

Landscape Referral Response

Application Number:	DA2024/0492
Date:	11/02/2025
Proposed Development:	Neighbourhood title subdivision comprising of 13 lots and new road access
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 524083 , 21 A Warili Road FRENCHS FOREST NSW 2086 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 proposal is for community title subdivision into thirteen allotments, and the construction of a new road with a single OSD tank under. Twelve residential allotments are proposed under the subdivision plan. Subdivision Plans are submitted that include Indicative Building Layouts and Engineering Plans are submitted illustrating the proposed civil works under the application. Landscape Plans are submitted that cover landscape works associated only with the proposed civil works for the new road, under community lot number 1.

The Statement of Environmental Effects indicates that the proposed works under this application include: establishment of a community title road and stormwater system to facilitate subdivision for 12 residential lots; construction of one (1) on-site stormwater detention tank with an inbuilt water quality chamber; connection to Warili Road; implementation of erosion and sediment controls; earthworks for proposed lots and community title road; stormwater management; construction and commissioning of essential utilities; road construction; retaining wall and footpath construction.

An Arboricultural Impact Assessment (AIA) is submitted and proposed tree removal shall only be supported for the portion of physical works under the development application that impact upon existing trees and in this case it is the proposed civil works for the construction of a new road and associated works. Existing trees within the proposed residential lots and not affecting the construction of the proposed civil works under this development application are not considered, and shall be considered for removal or otherwise retention as part of separate lot applications.

The following existing trees are in proximity to the proposed works under this application, as listed

above:

- Prescribed trees requiring Council consent include T7, T71, T72, T74 (*Corymbia maculata*), T10 (*Corymbia gummifera*), T60 (*Magnolia soulangeana*), T64, T81, T120 (*Callistemon viminalis*), T75 (*Livistona australis*), T77 (*Banksia integrifolia*), T79 (*Backhousia citriodora*), T82 (*Yucca*), and T121 (*Acacia decurrens*),
- Exempt species that may be removed without Council consent: T6, T61, T62, T63, T65, T66, T69, T70, T73, T76, T78, T80, T119, T122, T123, T124, T125, T126, and T127.

The AIA report recommends the retention of the following trees near the proposed footpath: T3 (*Liquidamber* street tree), and within the property T4, T5, T8, T9 (*Corymbia maculata*) and it is considered that a Project Arborist will be required to guide the retention of these trees, including advice on final location and construction methodology, and a condition shall be imposed.

The Statement of Environmental Effects indicates that each residential allotment is able to satisfy the 40% landscape open space area as required under Warringah Development Control clause D1, and Landscape Referral consider that the Indicative Building Layouts are able to either provide for appropriate landscape outcomes within the front and rear setbacks including retention of existing trees where feasible, following relocation of the proposed retaining walling along the eastern boundaries (lots 5 to 13 inclusive).

Landscape Referral consider that the above listed prescribed trees proposed for removal will require removal to accommodate the proposed civil works. Landscape Plans are submitted indicating existing trees to be retained, proposed additional tree planting and other mass planting, and Landscape Referral raise no concerns with the landscape outcomes for this portion of proposed works under the development application. The proposed landscape planting includes 14 native trees, 67 native shrubs, and 900 native groundcovers, presenting a suitable landscape outcome along the western boundary adjoining residential properties.

All trees and vegetation within adjoining properties shall be retained and Landscape Referral require that along the eastern boundary the proposed retaining walling (lots 5 to 13 inclusive) directly along the boundary in the form of blockwork construction limits the capacity of future landscape setting outcomes to satisfy the requirements of Warringah Development Control clause D1 and to support the application a minimum landscape planting zone of 1.2 metres is required to: support new screen planting along the boundary, and to support retention of existing trees and vegetation within adjoining properties, and conditions shall be imposed for relocation of the retaining walling and stormwater works to allow for a unobstructed 1.2 metres wide landscape planting zone.

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 shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details to be amended:

- i) the retaining walling along the along the eastern boundaries of lots 5 to 13 inclusive shall be relocated to provide an unobstructed 1.2 metres wide landscape planting zone,

ii) the stormwater pits and drainage lines shall be relocated accordingly.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Provision of landscape setting along the boundary and preservation of existing trees and vegetation in adjoining properties.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree Removal Within the Property

This consent approves the removal of existing prescribed trees on the subject site as listed below:

- a) T7, T71, T72, T74 (*Corymbia maculata*), T10 (*Corymbia gummifera*), T60 (*Magnolia soulangeana*), T64, T81, T120 (*Callistemon viminalis*), T75 (*Livistona australis*), T77 (*Banksia integrifolia*), T79 (*Backhousia citriodora*), T82 (*Yucca*), and T121 (*Acacia decurrens*),
- 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

Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works for the proposed footpath near existing trees T3 (Liquidamber street tree), and within the property T4, T5, T8, T9 (*Corymbia maculata*), including: advice on final location and construction methodology. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the 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: 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.

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(s) 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) all trees within the site not approved for removal,
- 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 any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,
- 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 AS4970-2009 Protection of trees on development sites,
- ix) 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,
- 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 AS4373-2007 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.

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, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

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.

Reason: To maintain local environmental amenity.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

Landscape Completion

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

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
- c) all tree planting shall be pre-ordered to equal the container size as nominated in the Plant Schedule; 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; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located within garden bed,
- d) mass planting shall be installed in accordance with the approved Landscape Plans.

Prior to the release of a Subdivision 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 release of a Subdivision 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, 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.