

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

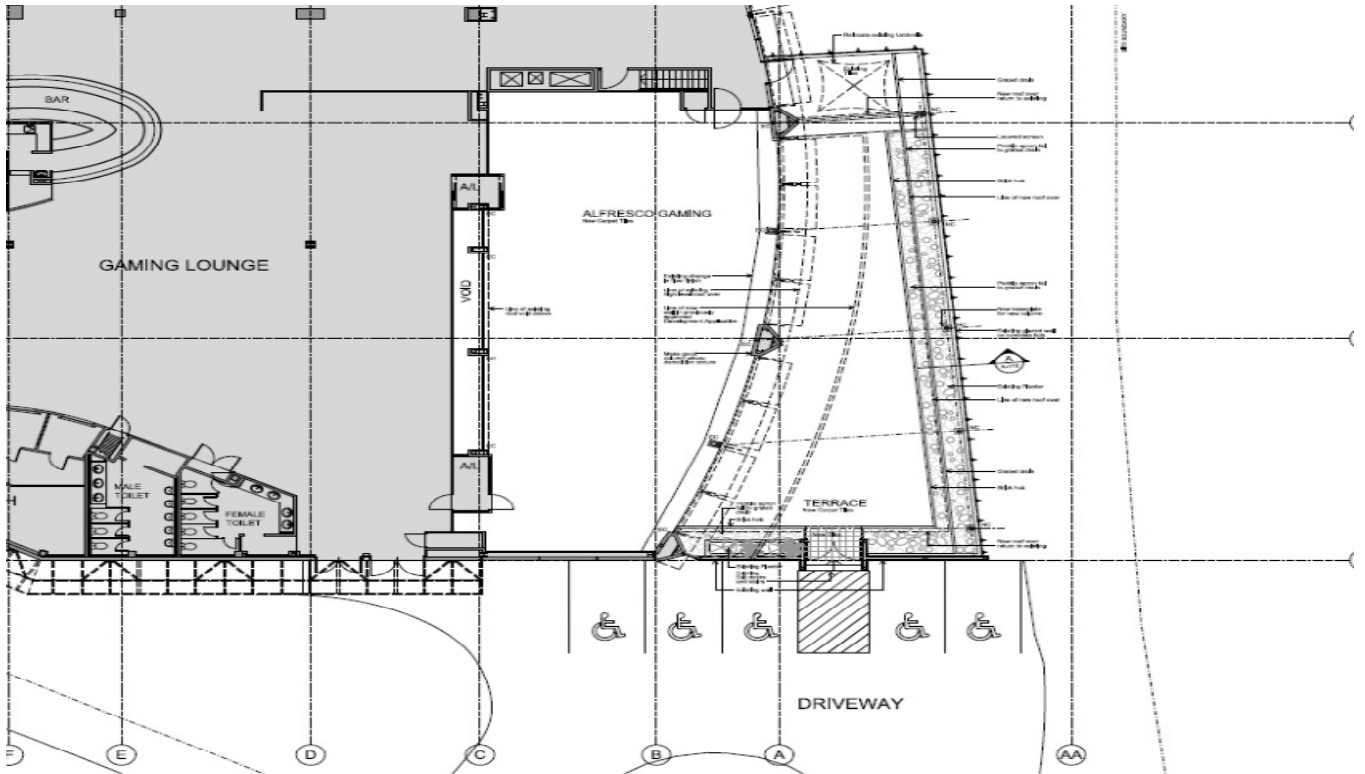
<b>Application Number:</b>	Mod2019/0408
<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 26 DP 654262, 80 - 82 Mona Vale Road MONA VALE NSW 2103
<b>Proposed Development:</b>	Modification of Development Consent N0063/15 granted for internal and external alterations and additions to Pittwater RSL including the internal refurbishment of the existing club
<b>Zoning:</b>	R2 Low Density Residential SP2 Infrastructure
<b>Development Permissible:</b>	No - Zone R2 Low Density Residential - Zone SP2 Infrastructure
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Pittwater RSL Club Ltd
<b>Applicant:</b>	Pittwater RSL Club Ltd

<b>Application Lodged:</b>	23/08/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	10/09/2019 to 24/09/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

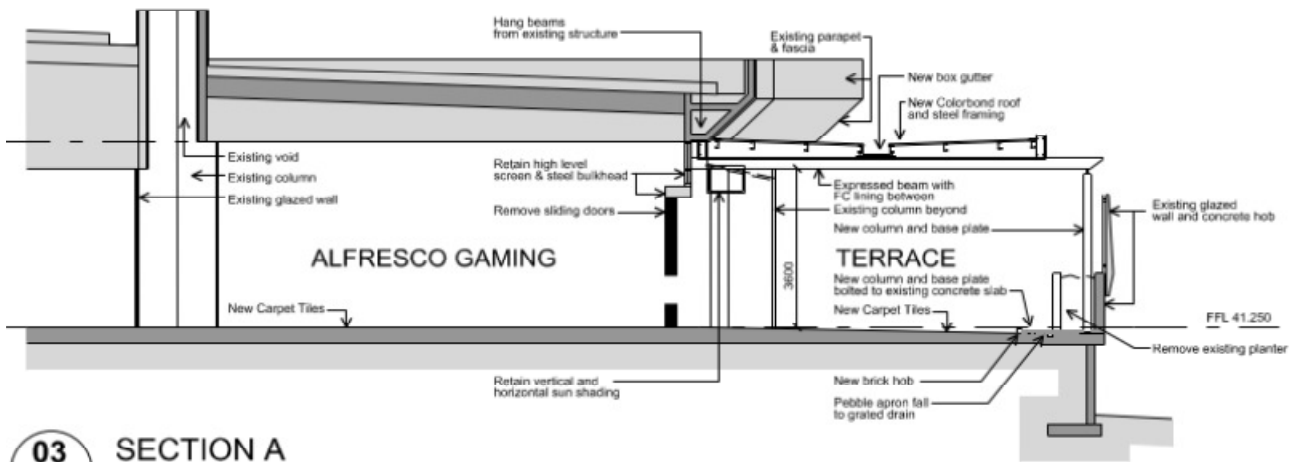
### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent to modify the smokers terraces located within the northern section of the club which was approved under development consent reference N0063/15. In detail, the proposal involves:

- Demolition of existing sliding doors to the alfresco gaming area and removal of existing planter along the outer perimeter of the terrace, and
- Construction of columns along the perimeter of the terrace and colorbond roof (3.6m in height) and a steel framing over the existing smokers terrace smokers to provide for weather protection, refer to images below.



Proposed northern ground floor plan



**03** SECTION A  
SCALE 1:100

Proposed section

## 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 - 2.5 Additional permitted uses for particular land  
 Pittwater Local Environmental Plan 2014 - Zone R2 Low Density Residential  
 Pittwater Local Environmental Plan 2014 - Zone SP2 Infrastructure  
 Pittwater Local Environmental Plan 2014 - 5.1A Development on land intended to be acquired for public purpose  
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils  
 Pittwater 21 Development Control Plan - C2.1 Landscaping  
 Pittwater 21 Development Control Plan - C2.2 Safety and Security  
 Pittwater 21 Development Control Plan - C2.5 View Sharing  
 Pittwater 21 Development Control Plan - C2.6 Adaptable Housing and Accessibility  
 Pittwater 21 Development Control Plan - C2.7 Building Facades  
 Pittwater 21 Development Control Plan - C2.8 Energy and Water Conservation  
 Pittwater 21 Development Control Plan - C2.9 Waste and Recycling Facilities  
 Pittwater 21 Development Control Plan - C2.12 Protection of Residential Amenity  
 Pittwater 21 Development Control Plan - C2.20 Public Road Reserve - Landscaping and Infrastructure  
 Pittwater 21 Development Control Plan - D14.1 Character as viewed from a public place  
 Pittwater 21 Development Control Plan - D14.17 Construction, Retaining walls, terracing and undercroft areas

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 26 DP 654262 , 80 - 82 Mona Vale Road MONA VALE NSW 2103
<b>Detailed Site Description:</b>	The site is known as 80-82 Pittwater Road, Mona Vale and is informally known as the Pittwater RSL. The RSL occupies three adjoining sites, 80-82 Mona Vale Road and 22 Jubilee Avenue. The subject application relates only to 80-82 Pittwater Road. The site has a legal description of Lot 26 in DP 654262, is triangular in shape and has a total area of approximately 16,000sqm. The site is located in the western side of the junction of Mona Vale Road and Foley Road with vehicular and pedestrian access being gained via the Foley Street frontage. The site experiences a decrease in level of approximately 10 metres from east to west resulting in a slope of 6% or 3.5 degrees. The site is currently occupied by a two storey building operating as an RSL club, as well as at-grade and undercover car parking and landscaping. Surrounding sites are predominately residential in nature with dwelling houses to the north on Mona Vale Road and to

the south east on Foley Street. To the west and south west are commercial and light industrial areas. The subject application relates to the existing smokers terrace which adjoins the alfresco gaming area locating on the northern frontage of the building which fronts Mona Vale Road.

Map:



## SITE HISTORY

The Pittwater RSL Club is understood to have been formed in 1958, and as having operated on the subject site since 1960. Council's records indicate a continuous use of the site as an RSL for a number of decades. A summary of the development history is provided below:

Consent 0695/88 approved alterations and additions to the club;  
0390/90 approved extensions to the club;  
0101/92 approved alterations and additions to the club;  
1035/95 approved alterations to the lower ground floor of the club;  
0998/96 approved a smoke management system for the club;  
N0073/099 permitted further extensions to the club and an increase in car parking;  
N0011/02 approved the reconfiguration of an existing 300 seat bistro within the club;  
N0384/08 permitted six futsal courts with associated amenities.

The subject modification seeks to modify consent N0063/15 which was approved on 2 April 2015 for alterations and additions to Pittwater RSL including the internal refurbishment of the existing club, new garden pavilion to existing terrace and new drop off zone to existing lower level ground car park.

## 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 N0063/15, 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:

<b>Section 4.55(1A) - Other Modifications</b>	<b>Comments</b>
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	<b>Yes</b> The modification, as proposed in this application, is considered to be of minimal environmental impact.
(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	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under N0063/15.
(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 2000, Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

### 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	None applicable.
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 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 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 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the</p>

Section 4.15 'Matters for Consideration'	Comments
	submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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	No submissions were received in relation to this application.
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 site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The proposal to Modify the existing Consent involves a new roof over an existing licensed terrace at the Club as part of an amended application. The proposed works are ancillary and incidental to the

Internal Referral Body	Comments
	Club and will allow for greater protection from the elements. No objections subject to conditions.
Environmental Health (Industrial)	<p><b>General Comments</b></p> <p>Applicant proposes to construct a roof, no changes to the commercial nature of the building.</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
Environmental Health (Food Premises, Skin Pen.)	<p><b>General Comments</b></p> <p>Applicant proposes to construct a roof, no change to Food Premises.</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>No landscape objections are raised for Mod2019/0408 proposal to extend the roof over the existing terrace, subject to conditions to protect existing vegetation during the works that exist within the Mona Vale Road frontage of the site.</p> <p>The proposal requires the removal of existing planters within the terrace containing low height planting of low landscape value, and do not provide screening nor any other amenity value.</p>

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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)

Nil

### Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone R2 : No Zone SP2:
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After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone R2 : Yes Zone SP2: Yes

#### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	13m	3.6m	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for public purpose	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	N/A
7.10 Essential services	Yes

#### Detailed Assessment

##### 2.5 Additional permitted uses for particular land

Clause 2.5 (Additional permitted uses for particular land) of the Pittwater LEP 2014 applies to the subject site.

Clause 2.5 states:

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
- (a) *with development consent, or*
- (b) *if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan*

Clause 11 of Schedule 1 of the PLEP 2014 applies to land at 80–82 and 84 Mona Vale Road, Mona Vale and 22 Jubilee Avenue, Warriewood.

Part 2 of Clause 11 allows *development for the purpose of a registered club is permitted with development consent.*

The continued use of the subject terrace as part of the use of the site as a registered club is therefore permissible.

**Zone R2 Low Density Residential**

The use of the site as a *registered club* is not permissible in R2: Low Density Residential zone. Notwithstanding this, provision 2.5 of the PLP 2014 allows for additional permitted uses for particular land. Pursuant to clause 2.5 and schedule 1 part 11 the continued use of the terrace as part of a register club is permissible, refer to discussion above.

In addition, it is considered that the proposal meets the following objectives of the R2 zone.

Objectives two and three permit land uses other than residential uses which meet the day-to-day needs of residents provided that they are compatible with the surrounding land uses. The existing club has operated on this site for approximately 60 years and integrates appropriately with the residential development located to the north and south east (sites to the west are zoned B7: Business Park and sites to the south west are zoned IN2: Light Industrial). The club provides for the day-to-day needs of residents providing a range of food and drink functions as well as social and community functions. No change of use of proposed by this application and the works will not result in the material intensification of the use.

**Zone SP2 Infrastructure**

Pursuant to Clause 5.1A of the Pittwater LEP 2014, a 9 meter section of land along the entirety of the north eastern boundary of the site is designated as land reservation area and is zoned SP2: Infrastructure Classified Road. The proposed roof structure over the existing terrace is located immediately adjacent to the north-eastern boundary of the site. The roof structure will not project within the land reservation area and all work is contained within the footprint of the existing building.

**5.1A Development on land intended to be acquired for public purpose**

As noted above, pursuant to Clause 5.1A of the Pittwater LEP 2014, a 9 meter section of land along the entirety of the north eastern boundary of the site is designated as land reservation area and is zoned SP2: Infrastructure Classified Road. The proposed development will not project into the land reservation zone. All work is is contained within the footprint of the existing building.

**7.1 Acid sulfate soils**

The site is zoned class 5 on the Acid Sulfate Soil map. No excavation is proposed as such the proposal complies with clause 7.1.

**Pittwater 21 Development Control Plan**

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.4m	min 8.5m	The site is triangular in shape with two public frontages. There is no change to the front building line to the north which will remain a compliant minimum 8.5m	Yes
Rear building line	6.5m	approx 21m	Unaltered	Yes

Side building line	2.5m	N/a	The triangular nature of the site is such that there is no side boundaries, only two front boundaries and a rear boundary.	NA
Building envelope	3.5m	Within envelope	unaltered	Yes
Landscaped area	50%	%	unaltered	N/A

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C2.1 Landscaping	Yes	Yes
C2.2 Safety and Security	Yes	Yes
C2.5 View Sharing	Yes	Yes
C2.6 Adaptable Housing and Accessibility	Yes	Yes
C2.7 Building Facades	Yes	Yes
C2.8 Energy and Water Conservation	Yes	Yes
C2.9 Waste and Recycling Facilities	Yes	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.20 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	Yes	Yes
D14.8 Side and rear building line	Yes	Yes
D14.11 Building envelope	Yes	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

### Detailed Assessment

#### **C2.1 Landscaping**

The proposed works relate to minor alterations and additions to an existing alfresco area. The proposal will involve the removal of the existing planters within the terrace containing low height planting. The application was referred to Council's Landscape Officer who notes that the existing planting is of low landscape value and does not provide screening nor any other amenity value. As such, no objections have been raised to the proposal subject to the inclusion of an additional condition requiring the

protection of the existing landscaping / vegetation during the works that exist within the Mona Vale Road frontage. Refer to discussion above.

## **C2.2 Safety and Security**

The applicant notes that the proposed roof over the existing terrace will remain appropriately lit and monitored to ensure ongoing safety and security of patrons. Staff will monitor the area in the same manner as other licensed areas are monitored so that neighbouring amenity is maintained and liquor licensing conditions are satisfied. Furthermore the existing perimeter glazed wall will be maintained and will continue to assist in the reduction and deflection of noise.

## **C2.5 View Sharing**

The proposed roof is below the maximum ridge height of the existing built form and will not obstruct views from or to adjoining properties.

## **C2.6 Adaptable Housing and Accessibility**

Access to the terrace will comply with the relevant provisions of the BCA. Existing amenities for persons with a disability are provided within the Club.

## **C2.7 Building Facades**

The control states *building facades to any public place and including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.*

The new roof incorporates a box gutter in the middle of the roof form. The gutter / stormwater measures are not visible from a public place, as such the proposal generally complies with the control.

Given that the work is primarily contained within the building envelope there will be minimal impact on the northern facade when viewed from a public place.

## **C2.8 Energy and Water Conservation**

There is no change proposed to the existing on site drainage system and the work will not result in the creation of any additional hard area.

## **C2.9 Waste and Recycling Facilities**

The proposal will not require any changes to the waste and recycling facilities on the site.

## **C2.12 Protection of Residential Amenity**

The control seeks to ensure that development will not adversely impact upon the amenity of adjoining residential accommodation, particularly with regard to solar access and visual privacy. The proposed development is contained wholly within the footprint and height of the existing building, and not protruding outwards or upwards. A distance of approximately 34 metres will remain between the new works and the residential properties on the south eastern side of Foley Street and a distance of approximately 39 metres will remain between the new works and the dwellings on the northern side of Mona Vale Road. This is adequate in protecting privacy and means that any new shadows from the new works will fall on the subject site only and not onto neighbouring properties. As such, the development has been assessed as being compliant with the control.

## **C2.20 Public Road Reserve - Landscaping and Infrastructure**

The proposal will not impact on the landscaping in the public reserve located along the northern boundary. A condition has been added requiring the existing vegetation to be protected during the construction of the work.

### **D14.1 Character as viewed from a public place**

The proposed new roof form is located below the main ridge and is compatible with the streetscape setting. The proposed external materials assist to blend the new roof form with the existing and will complement the existing built form.

### **D14.17 Construction, Retaining walls, terracing and undercroft areas**

The controls requires that undercroft areas shall be limited to a maximum height of 3.5 metres and adequate landscaping shall be provided to screen undercroft areas.

The height of the covered terrace area measures 3.6m in height. The minor 0.6m breach in the control has been assessed as acceptable give that the the building design is consistent with the design of the building and will not result in any adverse environmental or amenity issues on the surrounding area.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect 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.

## **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 2000;
- 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. Mod2019/0408 for Modification of Development Consent N0063/15 granted for internal and external alterations and additions to Pittwater RSL including the internal refurbishment of the existing club on land at Lot 26 DP 654262,80 - 82 Mona Vale Road, MONA VALE, subject to the conditions printed below:

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

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A-013 - Issue P2 Northern Ground Floor Plan	August 2019	Curtin Architects
A-014 Issue P1 Northern Roof Plan	August 2019	Curtin Architects
A-110 Issue P2 Elevations and Sections	August 2019	Curtin Architects

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

**B. Modify Condition B6 Protection of Trees and Vegetation to read as follows:**

a) Existing trees and vegetation shall be retained and protected including:

- i) all trees and vegetation within the site beyond the extent of works,
- ii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,

- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373 -2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

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

**Signed**



**Anne-Marie Young, Planner**

The application is determined on 22/10/2019, under the delegated authority of:



**Renee Ezzy, Acting Development Assessment Manager**