

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0320
----------------------------	--------------

Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 13 DP 6195, 3 Orana Road MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2022/1363 granted for Demolition works and construction of a dwelling house including swimming pool, detached garage and studio
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Steven Paul Halpin Julie-Anne Halpin
Applicant:	Site Specific Designs

Application Lodged:	21/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	28/06/2023 to 12/07/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent to modify Development Consent DA2022/1363 granted for demolition and construction of a dwelling house, as follows:

- Removal of the approved garage level gym;
- Addition of new retaining walls;
- Change the approved studio to the master bedroom suite;
- Connection of the proposed master bedroom suite to the house with a breezeway;
- Additional ground floor area on the split level (rear);
- Removal of the approved first floor;
- Modification of roof height and shape;

- Modification of approved windows and doors; and
- Remove the approved spa.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
Pittwater Local Environmental Plan 2014 - 7.10 Essential services
Pittwater 21 Development Control Plan - D9.7 Side and rear building line

SITE DESCRIPTION

Property Description:	Lot 13 DP 6195 , 3 Orana Road MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of one allotment located on the south-eastern side of Orana Road, Mona Vale. The site is regular in shape with a frontage of 15.24m along Orana Road and a depth of 60.96m. The site has a surveyed area of 929m². The site is located within the R2 Low Density Residential zone and is currently predominantly cleared in accordance with the works approved under DA2022/1363, with some construction works underway. The site has an overall slope of 12.66% and falls 7.8m from the north-eastern corner of the site to the south-western corner of the site.

The site contains a number of small to medium trees, medium to high shrubs and groundcover vegetation including turf.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey dwelling houses and dual occupancies of varying architectural styles within a landscaped setting.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA2022/1363 for demolition works and construction of a dwelling house including swimming pool, detached garage and studio was approved by Council staff on 28 December 2022. The development approved under DA2022/1363 has commenced construction. The modifications for which consent is sought under this application (Mod2023/0320) have not yet been commenced.

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 DA2022/1363, 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 DA2022/1363, as the proposal remains for the purpose of residential accommodation, is of generally the same footprint and is not of greater impact. While there are a number of modifications, each is minor in nature and the accumulation of the modifications does not result in a substantially altered development.
(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 DA2022/1363 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.	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.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of

Section 4.15 'Matters for Consideration'	Comments
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	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 - 1991: 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 (1) (d) – any submissions made in	No submissions were received in relation to this application.

Section 4.15 'Matters for Consideration'	Comments
accordance with the EPA Act or EPA Regs	
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 28/06/2023 to 12/07/2023 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
Environmental Health (Solid Fuel/Oil Heater)	No objections raised and no conditions required to be added.
Landscape Officer	The application is for modification to development consent DA2022/1363. The proposed amendments will slightly reduce the landscaped area approved in DA2022/1363; however, Landscape Referral is satisfied the reduction will not hinder the approved landscape outcome. Condition 29 Landscape Completion and 36 Landscape Maintenance, imposed in DA2022/1363, shall be amended as part of this modification.
NECC (Development Engineering)	The proposed modification to development consent has resulted in additional impervious areas requiring on site detention. All existing engineering conditions are applicable. Additional on site detention related conditions are recommended.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, 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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1398028S dated 6 June 2023). The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	50	89

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 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.

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. 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	Garage/Studio: 5.56m	Max. 5.8m	-	Yes
		Dwelling: 6.66m	Max. 6.6m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

7.1 Acid sulfate soils

Clause 7.1 Acid Sulfate Soils requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map. The proposed development is acceptable in this regard as the works are minor and are not anticipated to result in any risks with respect to acid sulfate soils.

7.2 Earthworks

The objective of Clause 6.2 Earthworks requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. In this

regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment:

The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment:

The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment:

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

7.10 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

Comment:

The subject site is currently supplied with the above essential services. The approved development and proposed modifications retain and rely upon these services.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	Min. 8m	Unchanged	Yes
Rear building line	6.5m	Stairs: 5m	3.9m	No*
		Dwelling: Min. 7.2m	Min. 7.8m	Yes
Side building line	NE: 2.5m	Outdoor Shower: 0.5m	Unchanged	Yes
		Garage: 2.94-2.99m	3m	Yes
		Dwelling: 1.87-8.045m	Min. 2.8m	Yes
		Alfresco: 1.6m	1.3m	No
	SW: 1m	Garage: 3.2-3.33m	3.2m	Yes
		Dwelling: 1.33-2.55m	1.33-3.3m	Yes
Building envelope	NE: 3.5m	Within envelope	Within envelope	Yes
	SW: 3.5m	Outside envelope	Within envelope	Yes
Landscaped area	50% (464.5m ²)	44.93% (417.4m ²)	45.2% (419.7m ²)	No - Improvement on existing

* The submitted plans show a minor alteration to the rear stairs, which is not specifically marked as a modification or stipulated in the Statement of Modification. This element was not approved via the Construction Certificate. This is addressed in the section of this report relating to Clause D9.7 Side and Rear Building Line of the P21 DCP.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	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
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	Yes	Yes
D9.10 Landscaped Area - General	Yes	Yes

Detailed Assessment

D9.7 Side and rear building line

The proposed modifications bring a portion of the approved alfresco area 300 millimetres closer to the north-eastern side boundary, equating to a 1.3 metres setback where a minimum of 2.5 metres is required. Additionally, the submitted plans show a minor alteration to the rear stairs, which is not specifically marked as a modification or stipulated in the Statement of Modification. Notwithstanding this, the modification is addressed in this section, as it results in a non-compliance with the rear setback. The proposed modified stairs are located 3.9 metres from the rear boundary, where a minimum setback of 6.5 metres is required. The underlying outcomes of the control are addressed as follows:

To achieve the desired future character of the Locality.

Comment:

The proposed modifications are consistent with the requirements of Clause A4.5 Elanora Heights Locality of the P21 DCP, which details the desired future character of the locality.

The bulk and scale of the built form is minimised.

Comment:

The portion of the approved alfresco area proposed to be moved closer to the north east boundary is minor in nature and retains suitable separation to the adjoining property. This modification does not result in unreasonable built form bulk. With respect to the proposed modification to the rear stairs, the resulting built form is not substantially different to the approved stairs, being low to the ground.

Equitable preservation of views and vistas to and/or from public/private places.

Comment:

The proposed modifications are designed and sited so as not to unreasonably obstruct views or vistas to or from public or private places.

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

Comment:

Given the above, the modified development retains adequate view sharing for the subject site and adjoining sites.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

Comment:

The proposed modifications retain the approved levels of privacy, amenity and solar access.

Substantial landscaping, a mature tree canopy and an attractive streetscape.

Comment:

The proposed modifications result in a nominally improved landscaped area on the site, thereby allowing for substantial landscaping, tree planting and an attractive streetscape.

Flexibility in the siting of buildings and access.

Comment:

The proposed modifications allow for flexibility in the siting of the building on site, without resulting in any unreasonable impacts.

Vegetation is retained and enhanced to visually reduce the built form.

Comment:

As above, the proposed modifications result in a nominally improved landscaped area on the site, thereby allowing for suitable retention and planting of vegetation to reduce the built form.

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

Comment:

Not applicable. The subject site is located in a residential zone and does not adjoin commercial land.

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. Mod2023/0320 for Modification of Development Consent DA2022/1363 granted for Demolition works and construction of a dwelling house including swimming pool, detached garage and studio on land at Lot 13 DP 6195,3 Orana 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
PAN356701 Mod2023/0320	The date of this notice of determination	Minor internal and external alterations and additions, deletion of the approved upper level, conversion of the approved studio to a bedroom, and deletion of the approved gym. Amended conditions: - Condition 1 Approved Plans and Supporting Documentation - Condition 2 Compliance with Other Department, Authority or Service Requirements - Condition 29 Landscape Completion - Condition 36 Landscape Maintenance Additional conditions: - Condition 35A Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

Modified conditions

A. Condition 1 is amended to the extent as follows:

Condition No.1 - Approved Plans and supporting Documentation

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
DA00 Site and Roof Plan	25 May 2023	Site Specific Designs
DA01 Garage Floor Level	25 May 2023	Site Specific Designs
DA02 Ground Floor	25 May 2023	Site Specific Designs
DA03 Ground Floor	25 May 2023	Site Specific Designs
DA04 Driveway and Garage Section / Long Section AA	25 May 2023	Site Specific Designs
DA05 West (Street) Elevation / East Elevation	25 May 2023	Site Specific Designs
DA06 North Elevation	25 May 2023	Site Specific Designs
DA07 South Elevation	25 May 2023	Site Specific Designs

Engineering Plans		
Drawing No.	Dated	Prepared By
DA10 Stormwater and Site Management	25 May 2023	Site Specific Designs
H01 Stormwater Management Plan & Details	10 February 2023	Peninsula Consulting Engineers
H02 Stormwater Garage Drainage Plan & Details	10 February 2023	Peninsula Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1398028S	6 June 2023	Chapman Environmental Services
NatHERS Certificate No. 7832090-02	6 June 2023	Chapman Environmental Services
Arboricultural Impact Assessment Cover Letter	31 May 2023	Complete Arborcare
Geotechnical Investigation Cover Letter J4401B	8 June 2023	White Geotechnical Group

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Sht-101 Master Landscape Plan	30 May 2023	Jamie King Landscape Design
Sht-102 Planting Plan	30 May 2023	Jamie King Landscape Design
Sht-103 Front Yard Detail Plan	30 May 2023	Jamie King Landscape Design
Sht-104 Middle Yard Detail Plan	30 May 2023	Jamie King Landscape Design
Sht-105 Upper Backyard Detail Plan	30 May 2023	Jamie King Landscape Design
Sht-106 Sections	30 May 2023	Jamie King Landscape Design
Sht-107 Sections	30 May 2023	Jamie King Landscape Design
Sht-108 Sections	30 May 2023	Jamie King Landscape Design

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

B. Amend 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	27 July 2023

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

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

C. Amend Condition No. 29 Landscape Completion to read as follows:

Landscaping is to be implemented in accordance with the approved Landscape Plan (drawing Sht-102 by Jamie King dated 30/05/23), and inclusive of the following conditions:

- i) the 5 x *Banksia integrifolia*, 1 x *Tristanopsis laurina*, and 1 x *Hibiscus tiliaceus rubra* shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) the 2 x *Livistona australis* shall have a minimum trunk height of at least 1 metre, and shall meet the requirements of Natspec - Specifying Trees,
- iii) all trees shall be 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, central to the width of the garden bed, and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed at minimum 1 plant per metre square for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at least 4 plants per metre square for grasses/groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.
- vi) should any existing vegetation shown to be retained be damaged or removed during construction, it shall be replaced with a like-for-like substitute to ensure the existing landscape character is maintained.

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.

C. Add Condition No. 35A Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures to read as follows:

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil

Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

D. Amend Condition No. 36 Landscape Maintenance to read as follows:

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

The approved landscaped area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

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

Signed



Claire Ryan, Principal Planner

The application is determined on 09/08/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments