

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0676
Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 4 DP 14048, 26 Ralston Road PALM BEACH NSW 2108 Lot 5 DP 14048, 26 Ralston Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Tony Nassif
Applicant:	Crawford Architects Pty Ltd

Application Lodged:	14/12/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	08/01/2024 to 25/01/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification seeks consent for changes to the levels of the approved development. Specifically the modified development involves an additional 500mm of excavation across the development footprints and subsequent reductions in the floor levels above in order to facilitate compliant floor to ceiling heights while adhering to the intent of Condition 18 of DA2020/0096, which reads:

18. Roof Parapet

The proposed roof parapet at the western elevation of Lot 4 is to be deleted. The maximum height of the western wall/elevation is to be RL106.25.

The proposed roof parapet to the east of the roof terrace of Lot 5 is to be reduced in height by 450mm. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To reduce the bulk and visual impact of the dwelling at the western elevation.

As a result of the proposed modification, the levels of the proposed dwellings on Lots 4 and 5 are as follows:

Lot 4

	Approved RL	Proposed RL	Height Change +/-
Garage	99.00	98.50	-0.50m
Ground Floor	100.70	100.20	-0.50m
First Floor	103.40	103.10	-0.30m
Roof	106.25	106.10	-0.15m
Parapet	106.25 - 106.70	106.25	Nil - 0.45m

Lot 5

	Approved RL	Proposed RL	Height Change +/-
Garage	99.00	98.50	-0.50m
Ground Floor	101.85	101.35	-0.50m
First Floor	104.55	104.25	-0.30m
Roof	107.40	107.25	-0.15m
Parapet	107.40 - 107.85	107.40	Nil - 0.45m

Summary

The proposed built form of the dwellings on Lots 4 and 5 adhere to the intent of Condition 18, with the parapet heights not exceeding the levels required by the condition. Further, the alteration of the approved levels enables a 450mm reduction in the approved maximum parapet height (in relation to the portions of the parapets not affected by Condition 18) for both dwellings as indicated in the above tables. Based on the assessment undertaken, Condition 18 may be deleted as requested.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater 21 Development Control Plan - C1.3 View Sharing

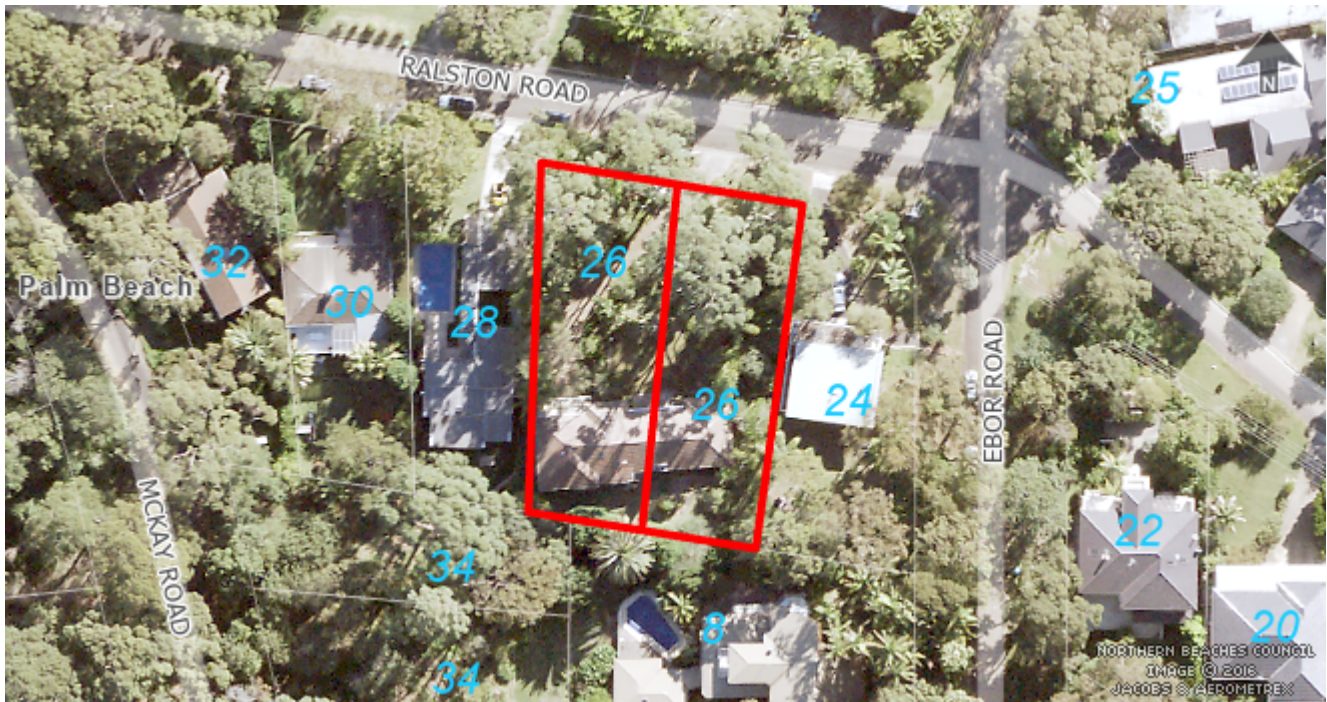
Pittwater 21 Development Control Plan - C1.4 Solar Access

Pittwater 21 Development Control Plan - D12.8 Building envelope

SITE DESCRIPTION

Property Description:	<p>Lot 4 DP 14048 , 26 Ralston Road PALM BEACH NSW 2108</p> <p>Lot 5 DP 14048 , 26 Ralston Road PALM BEACH NSW 2108</p>
Detailed Site Description:	<p>The subject site consists of two allotments located on the southern side of Ralston Road.</p> <p>The site is regular in shape with a frontage of 35.06m along Ralston Road and a depth of 46.06m. The site has a surveyed area of 1492.3m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates an existing dwelling house.</p> <p>The site has a crossfall of 4m from east to west.</p> <p>The site is heavily vegetated, including three significant trees and further native and non-native vegetation. The adjoining properties and road reserve also contain a number of significant trees in close proximity to the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached dwellings. The rear boundary partially adjoins McKay Reserve, which is located to the south and west of the site.</p>

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA2020/0096 - Demolition of a dwelling house and construction of two dwelling houses - Approved 9 September 2020.
- Mod2022/0518 - Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses - Refused.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the

Assessment Report for DA2020/0096, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The proposed modification involves minimal change to the approved building envelope and built form outcome on the site. • The proposed changes do not result in any new material impacts upon adjoining properties or the natural environment.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2020/0096 for the following reasons:</p> <ul style="list-style-type: none"> • The proposal maintains the approved residential use of the site. • The proposed changes to the approved development do not materially alter the built form outcome. • The environmental impacts of the modified development are generally consistent with those of the approved development.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning	No submissions were received in relation to this application.

Section 4.55(1A) - Other Modifications	Comments
the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The proposed modification results in negligible change to the approved siting and built form of the development. As such, no change to the recommendations of the previously submitted Bushfire Report or NSW RFS referral are expected.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 08/01/2024 to 25/01/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is for modification to development consent DA2020/0096 as described and illustrated in the submitted Statement of Environmental Effects (SoEE), Architectural Plans and and updated Arboricultural Impact Assessment (AIA) report. Specifically the modification as advised in the SoEE is for: alteration to floor levels of the dwelling on Lot 4; reduction to floor levels of the dwellings on Lot 5; and deletion of Condition 18.</p> <p>Landscape Referral note the recommendations of the AIA report, which confirm that the proposed modifications do not result in additional impacts to existing trees to be retained through the proposed additional excavation associated with the reduction of ground floor levels. Existing trees in proximity to the proposed modification works as investigated in the AIA report includes trees 2 to 9 inclusive. No concerns are raised with the AIA report recommendations and conditions shall be imposed.</p> <p>Landscape condition 26. Tree protection measures shall be modified to include the reference to required arboricultural works as listed in the updated Arboricultural Impact Assessment under this modification.</p> <p>All other Landscape Referral conditions shall remain including 12, 13, 14, 27, 29, 30 and 33.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs and LEPS), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPS), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate Nos. 1065040S and 1065036S dated 23 December 2019).

A condition was included in the previous consent requiring compliance with the commitments indicated

in the BASIX Certificate.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings:	8.5m	Lot 4: 7.7m	7.6m	Yes
		Lot 5: 6.6m	6.5m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes

Detailed Assessment

5.10 Heritage conservation

The proposal does not involve any material change to the approved development footprint or built form that would be likely to adversely impact any Aboriginal or built form heritage values in the vicinity of the site.

7.2 Earthworks

The additional excavation proposed through this modification is a maximum of 500mm and is located centrally, within the approved development footprint. The site is not identified on Council's geotechnical hazard map and the proposed excavation is not anticipated to impact the geotechnical stability of the site or adjoining properties or natural environmental processes.

7.6 Biodiversity protection

The proposal does not alter the approved development footprint and Council's Landscape Officer is satisfied that the additional excavation will not adversely impact retained trees in proximity to the works. As such, the modification will not result in adverse impacts to the biodiversity values of the site or locality.

Pittwater 21 Development Control Plan

Built Form Controls

Lot 4 (West)

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	14.3m	Unaltered	Yes
Rear building line	6.5m	6.7m - 7.2m	Unaltered	Yes
Side building line	West: 2.5m	2.9m - 3.9m	Unaltered	Yes
	East: 1m	Garage: 1.1m Dwelling: 2.5m	Unaltered	Yes
Building envelope	3.5m	West: Outside envelope	Unaltered	No
		East: Within envelope	Unaltered	Yes

Landscaped area	60% 459.78m ²	61.1% 468.2m ²	Unaltered	Yes
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Lot 5 (east).

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	14.5m	Unaltered	Yes
Rear building line	6.5m	7.5m - 8m	Unaltered	Yes
Side building line	East: 2.5m	2.8m - 3.3m	Unaltered	Yes
	West: 1m	Garage: 1.1m Dwelling: 2.5m	Unaltered	Yes
Building envelope	3.5m	West: Outside envelope	Unaltered	No
		East: Within envelope	Unaltered	Yes
Landscaped area	60% 438.96m ²	64.6% 472.7m ²	Unaltered	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	Yes	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.3 View Sharing

The proposed modification results in parapet heights for the dwellings on Lots 4 and 5 that are at or below those of the approved development. As such, the proposal will not cause any additional view loss impacts and is acceptable.

C1.4 Solar Access

The proposed modification results in parapet heights for the dwellings on Lots 4 and 5 that are at or below those of the approved development. As such, the proposal will not cause any additional overshadowing impacts and is acceptable.

D12.8 Building envelope

The proposed modification does not materially alter the extent of the approved building envelope compliances. The proposal as modified remains consistent with the outcomes of the control as previously assessed.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation

submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0676 for Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses on land at Lot 4 DP 14048,26 Ralston Road, PALM BEACH, Lot 5 DP 14048,26 Ralston Road, PALM BEACH, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-395975 - Mod2023/0676	The date of this notice of determination	Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses.

		Add Condition 1A Delete Condition 18 Modify Condition 26
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Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A011	06	Site Plan	Crawford Architects	5 December 2023
A100	02	Cut & Fill Plan	Crawford Architects	5 December 2023
A200	08	Lower Ground Floor Plan	Crawford Architects	5 December 2023
A201	08	Ground Floor Plan	Crawford Architects	5 December 2023
A202	07	First Floor Plan	Crawford Architects	5 December 2023
A203	07	Roof Plan	Crawford Architects	5 December 2023
A300	08	Elevations - Sheet 01	Crawford Architects	5 December 2023
A301	07	Elevations - Sheet 02	Crawford Architects	5 December 2023
A302	07	Elevations - Sheet 03	Crawford Architects	5 December 2023
A310	07	Sections	Crawford Architects	5 December 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Assessment	-	Redgum Horticultural	30 November 2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Delete Condition 18. Roof Parapet to read as follows:

18. DELETED

C. Modify Condition 26. Tree Protection Measures to read as follows:

26. Tree Protection Measures

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction works, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by RedGum Horticultural reports dated 12 June 2020, and as modified 30 November 2023 specifically for existing trees 2 to 9 inclusive. This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessments, as identified in the following sections:

- report dated 12 June 2020: Table 1.0; Section 5.0 Observations/Discussions, identifying specific tasks to be undertaken; Section 7.0 Recommendations; and Appendix F Site Plan - Survey of Subject Trees to be Retained & Tree Protection Zones, including tree protection fencing;
- or as modified specifically for existing trees 2 to 9 inclusive in report dated 30 November 2023: Section 5.0 Observations/Discussions; Section 7.0 Recommendations; and Appendix F Site Plan - Survey of Subject Trees to be Retained & Tree Protection Zones.

The Project Arborist shall submit certification that the works and activities described in the above sections have been correctly installed and adhered to during the construction period.

The tree protection measures specified in this clause must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works.

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that: the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree; and 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.

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 tree protection is provided and maintained.

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

Signed



Adam Croft, Principal Planner

The application is determined on 27/02/2024, under the delegated authority of:



Daniel Milliken, Manager Development Assessments