

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0311
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 51 DP 1043879, 3 Bakers Road CHURCH POINT NSW 2105
Proposed Development:	Modification of Development Consent DA2020/0193 for Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Isabel Clare McLennan
Applicant:	Isabel Clare McLennan

Application Lodged:	02/06/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/06/2021 to 22/06/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

Development Consent was granted by Council on 24 April 2020 under DA2020/0193 for alterations and additions to a dwelling house.

This Section 4.55(2) Modification has been submitted to Council seeking retrospective consent for the following works:

- Revision to the entry and stair layout to the ground floor level
- Additional privacy screens
- Inclusion of a new store area under the ground floor deck
- Provision of new front stone retaining walls to stabilise existing embankment

This Section 4.55(2) Modification also seeks to delete the following works from the consent:

- Skylights in the roof over the front deck
- Side pathway
- Rear entry awning
- Rear fence

It is important to note that the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979 can be used to modify a development consent in the circumstance where the works subject to the Section 4.55 Modification had already been carried out. This is addressed within the NSW Land and Environment Court Case of *Windy Dropdown Pty Ltd v Warringah Council [2000] NSWLEC 240*.

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 - B3.1 Landslip Hazard

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

SITE DESCRIPTION

Property Description:	Lot 51 DP 1043879 , 3 Bakers Road CHURCH POINT NSW 2105
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Bakers Road, Church Point.</p> <p>The irregular site has seven (7) boundaries with a frontage of 14.77m along Bakers Road and a maximum depth of 40.86m along the eastern boundary. The site has a surveyed area of 912sqm.</p>

The site is located within the E4 Environmental Living zone and accommodates a two (2) storey detached dwelling house sited at the rear of the property.

The site contains a paved driveway that runs from the front boundary towards the rear of the site. Furthermore, a double carport is located forward of the dwelling house.

The site contains a number of canopy trees on the site. The site is not mapped within an area known for containing threatened species'.

The site experiences a fall of approximately 6.56m that slopes from the western rear corner towards the eastern boundary, representing an approximate slope of 19.75%.

The northern front portion of the site is identified within a flood hazard area.

Description of Adjoining and Surrounding Development

Adjoining and surrounding development is characterised by one (1), two (2) and three (3) storey detached dwelling houses on irregular allotments within bushland settings.

Map:



SITE HISTORY

The site 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 N0958/01** - Subdivision of 2 lots into 2 lots (Boundary Adjustment) - 3 and 5 Bakers Road, Church Point approved by Council staff under delegated authority on 07

February 2002.

- **Development Application DA2020/0193** - Alterations and additions to a dwelling house approved by Council staff under delegated authority on 24 April 2020.
- **Construction Certificate CC2021/0072** - Subsequent Construction Certificate issued by a Private Certifier for the works approved under DA2020/0193 on 14 January 2021.

APPLICATION HISTORY

MOD2021/0311 - Additional Information

Council requested that an Arboricultural Impact Assessment be submitted, given the retaining wall was constructed within 5m from an existing canopy tree. This information was subsequently submitted to Council's satisfaction. The additional information did not alter the modified proposal and therefore, the application was not required to be re-exhibited, in accordance with the Northern Beaches Community Participation Plan.

The Assessment Officer viewed the subject site on 2 July 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 DA2020/0193, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - 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 development to which the consent as modified relates is substantially the same development as the development for which consent	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially

Section 4.55 (2) - Other Modifications	Comments
was originally granted and before that consent as originally granted was modified (if at all), and	<p>the same as those already approved under DA2020/0193 for the following reasons:</p> <ul style="list-style-type: none"> • The material impacts of the modified development are consistent with the approved development. • The modified development does not alter the approved land use on the site. • The envelope and footprint of the modified development remains consistent with the approved development.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2020/0193 did not require concurrence from the relevant Minister, public authority or approval body.
(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)(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 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>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
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 'Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received in relation to this modification.
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 08/06/2021 to 22/06/2021 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 for modification to development consent DA2020/0193 for alterations and additions to a dwelling house.</p> <p>The application involves a change to the form of the approved additions, together with the deletion of some aspects of the approved works, which will not proceed. Other than the various minor modifications to the approved form of the development, the general approved external configuration, height and the dwellings' location on the site remaining largely unchanged. The modification proposes the inclusion of a stone retaining wall the subject of a geotechnical recommendation to stabilise an existing embankment.</p> <p>A Arboricultural Impact Assessment is provided following request for information regarding the status of an existing tree identified as a native Cheese Tree. The recommendations of the report are inconclusive post construction as the placement of finished concrete slab, retaining wall, excavations and fill provides no opportunity for arboricultural investigations.</p> <p>As such the existing Cheese Tree shall be retained as indicated on the modification application plans.</p> <p>The Arboricultural Impact Assessment provided two options to determine impact to the existing Cheese Tree 1. Tree root investigations and 2. Tree removal.</p>

Internal Referral Body	Comments
	<p>As no conclusive determination is made in the Arboricultural Impact Assessment the Cheese Tree shall be retained and monitored. Should the existing Cheese Tree decline in the future, a modification application shall be required.</p> <p>Landscape conditions imposed under development consent DA2020/0193 remain.</p> <p><i>Previous comments:</i></p> <p><i>The documentation indicates an existing tree in close proximity to the proposed retaining wall and no reference is provided in the Statement of Environmental Effects if this vegetation remains for retention. The Statement of Environmental Effects does not indicate the intent nor if the existing tree is a prescribed tree (ie. protected under the DCP) requiring a arborist report or is otherwise an Exempt Species not requiring Council consent.</i></p> <p><i>Survey information for DA2020/0193 indicates this tree is 12 metres in height. No Arboricultural Impact Assessment was provided with the DA. The Statement of Environmental Effects indicated no significant trees were proposed for removal.</i></p> <p><i>It is assessed that this existing tree is not indicated for removal of the modification application plans and information is required on how the existing tree will be retained, and assessment on the most suitable setback distance for the retaining wall is required to be assessed by the Arboricultural Impact Assessment.</i></p> <p><i>Landscape Referral are unable to continue assessment without the required information listed above.</i></p>
NECC (Bushland and Biodiversity)	<p>The application seeks approval for changes to the form of the approved additions, together with the deletion of some aspects of the approved works.</p> <p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Pittwater Development Control Plan (PDCP)</p> <ul style="list-style-type: none"> • B4.3 Flora and Fauna Habitat Enhancement Category 2 Land <p>The proposed works appear to enter within the Tree Protection Zone (TPZ) of a 12m <i>Syzygium spp.</i> prescribed species within the front of the property. As no Arboricultural Impact Assessment has been submitted with the Mod, it is assumed that the this tree is to be retained. If this tree cannot be retained, or is required to be removed</p>

Internal Referral Body	Comments
	<p>as result of damage caused during construction it must be replaced with a suitable replacement species.</p> <p>Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p> <p><u>Planner Comment:</u></p> <p>Planning has removed the recommended prior to Occupation Certificate condition. Conditions imposed under the original consent, coupled with on-going conditions imposed with this modification, will ensure the retention of existing canopy trees and if the trees decline in health, the replanting of the canopy trees.</p>
NECC (Development Engineering)	<p>The proposed modifications do not alter the original assessment by Development Engineering. The letter submitted by the Geotechnical Engineer addresses the modification from this perspective.</p> <p>No objection to approval with no additional or modified conditions of consent recommended.</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 (Coastal Management) 2018

The site is identified within the 'Coastal Environment Area' and 'Coastal Use Area' under the provisions of the 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 modified works are relatively minor and are not likely to have an adverse impact upon the matters referred to in subclause (1). Conditions imposed under Development Consent DA2020/0193 will further mitigate any impacts upon the environmental values of the area.

14 Development on land within the coastal use area

- (1)
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The modified works will not result in view loss or overshadowing of foreshore areas. Furthermore, the modified works will not impact upon aboriginal and cultural/built heritage, nor will the modified works preclude access to or along the foreshore.

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 modified works are minor and are not likely to cause increased risk of coastal hazards within the locality.

Concluding Remarks

Council is satisfied that the modified proposal aligns with the relevant provisions within SEPP (Coastal Management) 2018.

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	Roof over timber deck - 5.87m	unchange	-	Yes

Compliance Assessment

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

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	12.5m	unaltered	Yes
Rear building line	6.5m	unchanged	unaltered	Yes
Side building line	2.5m (west)	4m	5.97m	Yes
	1m (east)	1m	unaltered	Yes
Building envelope	3.5m then projected at 45 degrees (west)	Within envelope	unaltered	Yes
	3.5m then projected at 45 degrees (east)	Within envelope (shading devices outside but permitted)	unaltered	Yes
Landscaped area	60% (547.2sqm)	With variations - 45.02% (410.58sqm)	unaltered	No, however no further non-compliance

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
B3.11 Flood Prone Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
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
D4.8 Building envelope	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D4.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B3.1 Landslip Hazard

A Geotechnical Cover Letter (prepared by White Geotechnical Group, dated 5 May 2021) has been submitted with this application, which specifically addresses the modified works that are seeking approval under this Section 4.55(2) Modification. The letter states the works are minor from a geotechnical standpoint. The modified proposal is therefore found to be consistent with this control.

D4.10 Landscaped Area - Environmentally Sensitive Land

The modified development does not reduce the approved landscaped area ratio which represents 45.02% (inclusive of allowable variations) of the site area. Whilst non-compliant with the 60% numeric requirement, Council supported the proposal on merit due to the development demonstrating consistency with the outcomes of this control. Given the landscaped area is not altered, it is considered that the objectives are maintained.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0311 for Modification of Development Consent DA2020/0193 for Alterations and additions to a dwelling house on land at Lot 51 DP 1043879,3 Bakers 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
C4.55-4 - Site Analysis Plan & Waste Management Plan	8 April 2021	Northern Beaches Designs
C4.55-5 - Store Floor Plan	8 April 2021	Northern Beaches Designs
C4.55-6 - Ground Floor Plan	8 April 2021	Northern Beaches Designs
C4.55-7 - First Floor Plan	8 April 2021	Northern Beaches Designs
C4.55-8 - Roof Floor Plan	8 April 2021	Northern Beaches Designs
C4.55-9 - Elevations, N, S	8 April 2021	Northern Beaches Designs
C4.55-10 - Elevations, E, W	8 April 2021	Northern Beaches Designs
C4.55-11 - Section, A-A	8 April 2021	Northern Beaches Designs

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment	June 2021	Treeism Arboricultural Services
Geotechnical Comments for Section 4.55 Ref. J2491B	5 May 2021	White Geotechnical Group

b) 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. New Conditions to be imposed under this Modified Consent

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

21. Approved Store Room not to be used for Separate Occupancy

The approved store room is not permitted to be used, or adapted to be used, for separate occupancy.

Reason: Nothing in this consent authorises the use of the site or any onsite structures as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

22. Tree Retention/Replacement

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.

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

Signed



Thomas Burns, Planner

The application is determined on 05/07/2021, under the delegated authority of:



Catriona Shirley, Acting Development Assessment Manager