

Landscape Referral Response

Application Number:	DA2023/1763
Date:	13/02/2024
Proposed Development:	Construction of a warehouse and distribution centre with associated office, including tree removal
Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 502 DP 875858 , 4 Minna Close BELROSE NSW 2085

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

Council's Landscape Referral section have assessed the application against the Warringah Local Environment Plan 2011 zone C2 Environmental Conservation objectives and zone SP4 Enterprise, and the following Warringah Development Control Plan 2011 controls (but not limited to): D1 Landscaped Open Space and Bushland Setting; E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation; and E6 Retaining Unique Environmental Features.

The site is within zone C2 Environmental Conservation, and the following objectives are to be achieved and/or maintained by development: protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; prevent development that could destroy, damage or otherwise have an adverse effect on those values; protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state; and ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.

The property is located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity Values mapping, and the comments from Council's Bushland and Biodiversity Referral are noted, including the requirement for a Biodiversity Management Plan.

Landscape Plans and Arboricultural Impact Assessment (AIA) report submitted are noted, and given the constraints of the site, with particular reference to preservation of existing remnant Duffy's Forest Endangered Ecological Community at the rear of the property to the extent as proposed, Landscape Referral raise no objections. To accommodate the proposed development, tree removal as identified in the AIA report is unavoidable should the application be approved.

The reduced front setback of the proposed development results in more retention of the Duffy's Forest

Endangered Ecological Community at the rear of the property, appropriately within the C2 Environmental Conservation zone. It is noted that the landscape proposal therefore is limited within the front setback to achieve softening of the built form, thus street tree planting within the road verge shall be accommodated to assist with bulk and scale reduction and conditions shall be imposed. Additionally the proposed planting between the ramp and the road reserve verge existing footpath shall be amended to include mass shrub planting instead of the proposed low groundcovers to enable for an improved streetscape presentation. All planting within the road reserve verge shall be resilient native species suited to the road verge environment.

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 Landscape Plan

An Amended Landscape Plan shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- a) the nominated *Dianella caerulea* groundcover between the existing footpath and the front boundary shall be replaced with a dwarf *Banksia spinulosa* or *Banksia ericifolia* species to achieve at least 1 metre in height, such as *Banksia spinulosa* 'Dwarf Red' or *Banksia ericifolia* 'Little Eric'; planted at a minimum 500mm intervals and of a minimum 200mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- b) between the existing kerb and the existing footpath, street tree planting consisting of *Ceratopetalum gummiferum* shall be nominated at 5 metres centres across the development frontage; at a minimum pre-ordered planting size of 75 litres; planted into a prepared planting hole generally 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall generally be centralised within the road verge lawn area.

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

Reason: Landscape amenity.

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 works on site 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 as nominated in the approved Arboricultural Impact Assessment, and in particular:

- a) section 9.2 Construction Design/Specification Requirement for Tree 1,
- b) all parts of section 11. Tree Protection Requirements, including sign-off for item 11.5,
- c) section 12. Construction Hold Points for Tree Protection,

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed under section 11 and section 12 of the approved Arboricultural Impact Assessment for the protection of the existing trees have been carried out satisfactorily to ensure no impact to the health of the trees. 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 approved Arboricultural Impact Assessment. 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

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.

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 Amended Landscape Plans, and inclusive of the following conditions:

- a) tree, shrub and groundcover planting shall be installed as indicated on the approved Amended Landscape Plans, unless otherwise imposed by conditions.

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 in the approved Arboricultural Impact Assessment, including the following information:

- a) certification of arboricultural works under section 11 and section 12 of the approved Arboricultural Impact Assessment,
- b) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- c) extent of damage sustained by vegetation as a result of the construction works,
- d) 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 Amended 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.