

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

DA Consent No.: N0139/17

Address: 23 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 **A**

Date 18 September 2018



## 1.0 INTRODUCTION

This Modification Application under the Environmental Planning and Assessment Act 1979 for the approved application consent number N0139/17, at 23 Robertson Road, Scotland Island 2105, is as follows:

- Removal of three trees due to the actual location of the trees differing from the location marked on the Detailed Survey, resulting in a clash between the DA approved tank locations and three existing trees that were marked to be retained.

## 2.0 MODIFICATION

As part of Northern Beaches Council's requirements (Pittwater 21 DCP B5.6), each dwelling on Scotland Island must accommodate 45,000L of rainwater storage on site, 10,000L of which must be dedicated to firefighting purposes.

To accommodate this, the DA approved proposal shows three rainwater tanks (two new, one existing) at the rear (adjacent to Robertson Road). Refer to DA approved drawing 102 dated 3 March 2017.

The DA approved Arboricultural Development Impact Assessment Report, prepared by Birds Tree Consultancy, dated 6 April 2017 (henceforth referred to as *Arborist Report*) notes that trees 33, 37, and 38 are to be retained. The Arborist Report relied on the Detailed Survey for tree locations. The DA Conditions of Consent stipulates that the applicant must adhere to recommendations as set out by this Arborist Report.

On 17 July 2018, the consulting arborist, Birds Tree Consultancy, attended site to inspect the set out works for the rainwater tank installation. It was found on site that there is a discrepancy in the locations of trees 33, 37 and 38, between the Detailed Survey and actual site conditions. As such, these three trees are entirely within the footprint of the DA approved tank locations.

As such, the proposal seeks to remove these three trees. These three trees are not representative species of the Pittwater Spotted Gum Forest, are suppressed by larger adjacent trees, and is preventing the applicant in carrying out the rainwater tank installation works in accordance with the DA approval.

The DA approved documentation has provided evidence that tree retention and protection is of critical importance to the applicant. In this instance, the discrepancy in tree locations between the Detailed Survey and actual site conditions has resulted in an unavoidable conflict.

The removal of these three trees does not have any adverse visual impact on the overall scenic quality of the Site when viewed from the public vistas. The three trees are medium to small in size and are suppressed by nearby larger trees. The three subject trees are located over 80 metres from the foreshore and the removal of these three trees will be insignificant in relation to the overall scenic nature of Scotland Island when viewed from the water, particularly as the approved dwelling will obscure the views to the trees in any case. When viewed from Robertson Road, although these three trees are near the road, the removal of these trees will not adversely impact on the overall scenic quality of the Site as there are still approximately a dozen trees that have been retained within the garden between the approved dwelling and the road.

A supporting report, prepared by arborist Birds Tree Consultancy, titled *RE: ARBORICULTURAL DEVELOPMENT IMPACT INSPECTION – 23 ROBERTSON ROAD SCOTLAND ISLAND NSW*, dated 7 August 2018, has been prepared in support of this proposal.

## 3.0 COASTAL MANAGEMENT CONTROLS

### 3.1 SEPP 71 Coastal Protection

**The proposal complies.** This proposal is consistent with the aims of SEPP 71 in that it:

- Will not compromise the protection and management of the natural, cultural, recreational and economic attributes of the NSW coast;
- Will ensure the visual amenity of the coast is protected; and
- Does not alter the original Development Application's (DAN0139/17) type, bulk, scale and size of development, which has been approved by Council and deemed to be appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

This proposal does not result in any undue environmental impacts which would compromise the waterway.

With regards to Clause 8 of SEPP 71, this proposal does not alter the original Development Application (DA N0139/17) in regards to bulk, scale, size and overall built form. This proposal is appropriate taking into account the environmental constraints presented by the site.

Clause 15 of SEPP 71 prohibits a consent authority from consenting to a development in which effluent is proposed to be disposed of by means of a non-reticulated system, and where the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.

The proposal does not in any way alter the existing Development Application's (DA N0139/17) wastewater and effluent solution, which has been approved by Council.

### **3.2 Pittwater LEP 2014 Clause 5.5 Development within the coastal zone.**

**The proposal complies.** The proposal has been undertaken having regard to the objectives of Clause 5.5. The proposal will not compromise the protection of the coastal environment and will implement the principles of the NSW Coastal Policy by:

- Not affecting the already approved wastewater/effluent management system which results in no impacts on the waterway, factoring the potential for tidal inundation;
- Not altering the already approved development which is in keeping with the character and scale of development on Scotland Island when viewed from the waterway; and
- Being designed to maximise the retention of native coastal vegetation and being designed to minimise site coverage, which will ensure the protection and preservation of the coastal environment, its associated ecosystems, ecological processes, biological diversity and water quality.

The proposal will not impact on existing public access to and from the foreshore. This proposal does not alter access arrangements to the site from the already approved application.

The proposal does not have any adverse impacts on how the approved application respects the environmental setting and natural attributes of the site and its surrounds in regards to its bulk and scale, which is commensurate with expectations for dwelling houses on Scotland Island. The three trees that are proposed to be removed are medium to small in scale and does not significantly contribute in the overall scenic quality of the Site.

The proposal does not alter how the already approved application is setback from the waterway, amongst existing trees and vegetation, and therefore will not result in any overshadowing of the coastal foreshore and will not result in any loss of views from a public place to the coastal foreshore.

The proposal does not alter how the already approved application has been designed to conserve biodiversity and ecosystems, with a focus on minimising the amount of vegetation required to be removed to facilitate the development. In this instance, the discrepancy in tree locations between the Detailed Survey and actual site conditions has resulted in an unavoidable conflict and has resulted in the proposal to remove the three trees.

Cumulative impacts of the proposal and other development on the coastal catchment are not expected, as the proposal does not impact on the already approved application which has been designed to be commensurate with the expectations for dwelling house development on Scotland Island, and does not constitute an overdevelopment of the site.

Furthermore, the proposal:

- Will not impede or diminish the physical, land-based right of access of the public to or along the coastal foreshore;
- Alter the already approved effluent management system which does not have a negative effect on the water quality of the waterway;
- Will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform; and
- Will not:
  - be significantly affected by coastal hazards, or
  - have a significant impact on coastal hazards, or
  - increase the risk of coastal hazards in relation to any other land.

### **3.3 Pittwater LEP 2014 Clause 7.5 Coastal Risk Planning.**

N/A. No coastal risk standard applies to the subject Site.

### 3.4 Coastal Management Act 2016

As the proposal seeks to remove three trees at the front of the property, facing Robertson Road, which is on the opposite ends of the water front of the Site, the proposal complies with the Objects of this Act as set out in Part 1, clause 3, in that it:

- a) Does not have any adverse impacts on the existing coastal environmental values, including natural character, ecosystem integrity and resilience, and;
- b) Does not affect the existing public access, amenity, use and safety of the coast, and;
- c) Does not alter how the already approved development acknowledges the Aboriginal peoples' spiritual, social, customary, and economic use of the coastal zone, and;
- d) Recognises the coastal zone as a vital economic zone and does not alter how the already approved development supports sustainable coastal economies, and;
- e) Does not alter how the already approved development facilitates ecologically sustainable development in the coastal zone, and;
- f) Does not create any additional coastal hazards, taking into account effects of climate change, and;
- g) Does not alter how the already approved development recognises the local and regional scale effects of coastal processes and does not affect the already approved development's coastal use, and;
- h) Does not pose any adverse impacts on integrated and co-ordinated coastal planning, management, and reporting, and;
- i) Does not alter how the already approved development recognises and deals with extreme storm events and uncertainties of future climate changes, and;
- j) Will ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and will facilitate the proper integration of their management activities, and;
- k) Does not have any adverse impact on the public's awareness of coastal management and planning, and;
- l) Will not obstruct the facilitation of the identification of the land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and;
- m) Complies with the objects as set out in the Marine Estate management Act 2014.

The removal of these three trees does not have any adverse visual impact on the overall scenic quality of the Site when viewed from the public vistas. The three trees are medium to small in size and are suppressed by nearby larger trees. The three subject trees are located over 80 metres from the foreshore and the removal of these three trees will be insignificant in relation to the overall scenic nature of Scotland Island when viewed from the water, particularly as the approved dwelling will obscure the views to the trees in any case. When viewed from Robertson Road, although these three trees are near the road, the removal of these trees will not adversely impact on the overall scenic quality of the Site as there are still approximately a dozen trees that have been retained within the garden between the approved dwelling and the road.

In summary, as the works described in this proposal does not affect the coast or how the Site relates to the coast or the waterway as it is on the other end of the property, the proposal complies with the aims set out in this Act.

### 3.5 SEPP (Coastal Management) 2018

**The proposal complies** with the aims as set out in this Policy. The proposal seeks to remove three medium to small trees at the front of the property, facing Robertson Road, which is on the opposite ends of the water front of the Site, and therefore does not have any adverse impacts on the coast or waterway, including, but not limited to, the existing coastal ecological and biological processes, public amenity, safety and access, overshadowing or view loss, Aboriginal cultural heritage, practices and places, and visual amenity and scenic qualities of the coast.

Refer to section 3.4 for further details.

## 4.0 CONCLUSION

As demonstrated above, the proposed modification does not have any adverse impacts to the overall ecological environment of the Site and **complies with the above stated controls**. The trees proposed to be removed are not representative species of the Pittwater Spotted Gum Forest, and is preventing the applicant in carrying out the rainwater tank installation works in accordance with the DA approval.

We trust that Council will view the proposal favourably.

**SAM CRAWFORD ARCHITECTS**    **NSW ARCHITECT #6498**