

PROPOSED MODIFICATION (MINIMAL ENVIRONMENTAL IMPACT (FORMERLY SECTION 96(1A)) FOR:

DA Consent No.: N0176/16

Address: 35 Robertson Road, Scotland Island, NSW 2105

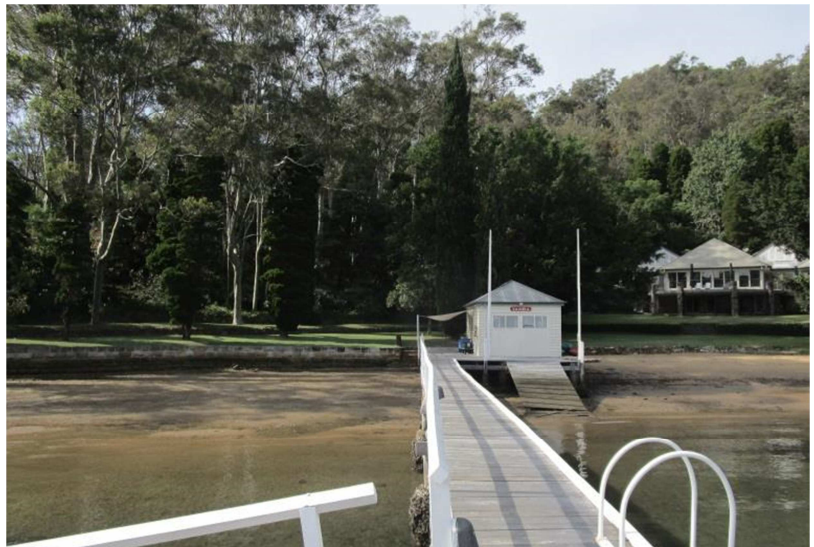
STATEMENT OF MODIFICATION

Prepared by Sam Crawford Architects

On behalf of Far East Land & Housing Development
Company Pte Ltd

Revision -

Date 24 August 2018



1.0 INTRODUCTION

This Modification Application under the Environmental Planning and Assessment Act 1979 for the approved application consent number N0176/16, at 35 Robertson Road, Scotland Island 2105, is as follows:

- Removal of a large spotted gum, Tree 32, due to its failing health and posing a significant safety risk to the Site (which is under construction at the moment at the time of this Statement) as well as the adjacent neighbour's dwelling (No. 37 Robertson Road).

2.0 MODIFICATION

As part of the DA approval (N0176/16) for the new dwelling at 35 Robertson Road, a large spotted gum near the water front of the property at the subject Site, 35 Robertson Road, was marked for retention, by the applicant's consulting arborist, Birds Tree Consultancy.

It was noted in the DA approved Arborist Report, titled *Tree Report & Arboricultural Development Impact Assessment*, dated 11 March 2016, henceforth known as the Arborist Report, that the subject tree, Tree 32:

"Tree 32 requires remedial pruning. Remove lowest co dominant trunk/primary branch on south side of tree due to decay present. Remove lowest primary branch/co dominant trunk on northern side due to decay in previous failure. Remove large dead primary branch on south side of central co dominant trunk."

It was also noted in this report that:

"There is evidence of large number of failed limbs away from collar. Remove lowest primary branch/co dominant trunk on south side due to decay. Remove lowest primary branch/co dominant trunk on northern side due to decay in previous failure. Remove large dead primary branch on south side of central co dominant trunk."

The DA Conditions of Consent requires the applicant to undertake all recommendations as listed in this Arborist report.

The applicant has diligently complied with all recommendations in March 2017 as listed in this Arborist Report. However, in spite of this, large limbs within the upper canopy continue to fail in high winds and now pose an increased risk to persons and property in the close vicinity to the tree.

On Friday 20 July 2018, a large limb broke off from the subject tree due to high winds and severely damaged the adjacent neighbour's roof, 37 Robertson Road. Thankfully no one was injured. Note that the tree limb broke off **after** the pruning measures and tree protection measures were undertaken by the applicant.

The Site is under construction at the moment, to carry out the works as approved by Council.

The applicant's builder has carried out all recommended Tree Protection Measures as prescribed by the Arborist Report. Photographic evidence of the tree protection measures can be viewed in Appendix A. The applicant's consulting arborist also undertook a site visit on 31 July 2018 to verify the tree protection measures had been undertaken by the builder. The certificate of compliance by Birds Tree Consultancy to verify that the applicant's builder has undertaken all the recommended Tree Protection Measures can be viewed in the Risk Assessment Report also.

Following the damage to the neighbour's roof due to the failing limb, the applicant engaged the consultant arborist, Birds Tree Consultancy, to prepare an Arboricultural Risk Assessment report for this tree, which forms part of this application, titled *Arborist Risk Assessment Report – Revision A*, dated 22nd August 2018, henceforth known as the Risk Assessment Report.

The arborist in their expert opinion has recommended this tree to be removed to prevent further damage and risk. Photographic evidence of the damage caused by the failing limb to the neighbour's dwelling can be viewed in this Risk Assessment Report.

It should be noted that tree retention and protection is of the utmost importance to the applicant, as can be evidenced through the DA approved dwelling design that aims to protect and retain as much trees as possible on Site, as well as the applicant's diligence in ensuring their builder has carried out all the tree protection measures as prescribed by the Arborist Report. Unfortunately, in this instance, in spite of these efforts, the tree continues to pose a significant health and safety risk to the occupants on site as well as the neighbouring dwellings.

Prior to this application, on the 14th of August, 2018, Benjamin Chan from Sam Crawford Architects spoke to the assessing planner for this DA, Rebecca Englund, to seek Council's advice. Rebecca consulted with Council's Tree Assessment Officer, and the advice given was that the most appropriate route to seek removal of this tree is via a Modification application (this Application). It was discussed that approval could be pursued via an Exempt Development to have the tree removed, bypassing Council. However, it was noted that this method would risk the applicant in facing Council fines if a neighbour made a complaint, and that an Exempt Development was not Council's preferred approach in regards to this matter. The applicant takes on board this advice and is therefore submitting this Modification application through Council.

As such, this application seeks to remove Tree 32 to eliminate the safety risk currently being posed on Site and to amend the DA Conditions of Consent to reference this Risk Assessment Report.

3.0 CONCLUSION

As demonstrated above, the proposed modification does not have any adverse impacts to the overall ecological environment of the Site. The tree in question is currently posing a significant risk to the safety of the Site, which is under construction at the moment at the time of this statement, as well as posing a significant risk to the neighbouring dwelling No. 37 Robertson Road.

The applicant has taken all possible measures to protect this tree, however, due to various reasons outside of the applicant's control, the tree is not viable for retaining.

As such, we trust that Council will view the proposal favourably.

SAM CRAWFORD ARCHITECTS
NSW ARCHITECT #6498

4.0 APPENDIX A



Figure 1: Site photo taken on 1st of August 2018, showing the Tree Protection Zone fencing around the subject Tree



Figure 2: Site photo taken on 1st of August 2018, showing the Tree Protection Zone fencing around the subject Tree