

30 October 2025

Chief Executive Officer
Northern Beaches Council

Dear Sir / Madam,

**31 Cook Terrace Mona Vale
Modification under Section 4.55(2) to Development Consent DA2025/0750 to
alter the approved development**

1 Introduction

DA2025/0750 approved construction of alterations and additions to a dwelling house including a swimming pool upon the subject site. It was approved by Council 24 September 2025.

Modification to the development consent is sought to reinstate the planter box along the northern edge of the ground floor living room. A change is also sought to condition 13 which, in part, was issued erroneously by Council. It relates to requiring geotechnical form 2 in relation to civil infrastructure works which is not required in the circumstances of the DA. This also triggers the need to delete condition 9.

1.1 Nature of the proposed change

The original plans included a planter [600mm deep] generally in this location, however during the development assessment, concerns were raised due to the location of the planter and its potential to impact on existing sightlines from the neighbouring property at 29 Cook Terrace. As a result, condition 11 was imposed in the consent to remove the planter.

The modified design addresses the sightline concern by reducing the depth of the planter [to 400mm], maintaining the existing front setback, and accommodating the planter within front setback of the approved living room space. As a result, the proposed ground floor front setbacks are:

- 6,480mm to the planter box along the front façade.
- 6,880mm to the ground floor living room front façade.

It is noted that the existing front setback is 6,480mm [source: architectural plans], therefore the proposed planter box is maintained within the existing dwelling houses' front setback.

The proposal involves appropriate changes to the original development consent, noting that:

- The design and presentation of the approved development is maintained and enhanced.

- The proposed changes do not affect the development footprint, building form/materials, landscape area/improvements, shadowing, view sharing, or privacy impacts.
- The planter is a positive design feature that will enhance the streetscape and residential amenity of the dwelling house without inappropriate consequences on the neighbouring properties.

The proposed modifications will enable the development to maintain compliance with the approved front building alignment whilst also maintaining the established sightlines. The proposed modifications are worthy of Council's approval.

2 Proposed Modifications

The proposed modifications are depicted in the accompanying architectural plans by Studio PULP Interiors & Architecture.

The proposed modifications necessitate modification of conditions 1, 11 and 13 of the development consent as described below.

Condition number 1 should be modified to refer to the architectural plans that accompany this application. The following plans are referenced on the cover page of the plan set:

DRAWING #	DRAWING NAME	SCALE	SHEET SIZE	REVISION	DATE
A-000	COVER PAGE, DRAWING REGISTER & GENERAL NOTES	1:200	A3	D	27.10.2025
A-020	SITE PLAN & AREA CALCULATIONS	1:200	A3	D	27.10.2025
A-100	EXISTING BASEMENT FLOOR PLAN	1:100	A3	A	16.06.2025
A-101	EXISTING GROUND FLOOR PLAN	1:100	A3	A	16.06.2025
A-102	EXISTING ROOF PLAN	1:100	A3	A	16.06.2025
A-110	DEMOLITION PLAN - BASEMENT	1:100	A3	A	16.06.2025
A-111	DEMOLITION PLAN - GROUND FLOOR	1:100	A3	D	27.10.2025
A-112	DEMOLITION PLAN - ROOF PLAN	1:100	A3	A	16.06.2025
A-120	PROPOSED BASEMENT FLOOR PLAN	1:100	A3	D	27.10.2025
A-121	PROPOSED GROUND FLOOR PLAN	1:100	A3	D	27.10.2025
A-122	PROPOSED FIRST FLOOR PLAN	1:100	A3	D	27.10.2025
A-123	PROPOSED ROOF PLAN	1:100	A3	D	27.10.2025
A-124	3D VIEWS		A3	D	27.10.2025
A-130	PROPOSED EXCAVATION & FILL PLAN	1:100	A3	C	26.08.2025
A-200	NORTH / FRONT ELEVATION	1:100	A3	D	27.10.2025
A-201	WEST / SIDE ELEVATION	1:100	A3	D	27.10.2025
A-202	SOUTH / REAR ELEVATION	1:100	A3	C	26.08.2025
A-203	EAST / SIDE ELEVATION	1:100	A3	D	27.10.2025
A-300	SECTION A	1:100	A3	D	27.10.2025
A-301	SECTION B	1:100	A3	D	27.10.2025
A-302	SECTIONS C & D	1:100	A3	D	27.10.2025
A-303	SECTION E	1:100	A3	D	27.10.2025
A-600	SHADOW DIAGRAMS 3D - JUNE 21st		A3	D	27.10.2025
A-700	SCHEDULE OF MATERIALS & FINISHES	1:100	A3	D	27.10.2025
A-701	CONCEPT SEDIMENT & EROSION CONTROL PLAN	1:100	A3	A	16.06.2025
A-800	3D VIEW FROM STREET		A3	D	27.10.2025
A-801	VIEW ASSESSMENT - LIVING ROOM		A3	D	27.10.2025
A-802	VIEW ASSESSMENT - LIVING ROOM SITTING		A3	D	27.10.2025

Condition number 11 is repeated in full below:

'11. Amendments to the approved plans

The following amendments are to be made to the approved plans:

Deletion of planter box along the front facade of the ground floor

Deletion of Banksia integrifolia and Syzygium smithii trees within the front setback, as shown on the approved landscape plan at L/01

Substitute the Cupaniopsis anacardioides shown on the approved landscape plan at L/01 with a suitable native alternative of a similar size that is not on Council's exempt tree species list'

Condition number 11 is proposed to be modified by deleting the words with 'strikethrough' as follows:

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Condition number 13 – correction of an administrative error

A change is also sought to condition number 13 which was issued erroneously by Council. It relates to requiring the submission of Geotechnical Form 2 in relation to civil infrastructure works, which is not required in the circumstances of the DA.

Councils' officer confirmed this in an email to the project architect. Councils' officer suggested that this error be corrected by way of a modification, hence the purpose of this proposed change take

Condition number 13 is proposed to be modified by deleting the words with 'strikethrough' as follows:

13. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of vehicular crossing, access stairs, retaining walls and associated works in the road reserve which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

- A vehicle crossing 3m wide at the kerb and 3.3m wide at the boundary in accordance with the driveway profile by Greys Consulting, drawing number P2131.002D, sheet 1-5, dated 9/8/2025.
- Details of the retaining structures in the road reserve. Elevations and structural details to be provided.
- The retaining wall along the frontage of the site to align with the retaining wall along the frontage of No 29.
- Details of the pedestrian access stairs and handrails.
- Structural Engineer's certification of the design of all retaining walls, access stairs, driveway, road works and safety barriers.
- A services plan indicating all services in the road reserve. Where any services are to be adjusted as a result of the works, approval from the relevant service authority is to be provided.
- ~~Geotechnical Form 2~~
- Engineering's certification
- Certification from the Traffic engineer that the design of the vehicle crossing incorporates the new safety measures including slip-resistant surfacing, pedestrian separation, compliant grade transitions, and effective drainage design in accordance with the recommendation in the Driveway Variation Request by Greys Consulting, dated 9/8/2025.

Delete condition 9 which relates to condition 13 and Geotechnical Form 2. For ease of reference condition 9 is repeated below.

9. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Ascent Geo dated 25/2/2025 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

Comparisons approved and proposed modification

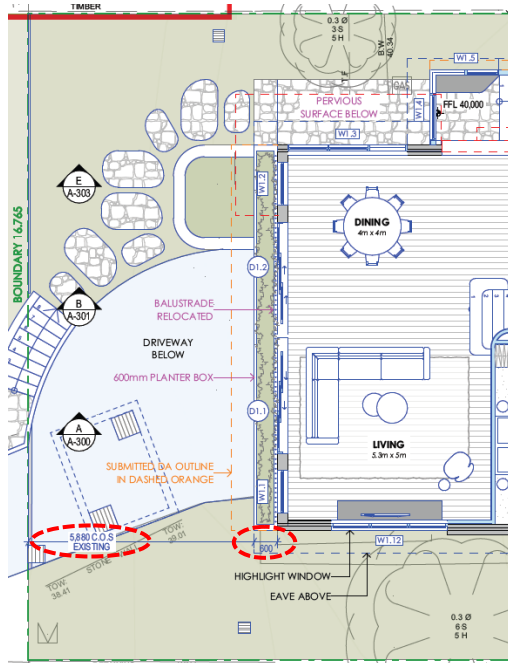


Figure 1 - ground floor plan - approved [subject to condition 11]

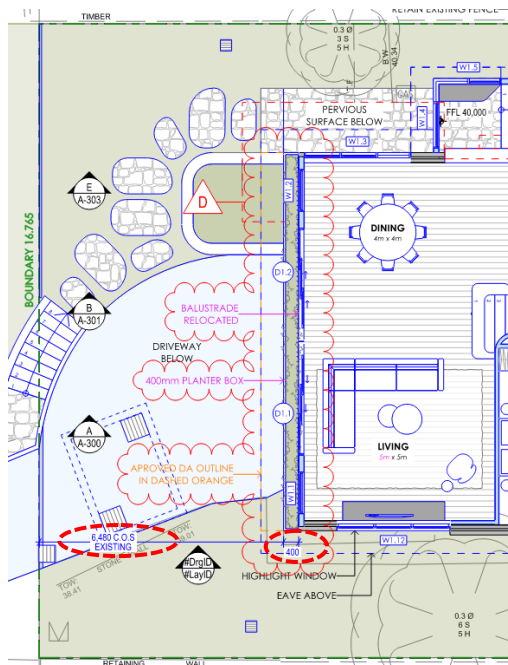


Figure 2 - ground floor plan - proposed modification showing the planter accommodated within the approved living room space and 6,480mm to the front boundary

STATEMENT OF ENVIRONMENTAL EFFECTS

2.1 Section 4.55(2) and environmental assessment considerations

The following is a Statement of Environmental Effects made under the provisions of Section 4.55(2) being modifications involving substantially the same development and having minor environmental impact. Having regard to Section 4.55(2) a consent authority may, 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 was originally granted and before that consent as originally granted was modified (if at all)

In this regard, it is noted that:

- The nature of the proposed modifications are modest and within the scope of Section 4.55 (2) being modifications involving substantially the same development for which consent was originally approved on the land.
- The application has taken into consideration such of the matters referred to in section 4.15 (2) as are of relevance to the development the subject of the application.
- The following Statement of Environmental Effects considers the nature of the proposed modifications and the potential impact of the changes on environmental planning grounds.

ENVIRONMENTAL ASSESSMENT

3 Details of the property

The site is located at 31 Cook Terrace Mona Vale and legally described as Lot 1 DP 20983.

The site is developed with a single storey dwelling with a lower-level garage.

The site has frontage and address to Cook Terrace measuring 16.765m, variable depth of 37.915m and 38.8m, and a splayed rear boundary measuring 16.85m.

The physical and topographical characteristics of the site are depicted on the site survey. The topography slopes up from street level to the rear boundary approximately 8m. The trees identified on the survey are non-prescribed trees.

Development in the local area predominately comprises low density residential uses. The Mona Vale Hospital site is located to the north.

4 Pittwater LEP

Planning considerations from the Pittwater LEP 2014 that are relevant to the proposed modifications are noted and addressed as follows.

4.1 Zone

The proposal constitutes modifications to the approved dwelling house on the land that is zoned C4 Environmental Living zone. The proposal is permitted with Development Consent. Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone'. The proposed modifications represent modest changes to the approved development and are assessed as being consistent with the approved development and the zone objectives.

No other provisions of the LEP are relevant to the assessment of the proposed modification.

State Environmental Planning Policies

1.1 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 is applicable to the land proposed development, specifically Chapter 2, Standards for residential development—BASIX.

The proposed modifications are BASIX affected development as prescribed. A BASIX assessment accompanies the application and satisfies the SEPP in terms of the DA assessment.

5 Pittwater DCP

5.1 DCP Principal Built Form Controls

Principal built form controls from the Pittwater DCP relevant to the proposed modifications are noted and addressed as follows:

- Wall height – no change.
- Building envelope – Approved alignment maintained.
- Side Setbacks – Approved alignment maintained.
- Front building setback – as described within section 1, the approved dwelling house alignment of 6,480mm is maintained to the modified planter setback.

The modified design reduces the depth of the planter [to 400mm], maintains the existing front setback, and accommodates the planter within the front setback of the approved living room space. As a result, the proposed ground floor front setbacks are:

- 6,480mm to the planter box along the front façade.
- 6,880mm to the ground floor living room front façade.
- Rear setback - no change.
- Landscaped area – no change.
- There are no inappropriate adverse privacy, shading, or view impacts arising from the proposed modifications. Indeed, the existing sightlines from the neighbouring property at 29 Cook Terrace are improved by the increased front setback [as proposed to be modified].

6 Section 4.15 Matters for Consideration and 4.55(2) Modifications

The proposal has been assessed having regard to the matters for consideration pursuant to Section 4.15(1) and 4.55(2) of the Act, and to that extent, Council can be satisfied that:

- The nature and extent of the proposed modifications are modest and within the scope of Section 4.55(2), being modifications involving substantially the same development for which consent was originally approved on the land.
- The proposed changes provide an improved residential amenity for the future dwelling house occupants.
- The site is suitable and can accommodate the proposed modifications whilst satisfying the relevant assessment considerations.

- The proposed modifications provide an appropriate development outcome for the landowners without any unacceptable adverse impacts on the streetscape or the amenity of neighbouring properties.
- The likely impacts of the proposed modifications have been appropriately identified and considered. The public interest will be served by the approval of the application.

7 Conclusion

The proposed modifications to Development Consent DA2025/0750 for changes to the approved dwelling house, represent appropriate modifications.

The proposed development as modified is substantially the same development for which consent was originally granted. The proposed modifications are appropriate when considering the matters relevant to the property pursuant to Section 4.55(2).

It is assessed that the proposed development, as modified, is satisfactory and worthy of being approved by Council.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners