

REFERRAL RESPONSE – TREES & LANDSCAPING

FILE NO: Development Applications: 598/2022/1

ADDRESS: 17 Dover Road ROSE BAY 2029

PROPOSAL: Demolition of existing at-grade car park and encroaching structures and construction of: A mixed use building with frontage to Wilberforce Avenue incorporating a new multi-storey car park, ground floor retail premises and community centre and public amenities across multiple levels; Single storey ground floor retail building with frontage to Dover Road; and public domain and landscaping works.

FROM: David Prieto - Tree Management & Landscaping Officer

TO: Mr V Aleidzans

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by SJB Planning, dated December 2022
- Survey Plan No.52899, drafted by S.J. Dixon & Associates P/l, dated 02/07/2020
- Architectural Drawing Rev.2 No.'s Da0000, DA0003-4, DA0201, DA1001, DA1101, DA2000-3, DA2601, DA3101, DA3201, DA8001-4, drawn by Allen Jack+Cottier, dated 10/12/2022
- Stormwater drainage Plan Rev. P2 No.'s C01, C02, C10 & C20, drawn by TTW, dated 09/12/2022
- Landscape Plan Issue 06 No.'s L000-6, L101, L200-2, L701-3, designed by Oculus, dated 13/12/2022

A site inspection was carried out on 31/01/2023 .

Relevant Control:

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites
- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

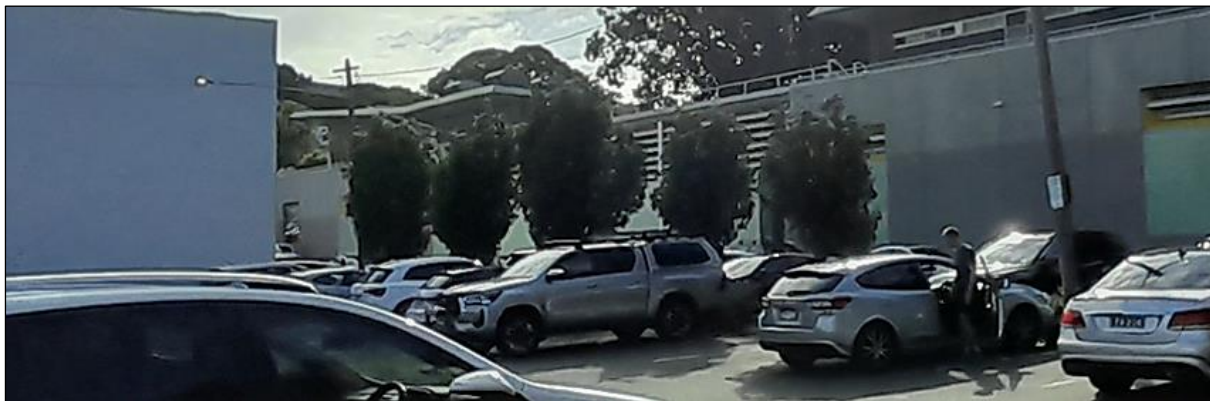
SUMMARY

Trees

The proposal is for demolition of existing carpark and construction of public car parking and a new multi-purpose community facility, as well as new retail space.

A total of ten (10) prescribed trees have been identified within and adjacent to the site, six (6) on the property and four (4) street trees. Eight (8) proposed for removal and two (2) street trees to be retained and protected.

A number of other small trees were found on the property, however they are not prescribed and will not be included on the referral.



COMMENTS

Trees

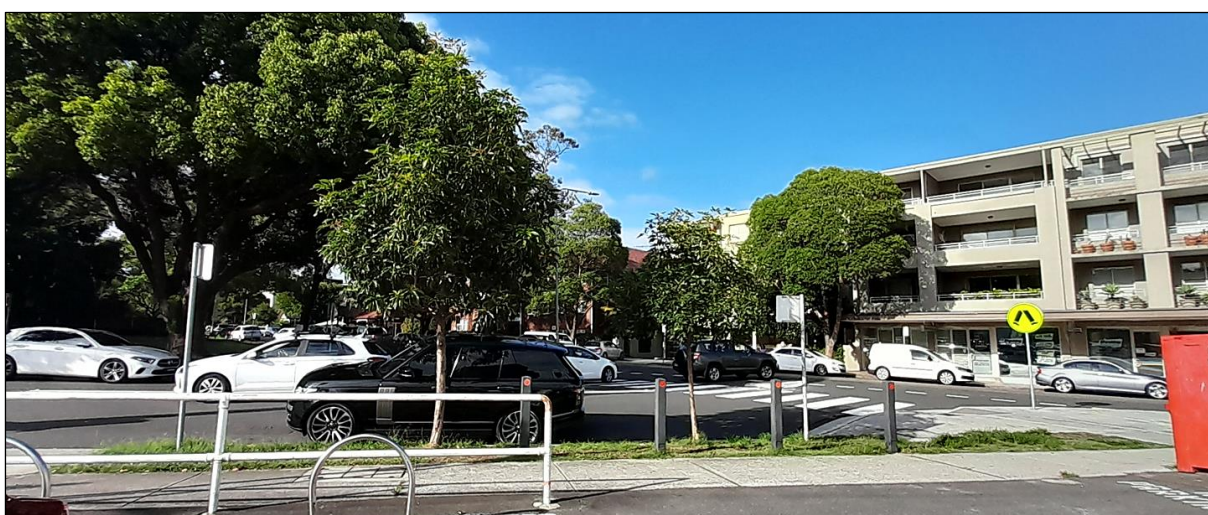
Tree No.1 *Harpullia pendula* (Tulipwood) is a mature street located on Dover Street adjacent to existing driveway and proposed Retail 3B. This tree is proposed to be retained. Trunk protection shall be installed during works.



Tree No.2 *Lophostemon confertus* (Brush Box) is a juvenile tree recently planted within the road reserve in front of No.8 Wilberforce Avenue. Fencing shall be installed before and during construction.



Tree No's 3 & 4 *Lophostemon confertus* (Brush Box) are located within the road reserve. They are early mature/juvenile specimens proposed to be removed. Removal is supported subject to appropriate replacement.



Tree No.'s 5–10 *Syzygium paniculatum* (Magenta Cherry) are mature trees located within the property boundary. Their removal is supported as previously advised on PreDA Referral response Council. Ref. 22/182257 and subject to appropriate replacement.



Landscape Plan

Landscape Plan designed by Oculus has been amended. Current revision No. 06, dated 13/12/2022 shows amended tree species, however not all pages on the Plan have been amended.

Drawing No. L003 Issue 02, shall be amended for consistency with a) Drawing Nos. L200 & 202 Issue 06 and Drawing No. L201 Issue 05 and b) Conditions of Consent.

Tree damage security deposit

No bond shall be imposed considering Council is the owner of the property.

RECOMMENDATIONS

Council's Tree and Landscape Officer has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to compliance with the following Conditions of Consent.

CONDITIONS OF CONSENT

Please note that the standard conditions of consent are generally modified by the Technical Services Department to suit a particular development application. Please ensure all Technical Services conditions of consent are cut and pasted from this document only, and not inserted as standard conditions using the automatically generated (F3) function

A. General Conditions

A.1 Tree Preservation & Approved Landscaping Works

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees shall be retained

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)
1	<i>Harpullia pendula</i> (Tulipwood)	Planting pit adjacent to driveway at Dover Street	7 x 7
2	<i>Lophostemon confertus</i> (Brush Box)	Road reserve in front of No.8 Wilberforce Avenue	2.5 x 1

Note: The tree/s required to be retained should appear coloured green on the construction certificate plans.

b) The following trees on Council Land may be removed:

Council Ref No.	Species	Location	Dimension (metres)
3	<i>Lophostemon confertus</i> (Brush Box)	Road reserve adjacent to carpark in Wilberforce Avenue	3 x 2
4	<i>Lophostemon confertus</i> (Brush Box)	Road reserve adjacent to carpark in Wilberforce Avenue	5 x 2
5-10	<i>Syzygium paniculatum</i> (Magenta Cherry)	Adjacent to carpark masonry wall	8 x 5

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

Note: The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.

A.2 Approved Plans and supporting documents

Reference	Description	Author/Drawn	Date(s)
Issue 06 No.'s L000-6, L101, L200-2, L701-3	Landscape Plan	Oculus	13/12/2022

B. Conditions which must be satisfied prior to the demolition of any building or construction

B.1 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
2	<i>Lophostemon confertus</i> (Brush Box)	Road reserve in front of No.8 Wilberforce Avenue	1.5

Note: Where this condition relates to street trees and the fence cannot be placed at the specified radius, the fencing shall be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways, footpaths and bus stops is protected.

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No.	Species
1	<i>Harpullia pendula</i> (Tulipwood)

Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8 gauge wire at 300mm spacing. Trunk protection shall extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.

- d) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- e) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- g) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.
- h) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- i) The project arborist shall provide written certification of compliance with the above condition.

B.2 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Approved works
1	<i>Harpullia pendula</i> (Tulipwood)	Crossover & footpath paving

The project arborist shall provide written certification of compliance with the above condition.

B.3 Demolition and Construction Management Plan

The Demolition and Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for. The Demolition and Construction Management Plan shall be prepared in accordance with all tree protection measures specified within this consent. Considerations by the Project Arborist shall include but not be limited to:

- a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;
- b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc;
- c) Site construction access, temporary crossings and movement corridors on the site defined;
- d) Contractors car parking;
- e) Phasing of construction works;
- f) The space needed for all foundation excavations and construction works;
- g) All changes in ground level;
- h) Space for site sheds and other temporary structures such as toilets;
- i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and
- j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.

B.4 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation for each site visit shall include:

- A record of the condition of trees to be retained prior to and throughout development
- Recommended actions to improve site conditions and rectification of non-compliance
- Recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.• The project arborist shall install or supervise the installation of tree protection fencing, trunk protection,

	ground protection and traffic height control beam.
Prior to any occupation or use of the building	<ul style="list-style-type: none"> • Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> • The project arborist shall supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.

Inspections and compliance documentation shall be made by an arborist with AQF Level 5 qualifications.

Additional site visits shall be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Tree Management Plan

The *Construction Certificate* plans and specifications shall show the following information:

- a) Trees to be numbered in accordance with these conditions:
 - shaded green where required to be retained and protected
 - shaded red where authorised to be removed
- b) References to applicable tree management plan, arborists report or transplant method statement.

This plan shall be kept on site until the issue of the final occupation certificate.

C.2 Modification of details of the development (section 4.17 (1) (g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) Amended Landscape Plan. The submitted landscape plan shall be amended to include the following prior to the issue of the Construction Certificate:
 - Proposed planting table on Drawing No. L003 Issue 02, shall be amended for consistency with a) Drawing Nos. L200 & 202 Issue 06 and Drawing No. L201 Issue 05 and b) Conditions of Consent.

- Note:** The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.
- Note:** Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.
- Note:** Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

D. Conditions which must be satisfied prior to the commencement of any development work

Nil

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

All persons must comply with Chapter E.3 – Tree Management of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- a) The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

E.2 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall be planted in *deep soil landscaped area* and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting/Location	Container Size/Size of Tree (at planting)
1 x <i>Lophostemon confertus</i> (Brush Box)	Public footpath on Wilberforce Avenue	200L
4 x <i>Angophora costata</i> (Sydney Pink Gum)	Public footpath on Wilberforce Avenue	200L
3 x <i>Livistona australis</i> (Cabbage Tree palm)	In front of Retail 2	200L
2 x <i>Brachychiton acerifolius</i> (Illawarra Flame tree)	Adjacent to Retail 3A & 3B	400L

3 x <i>Waterhousia floribunda</i> (Weeping Lillypilly)	Adjacent to Retail 3A & 3B	400L
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The project arborist shall document compliance with the above condition.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Amenity Landscaping

The *owner* or *principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

Nil

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

H.1 Landscaping

The *principal contractor* or *owner* must provide to *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

Note: This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the Final Occupation Certificate.

I. Conditions which must be satisfied during the ongoing use of the development

Nil

J. Miscellaneous Conditions

Nil

K. Advisings

K.1 Pruning or Removing a Tree Growing on Private Property

The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.



David Prieto
Tree Management and Landscape Officer