

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-132
DA Number	MOD0128/20
LGA	Ku-ring-gai
Proposed Development	Modification to Development Consent granted by the Land and Environment Court Approval 385681 of 2016 (DA0257/16) removal and pruning of storm damaged trees, replacement tree planting and changes to tree protection conditions- heritage item in heritage conservation area
Street Address	10 Edward Street, Gordon
Applicant/Owner	Anglican Community Services
Date of lodgement	13 July 2020
Number of Submissions	One submission
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	A section 4.56 modification application to a development consent for works with a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 ("Seniors Housing SEPP") • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ("SEPP Vegetation 2017"); • State Environmental Planning Policy 19 (Bushland in Urban Areas) • Ku-ring-gai LEP 2015 • Ku-ring-gai DCP
List all documents submitted with this report for the Panel's consideration	Attachment A – Landscape Tree Management Plan Part 1 & 2 Attachment B – Applicant response to conditions Attachment C – Location Sketch Attachment D – Zoning Extract
Clause 4.6 requests	N/A
Summary of key submissions	Replacement of trees
Report prepared by	Bonnie Yue – Senior Development Assessment Officer
Report date	21 October 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans	Assessments are of a high quality, accurate and consider all relevant legislative requirements

EXECUTIVE SUMMARY**Relevant site history****DA0257/16**

By way of a section 34 agreement, on 15 September 2017, the NSW Land and Environment Court granted development consent to Development Application DA0257/16 (Appeal No. 2016/385681) for alterations and additions including part demolition, construction of new buildings with associated works including landscaping, car parking and engineering works to existing Roden Cutler Retirement Village for the purposes of seniors housing (residential care facilities and self-contained dwellings).

MOD0066/19

By way of a section 34 agreement, on 8 May 2020, the Land and Environment Court approved MOD0066/19 which modified the development consent to DA0257/16 by various amendments and design changes, including reconfiguration of individual buildings, relocation of plant and equipment, landscaping changes including access ways, stormwater management and associated site infrastructure.

Current MOD application

Date	Action
13 July 2020	Application lodged.
12 August 2020	The application was notified to neighbouring property owners for a period of 14 days. One submission was received.
20 August 2020	The application was registered with the Sydney North Planning Panel.

THE SITE

Aerial photograph



Site description

Constraint:	Application:
Visual character study category	1920-1945.
Easements/rights of way	No
Heritage Item - Local	Yes – I189
Heritage Item - State	No
Heritage conservation area	Yes – C13 Roberts Grant Heritage Conservation Area
Within 100m of a heritage item	Yes - items located at 15 and 16 Edward Street and 35 Rosedale Road
Bush fire prone land	Yes - Category 1 Vegetation and buffer zone
Natural Resources Biodiversity	Yes

Natural Resources Greenweb	Yes – Pockets of Canopy Remnant identified at northern, southern and western portion of the site, Biodiversity Corridors and Buffer Areas and Support for Core Biodiversity Lands at the northern and north-eastern corner of the site.
Natural Resources Riparian	Yes - The 'Category 1' riparian land is located on the lower north-eastern portion of the site. The 'Category 2' and 'Category 3a' riparian land is located within the north-western portion of the site.
Within 25m of Urban Bushland	Yes
Contaminated land	No

Surrounding development

The subject site is described as Lot 1 in DP 151979 and is known as 10 Edward Street, Gordon. The site is irregular in shape and has a total area of 2.88 ha.

The site has frontages to Edward Street (160m), Rosedale Road (20m) and Melkin End (35m). There are three main access points, two from Edward Street and one from Melkin End.

The site has a sloping topography, with a fall of approximately 25 metres from Edward Street toward the north-eastern corner of the property. The land adjacent to the northern boundary and the north-eastern corner comprises a creek and areas of remnant vegetation.

The site is zoned R2 (Low Density Residential) and E4 (Environmental Living) under *Ku-ring-gai Local Environmental Plan 2015* ("KLEP 2015"). The subject site is predominantly located within the R2 Low Density Residential zone, with a small portion of the site (in the north-eastern corner) located within the E4 Environmental Living zone. This part of the site comprises natural bushland, all of which is to be retained. All of the proposed works associated with the proposed modification are located within the R2 zoned land.

The immediately surrounding land predominantly comprises low density residential development, including single detached dwellings that are one or two storeys in height. The land to the north-east and further east of the site comprises natural bushland classified as Category 1 in Council's Bushfire Prone Land Map.

The site is known as the Roden Cutler Retirement Village.

THE PROPOSAL

Under the provisions of Section 4.56 of the *Environmental Planning and Assessment Act 1979*, it is sought to modify the development consent to DA0257/16. The application includes the removal and pruning of storm damaged trees, replacement tree planting and changes to tree protection conditions (Condition 34, 43, 101, and 102).

The conditions, subject of this application, are proposed to be modified as follows:

➤ **Condition 34 – Amendments to approved landscape plans**

The following two plans are proposed to be included in the table in Condition 34:

- LA1 – SIT – 0001 Issue B – Landscape Tree Management Plan prepared by Site Image and 23 June 2020
- LA1 – SIT – 0002 Issue B – Landscape Tree Replacement Plan prepared by Site Image and dated 23 June 2020

➤ **Condition 43 – Pier and beam footings**

Delete second row of the table, which refers to Tree 68 which has fallen over.

➤ **Condition 101 – Approved tree works**

Add to the table Trees 4, 6, 9, 68, 92, 109, 129, and 192, which are proposed to be removed.

➤ **Condition 102 – Hand excavation**

Delete from this condition the row relating to Trees 68, 92, 109 and 192, which are proposed to be removed.

The Landscape Tree Management Plan and the arborists report identifies 17 storm damaged trees and specifies which trees are to be pruned or removed. Replacement planting has also been specified. The storm damaged trees are listed in the table below:

Tree Number	Species	Reason for Amendment
T3	<i>Ficus rubiginosa</i>	Branch failures. Pruning required
T4	<i>Angophora costata</i>	Tree fallen over. Remove and replace tree
T6	<i>Syzygium smithii</i>	Tree fallen over. Remove and replace tree
T9	<i>Ficus rubiginosa</i>	Tree fallen over. Remove and replace tree
T54	<i>Eucalyptus pilularis</i>	Branch failures. Crown pruning required.
T63	<i>Eucalyptus paniculata</i>	Branch failures. Crown pruning required.
T67	<i>Agathis robusta</i>	Top snapped off. Pruning required to establish new crown
T68	<i>Eucalyptus grandis</i>	Severe cracking in 3 locations occurred in December. Tree failed in January. Remainder of tree to be removed and replaced.
T82	<i>Corymbia citrodora</i>	Branch failures. Crown pruning required (some works have already been carried out).
T92	<i>Eucalyptus microcorys</i>	Major failure. Remove and replace tree.
T97	<i>Syncarpia glomulifera</i>	Branch failures. Pruning required.
T109	<i>Eucalyptus saligna</i>	Major failure. Remove and replace tree.
T114	<i>Melaleuca quinquinervia</i>	Pruning required
T129	<i>Eucalyptus paniculata</i>	Major failure. Remove and replace tree.
T130	<i>Eucalyptus paniculata</i>	Branch failures. Pruning required.
T192	<i>Jacaranda mimosifolia</i>	Major failure. Remove and replace tree.
T251	<i>Giant bamboo</i>	Pruning to allow for regrowth

CONSULTATION

Community

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan and section 4.56(1)(c) of the Environmental Planning and Assessment Act 1979, owners of surrounding properties and each person who made a submission in respect of the development application the subject of the proposed modification were given notice of the application from 13 August 2020 to 27 August 2020. In response, one submission from Catherine Redman of 11 Minns Road, Gordon was received.

The submission raised the following issues:

Regarding the removal of trees, we would like to request that trees be replanted in their place that grow to a similar size as the ones that are to be removed. While we acknowledge that there are trees to be removed due to storm damage, there has been jackhammering going on at that site for nearly 12 months which hasn't helped with the stability of some of the trees.

The Landscape Tree Replacement Plan submitted with the modification application includes 8 trees to replace the trees which are proposed for removal (Trees 4, 6, 9, 68, 92, 109, 129 and 192). The proposed trees are of the same species as those to be removed and will be of advanced (75 litres) stock. Council's Landscape and Tree assessment is satisfied with the proposed pruning and replacement plantings.

Internal referrals

Heritage

Council's Heritage Advisor commented on the proposal as follows:

Planning instruments

Ku-ring-gai Local Environmental Plan 2015 (KLEP2015)

Clause 5.10 of the KLEP 2015 requires that before granting consent to the proposed works Council must consider the effect of the works on the heritage item, nearby items or conservation area concerned. Clause 5.10 (5) allows Council to require a Heritage Impact Statement before granting consent.

<i>KLEP 2015</i>	<i>Yes</i>
<i>Local Heritage Item</i>	<i>Yes includes the sites at 6, 8 and 10 Edward Street, 1 Melkin End and 37 Rosedale Road)</i>
<i>Heritage Conservation Area</i>	<i>Yes C13</i>
<i>Immediate vicinity of a heritage item</i>	<i>Nos. 15 and 16 Edward Street and 35 Rosedale Road.</i>

Heritage status

The site (which includes the sites at 6, 8 and 10 Edward Street, 1 Melkin End and 37 Rosedale Road) is located within the Roberts Grant Heritage Conversation Area (C13) and is in the vicinity of heritage items at No. 15 and 16 Edward Street and 35 Rosedale Road.

Nos 8 and 10 Edward Street are listed as heritage items in Schedule 5 of the Ku-ring-gai LEP 2015. Heritage items adjacent to the subject site are located at 16 Edward Street and 35 Rosedale Road and No. 15 Edward Street is opposite.

The following relevant objectives and controls of Council's DCP apply:

19C DEVELOPMENT WITHIN HCAS: ALTERATIONS AND ADDITIONS	
Development Control	Complies
19C.3 Gardens and Landscaping	
1. The established landscape character is to be retained.	Yes
2. Original garden features to remain.	Partially
19E HERITAGE ITEMS	
Development Controls	Complies
19E.3 Gardens and Landscaping	
1 Trees, and garden elements and structures, which contribute to the significance of the Heritage Item are to be retained and conserved.	Partially
2 New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel is encouraged.	N/A
DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
Development Controls	Complies
19F.3 Gardens and Landscaping	
Gardens, Setting and Curtilage	
1 Development in the vicinity of a Heritage Item or an HCA is to: i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting ii) retain the established landscape character of the Heritage Item or HCA.	Yes

The following comment is within the cover letter from Don Fox planning consultants, dated 8 July 2020).

"The trees to be removed have already fallen over and therefore there is no heritage considerations that can be constructively applied to this proposed modification.

The pruning of damaged trees will help establish the tree canopy and therefore restore the contribution these trees make to the character of the area.

Replacement planting will, in time, replace the canopy cover that has been lost from those trees that have fallen over. This will reinstate the character of the area."

Conclusion and recommendations

19C.3 (2). Original garden features to remain

Some of the original trees have been storm damaged and will be replaced with the same species. Over time, the existing canopy will be renewed and will be acceptable from a heritage perspective.

19E.3 Gardens and Landscaping (1)

Trees, and garden elements and structures which contribute to the significance of the Heritage Item are to be retained and conserved.

The proposed removal and pruning of storm damaged trees and replacement tree planting with the same species will over time renew the existing canopy and will be acceptable from a heritage perspective.

The proposed removal and pruning of storm damaged trees and replacement tree planting will have a minimal impact on the heritage item, heritage conservation area, and items in the vicinity and is supported on heritage grounds.”

Landscaping

Council's Landscape & Tree Assessment Officer provided the following comments:

The following conditions of the consent are to be amended as follows:

Condition:

*101 Approved tree works:
Add Trees 4,6,9,68,92, 109, 129, 192*

*102 Hand Excavation:
Delete Trees 68, 92, 109, 192.*

*Addition of the following condition, this is in addition to Condition 99
canopy/root pruning*

Approved tree works

The following is to be undertaken to the specified trees:

Tree/location	Approved tree works
Tree 3 <i>Ficus rubiginosa</i> (Port Jackson Fig) Tree 54 <i>Eucalyptus pilularis</i> (Blackbutt) Tree 67 <i>Agathis robusta</i> Tree 82 <i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 97 <i>Syncarpia glomulifera</i> (Turpentine) Tree 114 <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 130 <i>Eucalyptus paniculata</i> (Grey Ironbark) Tree 251 <i>Dendrocalamus striatus</i> (Giant Bamboo)	Remedial pruning as specified in the Post Storm Tree Hazard Assessment by Arboreport, dated 22/06/20

- 1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any tree/s.*
- 2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification and supervised by the Project Arborist.*
- 3. All root or canopy pruning works shall be undertaken as specified in the current version of AS 4373 – Pruning of Amenity Trees.*

Removal or pruning of any other tree on the site is not approved, excluding species and works exempt under Council's Development Control Plan.

Reason: To ensure that the development is in accordance with the Development Consent.

SEPP (Vegetation in Non-Rural Areas) 2017		
Part 3 Aims	Proposed	Satisfies
To protect the biodiversity value of trees and other vegetation and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.	<p>Trees to be removed</p> <p>The following trees are proposed for removal due to damage which occurred during severe storm events on 26/11/19 and 8 and 9/02/20:</p> <p>Tree 4 <i>Angophora costata</i> Tree 6 <i>Acmena smithii</i> Tree 9 <i>Ficus rubiginosa</i> (Port Jackson Fig) Tree 68 <i>Eucalyptus grandis</i> Tree 92 <i>Eucalyptus microcorys</i> (Tallowood) Tree 109 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 129 <i>Eucalyptus paniculata</i> (Grey Ironbark) Tree 192 <i>Jacaranda mimosifolia</i> (Jacaranda)</p> <p>Trees requiring pruning of damaged branches and branch stubs are identified below :</p> <p>Tree 3 <i>Ficus rubiginosa</i> (Port Jackson Fig) Tree 54 <i>Eucalyptus pilularis</i> (Blackbutt) Tree 67 <i>Agathis robusta</i> Tree 82 <i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 97 <i>Syncarpia glomulifera</i> (Turpentine) Tree 114 <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 130 <i>Eucalyptus paniculata</i> (Grey Ironbark) Tree 251 <i>Dendrocalamus striatus</i> (Giant Bamboo)</p> <p>The proposed pruning is necessary for the long term health/ viability of these trees to rectify damage caused by the storm events which occurred in late 2019 and early 2020.</p>	YES

KDCP COMPLIANCE TABLE		
Control	Proposed	Complies
Part 4A.4 Landscaping and Part 13 Tree and Vegetation Preservation		
Landscape proposals are to retain existing trees where possible	The proposal retains significant existing trees.	YES
Part 19 Heritage Items and Heritage Conservation Areas		
	The landscape objectives have been addressed as follows:	YES

19E.3 Gardens and Landscaping – Heritage Items	Replacement planting of the same species using advanced (75 litre) stock, is proposed in the submitted Landscape and Tree Replacement Plan.	
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Recommendation

The application is acceptable, subject to recommended conditions.

Ecology

Council's Ecological Assessment Officer provided the following comments:

Biodiversity Conservation Act 2016		
Section 7.3	Proposed	Complies
The purpose of the Act is to maintain a healthy, productive and resilient environment	<p>The subject property contains remnant Blue Gum High Forest (BGHF) listed as a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016.</p> <p>The proposed modification seeks approval to remove dangerous trees and trees containing deadwood. The removal of dangerous trees and hazardous limbs are exempt under part 13 of the DCP and also under the Native Vegetation SEPP.</p>	YES

SEPP 19 – Bushland in Urban Areas		
Part 2 - Aims	Proposed	Complies
The aim of the SEPP is to preserve bushland within urban areas	The subject property adjoins Urban Bushland notwithstanding the proposed modification are unlikely to impact upon Urban Bushland, as such, no further consideration is deemed necessary under the SEPP.	YES

KDCP COMPLIANCE TABLE		
Control	Proposed	Complies
Part 17 Riparian Lands		
17.1 General Controls	<p>The proposed modification works seek to remove dangerous trees and prune hazardous limbs from trees located within lands mapped category Terrestrial and Aquatic Habitat. The proposed modification works are considered to be consistent under this part. It is proposed to replace those trees lost within the subject property.</p> <p>No works are proposed within category 1 “Environmental Corridor”.</p>	YES
17.2 Category 1 – Environmental Corridor		
17.3 Category 2 – Terrestrial and Aquatic Habitat		

KLEP 2015 COMPLIANCE TABLE		
Part 6 Additional local provisions	Proposed	Complies
Clause 6.3 – Biodiversity Protection <i>The objective of this clause is to protect maintain and improve the diversity and condition of native vegetation and habitat</i>	<i>The proposed modification seeks approval to remove dangerous trees and trees containing deadwood. The removal of dangerous trees and hazardous limbs are exempt under part 13 of the DCP and under the Native Vegetation SEPP.</i> <i>Replacement planting is proposed one for one for each species of tree to be removed. The proposal will not result in adverse environmental impacts upon Terrestrial biodiversity</i>	YES
Clause 6.4 – Riparian land <i>The objective of this clause is to protect riparian lands and adjoining waterways</i>	<i>The proposed works are located partially within riparian lands, the proposal is unlikely to have an adverse environmental impact upon riparian lands provided that the replacement canopy trees are conditioned as per the tree planting plan.</i>	YES

KDCP COMPLIANCE TABLE		
Control	Proposed	Complies
Part 18 Biodiversity Controls		
18.2 Category – Support for Core Biodiversity Lands. 18.5 Category – Biodiversity Corridor and consolidation 18.6 Category – Canopy Remnant	<i>The proposed modification works seek to remove dangerous trees and prune hazardous limbs from trees located within lands mapped support for core/ biodiversity corridor and consolidation/canopy remnant the proposed modification works are considered to be consistent under these parts.</i>	YES

Conclusion:

The modification is acceptable on ecological grounds with the following conditions.

Fauna protection

Prior to the commencement of any works, including tree removal, a qualified ecologist shall investigate trees for fauna occupation. In accordance with appropriate licensing requirements the ecologist shall supervise the relocation of any fauna found within the trees approved for removal.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and [a wildlife/scientific licence](#) under the Biodiversity Conservation Act 2016 issued by the Office of Environment and Heritage.

Evidence of engagement of the qualified ecologist and the required licensing

must be provided to the Principal Certifier, with a copy to Council prior to the trees being removed.

Reason: *To ensure protection of fauna species.*

Nest boxes

Prior to the commencement of any works, including tree removal, four nest boxes for (1 microbat, 1 small mammal, 1 medium mammal, 1 medium parrot) shall be installed within retained trees. The nest boxes shall be constructed of durable wood material (marine ply) and installed at a minimum height of 6 metres from the ground and positioned under the direction of a qualified ecologist. Existing nest boxes within trees identified for removal are also to be relocated to retained trees.

The qualified ecologist must hold an Animal Ethics Permit from the NSW Department of Primary Industries and [a wildlife/scientific licence](#) under Biodiversity Conservation Act 2016 issued by the Department of Planning, Industry and Environment.

Reason: *To ensure protection of fauna species."*

Council's Ecological Assessment Officer requests an additional four nest boxes to ensure the protection of fauna. As the modification includes the removal of trees which may support and/or provide shelter for wildlife, the installation of additional nest boxes is acceptable. Condition 6 'Next Boxes' is to be amended to increase the number of nest boxes from 8 to 12.

Condition 7 'Fauna Protection' is to be amended to reflect recent changes to the legislation making reference to *Biodiversity Conservation Act 2016* issued by the Department of Planning, Industry and Environment, instead of section 132C of the *National Parks and Wildlife Act 1974* issued by the Office of Environment and Heritage.

STATUTORY PROVISIONS

Section 4.56 of the Environmental Planning and Assessment Act 1979 – Modifications involving minimal environmental impact.

Subsection (a): Modification is of minimal environmental impact

The proposed modifications are minor in scope and of minimal environmental impact.

Subsection (b): Substantially the same development

The development, as modified is substantially the same development as that approved. The proposed modifications do not alter the essence or character of the development in any materially significant way.

Subsection (c): Notification

The application was notified in accordance with the Community Participation Plan.

Subsection (d): Submissions

One submission was received in response to the notification of the proposal. The

issues identified in the submission have been considered in the 'Community Consultation' section of this report.

Subsection (3): Section 4.15(1) considerations and consideration of reasons for granting of the consent

The development consent was the result of a section 34 agreement and no reasons for the granting of consent were provided. It is not considered that any of the proposed modifications would compromise or contradict to the original decision. The proposed modification essentially relates to the removal or pruning of trees and the alteration of consent conditions to reflect this work.

Section 4.15 considerations

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The Ku-ring-gai Flying Fox Reserve adjoins the north-eastern part of the eastern boundary.

Consideration has been given to Clause 9 of the SEPP, Land adjoining land zoned or reserved for public open space. The trees that are proposed to be removed will be replaced with trees that are of the same species and the proposed modification will not result in the loss of any significant trees on the bushland. The proposed pruning, removal and replacement of trees will have a minimal impact upon the adjoining bushland. The works are unlikely to result in the spreading of weeds and exotic plants into the bushland area.

It is considered that the bushland area will be protected and preserved consistent with the provisions contained in the SEPP.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced clause 5.9 of Ku-ring-gai Local Environmental Plan 2015, which aimed to preserve trees and vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The merits of the proposed tree removal have been considered against the relevant provisions in Part 13 'Tree and Vegetation Preservation' of the Ku-ring-gai DCP. The works are acceptable, subject to conditions.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors 2004)

By virtue of Clause 4A, SEPP Seniors Living no longer applies to land in the Greater Sydney Region if an environmental planning instrument identifies the land as being within a heritage conservation area. The site is located within the Roberts Grant Heritage Conservation Area C13 as prescribed within the Ku-ring-gai Local Environmental Plan 2015. As the SEPP no longer applies to the site, the merits of the modification are required to be considered against the relevant provisions of the LEP and DCP, an assessment of which has been undertaken within this report.

Local Content

Ku-ring-gai Local Environmental Plan 2015

Consolidating LEPs planning proposal

The Planning Proposal was exhibited from 25 October 2019 to 22 November 2019. The purpose of the Planning Proposal is to consolidate the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015. The Planning Proposal is an amendment to KLEP 2015 and will correct site specific mapping errors, resolve the status of deferred areas, remove an existing land reservation in Gordon and amend heritage listings. The Planning Proposal does not seek to amend the zoning and development standards that apply to the subject site. The proposed modification is not inconsistent with the Planning Proposal.

Zoning and permissibility

The site is zoned R2 (Low Density Residential) and partly E4 (Environmental Living) under Ku-ring-gai Local Environmental Plan 2015 ("KLEP 2015"). The approved development is prohibited in both the R2 and E4 zones. Notwithstanding, Clause 15 of SEPP Seniors Living 2004 permits seniors housing on land zoned primarily for urban purposes for the purpose of any form of seniors housing and prevails over the provisions of KLEP 2015. The proposed modifications to the consent are not inconsistent with the objectives of the R2 and E4 zones.

Given the above, the consent has been physically commenced and is also subject to the existing use right provision under section 4.70 (saving of effect of existing consents) of the EPA Act. The development consent remains valid as the site has existing use rights, being Roden Cutler Retirement Village, and the use of these facilities for the purposes of seniors housing.

Development standards

There is no proposed modification to any development standard under the LEP.

Clause 5.10 – Heritage conservation

The subject site does contain a heritage item, is located within 100m of an Item and is within a heritage conservation area. The proposed modifications will not have an adverse impact on the heritage significance of any heritage item or heritage conservation area. The modification is unlikely to have an impact on any known archaeological or Aboriginal objects or Aboriginal places of heritage significance. For further discussion regarding the impacts in this regard.

Part 6 Additional local provisions

Clause 6.2 – Earthworks

The earthworks required for the proposed replacement trees are minimal and will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics.

Clause 6.3 - Biodiversity protection

The site is mapped as land comprising biodiversity significance.

The objectives of this clause is to protect, maintain and improve the diversity and condition of native vegetation and habitat. The consent conditions under DA0257/16

and MOD0066/19 in relation to fauna protection and the installation of nest boxes remain valid.

An additional 4 nest boxes will be required to provide safe relocation area should fauna be encountered during tree removal. The proposed tree management works are endorsed by Council's Ecological Assessment Officer.

The proposed modification is considered satisfactory and unlikely to have a significant adverse impacts on the diversity and condition of native vegetation, fauna and habitat as per the requirements of the LEP.

Clause 6.4 – Riparian land and waterways

The site is mapped as riparian land. Council's Ecological Assessment Officer is satisfied that the proposed development has been designed to minimise impacts on the riparian area, as discussed earlier in the report

Policy Provisions (DCPs, Council policies, strategies and management plans)

Ku-ring-gai Development Control Plan

The proposed modification involves the removal and pruning of storm damaged trees; and the planting of 8 new replacement trees throughout the site. Consequently, Conditions 34, 43, 101 and 102 are to be modified to ensure that the proposed tree works are consistent with the landscape plans and the relevant consent conditions.

Part 18 – Biodiversity

The site is mapped as land comprising biodiversity significance.

Council's Ecological Assessment Officer is satisfied that the proposed modifications are consistent with the controls and objectives in Part 18 of the DCP.

LIKELY IMPACTS

The likely impacts of the proposed modifications have been considered within this report and are deemed to be acceptable, subject to conditions.

SUITABILITY OF THE SITE

The site is suitable for the development as proposed to be modified.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposed modifications have been assessed against the relevant environmental planning instruments and deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.

CONCLUSION

Having regard to the provisions of section 4.56 of the Environmental Planning and Assessment Act 1979, the proposed modification to the approved development is considered to be satisfactory.

RECOMMENDATION

PURSUANT TO SECTION 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT The Sydney North Planning Panel, as the consent authority modify the development consent to DA0257/16 in the following manner:

The following conditions are modified to read as follows:

1. Approved architectural plans and documentation (s.4.56)

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp:

Plan no.	Drawn by	Dated
Architectural Plans		
AR-DA-0000, Cover Sheet and Drawing Schedule, Revision F	AJC	21.03.19
AR-DA-1110, Proposed Demolition Site Plan, Revision F	AJC	21.03.19
AR-DA-1111, Proposed Site Plan, Revision L	AJC	27.11.19
AR-DA-1113, Context - Comparative Analysis of Built Form, Revision G	AJC	25.03.20
AR-DA-2001, Burnham Thorpe - Demolition of Lower and Ground Floor Plan, Revision F	AJC	21.03.19
AR-DA-2002, Burnham Thorpe - Demolition of First Floor and Roof Plan, Revision E	AJC	21.03.19
AR-DA-2011, Burnham Thorpe - Proposed Lower and Ground Floor Plan, Revision J	AJC	17.02.20
AR-DA-2012, Burnham Thorpe - Proposed First Floor and Roof Plan, Revision H	AJC	17.02.20
AR-DA-2021, Burnham Thorpe - Proposed Elevations, Revision F	AJC	22.07.19
AR-DA-3001, RACF Basement Plan, Revision J	AJC	22.07.19
AR-DA-3002, RACF Level 1 Plan, Revision J	AJC	22.07.19
AR-DA-3003, RACF Level 2 Plan, Revision J	AJC	22.07.19
AR-DA-3004, RACF Level 3 Plan, Revision J	AJC	22.07.19
AR-DA-3005, RACF Roof Plan, Revision G	AJC	22.07.19
AR-DA-3011, RACF Elevations 1, Revision H	AJC	17.02.20
AR-DA-3012, RACF Elevations 2, Revision F	AJC	22.07.19
AR-DA-3021, RACF Sections, Revision G	AJC	22.07.19

AR-DA-3031, RACF - Level 1 - Smoke Compartmentation, Revision C	AJC	21.03.19
AR-DA-3032, RACF - Level 2 - Smoke Compartmentation, Revision C	AJC	21.03.19
AR-DA-3033, RACF - Level 3, Smoke Compartmentation, Revision C	AJC	21.03.19
AR-DA-4001, 8 Edward Street - Floor Plans and Elevations, Revision H	AJC	22.07.19
AR-DA-5001, Buildings B, C, D, E & H - Proposed Basement and Ground Floor Plan, Revision N	AJC	17.02.20
AR-DA-5002, Buildings B, C, D, E & H - Proposed First Floor and Roof Plan, Revision K	AJC	17.02.20
AR-DA-5011, Buildings B, C, D, E & H - Proposed Elevations (North & South), Revision J	AJC	27.09.19
AR-DA-5012, Buildings B, C, D, E & H - Proposed Elevations (East & West) Revision G	AJC	27.09.19
AR-DA-5021, Building F - Proposed Floor Plans, Revision L	AJC	17.02.20
AR-DA-5031, Building F - Proposed Elevations, Revision L	AJC	27.11.19
AR-DA-5041, Building G - Proposed Floor Plans, Revision M	AJC	18.03.20
AR-DA-5051, Building G - Proposed Elevations, Revision J	AJC	25.03.20
AR-DA-5501, Unit Layout - Sheet 1, Revision B	AJC	25.03.20
AR-DA-5502, Unit Layout - Sheet 2, Revision A	AJC	14.02.20
AR-DA-6001, Streetscape Elevation - Edward Street, Revision H	AJC	22.07.19
AR-DA-6002, Streetscape Elevation - Rosedale Road and Melkin End, Revision G	AJC	21.03.19
AR-DA-6011, Site Section – Sheet 01, Revision G	AJC	25.03.20
AR-DA-6012, Site Section – Sheet 02, Revision D	TKD Architects	30.06.17
AR-DA-7001, Shadow Diagrams - Existing - Equinox March 21, Revision C	TKD Architects	7.06.17
AR-DA-7002, Shadow Diagrams - Proposed - Equinox March 21, Revision D	TKD Architects	30.06.17
AR-DA-7003, Shadow Diagrams – Existing – Solstice June 21, Revision C	TKD Architects	7.06.17
AR-DA-7004, Shadow Diagrams – Proposed – Solstice June 21, Revision D	TKD Architects	30.06.17
AR-DA-7005, Shadow Diagrams - Existing – Equinox - September 21, Revision C	TKD Architects	7.06.17
AR-DA-7006, Shadow Diagrams - Proposed - Equinox September 21, Revision D	TKD Architects	30.06.17
AR-DA-8001, Perspectives - Sheet 01, Revision C	TKD Architects	7.06.17

AR-DA-8002, Perspectives - Sheet 02, Revision C	TKD Architects	7.06.17
AR-DA-8011, Materials and Finishes – Sheet 01, Revision E	AJC	21.03.19
Landscape Plans		
LAND-DA-010, Existing Trees to be Retained and Removed Plan, Revision D	Place Design Group	30.06.17
LAND-DA-012, Landscape Concept Plan, Revision G	Site Image	12.07.19
LAND-DA-013, Landscape Concept Precinct Plan, Revision C	Place Design Group	30.06.17
LAND-DA-015, Landscape Plan Precinct 1 – Edward Street Independent Living Units (ILU's), Revision G	Place Design Group	27.09.19
LAND-DA-016, Street Elevation - Precinct 1, Edward Street Independent Living Units (ILU's) Revision C	Place Design Group	30.06.17
LAND-DA-017, Section 01 - Precinct 1 – Edward Street Independent Living Units (ILU's), Revision C	Place Design Group	30.06.17
LAND-DA-018, Section 02 - Precinct 1 - Edward Street Independent Living Units (ILU's) , Revision C	Place Design Group	07.06.17
LAND-DA-019, Section 03 - Precinct 1 - Edward Street ILU's, Revision B	Place Design Group	07.06.17
LAND-DA-020, Section 04 - Precinct 1 - Edward Street Independent Living Units (ILU's), Revision E	Site Image	27.07.19
LAND-DA-020.1 Section 04.1 – Residential Living Buildings B&C, Revision F	Site Image	27.09.19
LAND-DA-021, Section 05 - Precinct 1 - Edward Street ILU's, Revision B	Place Design Group	07.06.17
LAND-DA-023, Landscape Plan Precinct 2 – (Burnham Thorpe), Revision G	Site Image	27.09.19
LAND-DA-024, Section 06 - Precinct 2 – (Burnham Thorpe), Revision D	Site Image	01.03.19
LAND-DA-025, Section 07 - Precinct 2 – (Burnham Thorpe), Revision C	Place Design Group	30.06.17
LAND-DA-026, Section 08 - Precinct 2 - Burnham Thorpe, Revision C	Place Design Group	07.06.17
LAND-DA-029, Landscape Plan Precinct 3 – Residential Age Care Facility (RACF), Revision G	Site Image	27.09.19
LAND-DA-030, Basement Plan Precinct 3 – Residential Age Care Facility (RACF), Revision F	Site Image	12.07.19
LAND-DA-031, Level 1 Plan Precinct 3 (RACF), Revision D	Site Image	12.07.19
LAND-DA-032, Level 2 Plan Precinct 3 (RACF), Revision C	Site Image	12.07.19
LAND-DA-033, Roof Top Plan Precinct 3 - RACF, Revision D	Site Image	12.07.19

LAND-DA-034, Section 09 - Precinct 3 Residential Aged Care Facility (RACF), Revision D	Place Design Group	30.06.17
LAND-DA-035, Section 10 - Precinct 3 Residential Aged Care Facility (RACF), Revision D	Place Design Group	30.06.17
LAND-DA-036, Section 11 - Precinct 3 (RACF), Revision C	Place Design Group	30.06.17
LAND-DA-037, Section 12 - Precinct 3 – Residential Aged Care Facility (RACF), Revision C	Place Design Group	07.06.17
LAND-DA-041, Landscape Plan – Precinct 4 Northern Landscape Precinct, Revision D	Site Image	01.03.19
LAND-DA-042, Section 13 – Precinct 4 Northern Landscape Precinct, Revision B	Place Design Group	24.05.17
LAND-DA-043, Section 14 – Precinct 4 Northern Landscape Precinct, Revision D	Place Design Group	30.06.17
LAND-DA-044, Section 15 – Precinct 4 Northern Landscape Precinct, Revision D	Place Design Group	30.06.17
LAND-DA-045, Section 16 – Precinct 4 Northern Landscape Precinct, Revision D	Place Design Group	30.06.17
LAND-DA-046, Section 17 – Precinct 4 (Northern Landscape), Revision C	Place Design Group	30.06.17
LAND-DA-048, Landscape Plan Precinct 5 - Rosedale Road & Melkin End ILU's, Revision G	Site Image	27.09.19
LAND-DA-050, Section 18 – Precinct 5 - Rosedale Rd & Melkin End (ILU's), Revision C	Place Design Group	30.06.17
LAND-DA-051, Section 19 – Precinct 5 - Rosedale Rd & Melkin End (ILU's) Revision C	Place Design Group	30.06.17
LAND-DA-055, Indicative Material Palette Rev A	Place Design Group	1.06.17
LAND-DA-A01, Section T83 – Precinct 1 Edward Street ILU's, Revision B	Place Design Group	07.06.17
LAND-DA-A02, Section T86 – Precinct 1 Edward Street ILU's, Revision B	Place Design Group	07.06.17
LAND-DA-A03, Section T97 – Precinct 1 Edward Street ILU's, Revision A	Place Design Group	24.04.17
LAND-DA-A04, Section T67 – Precinct 2 Burnham Thorpe, Revision B	Place Design Group	07.06.17
LAND-DA-A05, Section T60 – Precinct 4 Northern Landscape, Revision A	Place Design Group	24.04.17
LAND-DA-A06, Section T82E – Precinct 2 Burnham Thorpe, Revision A	Place Design Group	24.04.17
LAND-DA-A06.1, Section T82E.1 – Residential Living Building E, Revision B	Site Image	01.03.19
LAND-DA-A07, Section T82S – Precinct 2 Burnham Thorpe, Revision B	Site Image	01.03.19
LAND-DA-A08, Section T176 – Precinct 5 - Rosedale Road & Melkin End ILU's, Revision C	Place Design Group	30.06.17
LAND-DA-A09, Section T179 – Precinct 5 - Rosedale Rd & Melkin End ILU's, Revision B	Place Design Group	30.06.17

LAND-DA-A10, Section T180 – Precinct 5 Rosedale Road & Melkin End ILU's, Revision A	Place Design Group	24.04.17
LAND-DA-A11, Section N01 – Precinct 3 Residential Aged Care Facility (RACF), Revision B	Place Design Group	30.06.2017
LAND-DA-A12, Section N02 - Precinct 3 – Residential Aged Care Facility (RACF), Revision E	Site Image	01.03.19
LAND-DA-A13, Timber fence around existing tree – Tree 230 and Tree 213 – Precinct 5 Rosedale Road & Melkin End ILU's, Revision A	Place Design Group	30.05.17
LAND-DA-A14, Section N03 – Precinct 3 (RACF), Revision A	Place Design Group	30.05.17
LAND-DA-A15, Section N04 - Precinct 5, Rosedale Road & Melkin End ILU's, Revision E	Site Image	01.03.19
LAND-DA-A16, Section N05 – Precinct 5, Rosedale Road & Melkin End ILUs, Revision B	Site Image	01.03.19
LAND-DA-A17, Section N06 – Precinct 5, Rosedale Road & Melkin End ILUs, Revision A	Place Design Group	30.05.17
LAND-DA-A18, Section N07 – Precinct 3, RACF, Revision A	Place Design Group	30.05.17
2515020-000 Cover Sheet Rev A	Place Design Group	27/07/17
2515020-600 Plant Schedule – Edward St Rev D	Site Image	27.09.19
2515020-601 Planting Plan – Edward St Rev D	Site Image	27.09.19
2515020-602 Planting Plan – Edward St Rev D	Site Image	27.09.19
2515020-603 Planting Plan – Edward St Rev D	Site Image	27.09.19
2515020-610 Plant Schedule – Burnham Thorpe Rev C	Site Image	12.73.19
2515020-611 Planting Plan – Burnham Thorpe Rev C	Site Image	12.07.19
2515020-612 Planting Plan – Burnham Thorpe Rev C	Site Image	12.07.19
2515020-613 Planting Plan – Burnham Thorpe Rev C	Site Image	12.07.19
2515020-620 Plant Schedule – RACF Rev C	Site Image	12.07.19
2515020-621 Planting Plan – RACF Rev C	Site Image	12.07.19
2515020-622 Planting Plan – RACF Rev C	Site Image	12.07.19
2515020-623 Planting Plan – RACF Rev C	Site Image	12.07.19
2515020-624 Planting Plan – RACF Rev C	Site Image	12.07.19
2515020-625 Planting Plan – RACF Basement Rev A	Place Design Group	27/07/17
2515020-626 Planting Plan – RACF Level 3 Rooftop Rev C	Site Image	12.07.19
2515020-630 Plant Schedule – Rosedale/Melkin End Rev D	Site Image	27.09.19
2515020-631 Planting Plan – Rosedale/Melkin End Rev D	Site Image	27.09.19
2515020-632 Planting Plan – Rosedale/Melkin End Rev D	Site Image	27.09.19

2515020-633 Planting Plan – Rosedale/Melkin End Rev D	Site Image	27.09.19
2515020-640 Planting Plan – Northern Precinct Rev E	Site Image	12.07.19
Civil Drawings		
15C69_S4.56_C000, Cover Sheet, Drawings Schedule & Locality Sketch, Revision 2	Henry & Hymas	6.07.19
15C69_S4.56_C100, General Arrangement Plan, Revision 2	Henry & Hymas	16.07.19
15C69_S4.56_C101, Detail Plan, Sheet 1 of 4, Revision 5	Henry & Hymas	28.11.19
15C69_S4.56_C102, Detail Plan, Sheet 2 of 4, Revision 6	Henry & Hymas	19.09.19
15C69_S4.56_C103, Detail Plan Sheet 3 of 4, Revision 6	Henry & Hymas	27.09.19
15C69_S4.56_C104, Detail Plan Sheet 4 of 4, Revision 4	Henry & Hymas	19.07.19
15C69_S4.56_C110, Sheet 1 Typical Sections and Details, Revision 3	Henry & Hymas	19.07.19
15C69_S4.56_C111, Typical Sections and Details Sheet 2 of 4, Revision 3	Henry & Hymas	19.07.19
15C69_S4.56_C200, Stormwater Miscellaneous Details & Pit Lid Schedule, Revision 3	Henry & Hymas	19.07.19
15C69_S4.56_C201, OSD 1 Tank Sections & Details, Revision 4	Henry & Hymas	27.09.19
15C69_S4.56_C250, Catchment Plan, Revision 2	Henry & Hymas	16.07.19
15C69_S4.56_C300, Retaining Wall Plan, Revision 5	Henry & Hymas	26.11.19
15C69_S4.56_C310, Retaining Wall Type Details, Revision 3	Henry & Hymas	12.09.19
15C69_S4.56_C900, Bio-Retention Sections, Revision 3	Henry & Hymas	19.07.19
15C69_S4.56_SE01, Environmental Site Management Plan - Demolition & Excavation, Revision 3	Henry & Hymas	26.11.19
15C69_S4.56_SE02, Environmental Site Management Plan – Construction of Building Structures, Revision 2	Henry & Hymas	26.11.19
15C69_S4.56_SE03, Environmental Site Management Plan Sections & Details, Revision 2	Henry & Hymas	16.07.19
15C69_S4.56_BE00, Bulk Earthworks Cut & Fill Plan, Revision 2	Henry & Hymas	16.07.19
15C69_S4.56_WM01, Vehicle Disposing Route Plan, Revision 2	Henry & Hymas	16.07.19
15C69_S4.56_WM03, Waste Management Plan – Demolition & Excavation & Const. of Bldg. Structures, Revision 2	Henry & Hymas	16.07.19

15C69_S4.56_WM04, Waste Management Plan – Building Finishes, Revision 2	Henry & Hymas	16.07.19
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Document(s)	Dated
Nathers Class 2 Summary Certificate No. 0003714180	22 March 2019
BASIX Certificate No. A344966, A344971, A344899_02, A344960_02, A344974_02 and A354689.	3 April 2019 and 16 August 2019
Arboricultural Impact Assessment prepared by Arboreport	2/06/16
Report entitled 'Outstanding Arboricultural Matters – revised plans following s34 conciliation meeting' prepared by Arboreport	6/06/17
Report entitled 'Root Location Assessment' prepared by Arboreport	19/07/17
Arboricultural letter on S.4.56 changes prepared by Arboreport	4 April 2019 and 27 September 2019
Fauna and Flora Report prepared by EcoLogical Australia	12 May 2016
Vegetation Management Plan prepared by EcoLogical Australia	12 May 2016
Traffic Impact Assessment prepared by GTA Consultants	27 May 2016
Traffic Assessment Letter prepared by GTA Consultants	11 April 2019
Stormwater Management and Service Infrastructure Report prepared by NPC	May 2016
Adjustments to stormwater management system letter prepared by Henry & Hymas	2 April 2019
Statement of Compliance: Access for People with a Disability prepared by Accessible Building Solutions	13 May 2016
BCA Assessment Report – RC Building prepared by BM+G	15 March 2019
BCA Assessment Report – Independent Living Units prepared by BM+G	15 March 2019
Geotechnical Report prepared by Douglas Partners	29 March 2016
Construction Management Plan: Gordon Grey Headed Flying Fox Camp prepared by EcoLogical	6 June 2017
Bushfire Hazard and Assessment Report prepared by Building Code and Bushfire Hazard Solutions	13 May 2016
Conservation Management Plan for Roden Cutler Lodge, including Burnham Thorpe, 6-10 Edward Street, Gordon, by TKD Architects, Issue C	June 2017
Heritage Impact of proposed Amendments to Approved Scheme prepared by NBRIS	22 March 2019

Except where amended by that work shown in colour on the S.4.56 plans endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.56 Plan no.	Drawn by	Dated
<i>Landscape Plans</i>		
LA1 - SIT - 0001 Issue B (Landscape Tree Management Plan)	Site Image	23 June 2020
LA1 - SIT - 0002 Issue B (Landscape Tree Replacement Plan)	Site Image	23 June 2020

6. Nest boxes

Prior to the commencement of any works, including tree removal, 12 nest boxes for (4 microbat, 4 small mammal, 3 medium mammal, 1 medium parrot) shall be installed within retained trees. The nest boxes shall be constructed of durable wood material (marine ply) and installed at a minimum height of 6 metres from the ground and positioned under the direction of a qualified ecologist. Existing nest boxes within trees identified for removal are also to be relocated to retained trees.

The qualified ecologist must hold an Animal Ethics Permit from the NSW Department of Primary Industries and [a wildlife/scientific licence](#) under Biodiversity Conservation Act 2016 issued by the Department of Planning, Industry and Environment.

Reason: To ensure protection of fauna species.

7. Fauna protection

Prior to the commencement of any works, including tree removal, a qualified ecologist shall investigate trees for fauna occupation. In accordance with appropriate licensing requirements the ecologist shall supervise the relocation of any fauna found within the trees approved for removal.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and [a wildlife/scientific licence](#) under the Biodiversity Conservation Act 2016 issued by the Office of Environment and Heritage.

Evidence of engagement of the qualified ecologist and the required licensing must be provided to the Principal Certifier, with a copy to Council prior to the trees being removed.

Reason: To ensure protection of fauna species.

34. Amendments to approved landscape plan

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved landscape plans, listed below have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

LAND-DA-A08, Section T176 – Precinct 5 Rosedale Road & Melkin End ILU's, Revision C	Place Design Group	30.06.17
000 Cover Sheet - Planting Plans Rev A	Place Design Group	27/07/17
600 Plant Schedule – Edward Street Rev A	Place Design Group	27/07/17
601 Planting Plan – Edward Street Rev A	Place Design Group	27/07/17
602 Planting Plan – Edward Street Rev A	Place Design Group	27/07/17
603 Planting Plan – Edward Street Rev A	Place Design Group	27/07/17
610 Plant Schedule – Burnham Thorpe Rev A	Place Design Group	27/07/17

611 Planting Plan – Burnham Thorpe Rev A	Place Design Group	27/07/17
612 Planting Plan – Burnham Thorpe Rev A	Place Design Group	27/07/17
613 Planting Plan – Burnham Thorpe Rev A	Place Design Group	27/07/17
620 Plant Schedule – RACF Rev A	Place Design Group	27/07/17
621 Planting Plan – RACF Rev A	Place Design Group	27/07/17
622 Planting Plan – RACF Rev A	Place Design Group	27/07/17
623 Planting Plan – RACF Rev A	Place Design Group	27/07/17
624 Planting Plan – RACF Rev A	Place Design Group	27/07/17
625 Planting Plan – RACF Basement Rev A	Place Design Group	27/07/17
626 Planting Plan – RACF Level 3 Rooftop Rev A	Place Design Group	27/07/17
630 Plant Schedule – Rosedale/Melkin End Rev A	Place Design Group	27/07/17
631 Planting Plan – Rosedale/Melkin End Rev A	Place Design Group	27/07/17
632 Planting Plan – Rosedale/Melkin End Rev A	Place Design Group	27/07/17
633 Planting Plan – Rosedale/Melkin End Rev A	Place Design Group	27/07/17
640 Planting Plan – Northern Precinct Rev A	Place Design Group	27/07/17
641 Planting Plan – Northern Precinct Rev A	Place Design Group	27/07/17
LA1 – SIT – 0001 Issue B (Landscape Tree Management Plan)	Site Image	23 June 2020
LA1 – SIT – 0002 Issue B (Landscape Tree Replacement Plan)	Site Image	23 June 2020

- (i) The landscape plans are to be consistent with the architectural plans and relevant conditions.
- (ii) LAND-DA-A08 is to be amended to be in accordance with approved Building G and Tree 251/Giant Bamboo.
- (iii) Tree 251/Bamboo to be clearly indicated and numbered on Planting Plan dwg 633, Place Design Group, 27/07/17.
- (iv) Dwg 640 Planting Plan – Northern Precinct Rev A, Place Design Group, 27/07/17 is to be amended to include *Calochlaena dubia* (Common Ground Fern), *Entolasia marginata* (Bordered Panic) and *Microlaena stipoides* (Weeping Grass) within the BGHF understorey in VMP Area 1 Fern Gully; and *Entolasia marginata* (Bordered Panic) and *Microlaena stipoides* (Weeping Grass) in VMP Area 3 Wild Garden. *Cyathea* sp in

- VMP Area 1 is to be amended to read *Cyathea australis* (Soft Tree Fern).
- (v) Additional native grasses such as *Lomandra longifolia*, *Themeda Australis* or similar are to be added to the proposed batter along the northern boundary of Dwg 640 Planting Plan – Northern Precinct Rev A.
 - (vi) Indicative planting clumps of Area 3 are to be in a staggered formation to optimise soil stabilisation through overland flow capture.

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the landscape plan has been amended as required by this condition.

Note: An amended plan, prepared by a landscape architect or qualified landscape designer, shall be submitted to the Certifier.

Reason: To ensure adequate landscaping of the site.

43. Pier and beam footings near trees

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the footings of the approved driveway will be isolated pier or pier and beam construction within the specified radius of the trunk/s of the following tree/s:

Schedule	
Tree/Location	Radius from trunk
Tree 67/ <i>Agathis robusta</i> (Kauri) located at the centre of the site	10.2m

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels. Formwork shall be installed in a manner that protects tree trunks and that loads are distributed across the maximum ground surface area.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Certifier.

Reason: To protect existing trees.

99. Canopy/ root pruning

Approved tree works

The following is to be undertaken to the specified trees:

Tree/location	Approved tree works
Tree 3 <i>Ficus rubiginosa</i> (Port Jackson Fig) Tree 54 <i>Eucalyptus pilularis</i> (Blackbutt) Tree 67 <i>Agathis robusta</i> Tree 82 <i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 97 <i>Syncarpia glomulifera</i> (Turpentine) Tree 114 <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark)	Remedial pruning as specified in the Post Storm Tree Hazard Assessment by Arboreport, dated 22/06/20

Tree 130 <i>Eucalyptus paniculata</i> (Grey Ironbark) Tree 251 <i>Dendrocalamus striatus</i> (Giant Bamboo)	
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1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any tree/s.
2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification and supervised by the Project Arborist.
3. All root or canopy pruning works shall be undertaken as specified in the current version of AS 4373 – Pruning of Amenity Trees.

Removal or pruning of any other tree on the site is not approved, excluding species and works exempt under Council's Development Control Plan.

Reason: To ensure that the development is in accordance with the Development Consent.

101. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Tree/Location	Approved tree works
Trees TA, TB, TC, 2, 5, 55, 56, 57, 62, 64, 76, 77, 84, 85, 88, 89, 90, 91, 93, 94, 95, 98, 100-108, 111, 112, 115, 117, 118, 123, 125-128, 131, 136-139, 140, 150-157, 160-169, 175, 178, 182, 191, 194-203, 207, 208, 212, 214-219, 221, 223-227, 229, 231, 235 and 240 Trees 4, 6, 9, 68, 92, 109, 129 and 192	Removal

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Development Control Plan.

Reason: To ensure that the development is in accordance with the determination.

102. Hand excavation

All excavation excluding for the basement within the specified radius of the trunk(s) of the following tree(s) shall be carried out by hand digging and/or by an air or water knife or similar technique and shall be supervised by the Project Arborist. The arborist/ horticulturalist shall provide a report to the Principal Certifier confirming compliance with this condition:

Schedule	
Tree/Location	Radius from trunk
Tree 1/ <i>Magnolia grandiflora</i> (Bull-bay Magnolia) located at the north-east corner of the site	10.2m
Tree 3/ <i>Ficus rubiginosa</i> (Port Jackson Fig) located at the north-east corner of the site	15.0m
Tree 52/ <i>Eucalyptus pilularis</i> (Blackbutt) located at the north-east corner of the site	10.2m

Tree 53/ <i>Phoenix canariensis</i> (Canary Island Palm) located at the north-east corner of the site	3m
Tree 54/ <i>Eucalyptus pilularis</i> (Blackbutt) located at the north-east corner of the site	15m
Tree 58/ <i>Eucalyptus pilularis</i> (Blackbutt) located at the northern part of the site	8.1m
Tree 60/ <i>Eucalyptus punctata</i> (Grey Gum) located at the northern part of the site	8.1m
Tree 67/ <i>Agathis robusta</i> (Kauri) located at the centre of the site	10.2m
Tree 68/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located on the eastern side of the driveway at the centre of the site	6.6m
Tree 78/ <i>Butia capitata</i> (Jelly Palm) located on the eastern side of the site	3.0m
Tree 79/ <i>Phoenix canariensis</i> (Canary Island Palm) located on the eastern side of the site	4.5m
Tree 80/ <i>Corymbia citriodora</i> (Lemon Scented Gum) This tree is located on the eastern boundary of the site	10m
Tree 81/ <i>Corymbia citriodora</i> (Lemon Scented Gum) This tree is located on the eastern boundary of the site	6.6m
Tree 82/ <i>Corymbia citriodora</i> (Lemon Scented Gum) This tree is located on the eastern boundary of the site	11.8m
Tree 83/ <i>Metasequoia glyptostroboides</i> (Dawn Redwood) located within the front setback to Edward Street	8.1m
Tree 86/ <i>Cryptomeria japonica</i> (Japanese Cedar) located within the front setback to Edward Street	7.2m
Tree 87/ <i>Stenocarpus sinuatus</i> (Firewheel Tree) located within the front setback to Edward Street	3.6m
Tree 92/ <i>Eucalyptus microcorys</i> (Tallowood) located within the front setback to Edward Street	10.2m
Tree 96/ <i>Syzigium oleosum</i> located within the front setback to Edward Street	4.2m
Tree 97/ <i>Syncarpia glomulifera</i> (Turpentine) located within the front setback to Edward Street	14.4m
Tree 99/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback to Edward Street	8.0m
Tree 109/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located on the western boundary of the site	11.7
Tree 116/ <i>Photinia serratifolia</i> (Chinese Photinia) located on the western boundary of the site	6.0m
Tree 116/ <i>Photinia serratifolia</i> (Chinese Photinia) located on the western boundary of the site	6.0m
Tree 119/ <i>Tristaniopsis laurina</i> (Water Gum) located on the northern boundary of the site	4.5m
Tree 128A/ <i>Eucalyptus paniculata</i> (Grey Ironbark) located in the northern part of the site	3.6m
Tree 128B/ <i>Eucalyptus paniculata</i> (Grey Ironbark) located in the northern part of the site	2.2m
Tree 141/ <i>Cassia fistula</i> (Golden Shower Tree) located at south-east corner of site	3.6m
Tree 142-149/ <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) located on nature strip in Edward Street	2m
Tree 170-174/ <i>Syzigium austral</i> located in front setback to Melkin End	3.6m

Tree 176/ <i>Eucalyptus microcorys</i> (Tallowood) located at the north-west corner of the existing RACF	8.4m
Tree 177/ <i>Quercus palustris</i> (Pin Oak) located at the north-west corner of the existing RACF	5.4m
Tree 179/ <i>Pittosporum undulatum</i> (Native Daphne) located at the north-west corner of the existing RACF	4.2m
Tree 180/ <i>Eucalyptus microcorys</i> (Tallowood) located at the north-west corner of the existing RACF	6.6m
Tree 181/ <i>Pittosporum undulatum</i> (Native Daphne) located at the north-west corner of the existing RACF	2.4m
Tree 192/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on western boundary	3.6m
Tree 204-206/ <i>Camellia</i> sp. located in front setback of 6 Edward Street	2.0m
Tree 209/ <i>Murraya</i> sp. located in front setback of 6 Edward Street	2.0m
Tree 210/ <i>Camellia</i> sp. located in front setback of 6 Edward Street	3.0m
Tree 211/ <i>Michellia figo</i> located in front setback of 6 Edward Street	4.0m
Tree 213/ <i>Liriodendron tulipifera</i> (Tulip Tree) located within the front setback to Melkin End	5.0m
Tree 220/ <i>Ginkgo biloba</i> (Maiden-hair Tree) located within the southern setback to Building F	2.0m
Tree 228/ <i>Melaleuca bracteata</i> (Paperbark) located on the northern boundary to Building F	3.0m
Tree 230/ <i>Pinus radiata</i> (Monterey Pine) located on the northern boundary to Building F, within adjoining property	9.6m
Tree 236/ <i>Camellia</i> sp. located in front setback of Building F	2.0m

Reason: To protect existing trees.

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