

Assessment Officer: David Auster, Development Assessment Officer

Proposed Modification: Section 96(1) Modification of Development Consent DA2013/0892 granted for Demolition works, Construction of a new dwelling house, secondary dwelling, riding stables and arena, tennis court and swimming pool

Modification Application No: MOD2013/0236

Address: Lot 170/ Morgan Road BELROSE NSW 2085 Lot 170 DP 752038

Background

The abovementioned development consent was granted by Council on 19 November 2013 for Demolition works, Construction of a new dwelling house, secondary dwelling, riding stables and arena, tennis court and swimming pool.

The applicants submitted additional information in the form of an Arborist Report while the DA was under assessment. However this report was registered under a different DA number in the Council database and was not assessed as part of the application.

A referral to Council's landscape officer has therefore been completed as part of this modification assessment. The following comments and conditions were provided:

"The Arborist's Report indicates removal of some 64 trees from the site. A large proportion of these are indicated to have been damaged during underscrubbing works previously undertaken and are potentially destabilised due to these works.

In view of the number applied for for removal, replacement tree planting is recommended.

The comments of the Bushfire Report with regard to fire management are noted, however the requirements for bushfire protection do not preclude re planting of trees on the site.

The following conditions are recommended.

Tree Removal

The following trees are approved for removal:

All trees listed for removal in the Arboricultural Impact Assessment dated August 2013 prepared by Bluegum Tree Care and Consultancy.





Reason: Tree management

Tree Planting

The following trees are to be planted on the site:

- i) 30 locally native trees species capable of attaining a minimum height of 10 metres at maturity.*
- ii) Trees are to be located in accordance with the requirements of Planning for Bushfire Protection 2006*
- iii) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate."*

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 it is considered to be of minor change not affecting the development or adjoining properties.

The application seeks to add conditions with regard to tree removal. The above two conditions will therefore be added to the consent.

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. MOD2013/0236 to modify Development Consent No. DA2013/0892 for Demolition works, Construction of a new dwelling house, secondary dwelling, riding stables and arena, tennis court and swimming pool on land at Lot 170 Morgan Rd Belrose as follows:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

5A. Tree Removal

The following trees are approved for removal:

All trees listed for removal in the Arboricultural Impact Assessment dated August 2013 prepared by Bluegum Tree Care and Consultancy.

Reason: Tree management

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE



23. Tree Planting

The following trees are to be planted on the site:

- i) 30 locally native trees species capable of attaining a minimum height of 10 metres at maturity.
- ii) Trees are to be located in accordance with the requirements of Planning for Bushfire Protection 2006
- iii) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Tree management

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David Auster
Development Assessment Officer

Determined under the delegated authority of:

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Steve Findlay
Development Assessment Manager

DATE: 6/12/13