

# **APPLICATION FOR MODIFICATION ASSESSMENT REPORT**

| Application Number:                | Mod2025/0163   |  |  |  |
|------------------------------------|--|--|--|--|
|                                    |  |  |  |  |
| Responsible Officer:               | Charlotte Asbridge   |  |  |  |
| Land to be developed (Address):    | Lot 71 DP 16212, 129 Rickard Road NORTH NARRABEE NSW 2101  |  |  |  |
| Proposed Development:              | Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling |  |  |  |
| Zoning:                            | C4 Environmental Living  |  |  |  |
| Development Permissible:           | Yes  |  |  |  |
| Existing Use Rights:               | No   |  |  |  |
| Consent Authority:                 | Northern Beaches Council   |  |  |  |
| Land and Environment Court Action: | No   |  |  |  |
| Applicant:                         | Sophire Louise Wright  |  |  |  |
|                                    |  |  |  |  |
| Application Lodged:                | 14/04/2025   |  |  |  |
| Integrated Development:            | No   |  |  |  |
| Designated Development:            | No   |  |  |  |
| State Reporting Category:          | Refer to Development Application   |  |  |  |
| Notified:                          | 22/04/2025 to 06/05/2025   |  |  |  |
| Advertised:                        | Not Advertised   |  |  |  |
| Submissions Received:              | 0  |  |  |  |
| Clause 4.6 Variation:              | Nil  |  |  |  |
| Recommendation:                    | Approval   |  |  |  |

## PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify development consent DA2021/1634 granted for alterations and additions to a dwelling house including a secondary dwelling. DA2021/1634 was previously modified in 2022 and 2023 to modify the approved roof, landscaping and, internal works. This current modification seeks consent for:

- Deletion of fire place in dwelling living room
- Deletion of approved entry stairs and patio to the dwelling (retaining existing)
- Adding frosted windows to the front facing dwelling balcony as opposed to a balustrade
- Removal of approved bathroom and bedroom internal works (retaining existing)

MOD2025/0163 Page 1 of 16



The proposal seeks to retain majority of the original dwelling features to save on construction costs and time, hence the deletion of many approved elements of the original approval. This modification, if approved will result in significantly less works than approved.

#### **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 21 Development Control Plan - D11.6 Front building line

Pittwater 21 Development Control Plan - D11.7 Side and rear building line

Pittwater 21 Development Control Plan - D11.9 Building envelope

Pittwater 21 Development Control Plan - D11.11 Landscaped Area - Environmentally Sensitive Land

#### SITE DESCRIPTION

| Property Description:      | Lot 71 DP 16212 , 129 Rickard Road NORTH<br>NARRABEEN NSW 2101   |
|----------------------------|--|
| Detailed Site Description: | The subject site consists of 1 allotment located on the southwestern side of Rickard Road.   |
|                            | The site is regular in shape with a frontage of 12.2m along Rickard Road and a depth of 45.68m. The site has a surveyed area of 556.9m².   |
|                            | The site is located within the C4 Environmental Living zone and accommodates a secondary dwelling to the front and, a partially constructed primary dwelling to the rear (currently under construction as per previous approvals). |
|                            | The site is steep with an approx. 16m fall from southwest  |

MOD2025/0163 Page 2 of 16



towards the northeast.

The site contains terraced gardens, some of which are under construction.

# **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by residential dwellings, with many also accommodating ancillary structures and/or outbuildings.





#### SITE HISTORY

The land has been used for residential purposes for an extended period of time. The site is currently under construction, with a partial OC issued for the secondary dwelling to the front of the site. The following history can be located relevant to the current proposal.

- DA2021/1643 was granted development consent in October 2021 for "Alterations and additions to a dwelling house including a secondary dwelling".
- MOD2022/0086 was granted development consent in April 2022 for a modification allowing for minor landscaping changes.
- MOD2023/0274 was granted development consent in July 2023 for a modification allowing changes to the roof design, deletion of the proposed pool and internal works.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979,

MOD2025/0163 Page 3 of 16



#### 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 DA2021/1634, 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<br>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  | 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 DA2021/1634 for the following reasons:  |  |  |  |  |
| consent was originally granted<br>and before that consent as<br>originally granted was<br>modified (if at all), and   | <ul> <li>The proposal does not substantially alter the approved development, while remaining materially the same for the purposes of a dwelling house and secondary dwelling.</li> <li>The proposed modification remains qualitatively and quantitatively the same as the development for which the consent was originally granted under DA2021/1634.</li> <li>The site will continue to be used for residential use.</li> </ul> |  |  |  |  |
| (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, | Development Application DA2021/1634 did not require concurrence from the relevant Minister, public authority or approval body.   |  |  |  |  |

MOD2025/0163 Page 4 of 16



| Section 4.55 (2) - Other Modifications  | Comments   |
|---|--|
| within 21 days after being consulted, objected to the modification of that consent, and   |  |
| <ul><li>(c) it has notified the application in accordance with:</li><li>(i) the regulations, if the regulations so require,</li></ul>   | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan. |
| 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 |  |
| (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 (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.         |

MOD2025/0163 Page 5 of 16



| Section 4.15 'Matters for  | Comments  |  |  |  |
|--|---|--|--|--|
| Consideration'   |   |  |  |  |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan   |   |  |  |  |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement  | None applicable.  |  |  |  |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)  | Part 4, Division 2 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.                     |  |  |  |
| (LI WA Negulation 2021)  | Clause 29 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.   |  |  |  |
|  | Clause 61 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.                                   |  |  |  |
|  | Clauses 62 and/or 64 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.    |  |  |  |
|  | Clause 69 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.                        |  |  |  |
|  | Clause 69 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.   |  |  |  |
|  | (iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic  |  |  |  |

MOD2025/0163 Page 6 of 16



| Section 4.15 'Matters for Consideration'   | Comments  |  |  |  |
|--|---|--|--|--|
|  | 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 (1) (e) – the public interest   | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |  |  |  |

#### **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

#### **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

## **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject application has been publicly exhibited from 22/04/2025 to 06/05/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

# **REFERRALS**

| Internal Referral Body           | Comments   |  |  |  |  |
|----------------------------------|--|--|--|--|--|
| Landscape Officer                | The application is for modification to development consent DA2021/1634.  The proposed amendments will not change the landscape outcome approved in DA2021/1634 and Mod2023/0274, and as such the original and modified conditions remain. No further conditions are imposed. |  |  |  |  |
|                                  |  |  |  |  |  |
| NECC (Bushland and Biodiversity) | The comments in this referral relate to the following applicable controls and provisions:  |  |  |  |  |
|                                  | <ul> <li>Pittwater LEP Clause 7.6 Biodiversity Protection</li> <li>Pittwater DCP Clause B4.4 Flora and Fauna Habitat<br/>Enhancement Category 2 and Wildlife Corridor</li> </ul>   |  |  |  |  |
|                                  | The proposed modifications would take place in previously disturbed areas of the site and are unlikely to impact upon native flora and   |  |  |  |  |

MOD2025/0163 Page 7 of 16



| Internal Referral Body | Comments  |  |  |  |  |
|------------------------|---|--|--|--|--|
|                        | fauna. Conditions are recommended given the inclusion of a landscaping proposal.  |  |  |  |  |
| Engineering)           | There are no objections from Development Engineering regarding the proposed internal modification to the approved DA, and no amendments to the engineering conditions are required. |  |  |  |  |

| External Referral Body             | Comments   |
|------------------------------------|--|
| and Infrastructure) 2021,<br>s2.48 | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |

#### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\***

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

# State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

## SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1789560 dated 31 March 2025).

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

#### <u>Ausgrid</u>

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).

MOD2025/0163 Page 8 of 16



- 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 referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

# SEPP (Resilience and Hazards) 2021

# **Chapter 2 - Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

# **Division 3 Coastal environment area**

# 2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - b) coastal environmental values and natural coastal processes,
  - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.
  - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.
  - f) Aboriginal cultural heritage, practices and places,
  - g) the use of the surf zone.

<u>Comment</u>: The proposed amendments will not have any adverse impact to the coastal environment area.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or

MOD2025/0163 Page 9 of 16



- b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

<u>Comment</u>: The proposed amendments are considered to be appropriately sited and designed to ensure adverse impact to the items referred to in subclause (1) is avoided.

#### **Division 5 General**

# 2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

<u>Comment</u>: The proposed amendments are not expected to cause any increased risk to coastal hazards on the site or surrounding land.

# 2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

#### Comment: N/A

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

#### **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

#### Pittwater Local Environmental Plan 2014

| Is the development permissible?  | Yes |  |
|--|-----|--|
| After consideration of the merits of the proposal, is the development consistent with: |     |  |
| aims of the LEP?   | Yes |  |
| zone objectives of the LEP?  | Yes |  |

MOD2025/0163 Page 10 of 16



# **Principal Development Standards**

| Development Standard | Requirement | Approved | Proposed  | % Variation | Complies |
|----------------------|-------------|----------|-----------|-------------|----------|
| Height of Buildings: | 8.5m        | 7.9m     | Unaltered | N/A         | Yes      |

# **Compliance Assessment**

| Clause                      | Compliance with Requirements |
|-----------------------------|------------------------------|
| 4.3 Height of buildings     | Yes                          |
| 7.1 Acid sulfate soils      | Yes                          |
| 7.6 Biodiversity protection | Yes                          |
| 7.7 Geotechnical hazards    | Yes                          |

# **Pittwater 21 Development Control Plan**

# **Built Form Controls**

| <b>Built Form Control</b> | Requirement | Approved                                   | Proposed  | Complies    |
|---------------------------|-------------|--|-----------|-------------|
| Front building line       | 6.5m        | 0.5m (garage)<br>5.6m (secondary dwelling) | unaltered | As approved |
| Rear building line        | 6.5m        | 16.7m                                      | unaltered | Yes         |
| Side building line        | 2.5m        | 2.4m                                       | unaltered | As approved |
|                           | 1m          | 0.9m                                       | unaltered | As approved |
| Building envelope         | SE - 3.5m   | Outside envelope up to 17%                 | unaltered | As approved |
|                           | NW - 3.5m   | Outside envelope up to 48%                 | unaltered | As approved |
| Landscaped area           | 50%         | 54.4%                                      | unaltered | Yes         |

# **Compliance Assessment**

| Clause  | Compliance<br>with<br>Requirements | Consistency<br>Aims/Objectives |
|---|------------------------------------|--------------------------------|
| A1.7 Considerations before consent is granted                             | Yes                                | Yes                            |
| A4.11 North Narrabeen Locality  | Yes                                | Yes                            |
| B3.1 Landslip Hazard  | Yes                                | Yes                            |
| B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor | Yes                                | Yes                            |
| B5.15 Stormwater  | Yes                                | Yes                            |
| B8.3 Construction and Demolition - Waste Minimisation                     | Yes                                | Yes                            |
| B8.4 Construction and Demolition - Site Fencing and Security              | 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                            |

MOD2025/0163 Page 11 of 16



| Clause  | Compliance<br>with<br>Requirements | Consistency<br>Aims/Objectives |
|---|------------------------------------|--------------------------------|
| C1.5 Visual Privacy                                     | Yes                                | Yes                            |
| C1.6 Acoustic Privacy                                   | Yes                                | Yes                            |
| C1.7 Private Open Space                                 | Yes                                | Yes                            |
| C1.12 Waste and Recycling Facilities                    | Yes                                | Yes                            |
| C1.13 Pollution Control                                 | Yes                                | Yes                            |
| C1.23 Eaves   | Yes                                | Yes                            |
| D11.1 Character as viewed from a public place           | Yes                                | Yes                            |
| D11.2 Scenic protection - General                       | Yes                                | Yes                            |
| D11.3 Building colours and materials                    | Yes                                | Yes                            |
| D11.6 Front building line                               | No                                 | Yes                            |
| D11.7 Side and rear building line                       | No                                 | Yes                            |
| D11.9 Building envelope                                 | No                                 | Yes                            |
| D11.11 Landscaped Area - Environmentally Sensitive Land | No                                 | Yes                            |

#### **Detailed Assessment**

## D11.6 Front building line

The proposed modifications do not alter the approved non-compliant front building setback. In this regard, the proposal is considered satisfactory.

# D11.7 Side and rear building line

The proposed modifications do not alter the approved non-compliant side building setback. In this regard, the proposal is considered satisfactory.

# D11.9 Building envelope

The proposed modifications do not alter the approved non-compliant building envelope. In this regard, the proposal is considered satisfactory.

# D11.11 Landscaped Area - Environmentally Sensitive Land

The proposed modifications do not alter the numerical landscaping approved on site. The only minor change from approved is a small garden bed near the main dwelling entrance which will remain as existing as opposed to being relocated along the side boundary fence as previously approved. In this regard, the proposal is considered satisfactory.

## 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.

MOD2025/0163 Page 12 of 16



## **POLICY CONTROLS**

#### Northern Beaches Section 7.12 Contributions Plan 2024

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. Mod2025/0163 for Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling on land at Lot 71 DP 16212,129 Rickard Road, NORTH NARRABEEN, subject to the conditions printed below:

# **Modification Summary**

MOD2025/0163 Page 13 of 16



The development consent is modified as follows:

# **MODIFICATION SUMMARY TABLE**

| Application<br>Number      | Determination<br>Date                    | Modification description   |  |
|----------------------------|--|--|--|
| PAN-525411<br>MOD2025/0163 | The date of this notice of determination | Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling   |  |
|                            |  | <ul> <li>Add Condition No.1C - Modification of Consent -         Approved Plans and supporting documentation</li> <li>Modify Condition No.2 - Compliance with Other         Department, Authority or Service Requirements</li> </ul>   |  |
| PAN-332172<br>MOD2023/0274 | 14/07/2023                               | Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling   |  |
|                            |  | <ul> <li>Add Condition No. 1B - Modification of Consent - Approved Plans and supporting Documentation</li> <li>Modify Condition No. 2 - Compliance with Other Department, Authority or Service Requirements</li> <li>Add Condition No. 2A - Modification of Consent - Cooking Facilities</li> <li>Delete Condition No. 7 - Tree Root Investigation and Tree Root Map</li> <li>Modify Condition No. 11 - On-site Stormwater Detention Details</li> <li>Modify Condition No. 26 - Landscape Completion</li> </ul>  |  |
| PAN-197655<br>MOD2022/0086 | 07/04/2022                               | Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling   |  |
|                            |  | <ul> <li>Add Condition No. 1A - Modification of Consent - Approved Plans and supporting Documentation</li> <li>Modify Condition No. 2 - Compliance with Other Department, Authority or Service Requirements</li> <li>Add Condition No. 16A - Modification of Consent - No Clearing of Vegetation</li> <li>Modify Condition No. 26 - Landscape Completion</li> <li>Add Condition No. 30A - Modification of Consent - No Weeds Imported On To The Site</li> <li>Add Condition No. 35 - Modification of Consent - Protection of Habitat Features</li> </ul> |  |

MOD2025/0163 Page 14 of 16



# **Modified conditions**

# A. Add Condition No.1C - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans |                    |                                      |                |              |
|----------------|--------------------|--------------------------------------|----------------|--------------|
| Plan<br>Number | Revision<br>Number | Plan Title                           | Drawn By       | Date of Plan |
| Sheet<br>2C    | С                  | Level 2 Plan - Secondary<br>Dwelling | Network Design | 24/03/25     |
| Sheet<br>3C    | С                  | Level 3 Plan - Existing<br>Residence | Network Design | 24/03/25     |
| Sheet<br>4C    | С                  | Northeast and Southwest<br>Elevation | Network Design | 24/03/25     |
| Sheet<br>5C    | С                  | Southeast Elevation                  | Network Design | 24/03/25     |
| Sheet<br>6C    | С                  | Northwest Elevation                  | Network Design | 24/03/25     |
| Sheet<br>7C    | С                  | Section                              | Network Design | 24/03/25     |
| Sheet<br>8C    | С                  | Site Plan                            | Network Design | 24/03/25     |
| Sheet<br>16C   | С                  | Landscaping Plan                     | Network Design | 24/03/25     |

| Approved Reports and Documentation     |                         |                             |                  |
|--|-------------------------|-----------------------------|------------------|
| Document Title                         | Version<br>Number       | Prepared By                 | Date of Document |
| BASIX Certificate                      | Certificate<br>A1789560 | Mr John Wright              | 31 March<br>2025 |
| Geotechnical Comments for Section 4.55 | J3651C                  | White Geotechnical<br>Group | 4 April<br>2025  |

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.

MOD2025/0163 Page 15 of 16



# B. Modify Condition No. 2 - Compliance with Other Department, Authority or Service Requirements to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference            | Dated      |
|--|---------------------------|------------|
| Ausgrid                                | Ausgrid Referral Response | 14/10/2021 |
| Ausgrid                                | Ausgrid Referral Response | 06/04/2022 |
| Ausgrid                                | Ausgrid Referral Response | 01/06/2023 |
| Ausgrid                                | Ausgrid Referral Response | 05/05/2025 |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website <a href="https://www.northernbeaches.nsw.gov.au">www.northernbeaches.nsw.gov.au</a>)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

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

**Signed** 

Ctobridge

**Charlotte Asbridge, Planner** 

The application is determined on 22/05/2025, under the delegated authority of:

Steven Findlay, Manager Development Assessments

MOD2025/0163 Page 16 of 16