

MODIFICATION APPLICATION ASSESSMENT REPORT

Planner: Anne-Marie Young
Address / Property Description: Lot 170 DP 752038
13 Morgan Road BELROSE
Modification of Development Consent No.
DA2021/1533 granted for demolition works and
construction of new dwelling and pool

Application No: Mod2022/0176
Application Accepted: 14/04/2022
Applicant: Jonathon Peterson
Owner: D R Austin, J L Austin

Locality: Warringah LEP2000 - B2 Oxford Falls Valley
Category: Category 2 "Housing"

SUMMARY

Submissions: None
Assessment Issues: Impact of additional excavation on the natural
environment and neighbouring amenity and visual
impact of any associated work on the Oxford Falls
Valley area.
Recommendation: Approval

LOCALITY PLAN (not to scale)



Figure 1- Aerial photo of the subject site.

Subject Site: Lot 170 in DP 752038, No. 13 Morgan Road Belrose

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, and the Northern Beaches Community Participation Plan. Furthermore, a notice was placed on site.

As a result, the application was notified to 6 adjoining land owners and occupiers and to the person who made a submission to the original development application for a period of 14 calendar days.

No submissions have been received as result of the exhibition of the application.

SITE DESCRIPTION

The subject property is legally described as Lot 170 in DP 752038, No. 13 Morgan Road, Belrose. The site has splayed frontage and address to Morgan Road of 103.38 metres, variable depth of between 185.83 metres and 201.43 metres, rear boundary dimension of 100.665 metres and an area of 1.994ha. The site rises approximately 8 metres in elevation from its front boundary before levelling off along its south-eastern boundary and rising again towards the northern corner of the property.

The former single storey dwelling, garage and associated swimming pool located in the northern corner of the site (towards the rear of the site) has recently been demolished. The former dwelling was accessed via a sealed driveway from Morgan Road.

A roofed dressage arena, stables, eight (8) paddocks are located to the front of the site and informal landscaped gardens occupy the remainder of the site. It is noted that the site has been cleared of any significant vegetation.

The subject property is currently mapped as being bushfire prone as currently shown by the Northern Beaches Council LGA Bushfire Prone Land Map (s10.3 EP&A Act 1979).

The site is surrounded by mature vegetation within the adjacent reserves to the north east, and rural residential properties to the south-east – south-west.

SITE HISTORY

On 1 December 2021, **DA2021/1533** was presented to the NBLPP and approval was granted for the demolition of the existing dwelling and the construction of a new dwelling, garage and pool.

On 22 November 2021, Council approved **CDC2021/1908** for the demolition of the existing dwelling, garage and pool.

It is noted that the stamped approved CDC drawings refer to “*excavation and store below ground water tanks for potential re-use in future development.*”

As a result of the *Ku-ring-gai Council v Buyozo Pty Ltd (2021) NSWCA 177* court judgement the applicant was advised that the existing excavation cannot be approved under the subject modification as the work is retrospective. The applicant was invited to modify the application to exclude the retrospective excavation or provide evidence of the approval of the historic excavation work.

The applicant in response argues that part of the excavation was approved under CDC2021/1908 which approved the demolition of the existing dwelling and all subterranean structures associated with the house.

Councils Building Surveyor has confirmed:

As explained in the applicant’s submission dated 29/07/2022 the excavated material removed from the subject area was contaminated, unstable, unhealthy waste which had to be removed to allow for the works approved under the current DA and CC to be built.

As the excavation into the rock was pre-existing it should not be regarded as unauthorised works associated with the S4.55 Mod as it can be construed as being

part of the Demolition CDC which included removal of footings and other below ground structures.

By definition under the Standard Instrument 2006 an "Excavation" is not a structure therefore cannot be regularised via a Building Information Certificate (BIC).

Based on the advice from Council's Building Surveyor it is accepted that the excavation work was approved as part of the CDC and further consent is therefore not required under the subject modification. It is therefore recommended that subject to a condition to delete this part of the proposal.

On 23 March 2021, Pre-lodgement meeting **PLM2021/055** was held with the applicant and Council Officers. The PLM confirmed that the proposal breaches the 8.5m Building Height Development Standard by 2.6m and the wall height by 1.3m. Given the context of the site and no significant issues related to the breach, the applicant was advised to submit a request to vary the control via Clause 20 of the Warringah Local Environmental Plan 2000 with any further Development Application.

On 19 November 2013, **DA2013/0892** approved demolition works, the construction of a new dwelling house, secondary dwelling, riding stables and arena, tennis court and swimming pool.

Condition 3 of the consent restricted the stables to private use stating:

"No approval is granted under this Development Consent for any commercial use of the riding arena or stables (for example, riding school or animal boarding or training establishment)."

Subsequently a series of applications approved modifications to this consent as detailed below:

Mod2013/0263 approved internal changes to dwelling, front fence, removal of coach's box, reconfiguration of stables, relocation of tennis court.

Mod2014/0098 approved the relocation of the tennis court.

Mod2014/0147 approved the relocation of the tennis court, revised stable, relocation of coach's box and minor changes to the riding arena.

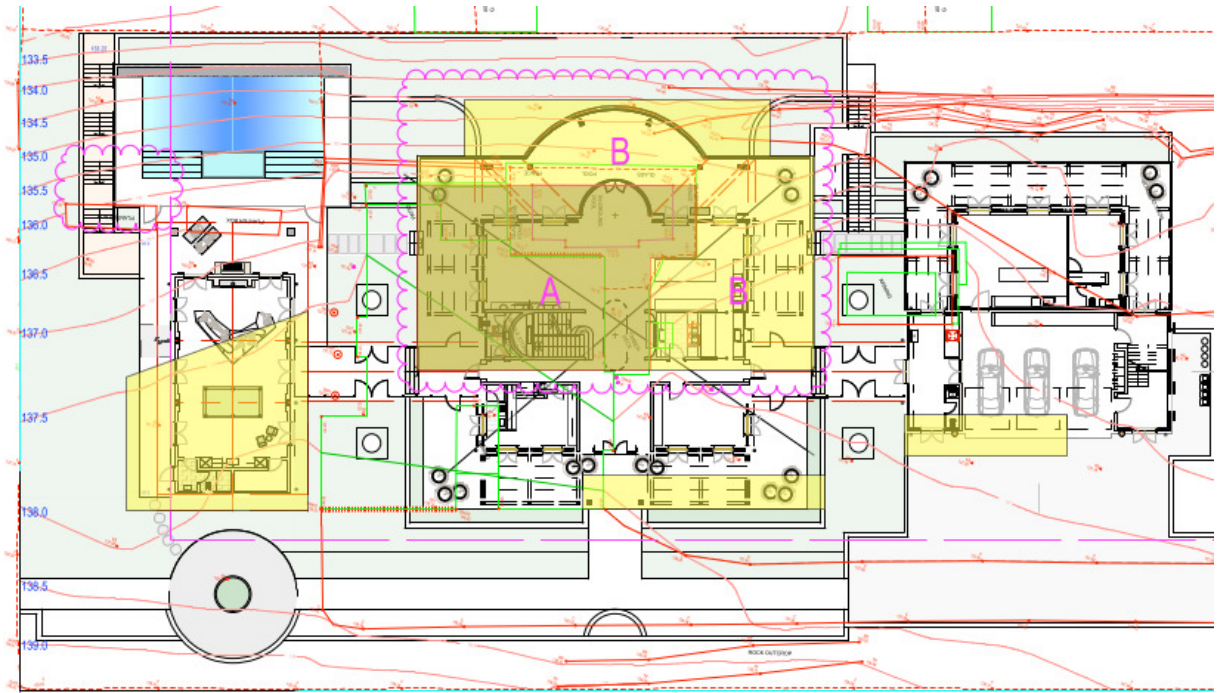
Mod2015/050 approved the deletion of the modifications to design of dwelling house and secondary dwelling, changes to the pool, deletion of the tennis court to be replaced with a paddock, changes to the stables, extension of the driveway, and changes to the rainwater tanks.

PROPOSED DEVELOPMENT

The modification proposes the following changes to the DA approved plans:

- Addition of a basement level under the main house (the central pavilion) to include a Home Theatre, Gym, Wine Cellar, storage and service area.

It is noted that partial excavation was approved under the CDC2021/1908, refer above and below.



Excavation and Fill Plan

[Note: The application specifically seeks additional excavation in the area marked A below the central pavilion. The demolition of the former house approved as a CDC (issued by Council) included approval of the excavation in the area marked B.]

- Minor changes to the proposed landscape works to accommodate the proposed basement level.
- Minor changes to the ground floor of the main house to allow for the access stair from the ground floor to the basement. This primarily effects the powder room. However, minor internal changes are also proposed for the guest bedroom in the north-west corner of the main house. There will be no external changes as a result of this work.
- Addition of a small basement 'pool plant room' immediately adjacent and below the approved pool deck.
- Change of external wall system for habitable parts of project. The applicant notes that the proposed external finish of this new wall system will look identical to the previously approved painted rendered brickwork.
- Minor internal changes to the first floor.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and

Environmental Planning and Assessment Regulations 2000.

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 current application adopts the previous assessment detailed in the Assessment Report for DA2021/1533, in full, with amendments detailed and assessed as follows:

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

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent 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 DA2021/1533 for the following reasons: The proposal seeks consent for additional excavation under the approved dwelling and associated minor internal and external changes. There is no increase in the footprint of the dwelling and the geotechnical report submitted with the application confirms that there will be no unreasonable structural impacts subject to conditions. The additional excavation is set back from the boundaries and will not result in unreasonable amenity impacts to neighbours.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body	Development Application DA2021/1533 did not require concurrence from the relevant Minister, public authority or approval body.

Section 4.55 (2) - Other Modifications	Comments
has not, within 21 days after being consulted, objected to the modification of that consent, and	
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan. No submissions have been received.
(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 96 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	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah 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 regulations	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent. Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i> . This matter has been address via a condition of consent. Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety

Section 4.15 'Matters for Consideration'	Comments
	upgrade of development. This matter has been address via a condition of consent. Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted. Clause 54 and 109 of the EPA Regulations 2000, Council has not requested additional information. Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. This clause is not relevant to the subject modification.
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) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) 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 “Public Exhibition” in this report. No submissions have been received.
Section 4.15 (1) (e) – the public interest	No matters have arisen that would justify the refusal of the application in the public interest.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and the Northern Beaches Community Participation Plan. As a result, the application was notified to 6 adjoining land owners and occupiers for a period of 14 calendar days commencing on 29 April 2022 and being finalised on 13 May 2022, furthermore, a notice was placed upon the site.

As a result of the public exhibition process no submissions have been received.

LAND AND ENVIRONMENT COURT ACTION

None

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the Regulations) of the document entitled Planning for Bush Fire Protection.

An updated Bush Fire Risk Assessment Report and Certificate was submitted with the subject modification application (prepared by Sydney Bushfire Consultants, dated March 2022) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection based on 9 recommendations.

As detailed below, the application was referred to NSW Rural Fire Services who offered no objections to the subject modification subject to compliance with the original referral condition.

The recommendations of the updated Bush Fire Report have been included as conditions of consent and condition 2 of the original consent imposed by the NSW Rural Fire Service remains relevant.

REFERRALS

External Referrals

NSW Rural Fire Service (RFS)

NSW RFS has reviewed the submitted amendments and raises no objections subject to compliance with our previous advice dated 21/09/2021.

Condition 2 (Compliance with other Department, Authority or Service Requirements) of DA2021/1533 therefore remains valid.

Aboriginal Land Council

The Aboriginal Heritage Officer has confirmed that no sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.

Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.

Condition 25 (Protection of Aboriginal Cultural Heritage items) of DA2021/1533 remains valid which requires:

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Internal Referrals

Environmental Health

Supported without Conditions

Proposed modifications to DA2021/1533 will not impact the overall approved wastewater management system -to be installed as per the report provided with that determination. Neither the wastewater load nor disposal area are affected. No objections to the proposal.

Landscape Officer

Supported without Conditions

The plans indicate that no significant landscape features are affected by the proposed modification. No objections are raised with regard to landscape issues. Existing conditions are considered still relevant and adequate.

Bushland and Biodiversity

Supported without Conditions

Council's Natural Environment Unit - Biodiversity referral team has no objections to the proposed modification subject to the conditions provided for the previous DA consent (DA2021/1533).

Development Engineering

Supported without conditions

Application is for inclusion of basement level under the central pavilion. No objections are raised to the proposed modification. No modification to Development Engineering conditions required. Existing Development Engineering conditions for DA2021/1533 are considered to still be relevant and adequate. The proposal is therefore supported.

Riparian Lands and Creeks

Supported without Conditions

The proposed modification is not impacting the approved water management.

Water Management

Supported without conditions

The proposed modification is not impacting the approved water management and riparian referral.

Building Assessment Unit

The comments from Council's Building Surveyor are contained in the history section of this report. The referral comments note that the excavation that has already taken place was approved under a CDC.

ENVIRONMENTAL PLANNING INSTRUMENTS:

STATE ENVIRONMENTAL PLANNING INSTRUMENTS:

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses.

In this regard it is considered that the site poses no risk of contamination. The proposal to allow additional excavation underneath the primary pavilion does not therefore require any further consideration under Clause 7(1)(b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

State Environmental Planning Policy – BASIX

An updated BASIX Certificate reference 1221537S_03, dated 10 March 2022 has been received and forms part of the modified consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The proposed development is defined as “housing” and “other buildings, works, places or land uses that are not prohibited or in Category 1 or 3” under the WLEP 2000 dictionary.

The development is identified as Category 2 development in this locality and is permissible.

Desired Future Character (DFC)

The Desired Future Character Statement for this locality is as follows:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and

Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

Clause 12(3)(b) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Desired Future Character statement under the relevant locality statement.

Accordingly, an assessment of consistency of the proposed development against the Locality's Desired Future Character is provided below:

Comment

Approval has been granted for a new detached replacement dwelling and there is no increase in the housing density.

The work associated with the modification of consent is primarily associated with work below ground level which will not be visible from the public domain. As such, the proposal will not change the present character of the Oxford Falls Valley locality or result in unreasonable impacts on neighbouring amenity.

No vegetation is proposed to be removed as part of this application and a vegetation buffer will be retained and enhanced between the proposed dwelling and Morgan Road.

In summary, the proposed development remains to be consistent the Desired Future Character for the B2 Oxford Falls Valley Locality.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Compliance Table				
Built Form Standard	Required	Approved Development	Proposed Modification	Compliance
Housing Density	1 dwelling/20ha	1 dwelling/4.6ha	Unaltered	No Change
Building Height	8.5m	11.1m	Unaltered	No (As approved)
Wall Height	7.2m	6.8m-8.5m		
Front Building Setback	20m	133m	Unaltered	Yes (As approved)
Rear and Side Building Setback	10m	East: 12m-15m West: 59m-67m Rear Dwelling: 10m Pool: 8.4m Pool Deck: 6.6m Stairs: 40m	Unaltered	No (As approved)
Landscaped Open Space	30% (13,874sqm)	32% (14,656sqm)	Unaltered	Yes (As approved)
Car Parking	2 spaces	3 spaces	Unaltered	Yes (As approved)

1 General Principles Of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

Principle	Applies	Comments	Compliance
CL38 Glare & reflections	Yes	A standard condition of consent was imposed to DA2021/1533 ensuring new roofs are of dark, non-reflective materials.	Yes
CL42 Construction Sites	Yes	Standard conditions have been applied to DA2021/1533	Yes
CL43 Noise	Yes	The development is not likely to cause any unreasonable or unusual noise in the rural area.	Yes
CL44 Pollutants	Yes	The development is not likely to cause any unreasonable pollutants, conditions apply.	Yes
CL50 Safety & Security	Yes	The proposal will not detract from safety and security in the area.	Yes
CL51 Front Fences and Walls	Yes	No change to the existing and approved fences and walls.	Yes
CL54 Provision and Location of Utility Services	Yes	The development will utilise the existing connections.	Yes
CL56 Retaining Unique Environmental Features on Site	Yes	No change.	Yes
CL57 Development on Sloping Land	Yes	The control states that development should minimise excavation and limit fill to 1m in depth. The application is supported with a geotechnical report that describes existing excavation that occurred beneath of the original dwelling. Council's Building Surveyor confirms that the existing excavation was approved under CDC2021/1908 for the existing dwelling. As such, the excavation does not form part of this modification application and a condition is included in the recommendation to this effect. The unapproved excavation that relates to a small area located beneath the central pavilion. The geotechnical report confirms that the proposed development is suitable for the site and no geotechnical hazards will be created subject to compliance with the recommendations of the geotechnical report. A condition is included in the recommendation to this effect.	Assessed as acceptable given that excavation has already been approved
CL58 Protection of Existing Flora	Yes	The proposed works do not extend beyond the footprint of the approved dwelling. As such, there will be no new impacts on existing vegetation. Council's Natural Environment Unit has assessed the proposal and has not raised any concerns.	Yes

Principle	Applies	Comments	Compliance
CL60 Watercourses & Aquatic Habitats	Yes	Council's Natural Environment Unit have no objection subject to conditions.	Yes
CL61 Views	Yes	The work associated with the modification is below ground level as such there will be no impacts on views.	Yes
CL62 Access to sunlight	Yes	The works associated with the modification are located below ground level and will not create any overshadowing impacts to neighbours.	Yes
CL63 Landscaped Open Space	Yes	32% of the site will remain landscaped	Yes
CL63A Rear Building Setback	Yes	The work associated with the medication is located below the primary pavilion and does not breach the rear setback.	Yes
CL64 Private open space	Yes	Ample private open space will be available on site.	Yes
CL65 Privacy	Yes	The proposal will not result in privacy impacts to neighbours.	Yes
CL66 Building bulk	Yes	The work associated with the modification is generally situated below ground level, as such, there is no additional building bulk or unreasonable impacts on visual amenity of the character of the area.	Yes
CL67 Roofs	Yes	No change to the approved roof.	Yes
CL68 Conservation of Energy and Water	Yes	A BASIX Certificate was provided with the original application which remains valid.	Yes
CL70 Site facilities	Yes	There is ample room on site for site facilities.	Yes
CL71 Parking facilities (visual impact)	Yes	The development will utilise the existing driveway access and the original parking approved with the original dwelling remains as per the approval.	Yes
CL72 Traffic access & safety	Yes	There is no change to the approved double garage.	Yes
CL74 Provision of Car parking	Yes	Three spaces are approved which remains unchanged.	Yes
CL75 Design of Car parking Areas	Yes	The approved double garage meets the minimum requirements and will be unaltered.	Yes
CL76 Management of Stormwater	Yes	Council's Development Engineers have assessed the proposal and raised no concerns.	Yes
CL78 Erosion & Sedimentation	Yes	The standard conditions of consent relating to erosion and sedimentation remain valid.	Yes
CL80 Notice to Metropolitan Aboriginal Land Council and the	Yes	The application was referred to the Aboriginal Heritage Office (AHO) who confirmed that no Aboriginal heritage sites have been recorded. The original condition requiring the protection	Yes

Principle	Applies	Comments	Compliance
National Parks and Wildlife Service		of any items that may be discovered during earthworks remains valid.	
CL83 Development of Known or Potential Archaeological Sites	Yes	As above, the application was referred to the Aboriginal Heritage Office (AHO) who confirmed that there are no aboriginal heritage sites and the original condition remains valid..	Yes

Other Relevant WLEP 2000 Clauses

Schedule 8 - Site analysis

Site Analysis	A site analysis has been provided
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CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000 and the relevant codes and policies of Council.

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

RECOMMENDATION - APPROVAL

THAT Council as the consent authority, grant approval to Mod2022/0176 for modification of DA2021/1533 granted for demolition works and construction of new dwelling and pool, on land at No. 13 Morgan Road BELROSE subject to the following conditions below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A01 Rev B Site Plan	31.03.2022	Preston Peterson
A02 Rev A Basement Plan	31.03.2022	Preston Peterson
A03 Rev B Ground Floor Plan	31.03.2022	Preston Peterson

A04 Rev B First Floor Plan	31.03.2022	Preston Peterson
A06 Rev A Elevations Sheet 1	31.03.2022	Preston Peterson
A07 Rev B Elevations Sheet 2	31.03.2022	Preston Peterson
A08 Rev A Sections	31.03.2022	Preston Peterson
DRV01 Rev B Driveway Plan	31.03.2022	Preston Peterson
SEC01 Rev C Sediment and Erosion Control	31.03.2022	Preston Peterson
EXF01 Rev B Excavation and Fill Plan	31.03.2022	Preston Peterson

Engineering Plans		
Drawing No.	Dated	Prepared By
D01 Issue C Stormwater Management General Notes & Drawing Schedule	24.02.2022	NB Consulting Engineers
D02 Issue C Site Drainage Plan	24.02.2022	NB Consulting Engineers
D02.1 Issue C Ground Floor Plan	24.02.2022	NB Consulting Engineers
D02.2 Issue C First Floor and Lower Roof Drainage Plan	24.02.2022	NB Consulting Engineers
D02.3 Issue C Upper Roof Drainage Plan	24.02.2022	NB Consulting Engineers
D02.4 Issue C Basement Drainage Plan	24.02.2022	NB Consulting Engineers
D04 Issue C Stormwater Management Details	24.02.2022	NB Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Assessment Report and Risk Assessment Certificate Ref: 79BA-2383	28.03.2022	Sydney Bushfire Consultants Bushfire Planning & Design (BPAD)
Arborist Supplementary Report	21.03.2022	Koala Arbor Consulting Arborists
Geotechnical Report	14.03.2022	White Geotechnical Group
BASIX Certificate No: 1221537S_03	10.03.2022	Certified Energy 1

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

f) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plans Sheet 1 -3 Rev CD-1	04.03.2022	Paul Bangay

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 32 No approval for excavation work approved under CDC2021/1098 to read as follows:

This modified consent does not give approval for any works already undertaken. The earthworks so undertaken have been carried out pursuant to Complying Development Certificate No. CDC2021/1098.

Reason: To ensure there is no retrospective approval of works already undertaken and which relate to separate approval.

"I am aware of Council's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"



Date 03.08.2022

Anne-Marie Young, Planner



Date 4.8.2022

Steven Findlay, Planning Assessment Manager