landscape Referral raise no objections to removal as no design alternative is available as these trees are located within the building footprint or have major development encroachments. Existing trees T14, T16, T48 and T49 within Lot 3 are recommended for retention in the AIA report however T48 and T49 are located within the proposed garage footprint and are unable to be retained. All existing trees within adjoining properties shall be protected and conditions shall be imposed.

Landscape Plans are submitted, and the proposal is generally supported subject to imposed conditions to ensure the requirements of WDCP control D1 are satisfied. Conditions shall be imposed for the following: an additional tree shall be planted within the front setback facing Blackbutts Road and shall be located away from common boundaries; and the western boundary shall include tall trunked vegetation to provide screening to adjoining properties.

Subject to conditions of consent as imposed, Landscape Referral raise no concerns.

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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Amended Plans

Amended Plans are required to address the preservation of existing tree T55 located within Lot 4 reported in the approved Arboricultural Impact Assessment for retention and protection. The proposed sewer line shall be relocated away from T55 across Lot 3 by a distance as determined by a Project Arborist with minimum AQF Level 5 in arboriculture, and Amended Plans shall be submitted to indicate the alignment of the sewer line.

Reason: retain existing tree T55.

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 sewer works to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, for the excavation and installation of the sewer line within Lot 3 near existing tree T55 located within Lot 4.

The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations for the protection of the existing tree have been carried out satisfactorily to ensure no impact to the health of the tree. 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 identified in the Arboricultural Impact Assessment and as listed below:

a) T15, T17 to 22, T29, T30, T34 to T38 and T42 to T47 to T49,

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

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 tree T1 (Liquidambar) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 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 and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, 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.

All street trees within the road verge 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. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

Tree and Vegetation Protection

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

- i) T14 and T16 within the site, as identified in the Arboricultural Impact Assessment,
- 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 the Arboricultural Impact Assessment,
- ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; 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; and structures are to bridge tree roots at or >25mm (Ø) diameter,
- iii) 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,
- iv) 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,
- v) 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 compliant to AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

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

Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plans, and inclusive of the following additional requirements:

- a) landscape works are to be contained within the legal property boundaries,
- b) planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
- c) one (1) *Tristanopsis laurina* or *Eucalyptus haemastoma* (selection from Frenchs Forest Ward tree list) shall be planted in the front of the property and shall be planted at least 2.0 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- d) the western boundary shall include tall trunked vegetation to provide screening to a height of 3 metres at maturity, to protect from overlooking into and from adjoining dwellings,
- e) all tree planting shall be a minimum pre-ordered planting size of 75 litres; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established,
- f) mass planting shall be installed in garden beds prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- g) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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

Reason: Environmental amenity.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment (T14 and T16), 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 and vegetation 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 Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.