

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2024/0187
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<b>Responsible Officer:</b>	Brittany Harrison
<b>Land to be developed (Address):</b>	Lot 3 DP 29283, 87 Alexandra Crescent BAYVIEW NSW 2104
<b>Proposed Development:</b>	Modification of Development Consent DA2020/0820 granted for Alterations and additions to a dwelling house
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Arnaud Diemont Jane Louise Diemont
<b>Applicant:</b>	Lindsay Little & Associates Pty Ltd

<b>Application Lodged:</b>	15/04/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	Not Notified
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

This Section 4.55 (1A) Modification Application seeks to amend DA2020/0820 and the subsequent modifications in the following way:

- Driveway and garage levels to be amended to reflect the structural engineering details as part of a Section 138 Application, to satisfy Development Consent (DA2020/0820) Condition 13.

Application will not require formal notification as per the criteria under Northern Beaches Council's Community Patriation Plan (CPP) due to the minor nature of the works and the absence of adverse impacts. This application is to ensure that the works comply with the relevant Australian Standards.

## 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 21 Development Control Plan - D4.5 Front building line  
 Pittwater 21 Development Control Plan - D4.6 Side and rear building line

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 3 DP 29283 , 87 Alexandra Crescent BAYVIEW NSW 2104
<b>Detailed Site Description:</b>	<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 696.0m<sup>2</sup>.</p> <p>The site is located within the C4 Environmental Living zone under the provisions of the <i>Pittwater Local Environmental Plan 2014</i> 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 retaining walls, native trees and various shrubs.</p> <p><b>Detailed Description of Adjoining/Surrounding</b></p>

## 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.

### **Mod2022/0657**

Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  
Determined on 20 January 2023 by Delegated Authority.

### **Mod2023/0438**

Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.

Determined on 1 November 2023 by Delegated Authority.

**Mod2024/0002**

Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.

Determined on 20 February 2024 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
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> <li>• Slight changes to levels of driveway and garage to reflect the structural engineering plans for the Section 138 Application. This is to aid in satisfying Condition 13 of original Development Consent. As changes are minor, no adverse impacts shall arise.</li> </ul>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted	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:

Section 4.55(1A) - Other Modifications	Comments
and before that consent as originally granted was modified (if at all), and	<ul style="list-style-type: none"> <li>No changes to front facade of site, overall appearance of the build or intended use of the development to remain the same.</li> <li>Setbacks and landscaping should remain the same as previously approved.</li> <li>No further changes to other approved works.</li> </ul>
(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 2021, 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.	Application did not need formal notification as per the criteria in the Northern Beaches Community Participation Plan.

### 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 'Matters for Consideration'	Comments
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)	<p>Part 4, Division 2 of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clause 29 of the EP&amp;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>Clauses 36 and 94 of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p>Clause 61 of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This clause is not relevant to this application.</p> <p>Clauses 62 and/or 64 of the EP&amp;A Regulation 2021 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>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p>Clause 69 of the EP&amp;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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

Section 4.15 'Matters for Consideration'	Comments
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 application was not notified.

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	<p><b><i>Supported, subject to amended condition.</i></b></p> <p><b>Note to Planner:</b> The master plans shall be conditioned to provide consistent levels for the parking facility as the levels in the Civil Plans by Barrenjoey Consulting Engineers, dated 08/04/2024. - Applicant has amended levels for consistency.</p> <p><b><u>Council's Development Engineer raises no objection to the proposal subject to the following condition amendments - 16/04/2024</u></b></p> <p><b>Submission Roads Act Application for Civil Works in the Public Road</b></p> <p>The Applicant is to submit an application for approval for infrastructure works on 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. The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing, retaining wall and pedestrian access stairs and pathway which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The</p>

Internal Referral Body	Comments
	<p>design must include the following information:</p> <ol style="list-style-type: none"> <li>1. A driveway crossing in accordance with Northern Beaches Council specifications and Australian Standards.</li> <li>2. Retaining wall bordering the eastern side of the driveway.</li> <li>3. Details of the relocation of the pedestrian access stairs and pathway.</li> <li>4. Engineering long-sections along the edges and centerline of the proposed driveway to the proposed parking facility to demonstrate compliance with AS2890.1:2004.</li> <li>5. A structural engineer's certificate regarding the structural adequacy of the proposed development within the road reserve.</li> </ol> <p>The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.</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 (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	Lift Overrun: 8.3m Roof Extension: 8.97m  Garage: 3.6m	No Change No Change  No Change	- -  -	Yes No ( <i>as previously approved</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
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

This application is to allow for the driveway and garage levels to be amended to reflect submitted structural engineering details as part of a Section 138 Application, to satisfy Development Consent Condition 13. No other changes are proposed, the proposal is substantially the same as previous consents and will not result in additional impact. The zone objectives addressed in the previous applications will remain the same under this application. No further discussion required.

#### Pittwater 21 Development Control Plan

##### Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
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Front Building Line	6.5m <i>Northern Boundary</i>	Carport: Nil Storage Extension: 5.5m All other works: > 6.5m	No Change	N/A
Rear Building Line	6.5m <i>Southern Boundary</i>	Lift Overrun: 7.9m	No Change	N/A
Side Building Line	2.5m <i>Eastern Boundary</i>	External Stairs: 0.2m Garage: Nil Internal Lift: 3.9m	No Change	N/A
	1.0m <i>Western Boundary</i>	Garage: 3.7m Walkway: 5.4m Storage: 3.8m	No Change	N/A
Building Envelope	3.5m <i>Eastern Elevation</i>	Proposed Works: Within Envelope	No Change	N/A
	3.5m <i>Western Elevation</i>	Proposed Works: Within Envelope	No Change	N/A
Landscaped Area	60.0%	(334.8m) 53.1% (370.0m <sup>2</sup> - with allowable 6.0% variation)	No Change	N/A

Setbacks under this application will remain the same as previously approved, as this application relates only to level changes within the garage/driveway slab.

#### 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
B5.15 Stormwater	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
B6.6 On-Street Parking Facilities	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
C1.1 Landscaping	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
C1.13 Pollution Control	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.2 Scenic protection - General	Yes	Yes
D4.5 Front building line	N/A	N/A
D4.6 Side and rear building line	N/A	N/A
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **D4.5 Front building line**

Clause D4.5 Front building line requires a front setback 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 proposed modifications (green roof addition) under this application, will not alter this numerical non-compliance, a detailed merit assessment is not 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 1.0m to the other. For this assessment, the 2.5m side building line is applied to the eastern boundary and the 1.0m 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 (green roof addition) will not alter this numerical non-compliance, a detailed merit assessment is not required, in this instance.

#### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

#### **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. Mod2024/0187 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:

## **Modification Summary**

The development consent is modified as follows:

## MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-427279 MOD2024/0187	16 April 2024	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1E - Modification of Consent - Approved Plans and supporting documentation. B. Amend Condition No. 13 Submission Roads Act Application for Civil Works in the Public Road.
PAN-403533 MOD2024/0002	20 February 2024	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1D - Modification of Consent - Approved Plans and supporting documentation. B. Add Condition No. 15D - On slab landscape planters. C. Add Condition No. 29B - Planting over the garage structure.
PAN-358915 MOD2023/0438	1 November 2023	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1C - Modification of Consent - Approved Plans and supporting documentation. B. Add Condition No. 15D - Adherence to Natural Environment Consent Conditions
PAN-285776 MOD2022/0657	30 January 2023	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1B - Modification of Consent - Approved Plans and supporting Documentation. B. Modify Condition No. 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans. C. Add Condition No. 15C - Works located within site boundary.
PAN-211163 MOD2022/0174	7 September 2022	A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation. B. Amend Condition No. 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plan. C. Amend Condition No. 13 - Submission Roads Act. D. Application for Civil Works in the Public Road. E. Add Condition No. 15A - External Finishes to Roof. F. Add Condition No. 15B - External Colours and Materials. G. Amend Condition No. 18 - Project Arborist. H. Add Condition No. 25A - Protection of Rock and Sites of Significance. I. Add Condition 25B - Condition of Trees. J. Add Condition No. 29A - Condition of Retained. Vegetation - Project Arborist.



## **MODIFIED CONDITIONS**

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

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
A02 H	Revision H	Site Analysis Plan	Lindsay Little & Associates Pty Ltd	12 April 2024
A03 K	Revision K	Carport Plan	Lindsay Little & Associates Pty Ltd	16 April 2024
A04 H	Revision H	Lower Ground Floor Plan	Lindsay Little & Associates Pty Ltd	12 April 2024
A07 H	Revision H	North Elevation	Lindsay Little & Associates Pty Ltd	12 April 2024
A08 H	Revision H	West Elevation	Lindsay Little & Associates Pty Ltd	12 April 2024
A09 H	Revision H	South Elevation, Driveway Sections	Lindsay Little & Associates Pty Ltd	16 April 2024
A11 H	Revision H	Section AA	Lindsay Little & Associates Pty Ltd	12 April 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

### **B. Amend Condition No. 13 Submission Roads Act Application for Civil Works in the Public Road to read as follows:**

The Applicant is to submit an application for approval for infrastructure works on 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. The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing, retaining wall and pedestrian access stairs and pathway which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

1. A driveway crossing in accordance with Northern Beaches Council specifications and Australian

Standards.

2. Retaining wall bordering the eastern side of the driveway.
3. Details of the relocation of the pedestrian access stairs and pathway.
4. Engineering long-sections along the edges and centerline of the proposed driveway to the proposed parking facility to demonstrate compliance with AS2890.1:2004.
5. A structural engineer's certificate regarding the structural adequacy of the proposed development within the road reserve.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

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

**Signed**



**Brittany Harrison, Planner**

The application is determined on 17/04/2024, under the delegated authority of:



**Adam Richardson, Manager Development Assessments**