

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0174
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot C DP 102834, 33 Upper Clifford Avenue FAIRLIGHT NSW 2094
Proposed Development:	Modification of Development Consent DA166/2015 granted for alterations and additions to an existing dwelling house and construction of a swimming pool
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Stephen John Birch Karen Lesley Birch
Applicant:	Stephen John Birch

Application Lodged:	08/05/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	26/05/2020 to 09/06/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	4.3 Height of buildings: %
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the following modifications;

Lower Terrace Level

- Addition of level change to terrace pathway;
- Minor change to retaining wall, and
- Additional zone of soft landscaping through the replacement of the approved paved terrace with soft landscaping.

Lower Ground/Pool Terrace

- Remove western stair access;
- Minor change to pool terrace design, and
- Revised internal staircase configuration.

Ground Floor

- Remove courtyard stair access;
- Minor increase to courtyard canopy;
- Revised internal staircase configuration;
- Remove master WIR window awning;
- Remove western stair access;
- Remove external access from Bed 2;
- Relocation of rain water tank, and
- Remove existing Palm Trees from front courtyard (Exempt Species).

First Floor Plan

- Revised internal staircase configuration;
- Minor increase to courtyard canopy.

Roof Level

- Minor change to roof light over stair well, and
- Update roof design to comply with previous S4.55 Condition (ANS012) - remove part of the southern parapet.

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

Manly Local Environmental Plan 2013 - 4.3 Height of buildings

Manly Development Control Plan - 3.3.2 Preservation of Trees or Bushland Vegetation

Manly Development Control Plan - 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

SITE DESCRIPTION

Property Description:	Lot C DP 102834 , 33 Upper Clifford Avenue FAIRLIGHT NSW 2094
Detailed Site Description:	The subject site consist of one allotment located on the southern side of Upper Clifford Avenue. The site is regular in shape with a frontage of 22.86m along Upper Clifford Avenue and a depth of 39.6m. The site has a surveyed area of 905.8sqm. The site is located within R1 General Residential zone and accommodate an existing dwelling house which is currently being renovated. The site slopes 12.26m from the northwest corner (front) to the southeast corner (rear). The site has a cross fall of 5.13m from west to east at the front boundary. The site includes terraces garden beds and a number of significant trees in the rear yard. Adjoining and surrounding development is characterised by detached dwellings, dual occupancies and residential flat buildings.

Map:



SITE HISTORY

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

DA0402/2007 - Alterations and additions to the existing residential flat building including rear extension
- approved 9 April 2009.

DA0166/2015 - Alterations and additions to the existing dwelling house including the redevelopment of an existing double garage, awning, balconies, deck, swimming pool with spa, internal reconfiguration, addition of a roof top garden and landscaping - approved by Manly Independent Assessment Panel (MIAP) 19 November 2015. Condition ANS02 required:

ANSO2 That the following three (3) existing trees: Lemon Scented Gum tree (12m height) and

MOD2018/0715 - Modification of DA0166/2015 including reconfiguration of plant room, new terraced planters and stair access in the rear yard, swimming pool reconfiguration, internal alterations, relocation of palm trees, changes to windows, revised rear deck and front stair and changes to the roof profile and parapet added - approved by NBLPP on 15 May 2019. The approval include the following modification to condition ANS05 - Tree Relocation and the addition of condition ANS12 - Roof Parapet:

ANS05 - Tree Relocation

The two existing Bangalow Palms are to be relocated on the site as indicated on DA-A-099 Lo

Reason: To retain trees on the site which are of either moderate or high landscape significance

ANS12 Roof Parapet

The proposed roof parapet to the southern roof edge is to be deleted from the plans. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To minimise view loss impacts resulting from non-compliant building elements.

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 DA166/2015, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
	A consent authority may, on application being made by the applicant or any other person entitled to

Section 4.55 (2) - Other Modifications	Comments
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 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 DA166/2015 for the following reasons: The works seek to provide for minor alterations to the approved form of the development and which do not substantially alter the building's bulk and scale. The changes do not introduce any significant issues for the neighbouring properties in terms of view loss or privacy. When viewed from the public domain or from the neighbouring properties, the building will largely present the same visual impact and appearance to that originally approved. An arborist report supported the removal of the trees. Council's Landscape Officer has no objections to the tree removal subject to conditions.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA166/2015 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in 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 application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Manly Environmental Plan 2011 and Manly Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by	No submissions were received in relation to this application.

Section 4.55 (2) - Other Modifications	Comments
the regulations or provided by the development control plan, as the case may be.	

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 96 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	Manly 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 Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <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 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.

Section 4.15 'Matters for Consideration'	Comments
	<u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). 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 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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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 Manly 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 in accordance with the Environmental

Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The modification application under S4.55(2) seeks to modify the approved development DA0166/2015 and request to amend or delete condition ANS05 within the Notice of Determination, as modified for MOD2018/0715, which relate to the retention or relocation of existing trees within the site. The landscape modifications include: - Remove existing courtyard Bangalow Palms identified in the Project Arborist Certification report prepared by RainTree Consulting dated 16 January 2020 and the Landscape Plan prepared by Selena Hannan Landscape Design as T2 & T3 which are now identified as Exempt Species, - Remove existing twin Bangalow Palms identified in the Project Arborist Certification report prepared by RainTree Consulting dated 16 January 2020 and the Landscape Plan prepared by Selena Hannan Landscape Design as T5, which were to be relocated within the site in accordance with Condition ANS05, due to unsuitable access to provide for lifting equipment and safety issues to relocate the Bangalow Palms. As an alternative to the removal and relocation of the Bangalow Palms, the Landscape Plan prepared by Selena Hannan Design, Drawing No LP02-A dated 17 February 2020 provides for replacement planting of two (2) <i>Livistona australis</i> (Cabbage Tree Palms) with a minimum pot size of 100 L to be included, - Replacement of approved lower rear terrace with landscaping (increase in overall soft landscaped area), - Revised landscape treatment to the rear yard, in accordance with the Landscape Plan prepared by Selena Hannan Design, Drawing No LP02-A, dated 17 February 2020. Additionally, the Project Arborist Certification report prepared by RainTree Consulting dated 16 January 2020 and the Landscape Plan prepared by Selena Hannan Design includes proposal for removal and replacement of existing trees T9 Cheese Tree and T10 Cheese Tree due to poor form and structural defects, with replacement tree planting. No landscape objections are raised on the modification proposals subject to conditions of consent regarding the location and selection of species as conditioned.

Internal Referral Body	Comments
	MOD2018/0715 condition ANS05 shall be deleted and replaced with a condition for the completion of landscape works in accordance with the Landscape Plan Drawing No LP02-A, dated 17 February 2020, including wording that the removal of existing Bangalow Palms identified as T5 is approved subject to replacement planting of two <i>Livistona australis</i> (Cabbage Tree Palms) as indicated on the Landscape Plan prepared by Selena Hannan Design, Drawing No LP02-A dated 17 February 2020, with the planting size to be at least 2 metre clear trunk.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. Ausgrid conditions were included in the original consent.

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 revision to the approved BASIX certificate has been submitted with the subject application (Certificate No.A336197_07) dated 6 March 2020. A condition requires compliance with the amended certificate.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject property is located within the Sydney Harbour Catchment therefore the provisions of the SEPP apply to the development.

An assessment of the proposal against Clause 2(1) (aims of the SREP), Clause 13(nominated planning principles) and Clause 21 (relating to biodiversity, ecology and environmental protection) has been undertaken. The proposal is considered to be consistent with the above provision of the SREP. Given the scale of the proposed modification and the works proposed a referral to the Foreshore and Waterways Planning and Development Advisory Committee was not considered necessary.

Manly Local Environmental Plan 2013

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

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	11.7m	No change to the height	N/A	No
Floor Space Ratio	FSR: 0.6:1 543.48sqm	FSR: 0.455 411.9sqm	No change to FSR	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No
4.4 Floor space ratio	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

The proposal does not change the approved building height at 11.7m, the height limit being 8.5m.

It is noted that the subject modification includes the removal of the roof parapet to the southern side of the dwelling which was proposed under MOD2018/0715 and non-compliant with the building height control. The removal of the parapet was a condition of consent in modification MOD2018/0715 which was imposed to address issues relating to solar access issues and view loss issues associated with the breach in the height limit. As such, the subject application will maintain consistency with the original approval.

Mainly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 905.8sqm	Requirement	Approved	Proposed	Complies
4.1.4.4 Rear Setbacks	8m	10.4m (planter)	No change	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area:	Open space 55% of site area (498.19sqm)	75% 678.9sqm	No change	Yes
	Open space above ground 25% of total open space	8%	No change	
4.1.5.2 Landscaped Area	Landscaped area 35% of open	47.5%	No change	Yes

	space 228.9sqm	322.8sqm		
4.1.5.3 Private Open Space	18m per dwelling	+18sqm	No change	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes

Detailed Assessment

3.3.2 Preservation of Trees or Bushland Vegetation

Clause 3.3.2.2 states:

Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.

Comment

The application is supported with an arborist report which justified the removal of the palm trees and cheese tree and provides details of alternative replanting. The report has been reviewed by Council's Landscape Officer who offers no objections to the proposal subject to amended conditions, refer above.

The proposal also complies with the original condition of DA0166/2015 which referenced that the trees in question could be removed if a more detailed assessment and further written justification is provided by an arborist and subject to replacement planting. The applicant has submitted sufficient justification

for the tree removal and proposes appropriate alternative planting. Conditions are recommended to ensure compliance.

3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

No changes are made to the dwelling which will result in new amenity issues to neighbours in terms of overshadowing, visual or acoustic privacy.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 2019

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;
- Manly Local Environment Plan;
- Manly 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. Mod2020/0174 for Modification of Development Consent DA166/2015 granted for alterations and additions to an existing dwelling house and construction of a swimming pool on land at Lot C DP 102834,33 Upper Clifford Avenue, FAIRLIGHT, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-A-050 Rev C Site Plan	30 March 2020	Quattro Architecture
DA-A-098 Rev C Terrace Plan	30 March 2020	Quattro Architecture
DA-A-099 Rev C Lower Level Plan	30 March 2020	Quattro Architecture
DA-A-100 Rev C Ground Level Plan	30 March 2020	Quattro Architecture
DA-A-101 Rev C Level 1 Plan	30 March 2020	Quattro Architecture
DA-A-102 Rev C Roof Plan	30 March 2020	Quattro Architecture
DA-A-200 Rev C Building Elevations Sheet 1	30 March 2020	Quattro Architecture
DA-A-201 Rev C Building Elevations Sheet 2	30 March 2020	Quattro Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Certification Ref RTC-1320	16 January 2020	Rain Tree Consulting
BASIX - revised certificate No A336197 _3 to application MOD2018/0715	6 March 2020	Quattro Architecture

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

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
LP02-A Landscape Plan	17 February 2020	Selena Hannan Landscape Design

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

B. Modify Condition ANS05 to read as follows:

(a) Tree removal within the property

The following existing palms and trees, based on the arboricultural assessment prepared by RainTree Consulting, are approved for removal:

- T5 Bangalow Palm (Exempt Species) but subject to Conditions of Consent in MOD2018/0715, subject to planting of two (2) *Livistona australis* (Cabbage Tree Palms) within the site,
- T9 Cheese Tree, subject to replacement within the site, and
- T10 Cheese Tree, subject to replacement within the site.
-

Note: existing Palms T2 Bangalow Palm and T3 Bangalow Palm are Exempt Species not subject to Consent approval for removal.

(b) Landscape works completion

The landscape works shall be completed in accordance with the Landscape Plan prepared by Selena Hannan Design, Drawing No LP02-A dated 17 February 2020, inclusive of the following requirements:

(i) two (2) *Livistona australis* (Cabbage Tree Palms) as indicated on the Landscape Plan prepared by Selena Hannan Design, Drawing No LP02-A dated 17 February 2020 shall be planted, with the planting size to be at least 2 metre clear trunk, as replacement planting for existing palms T5,

(ii) two (2) *Banksia integrifolia* (Coast Banksia), a tree of similar size to the Cheese Tree, shall be planted in place of the proposed tree planting of *Tristania* indicated on the Landscape Plan, as replacement planting for existing trees T9 Cheese Tree and T10 Cheese Tree, as this species is more suited to the site conditions.

(iii) all proposed trees and palms shall be planted at least 2.0m from common boundaries, and shall be positioned in locations that minimise significant impacts on neighbours in terms of blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the Landscape Plans and any conditions of consent.

(c) Landscape Maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

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

Signed



Anne-Marie Young, Planner

The application is determined on 21/06/2020, under the delegated authority of:



Anna Williams, Manager Development Assessments