

# Memo

## Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Daniel Milliken, Planner
<b>Date:</b>	22 March 2022
<b>Application Number:</b>	Mod2022/0125
<b>Address:</b>	Lot 2352 DP 1256637 , 4 Munoorra Street SEAFORTH NSW 2092
<b>Proposed Modification:</b>	Modification of Development Consent DA2021/1812 granted for the construction of a dwelling house

## Background

The abovementioned development consent was granted by Council on 8 March 2022 for the construction of a dwelling house.

## Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to delete condition No. 6 and modify condition Nos. 13 and 20, which read as follows:

### 6. 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 tree shown as retained in the Landscape Concept Plan and identified as Tree 1 in the Tree Data Schedule:

i) Cheese Tree - *Glochidion ferdinandii*

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating 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 or boards proposed within the tree protection zone,
- vi) trunk and branch protection within the tree protection zone,
- vii) location of stockpile areas and materials storage, that must be outside of the tree protection zone,
- viii) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

### **13. Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the property (as recommended in the Tree Data Schedule and as shown on the Landscape Concept Plan):

- i) tree 2 Magnolia
- ii) tree 3 Camellia

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised development works.

### **20. Street Tree Planting**

Street trees shall be planted in accordance with the Manly Council Street Tree Master Plan shall be planted as follows:

- one (1) Cheese Tree - Glochion ferdinandi.

Street tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

The street tree shall be installed into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established and shall be located at least 2 metres from any structures including driveways, kerbs and paths and shall generally be centralised within the road verge.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

### **Consideration of error or mis-description**

The original Landscape referral required the retention of the cheese tree on the northern side of the site.

During the assessment of the application, amendments were made to the design to resolve other amenity issues. The changes included moving the dwelling northwards. The result is that the cheese tree cannot be retained. However, the original landscaping conditions were not modified in the consent to suit these changes.

This modification seeks to correct this error.

Council's Landscape Officer has been consulted and agrees with the recommendation to delete condition No. 6, modify condition No. 13 to include the removal of the cheese tree, and modify condition No. 20 to increase the street tree planting to two, to compensate for the loss of the cheese tree.

### **Conclusion**

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

### **Recommendation**

THAT Council as the consent authority approve Modification Application No. Mod2022/0125 for Modification of Development Consent DA2021/1812 granted for the construction of a dwelling house on land at Lot 2352 DP 1256637,4 Munoorra Street, SEAFORTH, as follows:

#### **A. Delete Condition No. 6 - Tree Protection Plan.**

#### **B. Modify Condition No. 13 - Tree Removal Within the Property, to read as follows:**

This consent approves the removal of the following tree(s) within the property (as recommended in the Tree Data Schedule and as shown on the Landscape Concept Plan):

- i) tree 1 Cheese tree
- ii) tree 2 Magnolia
- iii) tree 3 Camellia

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised development works.

#### **C. Modify Condition No. 20 - Street Tree Planting, to read as follows:**

Street trees shall be planted in accordance with the Manly Council Street Tree Master Plan shall be planted as follows:

- Two (2) Cheese Trees - Glochion ferdinandi.

Street tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

The street tree shall be installed into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established and shall be located at least 2 metres from any structures including driveways, kerbs and paths and shall generally be centralised within the road verge.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Daniel Milliken, Principal Planner**

The application is determined on 22/03/2022, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**