



APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0251
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Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot 1 DP 538888, 77 Myola Road NEWPORT NSW 2106
Proposed Development:	Modification of Development Consent N0390/11 granted for alterations and additions to the existing dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	David John Catchlove Mary Dewsall Catchlove
Applicant:	David John Catchlove

Application Lodged:	16/06/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	25/06/2020 to 09/07/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This application seeks modification of development consent N0390/11.

In particular, the modifications include:

- the construction of a timber deck above the existing concrete patio, so as to screen the stormwater detention tank.

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 - C1.4 Solar Access

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)

SITE DESCRIPTION

Property Description:	Lot 1 DP 538888 , 77 Myola Road NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Myola Road.</p> <p>The site is irregular in shape with a splayed frontage of 15.5m along Myola Road and an average depth of 98.0m. The site has a surveyed area of 2772m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a heritage listed dwelling house and a secondary dwelling.</p> <p>The site has a cross fall from east to west of approximately 5m.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by similar low density residential development within landscaped settings.</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:

Development Application N0390/11

This application for alterations and additions to an existing dwelling house was granted consent under delegation on 14 February 2012.

Construction Certificate No. CC0174/12

A Construction Certificate was issued for development consent N0390/11 on 10 December 2013.

Development Application DA2018/0449

This application for the construction of a secondary dwelling was granted consent under delegation 12 July 2018.

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 N0390/11, 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
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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 amendments to the approved alterations and additions to the existing heritage listed dwelling house are minor in scale and will not significantly alter the building footprint or visual impact of the development. The modifications comprise of a new timber decking structure above the existing concrete patio which extends to create a cover over the stormwater detention tank. The modifications in turn are not considered to vary the impact upon the environment, which are considered to be minimal.</i></p>
(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 N0390/11 for the following reasons:</p> <p><i>The visual impact of the development will remain essentially unaltered as presented to adjoining and surrounding properties and the development will remain unseen as viewed from the streetscape due to the allotment size and topography. Further, the modifications relate to a minor decking structure only which will sit atop of the existing concrete patio and extend over the existing stormwater detention tank. In this regard, the modification is considered to be substantially the same as that approved under development application N0390/11.</i></p>
(c) it has notified the application in accordance with:	<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>
(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	
(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 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 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 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 'Matters for Consideration'	Comments
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.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The plans indicate no significant impacts on landscape features. No objections are raised to the modification and no additional conditions are recommended.
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	The proposal has been referred to Heritage as the subject property is a heritage item
	'Bungania' (house) at 77 Myola Road
	Details of heritage items affected
	Details of the item as contained within the Pittwater inventory is as follows:

Internal Referral Body	Comments	
	<p><u>Statement of significance:</u> Bungania, at 77 Myola Road Newport, was built c.1890 by A.G. Yewen as a house for his family, has historic and aesthetic significance as a sandstone cottage dating from the early development of Newport used as an artists' colony. It is the oldest surviving building on Bungan Head, being part of the early subdivision. The house itself displays significant architectural features such as stone walls, high gothic ceilings and open fireplaces with the stone used quarried from the site. It is an important representative of its type in the locality.</p> <p><u>Physical description:</u> The house is located on a steep sloped site covered with large rocks, trees and ferns with scenic views over Pittwater. View from the street is screened by luxuriant vegetation creating a natural bush setting.</p> <p>The house follows the contours of the hillside and comprises of a rambling single storey house with significant architectural features such as stone walls, high gothic ceilings, iron roof and weatherboard definitions as well as open fireplaces with the stone used quarried from the site. It is importantly representative of its type in the locality.</p>	
	Other relevant heritage listings	
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No
	Australian Heritage Register	No
	NSW State Heritage Register	No
	National Trust of Aust (NSW) Register	Yes Bungania is on the Trust's register
	RAIA Register of 20th Century Buildings of Significance	No
	Other	N/A
	Consideration of Application	
	<p>The proposal seeks consent for modifications to DA N0390/11. Specifically it seeks to construct a new wooden deck in the north eastern corner of the site. The deck will extend out from the sunroom over an existing concrete slab and stone retaining wall. The deck will then extend further out over an existing stormwater tank which will be screened with timber palings. The deck is considered to have a neutral impact upon the heritage significance of the item</p> <p>Therefore Heritage raises no concerns and requires no conditions</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>	
	Further Comments	
	<p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 14 July 2020</p>	

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 (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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:

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or*

- littoral rainforest, or*
- (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The western portion of the subject site is mapped as being land in proximity to littoral rainforest, however the proposed works are situated on the northeastern corner of the site where this mapping does not extend. In this regard, no internal referral to Council's Bushland and Biodiversity or Riparian Officers were deemed necessary. Further, the scope of the works is minor as the decking is to be sited atop of an existing concrete patio area. In turn, the proposed development is not considered likely to impact on the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest or the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

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 development is not likely to cause increased risk of coastal hazards on that land or 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	Complies
Height of Buildings:	8.5m	2.2m <i>Concrete slab</i>	2.4m <i>Decking</i>	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes
Schedule 5 Environmental heritage	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m <i>West</i>	80m	95.4m	Yes

Rear building line	6.5m <i>East</i>	1.6m	1.1m	No
Side building line	2.5m <i>South</i>	1.5m	6.6m	Yes
	1m <i>North</i>	7.1m	4.1-9.4m	Yes
Building envelope	3.5m <i>South</i>	Within envelope	Within envelope	Yes
	3.5m <i>North</i>	Within envelope	Within envelope	Yes
Landscaped area	60% (1535.6m ²)	86.8% (1333.5m ²)	79.2% (1216.4m ²) <i>This reduction is largely due to additional approved works within the site</i>	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
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
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.4 Solar Access

No shadow diagrams have been provided as part of this modification application, however due to the minor scope of the works in conjunction with the siting of the deck and the existing dwelling house and adjoining properties, no unreasonable shadow impacts are considered likely to occur.

C1.5 Visual Privacy

The decking structure is sited between 4.1 and 9.4m from the northern side boundary, which due to the pattern of subdivision, is oriented toward the rear private open space areas of the adjoining properties. The site however contains various vegetation within this portion of the site, and given the decking is sited from ground level to a maximum of 2.4m in height (due to the land sloping away from the dwelling) no unreasonable amenity impacts are considered likely to arise. Further, the adjoining properties to the north contain significant landscape treatment within their rear yards, such that opportunities for overlooking are mitigated. It is also noted the private open space area of the adjoining property to the east is located to the east of their property, thereby maintaining a significant spatial separation between the subject decking.

In this respect, the proposed modifications are considered to maintain the existing amenity for the dwelling occupants and those of adjoining and surrounding properties.

D10.8 Side and rear building line (excluding Newport Commercial Centre)

Description of non-compliance

The proposed decking structure that is to sit atop of the existing concrete patio and extend above the stormwater detention tank is sited 1.2m from the rear (eastern) boundary. This represents a variation of 81.5% (5.3m) to the 6.5m rear setback requirement. Due to the irregular pattern of subdivision, this boundary acts more like a side boundary rather than the technical rear boundary.

Merit consideration

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

- *To achieve the desired future character of the locality.*

Comment:

The proposed decking structure will not significantly alter the visual impact of the heritage listed item, nor will it result in any unreasonable amenity impact to the dwelling occupants or those of adjoining and surrounding properties. In turn, the proposed modifications are considered to achieve the desired future character of the locality.

- *The bulk and scale of the built form is minimised.*

Comment:

The decking structure is to be sited atop of the existing concrete patio, and at its maximum height measures 2.4m above existing ground level. The deck is minor in scale and will remain unseen from adjoining and surrounding properties due the dense landscape treatment within the subject site and those surrounding.

The bulk and scale of the built form is therefore considered to be minimised.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

The proposed modification works will not hinder the availability of views or vistas to and/or from public or private places, due to its siting and height.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment:

As above, the proposed scope of works are minor and in turn will continue to facilitate reasonable view sharing.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment:

Reasonable amenity will continue to be afforded for the dwelling occupants and those of adjoining and surrounding properties, as the proposed modification will result in the development remaining substantially the same as existing. The decking will sit atop of the existing concrete patio and extend slightly further north so as to create a cover for the stormwater detention tank. The maximum height of the decking is 2.4m which is a result of the sloping topography of the site and sufficient spatial separation is afforded between buildings. The property also comprises sufficient landscape treatment, as do the northern adjoining properties, such that opportunities for overlooking are mitigated. Further, the siting and height of the decking will not result in any unreasonable shadow impacts to adjoining properties.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

The landscaped area of the site remains well in excess of the 60% minimum requirement, and no significant vegetation is required to be removed or modified as a result of these works. Further, due to the extensive lot size and the siting of the dwelling, the works will remain unseen as viewed from the streetscape.

- *Flexibility in the siting of the buildings and access.*

Comment:

The proposed modification works will bear no impact upon the access arrangements of the site.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

No significant vegetation is required to be removed in order to facilitate the proposed modifications. The built form will remain visually reduced and screened as a result of the existing landscape treatment within

the site.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

Not applicable, given the subject site does not adjoin a commercially zoned property.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / 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 effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- 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. Mod2020/0251 for Modification of Development Consent N0390/11 granted for alterations and additions to the existing dwelling on land at Lot 1 DP 538888,77 Myola Road, NEWPORT, 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
35-05-002, Rev. C - Sheet 1/1	21 April 2020	Hamerest Pty Ltd
35-05-003, Rev. B - Sheet 1/1	21 April 2020	Hamerest Pty Ltd

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

Signed



Georgia Quinn, Planner

The application is determined on 17/07/2020, under the delegated authority of:



David Auster, Acting Development Assessment Manager