

Landscape Referral Response

Application Number:	Mod2021/0986
Date:	11/01/2022
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 1 DP 202857 , 7 Trentwood Park AVALON BEACH NSW 2107

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 is for modification of development consent DA2019/0394.

The following additional existing trees are proposed for removal: T13 and T25, and a Arboricultural Impact Assessment is submitted and additionally an updated Landscape Plan is submitted.

The modified design layout of the development layout impacts both trees T13 and T25, identified as Broad-leaved White Mahogany native trees that are in decline and no objections are raised for removal, subject to tree replacement.

An updated Landscape Plan is submitted with the modification, and no concerns are raised subject to conditions.

Conditions of development consent DA2019/0394 as imposed by Landscape Referral shall be amended by conditions of consent under this modification application, including:

- Condition 12 Tree Protection Plan, shall be deleted to remove reference to T13 and T25, and a new condition shall be included under the modification application,
- Condition 13 Amended Landscape Plan, shall be deleted as the updated Landscape Plan satisfies the development consent DA2019/0394 condition, and a new condition shall be included under the modification application titled Landscape Completion for the proposed landscapes works as documented and subject to any imposed condition,
- Condition 21 Project Arborist. shall be deleted and replaced with a new condition included under the modification application, with an additional condition added to include updated Arboricultural Impact Assessment recommendations,
- Condition 22 Tree Removal, shall be deleted to remove reference to T13 and T25, as well as existing trees removed to date under development consent DA2019/0394, and a new condition shall be included under the modification application,
- Condition 26 Tree and Vegetation Protection - General, shall be deleted to remove reference to T13 and T25, and a new condition shall be included under the modification application.

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

Tree Protection Plan

A Tree Protection Plan shall be issued to the Certifying Authority documenting the extent and alignment of tree protection fencing to the following existing trees required to be retained and protected during all construction stages:

- within Lot 1: T3, T5, T12, T14, T21, T28, T30, T30A, and T32,
- within road reserve: T1, and
- within adjoining property: T15, T15A, T16, T22, T23, T24, T36, T37, and T38.

Reason: To protection existing trees not impacted by the development.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Project Arborist

A Project Arborist with AQF Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures and construction works in the vicinity of all existing trees identified within this consent for retention and protection, with the following works to be reviewed, inspected and certified by the Project Arborist, including as scheduled in the Arboricultural Impact Assessment prepared by Tree Wise Men, section 5.1 Arborist Involvement, and in accordance with the Abridged Arboricultural Impact Assessment dated 23 November 2021.

a) All construction activity shall be in accordance with the following general protection guidelines:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain unaltered under the tree protection zone of trees to be retained, unless authorised by a AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of any works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

b) Specifically the following works shall be undertaken:

- i) the Project Arborist shall locate and approve all required footings and/or piers within the tree protection zone,
- ii) the Project Arborist shall monitor any excavation, machine trenching or compacted fill placed within the tree protection zone of all trees to be retained,
- iii) if excavation is required it should be carried out under the supervision of the Project Arborist to identify roots critical to tree stability,
- iv) where the Project Arborist identifies roots to be pruned within or at the outer edge of the TPZ, they should be pruned with a final cut to undamaged wood, as directed by the Project Arborist,
- v) pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws,

as directed by the Project Arborist,

vi) pruning wounds shall be dressed as directed by the Project Arborist,

c) Activities listed below are excluded from the tree protection zone, unless directed and supervised by the Project Arborist:

i) machine excavation including trenching,

ii) excavation for silt fencing,

iii) construction material storage,

iv) dumping of waste,

v) placement of fill,

vi) soil level changes,

vii) temporary or permanent installation of utilities and signs,

viii) physical damage to the tree.

Certification reports and photographic documentation of development works shall be recorded and issued to the Certifying Authority, including as listed in the Arboricultural Impact Assessment prepared by Tree Wise Men, section 5.1.3, and in accordance with the Abridged Arboricultural Impact Assessment dated 23 November 2021.

Reason: To ensure the protection of the existing landscape amenity.

Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended and identified in the Arboricultural Impact Assessment prepared by Tree Wise Men, dated August 2017, and the Abridged Arboricultural Impact Assessment dated 23 November 2021):

• T11, T17A, T18, T26, and T27.

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 as follows:

i) all trees and vegetation within the site nominated in the Arboricultural Impact Assessment prepared by Tree Wise Men, dated August 2017, and the Abridged Arboricultural Impact Assessment dated 23 November 2021, including T3, T5, T12, , T14, T21, T28, T30, T30A, and T32, and excluding exempt trees and palms under the relevant planning instruments of legislation,

ii) all trees and vegetation located on adjoining properties, including T15, T15A, T16T22, T23, T24, T36, T37, and T38.

iii) all road reserve trees and vegetation, including T1.

b) Tree protection shall be generally undertaken as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,

ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,

iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,

iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,

v) to minimise the impact on trees and vegetation to be retained and protected, 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, vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site, vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site, viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures, ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority, x) 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 AS 4970-2009, xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

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

Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) all tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
- iii) all tree planting shall have a minimum individual area of 3 metres x 3 metres of soil area, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used,
- iv) two replacement *Eucalyptus umbra* (Broad-leaved White Mahogany) shall be planted within the property,
- v) all tree planting shall comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

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

Reason: Environmental amenity.