

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2025/0317
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 11 DP 14450, 90 Brighton Street FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2024/1501 granted for Subdivision of one lot into two, demolition works and construction of two dwelling houses including swimming pools
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Watershed Architects

Application Lodged:	19/06/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	01/07/2025 to 15/07/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposed Modification changes are associated with constructing low height temporary mass concrete retaining walls in specific locations to support the neighbouring properties land whilst the excavation for the houses is undertaken.

- The excavation shown on the DA has been proposed to be temporarily increased for the construction of the sub floor walls.
- The space shown on DA is not practical from a buildability perspective and the structural engineer requested the excavation be increased to construct the sub floor retaining walls, also allowing for the placement of sub floor drainage lines, apply waterproofing to the walls, drainage cell then to back fill these void spaces on completion to the finished natural ground level.

The project of the approved parent DA2024/1501 has not commenced and there has been no work onsite to date. The land has been inspected during the modification assessment period and the existing dwelling is dilapidated with the garden areas unmaintained.

The works as part of the modification are generally below ground level to support excavation and existing fencing structures on either side of the property due to the steep cross slope of the land between No.92 and No 88 Brighton Street.

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

Assessment - NO REFERRALS REQUIRED FOR THIS APPLICATION

Warringah Local Environmental Plan 2011 - 6.2 Earthworks

Warringah Development Control Plan - B5 Side Boundary Setbacks

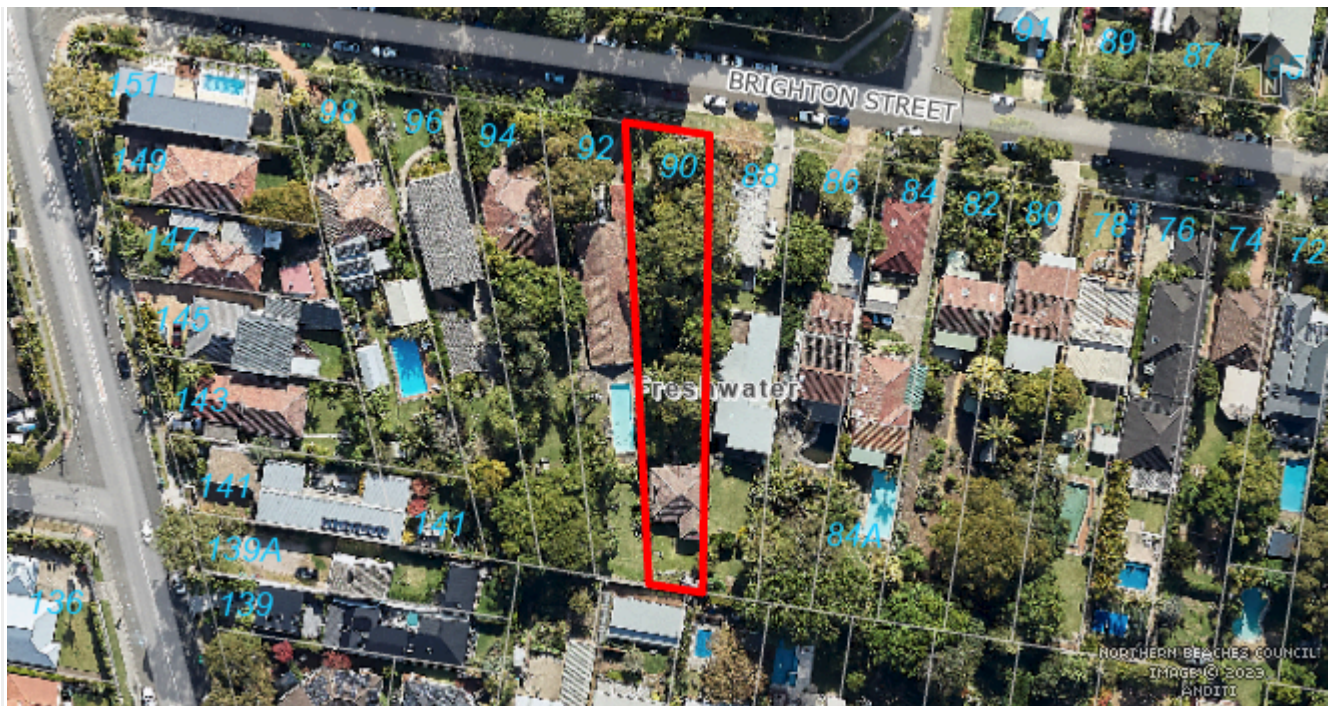
Warringah Development Control Plan - C7 Excavation and Landfill

SITE DESCRIPTION

Property Description:	Lot 11 DP 14450 , 90 Brighton Street FRESHWATER NSW 2096
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Detailed Site Description:	The subject site consists of one allotment located on the southern side of Brighton Street, Freshwater. The site is irregular in shape with a frontage of 15.545 metres along Brighton Street and a maximum depth of 83.035 metres. The site has a surveyed area of 1,034m². The site is located within the R2 Low Density Residential zone and accommodates a single-storey detached dwelling house. The site slopes down approximately 11 metres from south (rear) to north (front), and is densely vegetated for the majority of the site. At the time of site inspection for the modification application no site works had commenced and the house at there rear was in a dilapidated state. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by detached dwelling houses, secondary dwellings, and residential flat buildings. To the north of the site, across Brighton Street, is Freshwater Senior Campus. At No.88 Brighton street the land has been developed as detached dual occupancy on the lower side of the site. The property of No.92 contains a part 2 storey dwelling house with a pool in the rear yard. The Lot pattern in the vicinity of the site are large elongated lots with a cross slope toward the north-east.
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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:

DA2017/0802 for removal of 12 trees was approved by Council on 5 October 2017.

DA2024/1501 for subdivision of one lot into two, demolition works and construction of two dwelling houses including swimming pool was approved by Council on 12.3.2025. The modification seeks to amend this approval for additional retaining wall works to address engineering considerations prior to construction.

The site and surroundings were inspected on 18.7.2025

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 DA2024/1501, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons: The changes are associated with constructing low height temporary mass concrete retaining walls in specific locations to support the neighbouring properties land (and the proposed 2 houses / driveway structures on the site) whilst the excavation for the new houses and drive is undertaken. Further the excavation shown on the DA has been proposed to be temporarily increased for the construction of the sub floor walls. The space shown on DA is not practical from a buildability perspective and the structural engineer requested the excavation be increased to construct the sub floor retaining walls, also allowing for the placement of sub floor drainage lines, apply waterproofing to the walls, drainage cell then to back fill these void spaces on completion to the finished natural ground level. Accordingly, the application is appropriately dealt with by way of s4.55(1A) of the Act. For these reasons the modifications does is suitable as a minor modification and does not detract from the original reasons for granting of approval pursuant to the assessment report considered by DDP and associated conditions with the NoD DA2024/1501 dated 17.3.2025

Section 4.55(1A) - Other Modifications	Comments
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The 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 DA2024/1501 for the following reasons: The modification works generally relates to resolving engineering / construction works for the foundation areas, including backfilling. The modification is required to address CC works needed that were not originally envisaged. The size and visual appearance of the house, landscape areas and view from the street and neighbouring land remains substantially the same. Condition No.14 was applied by the DDP which addressed privacy concerns for selected windows and balcony elements. This is unchanged and unaffected for the modification application. The clause 4.6 variation applied in consideration of clause 4.1 (minimum subdivision lot size) is unaffected by the modification works. The overall layout and environmental impacts associated with the construction of the 2 dwellings remains substantially the same. Submissions issues raised with DA2024/1501 have been reviewed as part of the modification and no additional conditions regarding submission issues are recommended.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.

Section 4.55(1A) - Other Modifications	Comments
(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 modification application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Section 4.15(1) is addressed in the table below.

The reasons given by the consent authority for the grant of the consent that is sought to be modified is discussed as follows:

Comment on reasons for determination of DA2024/1501

The modification is proposed to address structural design for the excavation works and consists of temporary and permanent works for support of the neighbouring properties and support of the soils within the property to make safe the neighbouring properties during excavation.

The reasons for granting of consent to DA2024/1501 are not compromised or 'undone' by the modification works proposed.

The modification is consistent with the overall residential built form approved by way of DA2024/1501.

The reasons for the granting of the original consent have been considered in the assessment of this modification application. The proposed changes will result in a modified development that will not conflict with the original reasons for the granting of consent.

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 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – 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)	<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>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 an existing condition of consent. <u>Clauses 62</u> 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 matter has been addressed via an existing condition of consent. <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 an existing 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 existing conditions 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 Warringah 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	No submissions were received. The parent DA file including submission and referral responses has been reviewed, including the DDP report as part of the modification assessment consideration period.
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 01/07/2025 to 15/07/2025 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

No referrals were sent in relation to this application

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

The Nathers and BASIX summary certificates have been reviewed (dated 11.2.2025) by the applicant for

the changes to the excavation areas and have been updated to address SEPP (BASIX) requirements.

SEPP (Transport and Infrastructure) 2021

No referral was required to Ausgrid and the modification work to DA2024/1501 do not affect previous assessment considerations pursuant to SEPP (Transport and Infrastructure) 2021. Therefore no change is required to existing considerations and conditions for the SEPP as per the parent consent.

SEPP (Resilience and Hazards) 2021

The modification works proposed for DA2024/1501 do not affect previous assessment considerations pursuant to *SEPP (Resilience and Hazards) 2021*. Therefore no change is required to existing considerations and conditions for the SEPP as per the parent consent.

Warringah Local Environmental Plan 2011

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
Minimum subdivision lot size:	450m ²	Lot 1: 436.1m ²	No change	3.08% (as approved)	No change
		Lot 2: 436.1m ² (597.9m ² incl access)	No change	3.08% (as approved)	No change
Height of Buildings:	8.5m	Lot 1: max 8.3m	No change	-	No change
		Lot 2: max 8.5m	No change	-	No change

Compliance Assessment

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) 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, and*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

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*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality but the additional excavation is required due to the steep crossfall and existing cross-boundary conditions near each of the dwelling side setbacks.

- (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 (approved with the DA) for the development.

- (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 however they do go much closer to sections of the side fence / boundary within the normal side setback space. Existing conditions on the DA address this objective and the geotechnical report (reviewed for the mod (by *Peninsula Consulting Engineers*) to limit impacts during excavation/construction. Report references are updated for the modification.

- (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.

- (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 watercourse, 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.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
Proposed Lot 1 (front dwelling lot)				
B1 Wall height	Max 7.2m	7.8m	No change	No change
B3 Side Boundary Envelope	5m	East: 1.3m outside envelope	No change	No change
	5m	West: within envelope	No change	Yes
B5 Side Boundary Setbacks	Min 0.9m	East: Min 1m - dwelling wall	Dwelling wall - no change Proposed ROW retaining wall min 0.05m setback	Yes No
	Min 0.9m	West: Min 1m - dwelling wall	Dwelling wall - no change Proposed retaining wall min 0.05m setback and staggered to 3.0m	Yes No
B7 Front Boundary Setbacks	Min 6.5m	6.5m	No change	Yes
B9 Rear Boundary Setbacks	Min 6m	6.0m	No change	Yes
D1 Landscaped Open Space and Bushland Setting	40% 174.44m ²	48.4% 211.3m ²	No change	Yes

Standard	Requirement	Approved	Proposed	Complies
Proposed Lot 2 (rear dwelling lot)				
B1 Wall height	Max 7.2m	8.6m	No change	No change

B3 Side Boundary Envelope	5m	East: 0.5m outside envelope	No change	No change
	5m	West: 0.8m outside envelope	No change	No change
B5 Side Boundary Setbacks	Min 0.9m	East: Min 1m - dwelling wall	Dwelling wall - no change Proposed retaining wall min 0.05m setback	Yes No
	Min 0.9m	West: Min 1.1m - dwelling wall	Dwelling wall - no change Proposed retaining wall min 0.05m setback	Yes No
B7 Front Boundary Setbacks	Min 6.5m	6.5m	No change	Yes
B9 Rear Boundary Setbacks	Min 6m	8.0m	No change	Yes
D1 Landscaped Open Space and Bushland Setting	40% 174.44m ²	45.8% 200.1m ²	No change	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C9 Waste Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D9 Building Bulk	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

Works are partly within the side setback and up to 0.05m off the side boundary in places.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

Comment:

Landscape space for the site will remain consistent with the approved DA plans.

- *To ensure that development does not become visually dominant.*

Comment:

The works are generally at or below ground level (except where cross slope retaining levels are required) and are not visually dominant when viewed from the street or surrounding land.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The proposed dwellings and subdivision works remain consistent with the approved plans in terms of bulk and scale of the development.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The modification works are shown on the following plans and do not create unreasonable additional impacts on privacy, amenity or solar access:

Peninsula Consulting Structural engineers - Excavation Plan Details E01- E04 Issue A

Watershed Architects – Excavation & Fill Plan Issue G

Scope Architects – Site & Demolition Plan A01 Issue 1

Scope Architects – Excavation & Fill Plan A02 Issue 1

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The modification works along the side setback areas do not affect views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C7 Excavation and Landfill

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*

Comment:

The additional excavation is required for engineering reasons to sure up the boundary line and on either side of each dwelling, including along the ROW. The section within the setback are will be backfilled again for landscaping..

- *To require that excavation and landfill does not create airborne pollution.*

Comment:

The excavation is partly within rock and will not cause airborne pollution subject to OHS requirements as per existing conditions of consent.

- *To preserve the integrity of the physical environment.*

Comment:

The changes are associated with constructing low height temporary mass concrete retaining walls in specific locations to support the neighbouring properties land whilst the excavation for the houses is undertaken. Further the excavation shown on the DA has been proposed to be temporarily increased for the construction of the sub floor walls. The space shown on DA is not practical from a buildability perspective and the structural engineer requested the excavation be increased to construct the sub floor retaining walls, also allowing for the placement of sub floor drainage lines, apply waterproofing to the walls, drainage cell then to back fill these void spaces on completion to the finished natural ground level.

- *To maintain and enhance visual and scenic quality.*

Comment:

The retaining wall and excavation sections are generally at or below NGL and assist to support existing cross boundary areas along the fencelines. The east and west fencelines are

in good condition.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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 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;
- Warringah Local Environment Plan;
- Warringah 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. Mod2025/0317 for Modification of Development Consent DA2024/1501 granted for Subdivision of one lot into two, demolition works and construction of two dwelling houses including swimming pools on land at Lot 11 DP 14450,90 Brighton Street, FRESHWATER, 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-544665 MOD2025/0317	18.8.2025	Modification to DA2024/1501 dated 12.3.2025 Retaining walls and excavation modified along side boundaries and around dwelling edge.

Modified conditions

A. Add Condition No.1A - 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 Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-29	G	Excavation and Fill Plan	Watershed Architects	10.6.2025
E01	A	Excavation Plan and Details	Peninsula Consulting	14.4.2025
E02	A	Excavation Details Sheet 1	Peninsula Consulting	14.4.2025
E03	A	Excavation Details Sheet 2	Peninsula Consulting	14.4.2025
E04	A	Excavation Details Sheet 3	Peninsula Consulting	14.4.2025

A01	1	Site Plan and Demolition Plan	Scope Architects	15.4.2025
A02	1	Excavation and Fill Plan	Scope Architects	15.4.2025

Approved Reports and Documentation				
Document Title	Version Number	Prepared By	Date of Document	
Structural Design Certificate	25-0312	Peninsula Consulting	27.5.2025	
Nathers & BASIX Assessment Proposed Lot 2	24002	Watershed Architects	11.2.2025	
Nathers & BASIX Assessment Proposed Lot 1	24002	Watershed Architects	11.2.2025	

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.

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

Signed



Alex Keller, Principal Planner

The application is determined on 19/08/2025, under the delegated authority of:



Daniel Milliken, Manager Development Assessments