

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2021/0841
<b>Responsible Officer:</b>	Julie Edwards
<b>Land to be developed (Address):</b>	Lot 103 DP 860197, 73 McCarrs Creek Road CHURCH POINT NSW 2105
<b>Proposed Development:</b>	Modification of Development Consent DA2021/1189 granted for alterations and additions to a Dwelling House
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Debra Fei Charlton Christopher John Charlton
<b>Applicant:</b>	Brent Gasson
<b>Application Lodged:</b>	07/12/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	10/12/2021 to 15/01/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify DA2021/1189 by removing an existing 40m<sup>2</sup> concrete hardstand adjacent the existing carport and replacing it with soft landscaping. The removal of the hard surface area will reduce the requirement of OSD.

### 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

<b>Property Description:</b>	Lot 103 DP 860197 , 73 McCarrs Creek Road CHURCH POINT NSW 2105
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the south-eastern side of McCarrs Creek Road, Church Point. The front boundary is elevated well above the roadway, with vehicular and pedestrian access to the site provided via a shared Right of Carriageway.</p> <p>The site is irregular in shape and has a surveyed area of 1254sqm.</p> <p>The site is located within the C4 Environmental Living zone pursuant to Pittwater LEP 2014 and accommodates a two storey dwelling house, including a swimming pool and detached garage/carport structure.</p> <p>The site is well vegetated and includes numerous native canopy trees, in conjunction with exotic plantings. The site is mapped within an area known for containing the endangered Pittwater Spotted Gum Forest.</p> <p>The site is particularly steep and experiences a fall of approximately 20m that slopes away from the rear boundary towards the frontage. The slope under the footprint of the dwelling house has a gradient of 33.56%.</p> <p>The site is environmentally constrained with geotechnical and bushfire hazards and is burdened by a Right of Carriageway that encroaches through the front and rear portions of the site.</p> <p><b>Description of Surrounding Development</b> The surrounding built environment is characterised</p>

by detached low density residential development within bushland settings on sloping sites. The scale of surrounding development is typically 2-3 storeys in height.

#### Site Inspection

A site inspection was conducted 5 March 2022.

Map:



#### SITE HISTORY

Development application DA2021/1189 was determined 1 October 2021.

#### 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 DA2021/1189, 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><b>Yes</b></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"> <li>• The proposed modifications will not substantially alter the external appearance of the building.</li> <li>• The proposed modifications will not affect compliance with major development standard and development controls (e.g. landscaped area, setbacks, building height, etc.) that were previously approved as part of the original approval.</li> <li>• The proposed modifications will have no additional impact on surrounding sites nor the public domain (i.e. in terms of view loss, visual privacy, solar access, visual amenity, etc.).</li> <li>• Subject to compliance with previously imposed conditions, the proposed modifications will have no additional impact on the natural environment nor hazards which affect the site.</li> </ul>
(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 DA2021/1189 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed modifications will not substantially alter the external appearance of the building.</li> <li>• The proposed modifications will not affect compliance with major development standard and development controls (e.g. landscaped area, setbacks, building height, etc.) that were previously approved as part of the original approval.</li> <li>• The proposed modifications will have no additional impact on surrounding sites nor the public domain (i.e. in terms of view loss, visual privacy, solar access, visual amenity, etc.).</li> <li>• Subject to compliance with previously imposed conditions, the proposed modifications will have no additional impact</li> </ul>



Section 4.55(1A) - Other Modifications	Comments
	on the natural environment nor hazards which affect the site.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

#### Section 4.15 Assessment

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

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

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

Section 4.15 'Matters for Consideration'	Comments
Assessment Regulation 2000 (EP&A Regulation 2000)	<p>consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to Development engineers referral comments.</p> <p><u>Clause 92</u> of the EP&amp;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>Clause 98</u> of the EP&amp;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&amp;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>
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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

The application was referred to the NSW Rural Fire Service for further assessment. The NSW RFS raised no objections to approval, subject to conditions. The recommendations of the Bush Fire Report lodged with the development consent, along with the conditions from the NSW RFS have been included as part of the recommended conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 10/12/2021 to 15/01/2022 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
Landscape Officer	<p>The application is to modify development consent DA2021/1189 for alterations and additions to an existing dwelling.</p> <p>The modification application includes removing 40m<sup>2</sup> of existing concrete hard stand area adjacent the existing carport and replacing it with permeable paving or gravel. The new permeable surface will facilitate natural filtration and will be graded to drain to the existing pit. The amendments are proposed to remove the requirement for the provision of OSD as the additional impervious area threshold will not be triggered by the amended development proposal.</p> <p>The modification works do not impact on the landscape outcome nor existing trees, and the landscape conditions under development consent DA2021/1189 remain.</p>
NECC (Bushland and Biodiversity)	Council's Natural Environment Unit - Biodiversity referral team has no objections to the proposed modification subject to the conditions provided for the previous DA consent (DA2021/1189).
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Coastal Management Act 2016;</li> <li>• State Environmental Planning Policy (Coastal Management) 2018 (clauses 13, 14 &amp; 15); and</li> <li>• Relevant LEP and DCP clauses.</li> </ul> <p>The application meets the requirements of the relevant Environmental Planning Instruments and policies.</p> <p>The application is supported subject to conditions:</p> <ul style="list-style-type: none"> <li>• Stormwater management (prior to construction certificate)</li> <li>• Installation and maintenance of erosion and sediment controls (prior</li> </ul>

Internal Referral Body	Comments
	to commencement)
NECC (Development Engineering)	<p>The proposal seeks to delete the requirement for OSD by converting the existing concrete area adjacent to the carport and garage to permeable paving or gravel. The use of permeable paving as pervious area is not supported. Additionally the existing concrete area is adjacent to the carport and if it is used for vehicle maneuvering will require compaction. Hence the use of gravel will not meet the requirements of a permeable area at this location.</p> <p>It is recommended that turf be used to meet the requirements of a permeable area.</p> <p><b>Additional Information Provided on 31/3/2022</b></p> <p>The amended plans proposes to convert the existing concrete area to turf to delete the requirement for OSD. No objections to approval subject to the following amendments to conditions of consent DA2021/1189</p> <p>Delete Condition 12 and replace with the following:</p> <p><b>Stormwater Disposal</b></p> <p>The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure appropriate provision for disposal and stormwater management arising from development.</p> <p>Delete Condition 28 and replace with the following:</p> <p><b>Stormwater Disposal</b></p> <p>The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Council's Water Management for Development Policy by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.</p>
NECC (Riparian Lands and Creeks)	This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. This site is near Pittwater estuary and the development must not significantly impact on the biophysical, hydrological or ecological



Internal Referral Body	Comments
	integrity of this location, or the quantity and quality of surface and ground water flows that it receives. This application is unlikely to have a significant impact on the integrity and resilience of the biophysical, ecological and hydrological environment of the receiving waters

External Referral Body	Comments
NSW Rural Fire Service – local branch (s4.14 EPAA)	The proposal was referred to NSW RFS who provided a response stating that the proposal is acceptable subject to conditions. 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 (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.*
- (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 site is sufficiently separated from the foreshore, being separated by McCarrs Creek Road and as such, it is not anticipated that the works will adversely impact the environmental qualities of the coastal area. Furthermore, the works are confined to private property and will not preclude access to or along the foreshore area, nor will the development impact the use of the surf zone. A condition has been included with this consent that require works to cease and the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change be contacted if any items of Aboriginal heritage significance are uncovered during works. It is noted that the site has been subject to previous disturbance from development and that it is unlikely that any Aboriginal heritage remains would be on the site.

#### **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:

As noted above, the proposal will not preclude access to or along the foreshore and are unlikely to impact upon Aboriginal cultural heritage, practices and places. Additionally, as the works are sufficiently separated from the foreshore and not readily visible from the foreshore, it is considered that the development will not detract from the scenic qualities of the coastline or result in wind funnelling or overshadowing of the foreshore. Nearby dwellings to the rear of the site are elevated well above the roofline of the dwelling house and as such, the proposal will not comprise significant water view lines from neighbouring properties. Adjacent properties to the north-east and south-west will maintain water views over the front boundary.

For these reasons, it is considered that the development is designed, sited and will be managed to avoid an adverse impact upon the matters referred to in Clause 14. It is also noted that the dwelling will remain two storeys in height, which is consistent with the scale of nearby development, which is characterised by 2-3 storey dwellings.

As such, it is considered that the application complies 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 proposal has been designed to respond to the environmental constraints of the site. In this regard, it is considered that the development is not likely to cause increased risk of coastal hazards within the locality

### **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

The works include the removal of 40m<sup>2</sup> hardstand area adjacent to the carport. No modifications are proposed to the approved dwelling and there will be no change to the principal development standards.

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	10m	8.75m	unaltered	Yes
Rear building line	6.5m	13.2m	unaltered	Yes
Side building line	2.5m (south-west)	0.9-1m	unaltered	Yes
	1m (north-east)	0.2m	unaltered	Yes
Building envelope	3.5m (south-west)	Within envelope	unaltered	Yes
	3.5m (north-west)	Outside envelope	unaltered	Yes
Landscaped area	60% (752.4m <sup>2</sup> )	without variations: 50.49% (633.2sqm)	without variations: 57.37% (684.9m <sup>2</sup> )	No
		with variations: 54.98% (689.5sqm)	with variations: 63.37% (756.52m <sup>2</sup> )	Yes

### 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
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.3 Building colours and materials	Yes	Yes
D4.5 Front building line	Yes	Yes
D4.6 Side and rear building line	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D4.12 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D4.14 Scenic Protection Category One Areas	Yes	Yes

#### Detailed Assessment

#### **D4.10 Landscaped Area - Environmentally Sensitive Land**

The proposed modification to remove part of the existing driveway will improve the landscaped area on the site and will still provide 2 compliant car parking spaces.

The original application was approved with a non-compliant landscaped area. The proposal improves the landscaping on the site and provides a compliant landscaped area with the 6% variation applied.

#### **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. Mod2021/0841 for Modification of Development Consent DA2021/1189 granted for alterations and additions to a Dwelling House on land at Lot 103 DP 860197,73 McCarrs Creek Road, CHURCH POINT, subject to the conditions printed below:

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

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

#### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A011 - Revision: E	19.03.22	Archit Project Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
73 McCarrs Creek Road, Church Point Geotechnical Comments for Section 4.55 J3471A	9th November 2022	White Geotechnical Group

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

**B. Add condition 2A. Compliance with Other Department, Authority or Service Requirement**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Date
NSW Rural Fire Service	Referral - RFS - 73 McCarrs Creek Road Church Point	05/01/2022

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

**C. Delete Condition 12. On-site Stormwater Detention Details**

**D. Add Condition 12. Stormwater Disposal to read as follows:**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification 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 development.

**E. Delete Condition 28. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

**F. Add Condition 28. Stormwater Disposal to read as follows:**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Council's Water Management for Development Policy by a suitably qualified person. 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.

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

**Signed**



**Julie Edwards, Planner**

The application is determined on 08/04/2022, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**