

12 May 2017

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Dear Sir/Madam,

**APPLICATION TO MODIFY DEVELOPMENT CONSENT,
SECTION 96(1a) ENVIRONMENTAL PLANNING & ASSESSMENT ACT**

Development Application No: DA N0185/15/R
Date of Determination: 18 July 2016
Premises: Lot 1, DP 232164, No 1B The Serpentine, Bilgola Beach
Proposed Development: Alterations and additions to the existing dwelling

On behalf of Mr Bruce McConochie, this submission has been prepared to assist Council in the consideration of an application pursuant to Section 96(1a) of the Environmental Planning & Assessment Act 1979 to alter the development as approved by Development Consent No. DA N0185/15/R.

The approved works are under construction.

BACKGROUND

Development Application No. DA N0185/15/R for alterations and additions to the existing dwelling was approved by Council on 18 July 2016.

The works that are the subject of the consent have commenced.

The original approval was supported by a Bushfire Risk Assessment prepared by Planning for Bushfire Protection Pty Ltd, Reference No 971 dated 19 May 2015. The determination included a number of conditions recommended by NSW Rural Fire Service to address the required construction methodology under 'Planning for Bushfire Protection 2006' to achieve the BAL FZ level, and in particular conditions B13, B14, B15, B16, B17 & B18.

A revised Bushfire Risk Assessment has been prepared by Planning for Bushfire Protection Pty Ltd, Reference No 971-R dated 27 April 2017, which has reconsidered the site's conditions and recommends a maximum construction level of BAL 29 should apply to the site.

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PROPOSED MODIFICATION

The proposed modification seeks to amend the BAL rating applying to the construction works to allow for the required level to be downgraded to a maximum of BAL 29.

The recommendations within the revised Bushfire Risk Assessment prepared by Planning for Bushfire Protection Pty Ltd, Reference No 971-R dated 27 April 2017 will be observed during the construction works.

The height, form and general configuration of the development will otherwise be unchanged.

With the proposed reduction in the required BAL construction level from BAL FZ to BAL 29, the following conditions included in the original Notice of Determination may require amendment or deletion. We seek to modify or delete the following conditions:

- B13
- B14
- B15
- B16
- B17
- B18

JUSTIFICATION

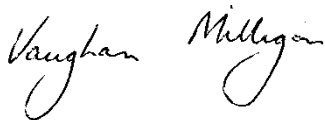
The proposed modification to the approved development to provide for a maximum bushfire construction level of BAL 29 is considered to have a negligible impact on the locality and neighbouring properties. The approved form, location and height of the dwelling is otherwise unchanged.

As discussed by the Bushfire Consultant, the amendments to the bushfire construction level will satisfy the Objectives and Performance requirements of the *Building Code of Australia, Planning for Bushfire Protection 2006 and Australian Standard AS3959, 2009*.

Accordingly, given the negligible impact of the proposed modification, Council's support of the modification to the approved form of the development is sought in this instance. The proposal is "substantially" the same development, as defined by the Environmental Planning & Assessment Act.

Please contact me on 9999 4922 or 0412 448 088 should you wish to discuss these proposed amendments.

Yours faithfully,



VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban & Regional Planning (UNE)