

Landscape Referral Response

Application Number:	DA2021/2600
Date:	10/08/2022
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 349085 , 49 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 972209 , 43 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 349085 , 45 Warriewood Road WARRIEWOOD NSW 2102

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 development application is for a twelve (12) lot residential subdivision, civil works, creekline works, and the construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments, tree removal and landscape works. The application includes development upon Lot 12 containing the two (2) residential flat buildings, whilst the other eleven (11) residential lots will remain undeveloped.

Development of the eleven (11) residential allotments fronting Warriewood Road and Lorikeet Grove are not proposed as part of this application, and are subject to separate development applications.

updated comments 09/08/2022:

Amended Landscape Plans are submitted to address previous concerns and on review on the Amended Landscape Plans revision C dated 11 July 2022, Landscape Referral raise no further concerns subject to conditions of consent. Additional street tree planting is provided along the Warriewood Road frontage, and the share path design is amended as an elevated boardwalk share path above the 20% AEP flood level ensuring preservation of surface water flows and the existing Ecological Endangered Community vegetation association.

The Amended Landscape Plans provide hard and soft landscape proposals at a conceptual level and the requirements for detailed hard and soft landscape plans shall be imposed for construction certificate approval.

A detailed planting plan is provided for the Creekline Corridor and this shall be approved at construction certificate stage based on a co-ordinated plan incorporating the requirements of the Biodiversity Management Plan including section 7 Revegetation Plan, and any requirements from Council's Natural Environmental Referral teams.

The Amended Landscape Plans indicate the alignment of the Outer and Inner Creek Corridor. It is noted however that under the development application documents, no Subdivision Plan is submitted at the time of this referral, to indicate the allotment.

Should the application be approved the following tree removal of prescribed trees (ie protected by the DCP and seeking Council consent for removal) are required within the property boundaries as they are impacted by the development works: one Swamp Mahogany (tree 8), one Cooks Pine (tree 12), one Lacebark Tree (tree 15), and group of thirteen Swamp Oaks (tree group 16). Additionally twelve exempt species are impacted by the works and required for removal (tree numbers 1 to 7 inclusive, 13, and 14 (Cypress), 11 (Silky Oak), 27 (Coral Tree), and 28 (group of Coral Trees), and these do not require Council consent. All other existing prescribed existing trees are proposed for retention and protection as recommended in the Arboricultural Impact Assessment.

previous comments 02/05/2022:

Lot 13 contains the Creekline Corridor riparian zone as one lot, however the Inner Creek Corridor (ie. public creekline corridor) is to be dedicated to Council. No Subdivision Plan is submitted to indicate the allotment of this Inner Creek Corridor. The development application does not provide recognition of the integrated multiuse corridor creekline requirements as identified in the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain) requiring a 25 metre 'public creekline corridor' along the watercourse.

Council's Landscape Referral is assessed against the following Pittwater Development Control Plan objectives: C6.2 Natural Environment and Landscaping Principles; C6.4 The Road System and Pedestrian and Cyclist Network; and C6.7 Landscape Area (Sector, Buffer Area or Development Site). Additionally the landscape objectives of the Warriewood Valley Landscape Masterplan and Design Guidelines (WVLMGDG), August 2018, the Warriewood Valley Roads Masterplan, August 2018, and the Apartment Design Guide are considered including: 3D Communal and public open space; 3E Deep Soil zones; 4O Landscape Design; and 4P Planting on Structures.

Under control C6.2 - Natural Environment and Landscaping Principles Integration with Creekline Corridor and the Public Domain, the following outcome is to be achieved: the location of the pedestrian path/cycleway within the Outer Creekline Corridor above the 20% AEP flood level; extensive stands of *Casuarina glauca*, and groves of *Eucalyptus robusta* with other native feature trees, indigenous understorey and ground covers, which are to comprise a minimum of 75% of the total creekline corridor area; and the landscaping treatment of the 25 metre wide Outer Creekline Corridor to appear as part of the public domain.

The *Landscaping Principles* of control C6.2 are generally satisfied and no Landscape Referral concerns are raised.

The *Integration of the Creekline Corridor and the Public Domain* under control C6.2 is generally satisfied with the following assessment. In review of the landscape proposal, and given the presence of the Endangered Ecological Community (EEC) within the creekline corridor, protection of the EEC shall be paramount and some of the provisions under this clause of Pittwater DCP will not be achievable. In this regard the Warriewood Valley Landscape Masterplan and Design Guidelines provisions for a 'public creekline corridor' including sharepath location, seating, viewing platforms, and passive recreation area etc, as shown on the Landscape Concept Masterplan within the 'private creekline corridor' (Outer Creekline Corridor) is appropriate and in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines objective under C-1, C-2, and C-3 where the location of the sharepath and thus other elements " ... is variable to ensure connectivity with existing sections of the path and vegetation conservation."

The Landscape Plans include revegetation works within the EEC with appropriate locally native species and reference to the Biodiversity Management Plan prepared by Cumberland Ecology, and no issues are raised by Landscape Referral subject to co-ordination certification at construction certificate stage identifying agreement of the scope and staging of the works. As documented in the Landscape Plans, clause C6.2 is generally satisfied in terms of works within the creekline corridor, and assessment is also subject to review from Council's Bushland and Biodiversity Referral team.

With the sharepath within the 'private creekline corridor', it is anticipated that a Section 88E public positive covenant is required to be included in any approval of the Subdivision Plan.

The *Landscape of existing and proposed Public Road Reserves* under control C6.2 is not satisfied with the current Landscape Plans, based on the civil design for car parking within the road reservation, unable to achieve the intent of the street tree planting requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines, whereby the WVLMGD under the Streetscape Guidelines S-1 Sub Arterial Street section requires the provision of share path and street tree planting within the road verge as either a continuous landscape strip for tree planting, or in combination with car parking spaces with the provision of 'islands' to accommodate street tree planting, and it is considered the quantity of street trees proposed is inadequate, and is identified in the WVLMGD street trees are to be placed at 6-12 metre intervals. The landscape treatment along Lorikeet Grove within the road verge is acceptable and in accordance with the WVLMGD.

The *Communal Open Space Area* under control C6.2 in terms of landscape outcome generally satisfies the requirements to achieve connection and utility of the communal open space area for the future residents of the development. The majority of communal open space area is occupied by deep soil with the exception of the central area utilised for carpark access, bicycle parking, garbage drop off and the car wash bay. The communal open space area is connected to the residential buildings and to Warriewood Road with a gate indicated at the entrance along Warriewood Road, assumed for security access.

Under control C6.4 - Pedestrian and Cyclist Network, no concerns are raised by Landscape Referral, noting that the sharepath location as previously addressed in these comments is acceptable to preserve and enhance the Endangered Ecological Community (EEC), noting that the sharepath shall be located above the 20% AEP flood level for the specific site location and where required the sharepath shall incorporate raised boardwalk through impeded drainage zones, and this applies in this instance where the EEC is prone to occasionally flooding.

A Arboricultural Impact Assessment is provided and no Landscape Referral concerns are raised with regard to the recommendations.

At this stage the development application is not supported by Landscape Referral with the issues relating to the Subdivision Plan as well as other concerns as raised: street tree planting to Warriewood Road; and sharepath design within flood prone area.

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

Detailed Hard and Soft Landscape Plans

Prior to the issue of a Construction Certificate, Detailed Hard and Soft Landscape Plans shall be submitted illustrating and specifying selected materials, finishes and schedules, to satisfy the requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines (WVLMDG), Warriewood Valley Roads Masterplan (WVRM), and all other landscape controls (SEPP No.65 - Design Quality of Residential Flat Development; SEPP 65 Apartment Design Guide; Pittwater 21 DCP controls, including C1.1; C6.2; C6.7; D16.1; D16.5; D16.10; and D16.12, including:

Warriewood Road

- a. a minimum 2.1m wide (max. 2.5m wide) shared path along Warriewood Road (WVRM and WVLMDG) co-ordinated to align with the existing / proposed share paths to adjoining properties,
- b. where appropriate, the share path is to align / abut to the kerb to increase deep soil area for street tree planting. (WVLMDG),
- c. street tree planting is required along Warriewood Road in accordance with layout and specifications contained within the Warriewood Valley Landscape Masterplan Design Guidelines S-1, including 400 litre street trees to be pre-ordered,

Lorikeet Grove

- d. a 1.5m wide footpath is required to one side of Lorikeet Grove (WVRM and WVLMDG), co-ordinated to align with the existing / proposed 1.5m footpaths to adjoining properties,
- e. street tree planting is required to both sides of Lorikeet Grove in accordance with layout and specifications contained within the Warriewood Valley Landscape Masterplan Design Guidelines S-3,

Hard Landscape Plans

- f. design layout, materials, finishes, levels, and construction details for pavements, paths, walling, planters, play equipment, furniture, and ground surfaces,
- g. any creekline hard landscape works,
- h. creekline corridor share path is to be located above the 20% AEP flood level,

Soft Landscape Plans

- i. planting layout with quantities and container sizes, and schedules,
- j. creekline planting plan co-ordinated with Vegetation Management Plan,
- k. plant species shall be selected from the Warriewood Valley Urban Release Area Landscape Masterplan and Design Guidelines Plant Species list in section 2.0.

Landscape Maintenance Plan

- l. prepared and submitted to Council that outlines the technique and frequency of maintenance tasks during the establishment of the landscaping for a period 24 months immediately following the completion of hard and soft landscape works.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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):

- i) one (1) Swamp Mahogany (tree 8), one (1) Cooks Pine (tree 12), one (1) Lacebark Tree (tree 15), and group of thirteen (13) Swamp Oaks (tree group 16),
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Exempt Species (by species type or by height) as listed in the Development Control Plan do not require Council consent for management or removal, and the following exempt species are identified in the Arboricultural Impact Assessment: tree numbers 1 to 7 inclusive, 13, and 14 (Cypress), 11 (Silky Oak),

27 (Coral Tree), and 28 (group of Coral Trees).

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 in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

Reason: Street tree protection.

Tree and Vegetation Protection

) 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, including in particular:

- i) section 5 Discussions, section 6 Conclusions, section 7 Recommendations
- ii) appendix 5 General Tree Protection Specification and appendix 6 Typical Tree Protection Details

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 are to be implemented in accordance with the approved Detailed Hard and Soft Landscape Plans.

Prior to the issue of any Occupation Certificate details from a landscape architect 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.

Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture 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 and vegetation protection.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Landscape Maintenance

If any hard 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 Detailed Hard and Soft Landscape Plans and any conditions of consent. All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.