

Landscape Referral Response

Application Number:	DA2019/1248
Date:	31/01/2020
Responsible Officer:	Tony Collier
Land to be developed (Address):	Lot 13 DP 28236 , 143 - 145 McCarrs Creek Road CHURCH POINT NSW 2105 Lot 12 DP 28236 , 143 - 145 McCarrs Creek Road CHURCH POINT NSW 2105

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

Site visit indicates that there is already a level of disturbance on the site in the location of the two proposed dwellings.

Construction of carports and dwellings will require removal of several trees, as would any development on the sites. Generally, the tree removal s are not objected to in view of the other trees to be retained.

However, it is noted that two significant trees (Retention Value A1), Tree 15 (Red Mahogany) and Tree 17 (Turpentine) would be able to be retained if not for the inclinor path as indicated on the plans.

As there is little detail on the inclinor on the plans, it is recommended that further investigation be made into locating the inclinor sufficiently clear of the trunks of the trees to enable retention due to their environmental significance. Some minor design changes to the dwelling may be required.

This could either be done via condition or deletion of the inclinor component for further review at a later stage.

Recommended conditions have been included if the proposal is to be approved as submitted.

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) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees:
All trees not indicated for removal in the Arboricultural Impact Assessment Reports for 143 McCarrs Creek Road dated 13 October 2019 and 145 McCarrs Creek Road dated 17 October 2019 prepared by Hugh the Arborist.

b) The Tree Protection Plan shall be prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture, showing the following:

- i) layout of the development, including existing and proposed underground services,
- ii) location of all trees identified for retention, including extent of canopy,
- iii) access routes throughout the site for construction activity,
- iv) location of tree protection fencing / barriers,
- v) root protection in the form of mulching within the tree protection zone,
- vi) trunk and branch protection within the tree protection zone,
- vii) location of stockpile areas and materials storage,
- viii) other general tree protection measures.

c) Tree protection fencing to the extent and alignment as determined by an AQF minimum Level 5 Arborist, shall comply to Australian Standard 4970-2009 Protection of Trees on Development Sites

Reason: to ensure compliance with the requirement to retain and protect trees required to be retained.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Tree protection

(a) Existing trees which must be retained

i) All trees not indicated for removal in the Arboricultural Impact Assessment Reports for 143 McCarrs Creek Road dated 13 October 2019 and 145 McCarrs Creek Road dated 17 October 2019 prepared by Hugh the Arborist.

ii) Trees located on adjoining land

(b) Tree protection

i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the Project Arborist on site.

iii) All tree protection to be in accordance with the approved Tree Protection Plan, the Arboricultural Impact Assessment Reports for 143 McCarrs Creek Road dated 13 October 2019 and 145 McCarrs Creek Road dated 17 October 2019 prepared by Hugh the Arborist.

and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees

c) Tree protection measures are to be in place prior to commencement of works. The Project Arborist shall provide certification to the Certifying Authority that the tree protection measures are

satisfactory prior to the commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

Project Arborist

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.
- iv) All tree protection measures specified must:
 - a) be in place before work commences on the site, and
 - b) be maintained in good condition during the construction period, and
 - c) remain in place for the duration of the construction works.
- v) The Project Arborist shall provide certification to the Certifying Authority that all 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.
- vi) The Certifying Authority must ensure that:
 - a) 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
 - b) 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.
- vii) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure protection of vegetation proposed for retention on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Protection of rock and sites of significance

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

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

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and 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: To ensure compliance with the requirement to retain and protect significant planting on development sites.

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

Undesirable Trees

Leighton Green Cypress Cupressocyparis leylandii or any of its cultivars, must not be planted on the site for the life of the development. In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views, and loss of plant diversity.

Environmental and priority weed control (PLEP)

Condition: All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: Preservation of environmental amenity.