

Landscape Referral Response

Application Number:	DA2025/0686
Date:	14/07/2025
Proposed Development:	Construction of a dwelling house on unregistered Lot 8
Responsible Officer:	Nick Keeler
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 2024 utilised for the subdivision application is submitted. The following existing trees within Lot 8 have previously been recommended for removal in the AIA report based on impact from the building footprint: T83, T103, T104, T105 and T106, and Landscape Referral raise no objections to removal as no design alternative is available. In proximity to Lot 8 existing tree T84 in Lot 7 will be impacted by development works and it is noted that the AIA report recommended removal of this tree, and this is not objected under as part of the separate application for Lot 7. All existing trees within adjoining properties shall be protected and conditions shall be imposed.

Landscape Plans are submitted including replacement tree planting, 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: proposed tree planting is the front setback shall be located away from the footpath; tree planting at the rear shall be located at a distance from common boundary and structures; the rear boundary area behind the retaining walling within the easement to drain water shall include tall trunked vegetation to provide screening to adjoining properties; and the southern boundary at the rear forward of the retaining walling 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 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 identified in the Arboricultural Impact Assessment and as listed below:

- a) T83, T103, T104, T105 and T106,
- 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

Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees and vegetation located on adjoining properties,
 - ii) 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,
 - 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 complaint 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) the nominated *Banksia serrata* indicated in the front of the property shall be substituted with either *Tristanopsis laurina* or *Callicoma serratifolia* (selection from Frenchs Forest Ward tree list) and shall be planted at least 2 metres from the footpath along the roadway, at least 3.0 metres from buildings or more, at least 2.0 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- d) the *Angophora costata* indicated in the rear of the property shall be planted at least 3.0 metres from buildings or more, at least 2.0 metres from common boundaries and retaining wall structures, and located either within garden bed or within a prepared bed within lawn,
- e) the rear boundary area behind the retaining walling within the easement to drain water shall include tall trunked vegetation to provide screening to a height of 3 metres at maturity,
- f) the southern boundary at the rear forward of the retaining walling 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,
- g) 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,
- h) mass planting shall be installed in garden beds prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- i) 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.

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.