

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

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|---|---|
| Application Number: | Mod2021/0990 |
| Responsible Officer: | Thomas Prosser |
| Land to be developed (Address): | Lot 1 DP 1254446, 22 Palm Beach Road PALM BEACH NSW 2108 |
| Proposed Development: | Modification of Development Consent DA2019/1112 granted for alterations and additions to a dwelling house approved under Consent No. N0482/14 |
| Zoning: | C4 Environmental Living |
| Development Permissible: | |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Neroli Marian Naylor |
| Applicant: | Crawford Architects Pty Ltd |
| Application Lodged: | 20/01/2022 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Refer to Development Application |
| Notified: | 01/02/2022 to 15/02/2022 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

PROPOSED DEVELOPMENT IN DETAIL

The subject application seeks to modify Development Consent no. DA2019/1112, which approved alterations and additions to a dwelling house (**note:** DA2019/1112 approved modifications to alterations and additions previously approved by Development Consent no. N0482/14).

The modifications proposed by the application are outlined as follows:

Lower ground floor:

- Changes to a retaining wall and associated spoon drain at the western end of this level.
- Layout amendments to the laundry.
- Minor internal layout changes.
- Slight relocations off the lift shaft, bathroom and cellars.

Ground floor:

- Relocation of the bin storage area from the northern to the southern side of the dwelling (a planter is to replace the previous bin area).
- Minor relocation changes to retaining walls around the driveway.
- Minor internal layout changes.
- Slight relocations off the lift shaft, bathroom and cellars.
- A minor size increase on the southern side of the rear balcony.
- Changes to window designs and sill heights on the northern side of the dwelling.
- Addition of a window and changes to the size of a window on the rear (eastern) elevation.
- A 300mm height increase to a parapet surrounding the top of the garage.

First floor:

- Changes to the designs and sill heights on the northern, southern and western elevations.
- Removal of a Juliet balcony on the northern elevation in association with window changes.
- A reduction in the size of the roof.
- Deletion of roof skylights.

Consent condition 1 (Approved Plans and Supporting Documentation) of Development Consent no. DA2019/1112 will also require modifications, in order to correctly reference amended plans.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

| | |
|-----------------------------------|--|
| Property Description: | Lot 1 DP 1254446 , 22 Palm Beach Road PALM BEACH NSW 2108 |
| Detailed Site Description: | <p>The subject site has an address of 22 Palm Beach Road, Palm Beach, and has a legal address as Lot 1, DP 1254446.</p> <p>The subject site is an irregularly-shaped allotment; the primary frontage is to the west and adjoins the Palm Beach Road road reserve, while all other boundaries adjoin residential allotments. The site has an area of 677.1m² (survey), is oriented in an northwest-southeast direction and is steeply sloped, with a diagonal rear-to-front downhill slope of approximately 9.1 metres.</p> <p>The subject site is located within a C4 (previously E4) Environmental Living zone under Pittwater Local Environmental Plan 2014 (PLEP 2014). All boundaries adjoin other C4-zoned sites, with the nearest zone boundary being to an R2 Low Density Residential zone approximately 31 metres to the southeast of the site. The site is mapped as being affected by an H1 geotechnical hazard, class 5 Acid Sulphate Soils and biodiversity considerations. The subject site does not contain a heritage item, is not within a Heritage Conservation Area and is not in close proximity to a mapped heritage item.</p> <p>Development on the site consists of a part two and three storey dwelling house that is located at an angle towards the front of the site; this dwelling is also in the process of being renovated (as approved by Development Consents N0482/14 and DA2019/1112). Other development on the site consists of paved areas and retaining walls; the rest of the site is generally landscaped, with numerous large trees located at the rear of the site.</p> <p>Adjoining sites and surrounding area: Development on adjoining sites and residential-zoned sites within the surrounding area consist predominantly of low-density residential development (i.e. dwelling houses and associated structures). Isolated sites further to the west of the site along Barrenjoey Road also contain a variety of commercial developments and associated uses.</p> |

Map:



SITE HISTORY

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

- 7 July 2015: Development Application no. N0482/14 approved for the partial demolition and reconstruction of an existing dwelling house, with associated external works.
- 8 October 2019: Section 4.55(1A) Modification Application no. Mod2019/0406 withdrawn. The application proposed modifications to Development Consent no. N0482/14.
- 8 November 2019: Development Application no. DA2019/1112 approved for alterations and additions to the dwelling house approved under Development Consent No. N0482/14.
- 20 January 2022: Section 4.55(1A) Modification Application lodged.

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 DA2019/1112 in full, with amendments detailed and assessed as follows:

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

| Section 4.55(1A) - Other Modifications | Comments |
|---|---|
| A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if: | |
| (a) it is satisfied that the proposed modification is of minimal environmental impact, and | <p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The approved use of the site will remain unchanged. • The proposed modifications will not substantially change the visual appearance of the approved development, as viewed from adjoining site and the public domain. • The proposed modifications will not affect the development's compliance with building form controls that govern the height, bulk, scale and setbacks of the building. • The proposed modifications will not result in changes that will result in additional or worsened impacts that would affect surrounding sites or the public domain. |
| (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and | <p>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 DA2019/1112 for the following reasons:</p> <ul style="list-style-type: none"> • The approved use of the site will remain unchanged. • The proposed modifications will not result in changes that will result in additional or worsened impacts that would affect surrounding sites or the public domain. • The development will quantitatively and qualitatively remain the same as that which was previously approved. |
| <p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> | <p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.</p> |

| Section 4.55(1A) - Other Modifications | Comments |
|---|---|
| (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 | |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. | No submissions were received in relation to this application. |

Section 4.15 Assessment

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

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

| Section 4.15 'Matters for Consideration' | Comments |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Pittwater 21 Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><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.</p> <p><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.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council</p> |

| Section 4.15 'Matters for Consideration' | Comments |
|--|---|
| | <p>to request additional information. No additional information was requested in this case.</p> <p><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.</p> <p><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 clause is not relevant to this application.</p> <p><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.</p> <p><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.</p> <p><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.</p> |
| 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 | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</p> |
| 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.1112 |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 01/02/2022 to 15/02/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

| Internal Referral Body | Comments |
|--------------------------------|--|
| NECC (Development Engineering) | No Development Engineering objection subject to <u>deletion of condition 9 and 22</u> with replacement of recommended conditions. |

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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses, noting that the relevant provisions of SEPP 55 have also previously been considered as part of earlier approvals on the site. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A355178_02).

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

| Development Standard | Requirement | Approved | Proposed | % Variation | Complies |
|----------------------|-------------|----------|---|-------------|----------|
| Height of Buildings: | 8.5m | 5.9m | 3.088m (Approved max. height unchanged) | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | N/A |
| 4.3 Height of buildings | Yes |
| 4.6 Exceptions to development standards | N/A |
| 5.10 Heritage conservation | N/A |
| 5.21 Flood planning | N/A |
| 7.1 Acid sulfate soils | N/A |
| 7.2 Earthworks | N/A |
| 7.6 Biodiversity protection | Yes |
| 7.7 Geotechnical hazards | Yes |
| 7.10 Essential services | Yes |

Pittwater 21 Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Approved | Proposed | Complies |
|---------------------|-------------|--|-----------------|----------|
| Front building line | 6.5m | 0.3m - 1.8m (Garage/Terrace) 4.6m (First Floor Extension) | Unaltered | N/A |
| Rear building line | 6.5m | N/A | Unaltered | N/A |
| Side building line | N: 2.5m | >2.5m | Unaltered | N/A |
| | S: 1m | 2m (Garage/Terrace) | Unaltered | N/A |
| Building envelope | N: 3.5m | Within envelope | Unaltered | N/A |
| | S: 3.5m | Within envelope | Within envelope | Yes |

| | | | | |
|-----------------|-----------------------------|--|------------------------------|----|
| Landscaped area | 60% (406.26m ²) | 59% (372.2m ²) (No change) | 50.2% (342.9m ²) | No |
|-----------------|-----------------------------|--|------------------------------|----|

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted | Yes | Yes |
| A4.12 Palm Beach Locality | Yes | Yes |
| B1.3 Heritage Conservation - General | N/A | N/A |
| B1.4 Aboriginal Heritage Significance | N/A | N/A |
| B3.1 Landslip Hazard | Yes | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | Yes | Yes |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land | Yes | Yes |
| B5.13 Development on Waterfront Land | N/A | N/A |
| B6.1 Access driveways and Works on the Public Road Reserve | Yes | Yes |
| B6.2 Internal Driveways | N/A | N/A |
| B6.3 Off-Street Vehicle Parking Requirements | Yes | Yes |
| B6.6 On-Street Parking Facilities | N/A | N/A |
| B6.7 Transport and Traffic Management | N/A | N/A |
| B8.1 Construction and Demolition - Excavation and Landfill | N/A | N/A |
| B8.3 Construction and Demolition - Waste Minimisation | N/A | N/A |
| B8.4 Construction and Demolition - Site Fencing and Security | N/A | N/A |
| B8.5 Construction and Demolition - Works in the Public Domain | N/A | N/A |
| B8.6 Construction and Demolition - Traffic Management Plan | N/A | N/A |
| C1.1 Landscaping | Yes | Yes |
| C1.2 Safety and Security | Yes | Yes |
| C1.3 View Sharing | Yes | Yes |
| C1.4 Solar Access | Yes | Yes |
| C1.5 Visual Privacy | Yes | Yes |
| C1.6 Acoustic Privacy | Yes | Yes |
| C1.7 Private Open Space | N/A | N/A |
| C1.9 Adaptable Housing and Accessibility | N/A | N/A |
| C1.12 Waste and Recycling Facilities | N/A | N/A |
| C1.13 Pollution Control | N/A | N/A |
| C1.14 Separately Accessible Structures | N/A | N/A |
| C1.17 Swimming Pool Safety | N/A | N/A |
| C1.19 Incline Passenger Lifts and Stairways | N/A | N/A |
| C1.23 Eaves | Yes | Yes |
| C1.24 Public Road Reserve - Landscaping and Infrastructure | N/A | N/A |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| C1.25 Plant, Equipment Boxes and Lift Over-Run | N/A | N/A |
| D12.1 Character as viewed from a public place | Yes | Yes |
| D12.3 Building colours and materials | N/A | N/A |
| D12.5 Front building line | N/A | N/A |
| D12.6 Side and rear building line | N/A | N/A |
| D12.8 Building envelope | Yes | Yes |
| D12.10 Landscaped Area - Environmentally Sensitive Land | No | Yes |
| D12.11 Fences - General | N/A | N/A |
| D12.14 Scenic Protection Category One Areas | Yes | Yes |

Detailed Assessment

D12.10 Landscaped Area - Environmentally Sensitive Land

Including allowable variations, the plans propose a landscaped area of 342.9m²; such areas account for 50.6% of total site area, and equates to an 15.7% variation to the minimum 60% control.

The only changes to the site's landscaped layout relate to minor changes to the placement of retaining walls around the driveway at the front of the site, and a relocation of the bin storage area from the northern side to the southern side of the site. Such areas account for a reduction of approximately 5.2m².

While compliance with the 60% control will not be attained, the existing landscape layout of the site will otherwise remain unchanged. The site will therefore continue to provide for adequate landscaping and deep soil areas within the front and rear setbacks that are consistent with other sites within the surrounding sites (noting that the proposed modifications do not propose tree removal or changes relating to tree retention). Approved stormwater arrangements are proposed to remain unchanged, and Council's development engineer has not raised any concerns with the proposal, subject to conditions.

Further to the above, changes to retaining walls that influence landscaped areas within the front setback are very minor, while proposed changes within the side setbacks will be obscured by other landscaping both on the subject site and within the adjoining road reserve. Such changes are very minor and as such will not be discernable from the public domain.

With regard to the above the relevant objectives of the control will therefore be satisfied. The proposed landscape area variation is therefore supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0990 for Modification of Development Consent DA2019/1112 granted for alterations and additions to a dwelling house approved under Consent No. N0482/14 on land at Lot 1 DP 1254446, 22 Palm Beach Road, PALM BEACH, subject to the conditions printed below:

1 . 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) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|--|--------------|---------------------|
| Drawing no. | Dated | Prepared by |
| Site Plan (Drawing no. A100, Issue A) | October 2021 | Crawford Architects |
| Lower Ground Floor Plan (Drawing no. A250, Issue A) | October 2021 | Crawford Architects |
| Ground Plan (Drawing no. A251, Issue A) | October 2021 | Crawford Architects |
| First Floor Plan (Drawing no. A252, Issue A) | October 2021 | Crawford Architects |
| Roof Plan (Drawing no. A253, Issue A) | October 2021 | Crawford Architects |
| West Elevation (Drawing no. A305, Issue A) | October 2021 | Crawford Architects |
| South Elevation (Drawing no. A350, Issue A) | October 2021 | Crawford Architects |
| North Elevation (Drawing no. A351, Issue A) | October 2021 | Crawford Architects |
| East Elevation (Drawing no. A352, Issue A) | October 2021 | Crawford Architects |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|----------------|--------------------|
| Report No. / Page No. / Section No. | Dated | Prepared by |
| Geotechnical Assessment | 16 August 2019 | JK Geotechnics |

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:

| Waste Management Plan | | |
|------------------------------|--------------|--------------------------|
| Drawing No. / Title | Dated | Prepared by |
| Waste Management Plan | - | Northern Beaches Council |

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

B. Modify Condition 9- Stormwater Disposal from Low Level Property to read as follows:

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's "Water Management for Development Policy" in particular the Stormwater Drainage from Low Level Properties clause 5.5 controls. Details demonstrating that the existing approved system can compliance with the Northern Beaches Council's "Water Management for Development Policy" by a NPER registered Hydraulic Engineer are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

C. Modify Condition 22 - Stormwater Disposal to read as follows:

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards, Codes and Council's Water Management for Development Policy by a suitably qualified Hydraulic Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

E. Add Condition 24- Retaining Wall to read as follows:

The retaining wall works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: Public and Private Safety

F. Add Condition 25 -Certification Parking Facility work to read as follows:

The Applicant shall submit a Structural Engineers' certificate certifying that the driveway and parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation.

Reason: Compliance with this consent.

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

Signed



Thomas Prosser, Planner

The application is determined on 10/03/2022, under the delegated authority of:



Steven Findlay, Manager Development Assessments