

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0686
Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 1 DP 223879, 30 Kananook Avenue BAYVIEW NSW 2104
Proposed Development:	Modification of Development Consent N0255/17 granted for construction of a secondary dwelling and carport
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Alex Jeffries Brett Rodney Jeffries
Applicant:	Alex Jeffries Brett Rodney Jeffries
Application lodged:	14/12/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	19/12/2018 to 25/01/2019
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

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 - 4.3 Height of buildings
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures
 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 - D4.8 Building envelope

SITE DESCRIPTION

Property Description:	Lot 1 DP 223879 , 30 Kananook Avenue BAYVIEW NSW 2104
Detailed Site Description:	The subject site consists of one (1) allotment located on the eastern side of Kananook Avenue. The site is irregular in shape with a curved frontage of 56.54m along Kananook Avenue and a depth of 26.7m. The site has a surveyed area of 872m². The site is located within the E4 Environmental Living zone and accommodates a two (2) storey brick and timber dwelling house with a metal roof located in the northern portion of the site. The site has an overall slope of 45.24% and falls 12.08m from the north-western corner of the site to the north-eastern corner of the site. The site is heavily vegetated with trees of both native and non-native species spread across the site. The site is located within the H1 Geotechnical Hazard area and also within the low and medium risk flood hazard precincts. A site inspection was conducted on 28 February 2019. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by one (1) to three (3) storey dwelling houses built with the topography of the land within a bushland 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:

1 August 2017

Development Application N0255/17 for the construction of a secondary dwelling and carport was granted consent.

PROPOSED DEVELOPMENT IN DETAIL

The modification application seeks consent for modifications to development consent N0255/17 granted for the construction of a secondary dwelling and carport, specifically the following works:

- relocation of the approved northern portion of the external access stairway closer to the northern side boundary;
- alterations to the approved internal configuration of the secondary dwelling within the existing building on the ground floor, including the inclusion of an additional bedroom and laundry;
- enlargement of the approved ground floor storage room under the carport westward, including changes to the retaining wall which forms the western wall of the storage room;
- inclusion of external double doors and a fixed glazed panel on the southern elevation of the storage room; and
- relocation of the external door to the storage room and change from double external doors to a single door with fixed glazed panel to the ground floor bedroom on the northern elevation.

The plans also indicate works to the principal dwelling, specifically the following works:

- addition of a new window and door to the ground floor living room on the western elevation;
- alterations to the size of the entrance hall and the staircase connecting the ground floor to Level 1 of the principal dwelling;
- conversion of the existing linen cupboard on Level 1 to a laundry; and

- removal of the existing window to the first floor kitchen.

As the original development application involved alterations and additions to the building containing both the principal and secondary dwellings, it is considered that the works to the principal dwelling can be included as part of this modification application as the principal dwelling was modified by virtue of the creation of the secondary dwelling within the existing footprint and as the works are of a minimal environmental impact.

The submitted Site Plan (A-100 Site Plan, Rev D) also indicates new works involving the construction of a staircase within Council's Road Reserve. As there were no works proposed within the Road Reserve as part of the original development application and as these works require approval through a separate application pursuant to Section 138 of the Roads Act 1993, a condition of consent will be included requiring the proposed staircase to be removed from the approved plans prior to the issue of a Construction Certificate. As such, these works will not form part of this consent.

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 N0255/17, 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	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(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	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under N0255/17.

Section 4.55(1A) - Other Modifications	Comments
(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, Pittwater Local Environment Plan 2011 and Pittwater 21 Development Control 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	None applicable.
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)(iia) – 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)	<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. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 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. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has

Section 4.15 'Matters for Consideration'	Comments
	therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested. <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. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent. <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. <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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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	(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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
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 'Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respects to aspects relevant to the Building Code of Australia. There are no objections to approval of the development subject to the conditions of approval and consideration of the notes below. <i>Note: The proposed development may not comply with some requirements of the BCA as it relates to fire safety standards. Issues such as this however may be determined at Construction Certificate stage.</i> Change of Use/Building Upgrade The existing building that is proposed to be converted to a secondary dwelling will result in a classification to a Class 2 building and will be required to be upgraded to comply with the Building Code of Australia. Details of upgrading works are to be included in the Construction Certificate and be implemented prior to occupation of the new building or part. Reason: To ensure adequate provision is made for fire safety in the premises for building use. <u>Planner Comment</u>

Internal Referral Body	Comments
	As the original development application also involved the creation of a secondary dwelling building footprint and as suitable conditions were placed as part of the original development, it was considered necessary to add the recommended conditions as part of the modified consent.
Landscape Officer	The proposed modification for altering the layout of the secondary dwelling and enlarging room is acceptable in terms of satisfying the landscape controls and outcomes of Pittwater.
NECC (Bushland and Biodiversity)	The proposed modification includes altering the layout of the secondary dwelling and enlarging store room. The proposal is supported as there are no further impacts to trees or Biodiversity.
NECC (Development Engineering)	The amended DA plans are considered minor and the Geotechnical Engineer has certified that the proposed modification can be achieved. No Development Engineering objection with no conditions.
NECC (Riparian Lands and Creeks)	The proposed modification includes altering the layout of the secondary dwelling and enlarging store room. No objection is raised to the proposed modification with no additional conditions.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed modification generally complies with the flood requirements of the LEP and there are no further flood related development controls.
Property Management and Commercial	The proposal is a modification of consent for a previously approved secondary dwelling in the Commercial zone. The applicant seeks to include an additional bedroom in the secondary dwelling. Property has no objections to the proposal as submitted.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	12.5m (existing)	12.5m	N/A	No (unaltered)
Controls relating to Miscellaneous Permissible Uses (Floor Area for Secondary Dwellings):	Max 60m ²	57m ²	59.8m ²	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	No
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

The modified development maintains the existing building which exceeds the 8.5m building height standard at the rear of the dwelling, where the building measures 12.5m from ground level (existing) to the top of the roof over the first floor balcony. There was no change to the building height as part of the original development consent and there will be no change as part of this modification application, therefore, the non-compliance will not be considered further as part of this assessment.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	0m to carport and stairs 5.5m to dwelling house	0m unaltered	No No
Rear building line	6.5m	3.1m	unaltered	No
Side building line	2.5m (N)	1.75m to stairs 3.01m to dwelling house	0.45m unaltered	No No
Building envelope	3.5m (N)	Outside envelope	unaltered	No
Landscaped area	60% (523.2m ²)	73% (636.56m ²) (See Note Below)	64.92% (566.07m ²)	Yes

Note: Although the Assessment Report for Development Application N0255/17 indicated that the

approved landscaped area on the site is 73% or 636.56m², calculations of the approved landscaped area for the assessment of this application found that the approved landscaped area is actually 64.48% or 562.24m². Despite this, the approved and proposed landscaped areas are compliant with the 60% or 523.2m² requirement.

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
A5.1 Exhibition, Advertisement and Notification of Applications	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
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	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	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	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
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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	No	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The modified development maintains the two (2) approved off-street parking spaces provided within the carport, which is non-compliant with the requirements of the control, however, as the modification application will not change the approved parking arrangement, the non-compliance will not be considered further as part of this assessment.

C1.14 Separately Accessible Structures

Although proposed and approved as part of the original development consent, the separately accessible store room located underneath the carport is to be modified as part of this application to increase the size of the room and change the external access, including the addition of a door on the southern elevation. Whilst this space is indicated as being used for storage purposes, the overall size of the room and the ease of access raises concern over the use of the room. In order to address these concerns, a recommended condition will be placed to ensure that the store room is used only for storage purposes and not for the purposes of separate habitation or as additional floor space for the secondary dwelling, and that no cooking facilities are installed within the storage room.

D4.5 Front building line

The modified development maintains the approved nil setback to the carport and staircase from the western front boundary, with the only change being the position of the area of non-compliance to the staircase along the boundary, which is 1.3m further north on the boundary. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- Achieve the desired future character of the Locality.*
Comment
 The modified development remains consistent with the desired future character of the Church Point and Bayview Locality.
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
Comment
 The modified development generally maintains the existing building footprint, with the exception of the relocated staircase which is to be located close to ground level, therefore, ensuring the equitable preservation of views and vistas to and/or from both public and private places.

- *The amenity of residential development adjoining a main road is maintained. (S)*
Comment
The subject site adjoins a local road, therefore, this outcome is not applicable.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
The modified development retains all existing vegetation on the site to visually reduce the built form. As the existing vegetation is sufficient in visually reducing the built form, it is not considered necessary to enhance the vegetation on the site.
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
Comment
The modified development will not change the approved arrangement for vehicle manoeuvring on the site.
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
Comment
The modified development generally maintains the existing building footprint, with the exception of the staircase which is to be located close to ground level, therefore, promoting a scale and density that is in keeping with the height of the natural environment. Due to the existing vegetation along the western boundary and the steep topography of the site, the portions of the development which are to be modified are not visible within the streetscape.
- *To encourage attractive street frontages and improve pedestrian amenity.*
Comment
The modified development will not alter the approved street frontage of the building and carport. The modified development improves pedestrian amenity by providing a relocated staircase in an accessible location for easy access to the secondary dwelling.
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*
Comment
The modified development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment by being generally located within the existing building footprint, with the exception of the staircase, which is located in a similar location to the approved staircase.

Based on the above, the modified development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D4.6 Side and rear building line

The modified development reduces the approved 1.75m side setback to the staircase on the northern boundary by 1.3m to 450mm when measured from the northern boundary, which is non-compliant with the 2.5m setback requirement stated under this control. Although not specifically outlined in the assessment of the original development application, the approved setback was also non-compliant with this requirement. The modified development also maintains the existing and approved non-compliant rear setback of 3.1m, however, as there are no changes proposed as part of this application, this will not be considered further in this assessment. Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The modified development remains consistent with the desired future character of the Church Point and Bayview Locality.

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

Comment

The modified development generally maintains the existing building footprint of the dwelling house, which was to be maintained as part of the original development consent, with the relocated staircase screened from the street by existing vegetation and located close to ground level, therefore, the bulk and scale of the built form is minimised.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment

The modified development generally maintains the existing building footprint, with the exception of the relocated staircase, therefore, ensuring the equitable preservation of views and vistas to and/or from both public and private places.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment

As above, the modified development encourages view sharing by generally maintaining the existing building footprint, with the exception of the relocated staircase which is to be located close to ground level. The application does not seek to change the landscaping on the site.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

Comment

The modified development ensures that a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to adjoining and surrounding residential properties by being generally located within the existing building footprint, with the exception of the relocated staircase which is located adjacent to a public access pathway and which is well screened by vegetation.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment

The modified development does not seek to change the existing landscaping on the site, with all vegetation including the substantial ground cover vegetation and mature tree canopy retained, therefore providing an attractive streetscape.

- *Flexibility in the siting of buildings and access. (En, S)*

Comment

The modified development demonstrates flexibility in the siting of buildings and access by generally retaining the existing building footprint and by relocating the staircase closer to the northern side boundary which adjoins a public access pathway to provide for greater amenity to the dwelling house, while also retaining existing vegetation.

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

Comment

The modified development retains all existing vegetation on the site to visually reduce the built form. As the existing vegetation is sufficient in screening the existing and modified development, it is not considered necessary to enhance the vegetation on the site.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment

The subject site is located within, and is surrounded by, residential zones, therefore this outcome is not applicable.

Based on the above, the modified development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D4.8 Building envelope

The modified development maintains the existing building which protrudes the prescribed building envelope on the northern elevation. As there are no changes proposed outside of the building envelope on the northern elevation as part of the modification application, the non-compliance will not be considered further as part of this assessment.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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.

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. Mod2018/0686 for Modification of Development Consent N0255/17 granted for construction of a secondary dwelling and carport on land at Lot 1 DP 223879,30 Kananook Avenue, BAYVIEW, subject to the conditions printed below:

A. Add Condition A0. 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
A-100 Site Plan, Rev D	17/10/18	CCD Drafting Pty Ltd
A-101 Ground Floor Plan, Rev D	17/10/18	CCD Drafting Pty Ltd
A-102 First Floor Plan, Rev D	17/10/18	CCD Drafting Pty Ltd
A-103 Elevations, Rev D	17/10/18	CCD Drafting Pty Ltd
A-104 Elevations, Rev D	17/10/18	CCD Drafting Pty Ltd
A-105 Elevations, Rev D	17/10/18	CCD Drafting Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Risk Analysis & Management (Ref: MR 30951B)	04/11/18	Jack Hodgson Consultants Pty Limited

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. Add Condition B13. Use of Store Room to read as follows:

The storage room is not to be used for the purposes of separate habitation or as additional floor space for the secondary dwelling, and is not to contain any cooking facilities.

Reason: To ensure that the storage room remains as an ancillary structure.

C. Add Condition C13. Amendments to the Approved Plans to read as follows:

The proposed staircase within Council's Road Reserve is to be removed from the approved plans and does not form part of this consent. All works are to be wholly located within the individual lot boundaries.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

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

Signed



Adam Urbancic, Planner

The application is determined on 22/03/2019, under the delegated authority of:



Rodney Piggott, Manager Development Assessments