

Landscape Referral Response

Application Number:	Mod2024/0705
Date:	31/03/2025
Proposed Development:	Modification of Development Consent REV2021/0034 granted for Review of Determination of Application DA2020/0442 for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision
Responsible Officer:	Anaiis Sarkissian
Land to be developed (Address):	Lot B DP 316404 , 231 Whale Beach Road WHALE 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 to development consent REV2021/0034.

Additional Comment 31/03/25:

Condition 36 Project Arborist is amended to ensure the protection of neighbouring vegetation.

Original Comment:

The updated Arboricultural Impact Assessment states "*There are no trees on site and none of the documented trees will be directly affected by either the currently approved or currently proposed Section 4.55 application to modify this*" and as such no concerns are raised with the proposed modifications in regard to trees. Condition 36 Project Arborist shall be amended as part of this modification application.

The landscape outcomes approved under REV2021/0034 generally remain as approved noting some reconfiguration of landscaped areas. Condition 62 Required Planting shall be deleted as part of this modification application and condition 63 Landscape Completion shall be amended as part of this modification application. All other conditions remain.

All public domain works shall be approved under the relevant pathway and in accordance with the imposed conditions.

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

Project Arborist

- a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the Arboricultural Impact Assessment dated July 2024 prepared by George Palmer, Botanics P/L (and any relevant protection measures outlined in the Arboricultural Impact Assessment dated July 2021 prepared by Urban Forestry Australia) and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.
- b) The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works unless approved by the Project Arborist. The Project Arborist shall supervise the construction of the overland flow path along the southern boundary, including any associated retaining walls, within the tree protection zones of any neighbouring trees.
- c) Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.
- d) All tree protection measures specified 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.
- e) The Project Arborist shall provide certification to the Certifier 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.

Note:

- i) 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.
- ii) 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.

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

Landscape Completion

- a) landscape works are to be implemented in accordance with the approved Landscape Plan(s), and

inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
 - ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
 - iii) all tree planting shall be planted into a prepared planting hole, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
 - iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
 - v) 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.
- b) 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.