

Memo

Environment

To:	Adam Richardson , Development Assessment Manager
From:	Dean Pattalis, Planner
Date:	7 February 2023
Application Number:	Mod2023/0016
Address:	Lot 27 DP 28669 , 950 Barrenjoey Road PALM BEACH NSW 2108
Proposed Modification:	Modification of Development Consent DA2018/0563 granted for the construction of a new dwelling house with internal lift and garage.

Background

The abovementioned development consent was granted by Council on 14 December 2018 for Construction of a new dwelling house with internal lift and garage;

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. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to modify condition No.18, which reads as follows:

18. Provision of Landscape Working Drawings

Detailed landscape working drawings and specifications, which comply in all respects with the conditions of development consent, are to be submitted to the Accredited Certifier with the Construction Certificate application. Each plan/sheet is to be certified by a qualified landscape architect or ecologist and a bushfire consultant, confirming that the plans/details for the works to be carried out will achieve the relevant conditions of the development consent. In particular, the landscape working drawing is to provide full details of the following:

- (a) Relocation of Trees 1 and 7 (Cabbage Palms -*Livistona australis*) to a suitable location on site;
- (b) New compensatory plantings of at least eight (8) locally native canopy trees consistent with the characteristic species of the Pittwater Spotted Gum Forest and/or Littoral Rainforest EECs. Tree species must be selected to achieve a minimum mature height of 8.5m;
- (c) Understory plantings shall be comprised of at least 80% species (of the total number of species) selected from the characteristic species list of the Pittwater Spotted Gum Forest and/or Littoral Rainforest EECs;
- (d) Clear indication of the location of all existing trees and vegetation to be retained, removed and/or proposed. This should incorporate the TPZ and SRZ as stated within the associated arborist report;

- (e) A planting schedule including stratum, species/common names, species quantities, pot sizes and staking details;
- (f) The proposed finished treatment of garden areas, including soil depth and retaining walls and the location of underground services.
- (g) The incorporation of at least 5 x locally native shrubs, with a minimum maturity height of 3m, planted with a minimum pot size of 25L, in the planter boxes atop of the garage.
- (h) The incorporation of at least 1 x locally native small tree, with a minimum maturity height of 5m, planted with a minimum pot size of 75L, in the planter boxes atop of the garage.
- (i) The ground covers proposed atop of the garage are to extend under the elevated front deck above.

Reason: Protection and retention of existing biodiversity values, Littoral Rainforest and Pittwater Spotted Gum Endangered Ecological Communities on site.

Consideration of error or mis-description

The sub-point '(i)' under the condition is no longer relevant as the originally approved front deck has been removed from the plans following a previous modification of the application. An error was made by not removing the sub-point when the front deck was removed from the plans. Furthermore, plantings atop the garage are deemed not permissible with the bushfire requirements of the site.

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. Mod2023/0016 for Modification of Development Consent DA2018/0563 granted for the construction of a new dwelling house with internal lift and garage. on land at Lot 27 DP 28669,950 Barrenjoey Road, PALM BEACH, as follows:

Modify Condition 18 - Provision of Landscape Working Drawings - to read as follows:

Detailed landscape working drawings and specifications, which comply in all respects with the conditions of development consent, are to be submitted to the Accredited Certifier with the Construction Certificate application. Each plan/sheet is to be certified by a qualified landscape architect or ecologist and a bushfire consultant, confirming that the plans/details for the works to be carried out will achieve the relevant conditions of the development consent. In particular, the landscape working drawing is to provide full details of the following:

- (a) Relocation of Tree 7 to a suitable location on site;
- (b) New compensatory plantings of at least eight (8) locally native canopy trees consistent with the characteristic species of the Pittwater Spotted Gum Forest and/or Littoral Rainforest EECs. Tree species must be selected to achieve a minimum mature height of 8.5m;
- (c) Understory plantings shall be comprised of at least 80% species (of the total number of species) selected from the characteristic species list of the Pittwater Spotted Gum Forest and/or Littoral Rainforest EECs;
- (d) Clear indication of the location of all existing trees and vegetation to be retained, removed and/or proposed. This should incorporate the TPZ and SRZ as stated within the associated arborist report;
- (e) A planting schedule including stratum, species/common names, species quantities, pot sizes and staking details;

(f) The proposed finished treatment of garden areas, including soil depth and retaining walls and the location of underground services.

(g) The incorporation of at least 5 x locally native shrubs, with a minimum maturity height of 3m, planted with a minimum pot size of 25L, in the planter boxes atop of the garage.

(h) The incorporation of at least 1 x locally native small tree, with a minimum maturity height of 5m, planted with a minimum pot size of 75L, in the planter boxes atop of the garage.

Reason: Protection and retention of existing biodiversity values, Littoral Rainforest and Pittwater Spotted Gum Endangered Ecological Communities on site.

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

Signed



Dean Pattalis, Planner

The application is determined on 07/02/2023, under the delegated authority of:



Adam Richardson, Manager Development Assessments