

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0657
----------------------------	--------------

Responsible Officer:	Brittany Harrison
Land to be developed (Address):	Lot 3 DP 29283, 87 Alexandra Crescent BAYVIEW NSW 2104
Proposed Development:	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Arnaud Diemont Jane Louise Diemont
Applicant:	Lindsay Little & Associates Pty Ltd

Application Lodged:	16/12/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	23/12/2022 to 25/01/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This Section 4.55 (1a) Modification Application seeks to amend DA2020/0820 and Mod2022/0174 in the following ways:

- The excavated tunnel walkway to the internal lift has been deleted;
- A smaller walkway tunnel to an external lift is reinstated to provide access from garage;
- Existing lower ground floor power room removed to accommodate external lift;
- Lower ground floor storage area extended;
- Material change to external entry stairs from timber to construction; and
- Internal lift overrun increased 100mm.

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 Local Environmental Plan 2014 - Zone C4 Environmental Living

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater 21 Development Control Plan - B6.7 Transport and Traffic Management

Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill

Pittwater 21 Development Control Plan - C1.24 Public Road Reserve - Landscaping and Infrastructure

Pittwater 21 Development Control Plan - D4.5 Front building line

Pittwater 21 Development Control Plan - D4.6 Side and rear building line

Pittwater 21 Development Control Plan - D4.10 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 3 DP 29283 , 87 Alexandra Crescent BAYVIEW NSW 2104
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Alexandra Crescent at the end of the cul de-sac.</p> <p>The site is irregular in shape with a curved frontage of 14.745m along Alexandra Crescent and a depth of 27.335m along the western boundary and 35.91m along the eastern boundary. The site has a surveyed area of 696m².</p> <p>The site is located within the C4 Environmental Living zone under the Pittwater Local Environmental Plan 2014 and accommodates a two (2) storey dwelling house and carport.</p> <p>The site topography slopes steeply from the south to the north with an approximate fall by 14.0m. The site consists of</p>

retaining walls, native trees and various shrubs.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey dwelling houses of various architectural designs with a landscaped setting.

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:

N0573/06

Development Application for the alterations and additions to the existing dwelling.
Determined on 26 October 2006 by Delegated Authority.

DA2020/0820

Development Application for the alterations and additions to a dwelling house.
Determined on 11 December 2020 by Delegated Authority.

MOD2022/0174

Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.
Determined on 7 September 2022 by Delegated Authority.

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 **DA2020/0820**, 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
<p>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:</p>	
<p>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</p>	<p>Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The previously approved walkway tunnel underneath the dwelling house has been deleted. The modification under this application will still require excavation but will further reduce the overall extent of approved earthworks to accommodate for a much smaller walkway and to reinstate the external lift under DA2020/0820, from the carport to the lower ground floor. Excavation is still required to accommodate this lift into the dwelling house, as per the original development consent.
<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>	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2020/0820 for the following reasons:</p> <ul style="list-style-type: none"> • The modifications include to reinstate the original external lift and a minor storage area extension, which will result in a front facade similar to that of which was approved under DA2020/0820. • The internal lift overrun will be extended by an additional 100mm, but the overall design will remain the same. • The approved carport and external stair location will remain the same as approved under Mod2022/0174. However a material change will occur to the external stairs from timber to reinforced concrete.

Section 4.55(1A) - Other Modifications	Comments
	<ul style="list-style-type: none"> These aesthetic changes to the development which will not significantly alter the overall appearance of the build or intended use of the development.
<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 2021, and the Northern Beaches Community Participation 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>No submissions were received in relation to this application.</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
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	There are no current draft environmental planning instruments.
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 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clause 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62</u> and/or 64 of the EP&A Regulation 2021 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 of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<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>	<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>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>

Section 4.15 'Matters for Consideration'	Comments
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 from 23/12/2022 to 25/01/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 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>Supported.</p> <p>The application is to modify development consent DA2020/0820 described as: tunnel walkway from garage to access internal lift omitted; external lift to front façade reinstated; lower floor storage area extended to align with deck over; external stair construction changed to masonry; and internal lift overrun headheight increased 100mm.</p> <p>The landscape outcomes of the development consent are not impacted upon and remain subject to the development consent Landscape Referral conditions 18 and 25.</p>
NECC (Bushland and Biodiversity)	<p>Supported.</p> <p>The proposal seeks approval for section 4.55 modifications of Development consent of DA202/0820 for alterations and additions to a dwelling house.</p> <p>The comments on this assessment relate to the following provisions and controls:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • Pittwater LEP 2014 - Clause 7.6 Biodiversity Protection • Pittwater 21 DCP - Clause B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community <p>Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from</p>

Internal Referral Body	Comments
	<p>within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). However, the submitted plans and documentation indicate that the proposed works are located outside of the BV Map area and therefore will not trigger entry into the BOS.</p> <p>The modifications proposed will take place in previously disturbed areas of the site. Desktop surveys have revealed that some native vegetation might be impacted by the modifications. Conditions set in the previous Natural Environment Referral Response - Biodiversity (01/10/2020) still apply.</p>
NECC (Development Engineering)	<p>Supported, subject to conditions.</p> <p>No objections to approval subject to the following amendments to Consent Conditions DA2020/0820:</p> <p>Amend Condition 11 as follows:</p> <p>Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans</p> <p>The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Whites Geotechnical Group Pty Ltd dated 15/12/2022 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Reason: To ensure geotechnical risk is mitigated appropriately.</p>
Road Reserve	<p>Supported.</p> <p>Stairs on verge acceptable. Condition 13 on DA2020/0820 still applies regarding s138 Road Act Application.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A378343_03 dated 24 November 2022).

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

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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	6.2m (Lift Overrun)	6.3m (Lift Overrun)	-	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
5.21 Flood planning	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

Detailed Assessment

Zone C4 Environmental Living

The C4 - Environmental Living zone objectives are addressed below:

- ***To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.***

Comment

The modified works include a further reduction in the amount of excavation need to facilitate the development. Therefore providing for a low-impact residential development in comparison to the previous approvals under DA2020/0820 and Mod2022/0174.

- ***To ensure that residential development does not have an adverse effect on those values.***

Comment

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). The proposed works indicate that they are located outside of the BV Map area and therefore will not trigger entry into the BOS. The modifications proposed will take place in previously disturbed areas of the site.

- ***To provide for residential development of a low density and scale integrated with the landform and landscape.***

Comment

The proposal includes a low density design of a low scale that utilises materials to aid in the integration of the immediate landform and landscape.

- ***To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.***

Comment

Councils Biodiversity and Landscape Officers have reviewed the proposal and support the development. Conditions were included within DA2020/0820 and Mod2022/0174 to ensure that the impacts to native wildlife corridors are minimised.

7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan under DA2020/0820.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the Waste Management Plan under DA2020/0820.

(f) the likelihood of disturbing relics

Comment: The development was referred to the Aboriginal Heritage Office under DA2020/0820, the included conditions are still relevant.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Pittwater 21 Development Control Plan

Built Form Controls

--	--	--	--

Built Form Control	Requirement	Approved	Proposed	Complies
Front Building Line	6.5m Northern Boundary	Carport: Nil	No Change Storage Extension: 5.5m	No (As Previously Approved) No*
Rear Building Line	6.5m Southern Boundary	Lift Overrun: 7.9m	No Change	No (As Previously Approved)
Side Building Line	2.5m Eastern Boundary	External Stairs: 0.2m Garage: Nil	No Change Walkway: 6.0m	No (As Previously Approved) Yes
	1.0m Western Boundary	Garage: 3.7m	No Change Walkway: 5.4m Storage: 3.8m	No (As Previously Approved) Yes Yes
Building Envelope	3.5m Eastern Elevation	Within Envelope	No Change	Yes
	3.5m Western Elevation	Within Envelope	No Change	Yes
Landscaped Area	50%	48.1% (334.8m) 53.1% (370m ² - with allowable 6% variation)	No Change	No (As Previously Approved)

*Additional non-compliance noted in Bold.

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
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6.6 On-Street Parking Facilities	Yes	Yes
B6.7 Transport and Traffic Management	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
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.2 Scenic protection - General	Yes	Yes
D4.3 Building colours and materials	Yes	Yes
D4.5 Front building line	No	Yes
D4.6 Side and rear building line	No	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	No	Yes

Detailed Assessment

B6.7 Transport and Traffic Management

A condition of consent was included within the original development consent (DA2020/0820) for the applicant to submit a Construction Traffic Management Plan which is to be submitted to the Certifier prior to the issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

B8.1 Construction and Demolition - Excavation and Landfill

Clause B8.1 stipulates that any excavation greater than 1.0 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, then the overall depth of the excavation must be accompanied by a Geotechnical Report and certified forms as set out in Council's Geotechnical Risk Management Policy in relation to potential impact of excavation on land stability.

The proposed excavation that consists of the lift shaft is situated within 6.0m from the eastern boundary, with a maximum depth of approximately 6.4m.

It is noted that the proposal has been appropriately accompanied by an amended Geotechnical Report dated 15 December 2022. The proposed excavation has been significantly reduced to that of which was previously approved under Mod2022/0174.

C1.24 Public Road Reserve - Landscaping and Infrastructure

The Applicant is to submit an application for approval for infrastructure works located within Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993, as per the amended condition No. 13 - Submission Roads Act Application for Civil Works in the Public Road under Mod2022/0174.

D4.5 Front building line

Clause D4.5 Front building line requires a front setback of of 6.5m.

The subject site exhibits a previously approved non-compliant front setback of nil to the northern boundary, and will not be assessed further.

The storage area will be extended to exhibit a front setback of 5.5m. This setback for the storage area was previously approved under DA202/0820, and will be reinstated under this application. As this setback was previously approved and was not considered to result in adverse impacts, no additional assessment will be required in this instance.

D4.6 Side and rear building line

Clause D4.6 Side and rear building line prescribes a side setback of 2.5m to one side and 1m to the other. For this assessment, the 2.5m side building line is applied to the eastern boundary and the 1m side building line applied to the western boundary.

The subject site exhibits a previously approved non-compliant side setback of 0.2m to the eastern boundary. As the modified works will not alter this numerical non-compliance, a detailed merit assessment is not required, in this instance.

D4.10 Landscaped Area - Environmentally Sensitive Land

Clause D4.10 Landscaped Area - Environmentally Sensitive Land requires 60% of the subject site as landscaped open space.

The subject site exhibits a previously approved non-compliant landscaped area of 48.1%. As the modified works will not further increase the numerical non-compliance, a detailed merit assessment is not required, in this instance.

A further reduced level of excavation under this application is considered to be an overall improvement, in that additional parts of the site will remain undisturbed.

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 2022

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 2021;
- 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. Mod2022/0657 for Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house on land at Lot 3 DP 29283,87 Alexandra Crescent, BAYVIEW, subject to the conditions printed below:

A. Add Condition No.1B - 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
A02F, Site Analysis Plan, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.
A03F, Carport Plan, Issue F	2 November 2022	Lindsay Little & Associates Pty Ltd.
A04E, Lower Ground Floor Plan, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.
A05E, Ground Floor Plan, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.
A06E, First Floor Plan, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.
A07E, North Elevation, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.
A08E, West Elevation, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.
A09C, South Elevation, Driveway Sections	2 November 2022	Lindsay Little & Associates Pty Ltd.
A10E, East Elevation, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.
A11E, Section AA, Issue E	2 November 2022	Lindsay Little & Associates Pty Ltd.

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation (Ref. J2784E)	15 December 2022	White Geotechnical Group
Basix Certificate (No. A378343_03)	24 November 2022	Leech Harmon Architects

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

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

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

B. Modify Condition No. 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans to read as follows:

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Whites Geotechnical Group Pty Ltd dated 15/12/2022 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

C. Add Condition No. 15C - Works located within site boundary to read as follows:

All parts of the approved works shall not encroach into any adjoining private properties.

Reason: To ensure works are located within site boundary.

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

Signed



Brittany Harrison, Planner

The application is determined on 30/01/2023, under the delegated authority of:



Adam Richardson, Manager Development Assessments