

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0423
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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
Applicant:	Lindsay Little & Associates Pty Ltd

Application Lodged:	12/08/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	20/08/2024 to 03/09/2024
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 the subsequent modifications in the following ways:

- Deletion of cellar;
- Revised internal walls to accommodate for a new bathroom including new window, storage cupboards and reconfigured storage workshop to lower ground floor plan;
- New hard surface area outside storage room (3.0m²); and
- New windows and doors to the entry of the workshop on lower ground floor plan to the northern and western elevations.

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 Local Environmental Plan 2014 - 7.7 Geotechnical hazards

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 696.0m².</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</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.

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.

Mod2024/0187

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

Determined on 17 April 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>Yes</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"> • Deletion of cellar to lower ground floor and a reconfiguration of the lower ground floor plan. A new bathroom and storage cupboards will also be added. These works will occur internally and will not be viewed externally. Excavation will still be undertaken to accommodate these

Section 4.55(1A) - Other Modifications	Comments
	<p>works. However, when comparing the extent of excavation to the original development consent and subsequent modifications (which included an underground tunnel and larger areas of excavation to the lower ground floor), this modification will reduce the amount of excavation and result in a lesser environmental impact.</p> <ul style="list-style-type: none"> Additional changes are considered to be aesthetic and include minor window alterations and paving outside the storage room (3.0m²)
<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"> Minor changes to front facade of dwelling house, which will not significantly alter the overall appearance of the build or intended use of the development. The previously approved setbacks, building footprint and landscaped area will not be significantly altered. No further changes to other approved works.
<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)	<p><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.</p> <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 - 2001: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&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><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 clause is not relevant to this application.</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>

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 20/08/2024 to 03/09/2024 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
NECC (Development Engineering)	<i>No objections to approval and no amendments to conditions.</i>

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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A378343_06 dated 6 August 2024).

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	Lift Overrun: 8.3m Garage: 3.6m Roof Extension: 8.97m*	No Change	-	Yes *No (as previously approved)

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 proposal when compared to the original development consent will result in lesser excavation. The excavation will occur underneath the existing building footprint.

- ***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 (predominantly internal works) and therefore, will not trigger entry into the BOS. The modifications proposed will take place in previously disturbed areas of the site. Previous conditions imposed by Council's Landscape and Biodiversity Teams will remain relevant and must be adhered to.

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

Comment

The proposal maintains 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

No additional impacts will occur as a result of this application to wildlife corridors. Previous

conditions imposed by Council's Landscape and Biodiversity Teams will remain relevant and must be adhered to.

7.2 Earthworks

The objective of Clause 7.2 - '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 for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(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 for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment

The development was referred to the Aboriginal Heritage Office in the original Development Application who provided comments and conditions that have been included in the development consent. Those 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 this clause. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

7.7 Geotechnical hazards

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment

The proposed modification works is supported by a geotechnical risk assessment addendum letter prepared by White Geotechnical Group and dated 15 August 2024. This addendum letter addressed the submitted modification plans and notes do not alter the recommendations in the report carried out by White Geotechnical Group (Ref. J2784E) and dated the 15th December, 2022.

Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment

The application has been reviewed by Council's Development Engineer, who is supportive of

the proposal, subject to conditions of consent.

(b) the consent authority is satisfied that:

(i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or

(ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

Comment

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, it is considered that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of this clause. 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 <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% (417.6m ²)	53.1% (370.0m ² - with allowable 6.0% variation)	52.7% (363.0m ²)	No

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
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
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
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
D4.8 Building envelope	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

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 for the garage and 5.5m for the storage extension.

The proposed modifications under this application are predominantly internal and within the existing building footprint, therefore this numerical non-compliance will not be altered and 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.

The proposed modifications under this application are predominantly internal and within the existing building footprint, therefore this numerical non-compliance will not be altered and a detailed merit assessment is not required, in this instance.

D4.10 Landscaped Area - Environmentally Sensitive Land

Description of Non-compliance

Clause D4.10 Landscaped Area - Environmentally Sensitive Land requires 60.0% (417.6m²) of the subject site as landscaped open space.

The subject site exhibits a previously approved non-compliant landscaped area of 48.1% (334.8m² - without variation) and 53.1% (370.0m² - with allowable 6.0% variation)

The proposed modifications will result in a reduction of 3.0m² to accommodate for new paving. When including the allowable variations, the landscaped open space will be slightly reduced to 52.7% (363.0m²).

Merit Consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- ***Achieve the desired future character of the Locality. (S)***

Comment

The proposed alterations and additions are sited well below tree canopy height and within a landscaped setting. The proposal is considered to be consistent with the desired future character of the Bayview Locality.

- ***The bulk and scale of the built form is minimised. (En, S)***

Comment

The bulk and scale of the build is acceptably minimised by articulation. The modifications are predominantly internal located underneath the existing building envelope.

- ***A reasonable level of amenity and solar access is provided and maintained. (En, S)***

Comment

The proposed modifications provide for acceptable amenity levels, particularly in relation to

privacy and solar access.

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

Comment

The proposed modifications do not include any tree removal or significant loss of vegetation. The amount of vegetation and retained trees as approved in earlier applications will remain and act to visually mitigate built form.

- ***Conservation of natural vegetation and biodiversity. (En)***

Comment

The modifications only result in a minor loss of further landscaping to allow for 3.0m² paving, and will not cause a detriment to the natural vegetation or biodiversity in the area.

- ***Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)***

Comment

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for Stormwater management and has raised no concerns.

- ***To preserve and enhance the rural and bushland character of the area. (En, S)***

Comment

The subject site is located within, and is surrounded by, environmental protection zones. The proposed modifications will not result in further tree loss, preserving the bushland character that may be present in the immediate vicinity.

- ***Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.(En, S)***

Comment

As above, the proposal has been reviewed by Council's Development Engineer, having regard to provisions for Stormwater management and has raised no concerns.

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

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. Mod2024/0423 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-459095 MOD2024/0423	The date of this notice of determination.	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house. A. Add Condition No.1F - Modification of Consent - Approved Plans and supporting documentation. B. Add Condition No. 6 No Approval for Secondary Dwelling.
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	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house. 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.

	<p>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.</p>
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MODIFIED CONDITIONS

A. Add Condition No.1F - 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.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-02N	Issue N	Site Plan	Lindsay Little & Associates Pty Ltd.	5 August 2024
DA-04K	Issue K	Lower Ground Floor Plan	Lindsay Little & Associates Pty Ltd.	5 August 2024
DA-07K	Issue K	North Elevation	Lindsay Little & Associates Pty Ltd.	5 August 2024
DA-08K	Issue K	West Elevation	Lindsay Little & Associates Pty Ltd.	5 August 2024
DA-10H	Issue H	East Elevation	Lindsay Little & Associates Pty Ltd.	5 August 2024
DA-11K	Issue K	Section AA	Lindsay Little & Associates Pty Ltd.	5 August 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
87 Alexandra Crescent, Bayview - Comments on Updates to Plans (Ref. J2784H)	-	White Geotechnical Group	15 August 2024
BASIX Certificate (No. A378343_06)	-	Denis Leech & Associates Pty Ltd	6 August 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. Add Condition No. 6 No Approval for Secondary Dwelling, to read as follows:

No approval is granted or implied under this Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

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

Signed



Brittany Harrison, Planner

The application is determined on 04/09/2024, under the delegated authority of:



Adam Richardson, Manager Development Assessments