

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0237
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Responsible Officer:	Kelsey Wilkes
Land to be developed (Address):	Lot 2 DP 512736, 2177 Pittwater Road CHURCH POINT NSW 2105
Proposed Development:	Modification of Development Consent DA2018/1651 granted for demolition works and construction of a dwelling house including secondary dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Paul Andrew Bolliger
Applicant:	Paul Andrew Bolliger

Application Lodged:	03/06/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	15/06/2020 to 29/06/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent to modify DA2018/1651 for which consent was granted for the construction of a dwelling house and a secondary dwelling.

The proposed modifications include:

- Reduction in the gross floor area of the dwelling by 88 square meters. In particular, these reductions remove floor area from the south western, south eastern, north western and central portion of the approved dwelling's ground floor. The lower ground floor garage and workshop is also reduced in size
- Construction of decking between the living and sleeping portions of the dwelling
- Reduction in size of north eastern elevation terrace
- Reconfiguration of kitchen / living area
- Minor reconfiguration of lower ground floor foyer and internal staircase

- Redesign of dwelling roof

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 - D4.10 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 2 DP 512736 , 2177 Pittwater Road CHURCH POINT NSW 2105
Detailed Site Description:	<p>The subject site consists of one (1) allotment identified as Lot 2 in DP 512736 and is located on the western side of Pittwater Road, Church Point.</p> <p>The site is an irregular battle-axe shape with a frontage of 4.875m along Pittwater Road and a depth of 60.96m. The site has a surveyed area of 1160.2m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a dwelling and detached secondary dwelling.</p> <p>The site falls steeply from west to east (rear to front). The eastern portion of the site has a gradient of around 18 degrees before easing to approximately 11 degrees at the west of the site.</p> <p>Landscaping on site is characterised by boundary screen</p>

planting and lawn.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey detached dwelling houses.

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:

Mod2019/0201

Modification of development consent DA2018/1651 granted for demolition works and construction of a dwelling house including secondary dwelling
Approved 7 June 2019

DA2018/1651

Demolition works and construction of a dwelling house including secondary dwelling
Approved 19 March 2019

PPM2017/0034

Pre-lodgement meeting for a new secondary dwelling, removal of existing dwelling and erection of a new principal dwelling to be completed through staged construction certificates was held on 5 December 2017. The notes did not raise any significant concerns with the proposal.

N0439/15/R

Review of Determination N0439/15 for demolition of existing structures and construction of a new dwelling and pool
Withdrawn 5 August 2016

N0357/16

Demolition of existing dwelling and construction of a new dwelling house with swimming pool
Withdrawn 24 October 2016

N0439/15

Demolition of existing structures and construction of a new dwelling and pool
Withdrawn 10 March 2016

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 DA2018/1651, 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> <p><i>The proposed modifications relate largely to the deletion of floor area and minor reconfiguration of the primary dwelling footprint. The modifications are considered to be of minimal environmental impact as they reduce the overall footprint and subsequent bulk and scale of the dwelling. These changes, including the change to roof form also result in improved compliance with built form controls.</i></p>
(b) it is satisfied that the development to	The development, as proposed, has been found to be

Section 4.55(1A) - Other Modifications	Comments
<p>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>	<p>such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2018/1651 for the following reasons:</p> <p><i>As mentioned above, the modifications relate to the deletion of floor area and minor reconfiguration to the primary dwelling footprint. While these changes do result in improved built form compliance and therefore a minor reduction to visual bulk and scale, the changes remain consistent with the existing approval to an extent which is considered substantially the same.</i></p>
<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>(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</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan.</p>
<p>(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.</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>

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
<p>Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument</p>	<p>See discussion on “Environmental Planning Instruments” in this report.</p>
<p>Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument</p>	<p>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</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.</p>
<p>Section 4.15 (1) (a)(iii) – Provisions of any development control plan</p>	<p>Pittwater 21 Development Control Plan applies to this proposal.</p>
<p>Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement</p>	<p>None applicable.</p>
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)</p>	<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 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 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 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>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater</p>

Section 4.15 'Matters for Consideration'	Comments
the natural and built environment and social and economic impacts in the locality	21 Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Raymond Rex White Mrs Kathleen Elizabeth White	2179 Pittwater Road CHURCH POINT NSW 2105

The following issues were raised in the submissions and each have been addressed below:

- Driveway
- Driveway Forecourt
- Drainage
- Demolition of cottage
- Notification of DA2018/1651

The matters raised within the submissions are addressed as follows:

- Driveway

Concern is raised in relation to the gradient of the driveway with particular regard to safety. Concern is also raised that the approved development on the site will result in increased traffic, vehicle noise and light.

The objector requests information on water drainage arrangements from the driveway.

Comment:

This application does not propose any changes to the driveway approved under DA2018/1651. The driveway was assessed by Council's Development Engineer and recommended for approval subject to conditions as compliance with relevant requirements was achieved together with an appropriate level of safety.

The development approved on site is permissible within the zone and consistent with surrounding development within the locality. Any level of traffic, vehicle noise and light is therefore considered to be consistent with residential expectations. It is noted that well established plant screening and retaining walls exist on or adjacent to the objectors adjoining boundary which will assist in deflecting vehicle noise and light.

Under the original application (DA2018/1651) stormwater documentation was reviewed and supported by Council's Development Engineer subject to relevant conditions of consent to ensure the appropriate disposal of stormwater on site, including on-site detention (OSD). The OSD is located at the entrance to the site beneath the driveway, and the drainage plan includes pits to the north east of the new dwelling, with the pits and roof areas draining via a pipe running down the south eastern side boundary.

- Driveway Forecourt

Concern is raised regarding safety associated with the driveway. The objector raises concern regarding the potential for vehicle incidents which may result in injury to persons and property, particularly in relation to the steep slope of the land to the north east of the approved driveway, and the lack of safety barrier.

Comment:

As mentioned above, the driveway was approved under DA2018/1651 within conditions to ensure compliance with relevant standards which ensure safe and suitable vehicular access is provided to the property. The driveway design also facilitates manoeuvring to enable vehicles to enter and exit the site in a forward direction which is considered a favourable outcome when considering safety. The driveway cutting across the fall of the land also allows for a less steep gradient than would otherwise be required. The driveway falls within acceptable limits for gradient and is not considered to cause unreasonable safety concerns in this regard.

- Drainage

Concern is raised regarding arrangements for drainage on site.

Comment:

As mentioned above, documentation from DA2018/1651 was reviewed and supported by Council's Development Engineer subject to relevant conditions of consent to ensure the appropriate disposal of stormwater on site, including on-site detention. This application reduces the amount of hard surface on site which will improve drainage.

- Demolition of cottage

Concern is raised regarding asbestos removal and implications for neighbours

Comment:

A condition has been included within the original consent which requires asbestos to be handled in accordance with relevant licensing requirements as per Workcover requirements and the Occupational Health and Safety Act 2000.

- Notification of DA2018/1651

The objector states that no correspondence was received from Council regarding any previous application associated with this development and as a result, the objector has not had an opportunity engage and put forward concerns during the assessment process.

Comment:

Council's records indicate that notification letters were sent via mail to the relevant addresses including the objector's address following the lodgement of the development application. The applicant also notified Council that the notification sign was placed at the front of the subject site for the required period. It is further noted that Council received a submission from another neighbour to the original development application, indicating that notification letters were indeed sent out.

Although the objector indicates they were unaware of the original application process, an assessment was undertaken by Council with consideration of potential impact on adjoining properties. The applications were subsequently supported as they were found to be consistent with the relevant planning controls.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	Council's Bushland & Biodiversity division has assessed the proposed modification against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B4.3 Flora and Fauna Habitat Enhancement Category 2 Land and believes the proposed development complies.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 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. 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. 952971M_02 dated 19 May 2020).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	79

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

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

The proposed modifications will not result in any adverse or unreasonable impact on any of the above matters for consideration.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposed modifications will remain consistent with that originally approved in that it is designed, sited and will be managed to avoid an adverse impact to that referred to in subclause 1.

14 Development on land within the coastal use area

- (1)
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposal is unlikely to cause any adverse impacts on any of the above matters for consideration. The bulk, scale and size of the development as proposed is generally consistent with surrounding development.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development is located across the road from the waterway and is not likely to cause any increased risk of coastal hazards on the subject site or any other land.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Primary dwelling - 8.3m	7.7m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	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	10m or established building line, whichever is the greater	Behind 10m and established building line	Unaltered	Yes
Rear building line	6.5m	5.225m	6.5m	Yes
Side building line	2.5m	2.5m (South)	Unaltered	Yes

	1m	1m (North)	Unaltered	Yes
Building envelope	3.5m	Within envelope (South)	Unaltered	Yes
	3.5m	Outside envelope up to 600mm (North)	Primary dwelling - Within	Yes
Landscaped area	60%	52%	56%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.4 Church Point and Bayview Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	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
C1.7 Private Open Space	Yes	Yes
C1.23 Eaves	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.5 Front building line	Yes	Yes
D4.6 Side and rear building line	Yes	Yes
D4.8 Building envelope	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D4.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D4.10 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The proposed modifications to the primary dwelling result in an increase in landscaped area on site to 56%. While this remains non-compliant with the 60% requirement, this is a 4% increase in landscaped area from what was previously approved under DA2018/1651.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Achieve the desired future character of the Locality. (S)

Comment:

Notwithstanding the non-compliance, the increase in landscaped area from that previously approved is an improved outcome when considering the desired future of the locality. It is considered that the development remains consistent with the desired character statement within the P21DCP.

The bulk and scale of the built form is minimised. (En, S)

Comment:

The increase in landscaped area has resulted from a decrease in the overall size of the dwelling. This subsequently reduces the bulk and scale of the built form. While remaining non-compliant with this requirement to a minor extent, it is considered that the bulk and scale has been minimised by the proposed changes and has therefore resulted in an improved outcome.

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Comment:

It is not considered that the proposed changes will reduce the level of amenity and solar access provided. It is considered that the level of solar access would be improved due to a reduction in the height of the primary dwelling. Council is therefore satisfied that a reasonable level of amenity will be maintained to the subject site and adjoining properties.

Vegetation is retained and enhanced to visually reduce the built form. (En)

Comment:

The proposal does not alter any landscape arrangement on site from that previously approved however further opportunity for deep soil landscaping will be provided where the dwelling has been reduced in size.

Conservation of natural vegetation and biodiversity. (En)

Comment:

The application was reviewed by Council's Bushland and Biodiversity Team who are satisfied that the development complies with the relevant clauses which ensure the conservation of natural vegetation and biodiversity.

To preserve and enhance the rural and bushland character of the area. (En, S)

Comment:

It is considered that the 4% increase in landscaped area will enhance the rural and bushland character of the area by providing additional opportunity for deep soil landscaping if necessary.

*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)
Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

Comment:

The proposed changes will not alter the management of stormwater on site. This has been addressed through conditions within the original consent.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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 2019

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- 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. Mod2020/0237 for Modification of Development Consent DA2018/1651 granted for demolition works and construction of a dwelling house including secondary dwelling on land at Lot 2 DP 512736,2177 Pittwater Road, CHURCH POINT, subject to the conditions printed below:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1297-20-DA01 Site Plan	May 2020	Seaside Homes Design
1297-20-DA02 Lower Ground Floor Plan	May 2020	Seaside Homes Design
1297-20 Ground Floor Plan	May 2020	Seaside Homes Design
1297-20 Elevations	May 2020	Seaside Homes Design
1297-20 Elevations	May 2020	Seaside Homes Design
1297-20 Section AA	May 2020	Seaside Homes Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Ausgrid Referral Response	7 July 2020	Ausgrid
BASIX Certificate no. 952971M_02	19 May 2020	Chapman Environmental Services Pty Ltd

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

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

Signed



Kelsey Wilkes, Planner

The application is determined on 10/08/2020, under the delegated authority of:



David Auster, Acting Development Assessment Manager