

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0415
Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 1 DP 585445, 37 Hilltop Road AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent N0568/16 granted for alterations & additions to dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Rene O'Donnell Lucy May Vernon
Applicant:	Stephen Mark Crosby
Application Lodged:	28/06/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	05/07/2021 to 19/07/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify Development Consent No. N0568/16 granted for alterations and additions to the dwelling.

The modification application seeks approval for the following changes:

- Store room and addition to the rear of the garage incorporating stair access to the Level 1;
- Level 1 extension to the rear and internal reconfiguration to bedroom 4, bathroom, internal stairs, windows and to the entry porch; and
- Reconfiguration including the relocation of the Level 2 kitchen area.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - A1.7 Considerations before consent is granted
 Pittwater 21 Development Control Plan - C1.1 Landscaping
 Pittwater 21 Development Control Plan - D1.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D1.5 Building colours and materials
 Pittwater 21 Development Control Plan - D1.8 Front building line
 Pittwater 21 Development Control Plan - D1.9 Side and rear building line

SITE DESCRIPTION

Property Description:	Lot 1 DP 585445 , 37 Hilltop Road AVALON BEACH NSW 2107
Detailed Site Description:	The subject site is known as 37 Hilltop Road, Avalon Beach and legally referred to as Lot 1 in DP 585445. The site is regular in shape with a frontage of 15.85m and a depth of 54.2m. The site has a surveyed area of 854.9m². The site is located within the E4 Environmental Living zone and accommodates a dwelling house undergoing construction works. The slope of the site is measured at 51.1%, falling from the rear boundary to the road frontage. The site is heavily vegetated towards the rear, containing a number of native canopy trees. Detailed Description of Adjoining/Surrounding

Development

Adjoining and surrounding development is characterised by dwelling houses within a bushland/landscaped setting.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

8 March 2017

Development Application No. N0568/16 for the alterations and additions to dwelling was granted consent.

2 October 2020

Construction Certificate No. CC2020/1036 was issued in relation to Development Consent No. N0568/16.

7 October 2020

Notice of Commencement issued in relation to Construction Certificate No. CC2020/1036.

APPLICATION HISTORY

10 August 2021

Site inspection undertaken by the assessing officer from the public domain due to COVID-19 pandemic restrictions in place. Physical commencement confirmed ensuring consent has not lapsed.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for N0568/16, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons: The changes results in a consistent building footprint, height and bulk to that already approved. Whilst the proposal seeks additional excavation at the garage level, minor amendments to the window and entry arrangement, the changes are not considered to result in additional amenity impacts or the removal of vegetation. In this regard, the modifications are considered to be of minor environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under N0568/16 for the following reasons: The modifications result in no changes to the building height or overall building footprint. As highlighted above, the changes are not seen to result in any unreasonable amenity impacts on adjoining properties. A comparison of the modified proposal reveals that the overall building envelope, configuration, bulk and scale and design is largely consistent with the original approval. The consent authority can therefore be satisfied that the development as modified will be "essentially or materially" substantially the same as the approved development.
(c) it has notified the application in	The application has been publicly exhibited in accordance with

Section 4.55(1A) - Other Modifications	Comments
accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development

Section 4.15 'Matters for Consideration'	Comments
Assessment Regulation 2000 (EP&A Regulation 2000)	consent. These matters have been addressed via a condition in the original consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 05/07/2021 to 19/07/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and

Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments		
NECC (Bushland and Biodiversity)	The biodiversity planning requirements for this site were addressed as part of the previously approved application. No additional vegetation or tree removal is required to facilitate the Mod (Syncarpia Vegetation Management 2021). Council’s Natural Environment Unit - Biodiversity referral team has no objections to the proposed modification subject to the conditions provided for the previous DA consent (N0568/16).		
NECC (Development Engineering)	No objections to approval.		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	The proposal has been referred to Heritage as the subject property is located opposite a heritage item		
	"Ashlar" (house and garage) - 32 Hilltop Parade, Avalon		
	Details of heritage items affected		
	Details of the item as contained within the Pittwater inventory is as follows:		
	<u>Statement of Significance</u> The house "Ashlar" has historical significance as there is evidence of it being the earliest development in the locality. The stone house and stone garage as well as the existing unglazed terracotta tiles is a common style from the late 19th to early 20th century and therefore has architectural significance. The dwelling has a high level of aesthetic and scenic value.		
	<u>Physical Description</u> Stone house and stone garage. The original roof of the house has been replaced with concrete tiles. Garage still has original unglazed terracotta tiles. Dry stone wall on front boundary. Bushland setting.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
Australian Heritage Register	No		
NSW State Heritage Register	No		
National Trust of Aust (NSW) Register			

Internal Referral Body	Comments		
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	The proposal seeks consent for modifications to an approved development application. Some of the changes include internal reconfiguration, windows and a new ground level storeroom. The heritage item is located opposite the site however the proposal modifications are considered to not impact upon the heritage item or its significance.		
	Therefore Heritage raises no objections and requires no conditions.		
	Consider against the provisions of CL5.10 of PLEP.		
	Is a Conservation Management Plan (CMP) Required? No		
	Has a CMP been provided? No		
	Is a Heritage Impact Statement required? No		
	Has a Heritage Impact Statement been provided? No		
Further Comments			
COMPLETED BY: Brendan Gavin, Principal Planner			
DATE: 28 June 2021			

External Referral Body	Comments
Aboriginal Heritage Office	Development Application No. Mod2021/0415 Description: Modification of Development Consent N0568/16 granted for alterations & additions to dwelling Address: 37 Hilltop Road AVALON BEACH Reference is made to the proposed development at the above area and Aboriginal heritage. No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. Given the above, the Aboriginal Heritage Office considers that there

External Referral Body	Comments
	are no Aboriginal heritage issues for the proposed development. Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. BASIX Certificate, Ref. A264560_02).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies

Height of Buildings:	8.5m	<8.5m	All modified works below 7.46m	Unchanged	Yes
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Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	2.2m	unaltered	No, but as approved.
Rear building line	6.5m	>6.5m	unaltered	Yes
Side building line	2.5m (South-West)	2.45m	External wall - unaltered 1.25m to covered entry porch	No
	1m (North-East)	2.1m	unaltered	Yes
Building envelope	3.5m	Within envelope	Within envelope	Yes
	3.5m	Within envelope	Within envelope	Yes
Landscaped area	60%	>60%	87.8%	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.4 Scenic protection - General	Yes	Yes
D1.5 Building colours and materials	No	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A1.7 Considerations before consent is granted

A site inspection confirmed that a number of proposed changes, including to windows, external finishes and internal works have already been completed.

Modification applications can be granted retrospective approval under NSW case law as established in the case of *Windy Dropdown Pty Ltd v Warringah Council* [2000] NSWLEC 240. Commissioner J. Talbot considered the following:

the broad construction of s 96 (now referred to as s 4.55) leads to a practical result that enables a

consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently, provided of course that the development to which the consent as modified relates is substantially the same development.

Therefore, although some of the works which form the basis of this section 4.55 application have already been undertaken, modification approval can still be granted. The changes which have already been undertaken do not adversely impact on the amenity of neighbouring properties, therefore the modifications are supported.

C1.1 Landscaping

In accordance with the requirements of this clause, there are to be at least 2 canopy trees in the front yard and 1 canopy tree in the rear yard on site. Whilst it is recognised that the rear of the site is heavily vegetated with a number of native canopy trees, the front yard is largely free of any trees. The siting of the dwelling house nearer to the front boundary limits opportunities for the establishment of at least 2 canopy trees. Despite this, consideration was given that the resultant development should be softened through landscaping when viewed from the Hilltop Road frontage. In part, this is required due to the modification now seeking the use of a non-compliant 'white' colour scheme for the external finish of the development. Further, the modification seeks the deletion of the proposed sandstone entry stairs at the front of the dwelling house which now provides an area with sufficient dimensions for the establishment of at least one (1) small-medium sized locally native tree. The provision of this tree planting is also considered to achieve the relevant outcomes of this clause for the long-term retention of Pittwater's locally native tree canopy and to enhance the habitat and amenity of the area.

Subject to compliance with this condition, the proposal is considered to meet the outcomes of this clause and is supported on merit.

D1.1 Character as viewed from a public place

As discussed under Clause C1.1 Landscaping of the P21 DCP, provision is to be made for the planting of at least one (1) native canopy tree to screen the visual impact of the built form.

D1.5 Building colours and materials

The submitted *Schedule of Exterior Finishes* (dated 31 May 2021) seeks the approval for the use of a white coloured external cladding for level 1 and level 2. The use of white as an external finish is non-compliant with the requirement for the use 'dark and earthy tones'. Despite this non-compliance, it is acknowledged that the ground/garage level utilises sandstone cladding to maintain a natural appearance. Further the provision of a native canopy tree to be planted within the front yard is considered to help minimise the visual prominence of the resultant development when viewed from Hilltop Road.

Based on the above, the proposed modification is considered to meet the outcomes of this clause and is supported on merit.

D1.8 Front building line

With the exception of deleting the sandstone stairs and landings to the front of the dwelling house, the modification does not seek any further breaches to the front building line.

D1.9 Side and rear building line

The proposed modification seeks a covered entry awning to the south-western side of the dwelling

house, measured 1.25m from the side boundary. Despite this minor non-compliance, it should be noted that the remainder of the dwelling house is measured 2.45m from south-western boundary. Consideration has been given to the limited size of this awning (1.6m x 0.8m) being also free of post supports, will have limited impacts on the adjoining property in regards to perceived bulk and scale or amenity.

Based on the above, the modified proposal is considered to meet the outcomes of the clause and is supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes

and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0415 for Modification of Development Consent N0568/16 granted for alterations & additions to dwelling on land at Lot 1 DP 585445, 37 Hilltop Road, AVALON BEACH, subject to the conditions printed below:

A. Insert New Condition A0 to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the documents listed in the 'Notice of Applicant of Determination of Development Application' for N0568/16, dated 8 March 2017, as amended by the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
2136-DA 01 A (Site Plan & Long Section)	14.5.21	Stephen Crosby & Assoc. Pty Ltd.
2136-DA 02 A (Floor Plans Level 1 & 2)	14.5.21	Stephen Crosby & Assoc. Pty Ltd.
2136-DA 03 A (Garage Plan & Driveway)	14.5.21	Stephen Crosby & Assoc. Pty Ltd.
2136-DA 04 A (Section)	14.5.21	Stephen Crosby & Assoc. Pty Ltd.
2136-DA 05 A (Elevations)	14.5.21	Stephen Crosby & Assoc. Pty Ltd.

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate, Ref. A264560_02	19 May 2021	Stephen Crosby & Associates
Geotechnical Comments for Section 4.55, Ref. J1005C	21 May 2021	White Geotechnical Group Pty Ltd
Arboricultural Assessment	26 May 2021	Syncarpia Vegetation Management

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition E8 Tree Plantings (Front Yard) under heading 'Matters to be satisfied prior to the issue of Occupation Certificate' to read as follows:

Landscaping is to be implemented in accordance with the following requirements:

i) One (1) native canopy tree selected from the below species list are to be planted within between the

dwelling house and the front boundary wall.

ii) The tree planting shall be a minimum 25 litre container size, located within 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

iii) The tree species may be selected from the following list: *Allocasuarina littoralis* – Black She-oak, *Allocasuarina torulosa* – Forest Oak, *Angophora costata* - Sydney Red Gum/Smooth-barked Apple, *Angophora floribunda* - Roughbarked Apple, *Ceratopetalum gummiferum* - NSW Christmas Bush, *Eucalyptus botryoides* - Bangalay Gum, *Eucalyptus maculate* - Spotted Gum, *Elaeocarpus reticulatus* - Blueberry Ash, *Eucalyptus punctate* - Grey Gum, *Eucalyptus umbra* - Bastard Mahogany, *Glochidial ferdinandi* - Cheese Tree or *Syncarpia glomulifera* – Turpentine.

Prior to the completion of the development, a landscape report prepared by a landscape architect, landscape designer or qualified arborist shall be submitted to the Certifying Authority, certifying that the tree planting have been completed in accordance with the conditions of consent.

Reason: To maintain the natural environment/native tree canopy of Pittwater as the predominant feature of the landscape with built form being a secondary component when viewed from Hilltop Road.

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

Signed



Kent Bull, Planner

The application is determined on 17/09/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments