

# Memo

## Environment

<b>To:</b>	Anna Williams , Development Assessment Manager
<b>From:</b>	Nick England, Planner
<b>Date:</b>	21 August 2019
<b>Application Number:</b>	Mod2019/0254
<b>Address:</b>	Lot 14 DP 286740 , 1 Cherry Lane WARRIEWOOD NSW 2102
<b>Proposed Modification:</b>	Modification of Development Consent DA2019/0035 granted for construction of a dwelling house

## Background

The abovementioned development consent was granted by Council on 7 May 2019 for "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. Warringah DCP (A7 Notification) does not require the notification of Section 4.55 (1) modification applications as they are considered to be for minor changes that do not affect the development or the amenity of adjoining properties.

The application requests:

*"Review of minor error in relation to items 9 & 10. If in fact there does need to be 3 trees can they be located at the rear of the house but on the lower level adjacent to Fern Creek Rd and next to the existing trees planted on the lot by the developer"?*

Condition(s) No.9 and 10 read as follows:

### 9. Amended Landscape Plan

An amended Landscape Plan shall be submitted to the Certifying Authority, demonstrating the following landscape requirements:

- i) At least three (3) locally native canopy trees are to be provided on site to achieve a mature height of 8.5 metres, and visually reduce the height, bulk and scale of the development, with two (2) in the rear yard and one (1) in the front yard. These shall be planted at minimum 75 litre size. Each tree planted is to have a minimum area of 3 metres x 3 metres contained wholly within the site. Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures,
- ii) a minimum of 60% of locally native vegetation species in the front yard,
- ii) a minimum of 80% of locally native vegetation species in the rear yard,
- iv) Fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation such as low hedges, garden beds or the like,
- v) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape

architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the landscape plan and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

## 10. Revised Landscaped Plan

Prior to the issue of a Construction Certificate, a revised Landscape Plan is to be provided to the Principal Certifying Authority that shows:

- a minimum of 60% of locally native vegetation species on the site;
- at least one locally native canopy tree (min. height 8.5m) planted on the site.

Note - locally native species are to be selected from the "Lowlands" vegetation type prescribed in the Native Gardening booklet available on Council's website.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls (DACNECPCC2)

### Consideration of error or mis-description

Council's Landscape Officer and Biodiversity Officer have confirmed in fact it is conditions 10 and 17 that duplicate Condition No.9. Condition No.17 reads:

*Prior to the issue of any Occupation Certificate, photographic evidence is to be provided to the Principal Certifying Authority that shows planting has been undertaken in accordance with the revised Landscape Plan, including:*

- *a minimum of 60% of locally native vegetation species on the site;*
- *at least one locally native canopy tree (min. height 8.5m) planted on the site.*

*Note - locally native species are to be selected from the "Lowlands" vegetation type prescribed in the Native Gardening booklet available on Council's website.*

*Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNEFPOC1)*

The officers have advised that Condition No.9 be retained and Conditions No.10 and 17 be deleted.

### 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. Mod2019/0254 for Modification of Development Consent DA2019/0035 granted for construction of a dwelling house on land at Lot 14 DP 286740,1 Cherry Lane, WARRIEWOOD, as follows:

**A. Delete Condition No.10 Revised Landscape Plan.**

**B. Delete Condition No.17 Vegetation Planting.**

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

**Signed**



**Nick England, Planner**

The application is determined on 21/08/2019, under the delegated authority of:



**Anna Williams, Manager Development Assessments**