

Memo

Environment

To:	Rodney Piggott , Development Assessment Manager
From:	Adam Croft, Planner
Date:	7 June 2018
Application Number:	Mod2018/0264
Address:	Lot 1 DP 210445 , 3 Kanangra Crescent CLONTARF NSW 2093
Proposed Modification:	Modification of Development Consent DA2018/0156 granted for alterations and additions to the existing dwelling house including a swimming pool

Background

The abovementioned development consent was granted by Council on 16 May 2018 for Alterations and additions to the existing dwelling house including a swimming pool;

Details of Modification Application

Under Section 96(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 96(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 seeks to delete condition(s) Nos. 8 and 9, which read as follows:

8. Tree and vegetation protection

All healthy trees identified for retention on the submitted drawings are to be suitably marked for protection before any construction works start.

a) Existing trees and vegetation shall be retained as follows:

i) all trees and vegetation not included for removal on the approved plans, excluding exempt trees under the relevant planning instruments or legislation.

ii) trees and vegetation located on adjoining properties

iii) all road reserve trees and vegetation

b) Tree protection shall be undertaken as follows:

i) all tree protection shall be in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4

ii) 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

iii) all tree protection measures, including fencing, are to be in place prior to the commencement of works

iv) 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.

v) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by a qualified Arborist on site

vi) all structures are to bridge tree roots greater than 50mm diameter unless directed a qualified Arborist on site

vii) should either or both v) and vi) occur during site establishment and construction works, details shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure the trees conditioned to stay on the site are suitably protected during any construction works. (3LD01)

9. Project Arborist

The existing Cheese Tree (*Glochidion ferdinandi*) within the proposed deck shall be retained and incorporated into the construction of the proposed deck. To facilitate appropriate construction, the following measures shall be undertaken.

a) A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to commencement of works.

b) The Project Arborist is to oversee all tree protection measures and works adjacent to the proposed deck, to ensure the retention and protection of the Cheese Tree.

c) The Project Arborist is to familiarise themselves with and ensure compliance as relevant with, any other tree and environmental requirements conditioned under this consent.

d) The Project Arborist shall be in attendance on site during excavation works adjacent to the proposed deck.

e) to minimise the impact on the Cheese Tree 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.

f) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site

g) all structures are to bridge tree roots greater than 50mm diameter unless directed by the Project Arborist on site

h) should either or both f) and g) occur during site establishment and construction works, details shall be submitted by the Arborist to the Certifying Authority.

i) Documentary evidence including photographic material shall be submitted by the Project Arborist to the Certifying Authority that the proposed works including excavation have not

impacted on the health of the Cheese Tree.

Reason: This is to ensure no damage is caused to trees from various methods of possible damage.

Consideration of error or mis-description

The applicant advised Council of their intention to remove the existing Cheese Tree (*Glochidion ferdinandi*) through the NSW Rural Fire Service 10/50 Vegetation Clearing scheme.

As such, Condition Nos. 8 and 9 were included in error by Council and can be deleted as requested by this Section 96 (1) application.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 96 (1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2018/0264 for Modification of Development Consent DA2018/0156 granted for alterations and additions to the existing dwelling house including a swimming pool on land at Lot 1 DP 210445,3 Kanangra Crescent, CLONTARF, as follows:

A. Delete Condition 8 - Tree and vegetation protection:

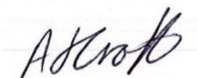
**8 - Tree and vegetation protection:
DELETED**

B. Delete Condition 9 - Project Arborist:

**9 - Project Arborist
DELETED**

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

Signed



Adam Croft, Planner

The application is determined under the delegated authority of:



Rodney Piggott, Manager Development Assessments






ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 MOD2018/0264	3 Kanangra Crescent CLONTARF NSW 2093 - Section 96 Modifications - Section 96 (1) Misdescription	30/05/2018
 2018/330729	DA Acknowledgement Letter - Blue Haven Pools South Pty Ltd	30/05/2018
 2018/330757	Modification Application Form	30/05/2018
 2018/330759	Report - Statement of Modification	30/05/2018
 2018/330758	Applicant Details	30/05/2018