

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0489
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Responsible Officer:	Anaiis Sarkissian
Land to be developed (Address):	Lot 4 DP 1274062, 126 C Elimatta Road MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2022/1333 granted for Construction of two dwelling houses (one dwelling on Lot 1 and one dwelling on Lot 4)
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Urbanesque Planning Pty Ltd

Application Lodged:	04/10/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	Not Notified
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

On 19 January 2023, Council granted deferred commencement approval under DA2022/1333 for the construction of two dwelling houses; one dwelling on Lot 1 (126B Elimatta Road) and one dwelling on Lot 4 (126C Elimatta Road).

These two allotments were the product of a prior subdivision under DA2018/0005 that subdivided one (1) allotment into four (4).

Since the approval of DA2022/1333, Lot 1 has been sold.

This modification application therefore seeks reduce the scope of the approved works by deleting the approved dwelling house and any associated works on Lot 1 from the consent, and amend relevant conditions as required.

No built form changes are proposed to the approved dwelling on Lot 4.

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

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 4 DP 1274062 , 126 C Elimatta Road MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of one (1) allotment located on the south-western side of Elimatta Road. The site is a battle-axe allotment with an access handle and right of carriageway that is approximately 71m in length. The site is regular in shape (excluding the access handle) with a depth of approximately 31m and a width of approximately 19m. The site has a total area of 701.2m². The site is located within the C4 Environmental Living zone and accommodates vacant land. The site is located atop a ridge line and slopes from the north-east boundary of the site down to the south-western boundary with a crossfall of approximately 4m. The site contains two large canopy trees approved for

removal.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by battle-axe lot arrangements along the south-western side of Elimatta Road, containing 1-2 storey detached dwelling houses.

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:

DA2018/0005

Torrens Title subdivision of one (1) lot into four (4), demolition of existing structures and alterations to existing driveway.

Approved 31 August 2018

DA2022/1333

Construction of two dwelling houses (one dwelling on Lot 1 and one dwelling on Lot 4).

Deferred commencement approval 19 January 2023

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 DA2022/1333, 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 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 DA2022/1333 for the following reasons: • No built form changes are proposed to the approved dwelling on Lot 4; the modification simply involves the deletion of the approved works on Lot 1 from this development consent. As such, the development on Lot 4 is exactly the same development for which the consent was originally granted on Lot 4 under DA2022/1333; the scope of the approved works has simply reduced.
(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 has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2022/1333 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental

Section 4.55 (2) - Other Modifications	Comments
(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	Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	This application was not notified due to the modifications concerning only the deletion of approved works.

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 (2) 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)(iia) – Provisions of any planning agreement	None applicable.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<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. <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. <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. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent. <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. <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 matter has been addressed via a condition of consent. <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.
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 'Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	This application was not notified due to the modifications concerning only the deletion of approved works.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application was not notified.

REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (Development Contributions)	INTRODUCTION Mod2024/0489 seeks to modify Development Consent DA2022/1333 with the following: • Deletion of works on Lot 1 • Reduction of development cost estimate SPP3 received this referral request on 4 October 2024. SUBJECT SITE The subject site is 126B Elimatta Rd, Mona Vale. The subject site is zoned C4 Environmental Living under Pittwater LEP 2014. The subject site is currently an empty lot. CHRONOLOGY The application for Construction of two dwelling houses (one dwelling on Lot 1 and one dwelling on Lot 4) was approved by Council on 19 January 2023. These two allotments were the product of a prior subdivision under DA2018/0005 that subdivided one existing allotment into four. Since DA2022/1333 was approved, Lot 1 has been sold. The subject modification application intends to delete the dwelling on Lot 1 from the consent and to amend related conditions as required. The proposed development on Lot 4 remains to be built in accordance with the plans of DA2022/1333.

Internal Referral Body	Comments
	At the time of consent, the subject site was governed by the Northern Beaches Section 7.12 Contributions Plan 2022. Condition 7 of the Notice of Determination for DA2022/1333 reflects the initial cost estimate; and this condition reads as follows: 7. Policy Controls <i>Northern Beaches Section 7.12 Contributions Plan 2022</i> <i>A monetary contribution of \$18,980.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).</i> <i>The monetary contribution is based on a development cost of \$1,898,000.00. The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).</i> <i>Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).</i> <i>A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.</i> <i>Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.</i> As of 10 October 2024, this contribution has not been paid and Condition 7 remains unfulfilled. No Construction Certificate has been obtained for DA2022/1333. ASSESSMENT OF CURRENT APPLICATION As Condition 7 of the consent remains unfulfilled and there is no Construction Certificate issued for the development, it is appropriate to consider the request to modify Condition 7 and the amount of monetary contributions payable to Council under that consent. The revised cost estimate of \$949,000 is exactly half the price of the estimate under the parent application. Accordingly, it reflects one of the two dwellings being deleted from the consent. Amendments to Condition 7 is supported to ensure the contributions amount payable to Council reflects the cost of works approved by Council.

Internal Referral Body	Comments
	RECOMMENDATION A. The application as submitted is supported subject to Condition 7 being modified to read as follows: 7. Policy Controls <i>Northern Beaches Section 7.12 Contributions Plan 2022</i> <i>A monetary contribution of \$9,490.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).</i> <i>The monetary contribution is based on a development cost of \$949,000.00. The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).</i> <i>Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).</i> <i>A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.</i> <i>Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.</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

Pursuant to clause 4.2(f), the State Environmental Planning Policy (Sustainable Buildings) 2022

(Sustainable Buildings SEPP) does not apply to an application for modification of a development consent submitted after 1 October 2023, if the development application for the development consent was submitted before 1 October 2023.

Given the original DA (DA2022/1333) was lodged on 22 August 2022, the Sustainable Buildings SEPP does not strictly apply to this modification application, and therefore a BASIX Certificate is not required.

However, deferred commencement condition 1 of DA2022/1333 requires the Applicant to prepare an updated BASIX Certificate to reflect the current plans for Lot 4. A BASIX certificate has therefore been submitted with this application (see Certificate No. 1204481S_04 dated 27 August 2024).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was not referred to Ausgrid as no changes to the approved physical works are proposed

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. This application does not propose any changes to the approved physical works. Notwithstanding, 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	8.45m	Unaltered	N/A	Yes

Note: Lot 1 dwelling details have been excluded from this assessment table. No changes proposed to the approved Lot 4 dwelling under this modification application.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes

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. Mod2024/0489 for Modification of Development Consent DA2022/1333 granted for Construction of two dwelling houses (one dwelling on Lot 1 and one dwelling on Lot 4) on land at Lot 4 DP 1274062, 126 C Elimatta Road, MONA VALE, 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-466129 MOD2024/0489	The date of this notice of determination	Modification of Development Consent DA2022/1333 granted for Construction of two dwelling houses (one dwelling on Lot 1 and one dwelling on Lot 4) Modify Condition 1 - Deferred Commencement - Geotechnical Reports and BASIX Certificates Modify Condition 2 - Approved Plans and Supporting Documentation Modify Condition 7 - Policy Controls Modify Condition 8 - Security Bond Modify Condition 14 - External Finishes to Roof and External Walls Add Condition 16A - Waste Management Plan Modify Condition 22 - Landscape Completion Modify Condition 28 - geotechnical Recommendations

Modified conditions

A. Modify Condition 1 - Deferred Commencement - Geotechnical Reports and BASIX Certificates, to read as follows:

- a) The applicant is to engage a suitably qualified Geotechnical Engineer to prepare a Geotechnical Report for the dwelling house on Lot 4. The Geotechnical Report is to demonstrate that the dwelling house achieves an acceptable level of geotechnical risk. The Geotechnical Report must also be accompanied by Forms 1 and 1A of the Geotechnical Risk Management Policy for Pittwater.
- b) The applicant is required to prepare an updated BASIX Certificate to reflect the current plans for Lot 4 referenced in Condition 2.

Evidence required to satisfy these conditions must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation. Applicants must complete two essential steps to request their consent become operational:

1. Submit a completed 'Deferred Commencement Document Review Form' (available on Council's website), include the relevant evidence and the application fee as per Council's Fees and Charges.
2. Submit a request for operational consent to Council via the NSW Planning Portal. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

B. Modify Condition 2 - 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
2021395 - 1	D	Site Plan	Eco Dimensions	27 August 2024
2021381 - 3	D	Lower Floor Plan	Eco Dimensions	27 August 2024
2021381 - 4	D	Mid Floor Plan	Eco Dimensions	27 August 2024
2021381 - 5	D	Upper Floor Plan	Eco Dimensions	27 August 2024
2021381 - 6	D	Elevations	Eco Dimensions	27 August 2024

2021381 - 7	D	Elevations	Eco Dimensions	27 August 2024
2021381 - EXTRA	D	Section A-A	Eco Dimensions	27 August 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
SW04 - Lot 4 Stormwater Drainage Plan	A	Hyten Engineering	2 November 2021
SW06 - Sections and Details	A	Hyten Engineering	2 November 2021
Arboricultural Impact Assessment Report	-	Blues Brothers Arboriculture	21 October 2020
Arboricultural Impact Assessment Report Addendum - Lots 1 & 4	-	Blues Brothers Arboriculture	24 June 2022
Arboricultural Assessment of Tree 18	-	The Ents Tree Consultancy	2 December 2022
L/01 - Proposed Landscape Plan	-	Discount Landscape Plans	16 January 2023
L/03 - Proposed Landscape Plan	-	Discount Landscape Plans	26 August 2020
Waste Management Plan - Lots 1 & 4	-	No Author	29 April 2022
BASIX Certificate	1204481S_04	Justin Croft	27 August 2024
Geotechnical Investigation	0	Structerre Consulting Engineers	May 2022

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.

C. Modify Condition 7 - Policy Controls, to read as follows:

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$9,490.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the *Environmental Planning & Assessment Act 1979* and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$949,000.00. The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

D. Modify Condition 8 - Security Bond, to read as follows:

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

E. Modify Condition 14 - External Finishes to Roof and External Walls, to read as follows:

The external finish to the roof and external walls of the dwelling house on Lot 4 shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties and harmonise with the natural environment. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

F. Add Condition 16A - Waste Management Plan, to read as follows:

The approved Waste Management Plan must be amended to reflect the development on Lot 4 only. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

G. Modify Condition 22 - Landscape Completion, to read as follows:

Landscaping is to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- i) one native tree shall be planted within the open space area along the south-eastern boundary, as selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or Council's Tree Guide, to achieve at least 6.0 metres in height at maturity,
- ii) all tree planting shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

H. Modify Condition 28 - Geotechnical Recommendations, to read as follows:

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

Signed



Anais Sarkissian, Planner

The application is determined on 16/10/2024, under the delegated authority of:



Adam Richardson, Manager Development Assessments