

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2025/0044
Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Lot 259 DP 752017, 259 / 0 Aumuna Road TERREY HILLS NSW 2084
Proposed Development:	Modification of Development Consent DA2022/0888 granted for Alterations and additions to a dwelling house including a garage, shed and carport
Zoning:	Warringah LEP2011 - Land Zoned RU4 Primary Production Small Lots
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Robert Sloss

Application Lodged:	24/02/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	04/03/2025 to 18/03/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The modification proposes the following amendments to the approved development:

- Addition of 4x 2000x750mm windows to shed.
- Minor changes to bathroom window and door configuration to shed.
- Addition of a fire door on the north-east elevation of shed.
- Adjustments to windows on the mezzanine floor of shed.
- Relocation of front south-east wall and roof line.
- Removal of bin storage area and associated doors to gym.
- Replacement of hinge doors with sliding doors and new window to gym.
- Replacement of doors on eastern elevation with smaller window and changes to bathroom layouts to gym.

- Adjustments to window on west elevation and added skylights to office and conference room.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 259 DP 752017 , 259 / 0 Aumuna Road TERREY HILLS NSW 2084
Detailed Site Description:	<p>The subject site consists of one allotment with frontages to Aumuna Road (primary frontage) and Coolowie Road (secondary frontage). Vehicular access to the site is confined to the Aumuna Road frontage, whereas pedestrian access can be obtained from both frontages.</p> <p>The site is irregular in shape with a surveyed area of 1.806 hectares.</p> <p>The site is located within the RU4 Primary Production Small Lots zone pursuant to Warringah LEP 2011 and accommodates a single storey dwelling house including a detached garage, a detached carport, an in-ground swimming pool and a tennis court.</p> <p>The site is well vegetated and includes numerous native trees, lawn areas and various vegetation.</p>

The site experiences a gradual fall of approximately 22 metres that slopes away from the north-eastern corner towards the north-western corner.

Description of Surrounding Development

Surrounding development comprises a mix of large allotments containing dwelling houses and other rural land uses within a large-lot-residential and rural setting. The Kinma Primary and Pre-school is located directly to the north of the site on the northern side of Coolowie Road.

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:

- DA2011/1252 - Removal of 66 trees - Approved 13 October 2011.
- DA2021/1993 - Alterations and additions to a dwelling house including a new garage, studio and home business - Withdrawn.
- DA2022/0888 - Alterations and additions to a dwelling house including a garage, shed and carport - Approved 27 July 2022.
- Mod2023/0088 - Modification of Development Consent DA2022/0888 granted for Alterations and additions to a dwelling house including a garage, shed and carport - Approved 19 May 2023.
- Mod2024/0035 - Modification of Development Consent DA2022/0888 granted for Alterations and additions to a dwelling house including a garage, shed and carport - Approved 14 March 2024

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 DA2022/0888, 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	<p>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 DA2022/0888 for the following reasons:</p> <ul style="list-style-type: none"> • The proposal remains for alterations and additions to a dwelling house including a garage, shed and carport. • The built form of the development remains substantially the same. • The proposed modification will not cause any adverse environmental, visual or amenity impacts.
(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 DA2022/0888 did not require concurrence from the relevant Minister, public authority or approval body.

Section 4.55 (2) - Other Modifications	Comments
within 21 days after being consulted, objected to the modification of that consent, and	
(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.
(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.	See discussion on “Notification & Submissions Received” in this report.

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 '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)(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)	<p><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.</p> <p><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.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><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.</p> <p><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.</p> <p><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.</p>
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	<p>(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.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</p>
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	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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the original development application that included a certificate (prepared by Ronald Coffey, dated 4 April 2022) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. An addendum letter has been provided (prepared by Matthew Toghil, dated 6 February 2025) stating that the proposed modifications have no impact on the existing bushfire assessment and the recommendations are still applicable.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 04/03/2025 to 18/03/2025 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
Environmental Health (Unsewered Lands)	<p>General Comments</p> <p>The proposal relates to a suite of alterations to the shed, gym and office and conference room.</p> <p>No changes to the the loading on the waste water system is proposed, with this being supported by of a letter from an Environmental consultant.</p> <p>Environmental Health raises no objection to the proposal</p> <p>Recommendation</p>

Internal Referral Body	Comments
	APPROVAL - no conditions
Landscape Officer	Th application is for modification of development consent DA2022/0888. Under the approved MOD2024/0035 the shed was relocated. This modification application includes modification to the shed, gym and office and conference room as described in reports and illustrated on plans and does not alter the landscape outcomes approved under MOD2024/0035 and thus no concerns are raised by Landscape Referral.
NECC (Bushland and Biodiversity)	The proposed modifications do not increase impacts to biodiversity and as such there are no objections, subject to existing conditions.

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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A426499_04 dated 3 February 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

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 raised no objections.

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.

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
Height of Buildings:	8.5m	Dwelling: 5.9m Gym: 7.8m Shed: 7.7m	Unaltered Unaltered Unaltered	-	Yes Yes Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	5.6m	Unaltered	Yes
B5 Side Boundary Setbacks (South-east)	10m	26.55m	Unaltered	Yes
B7 Front Boundary Setbacks (Aumuna Road)	20m	27.24m	Unaltered	Yes
B7 Front Boundary Setbacks (Coolowie Road)	6m	10.46m	Unaltered	Yes
D1 Landscaped Open Space and Bushland Setting	30%	87.3%	Unaltered	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B5 Side Boundary Setbacks	Yes	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
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 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. Mod2025/0044 for Modification of Development Consent DA2022/0888 granted for Alterations and additions to a dwelling house including a garage, shed and carport on land at Lot 259 DP 752017,259 / 0 Aumuna Road, TERREY HILLS, 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-508969 Mod2025/0044	The date of this notice of determination	Modification of Development Consent DA2022/0888 granted for Alterations and additions to a dwelling house including a garage, shed and carport. <ul style="list-style-type: none"> • Add Condition No.1C
PAN-408397 Mod2024/0035	14 March 2024	Modification of Development Consent DA2022/0888 granted for Alterations and additions to a dwelling house including a garage, shed and carport. <ul style="list-style-type: none"> • Add Condition 1B
PAN-308796 Mod2023/0088	19 May 2023	Modification of Development Consent DA2022/0888 granted for Alterations and additions to a dwelling house including a garage, shed and carport. <ul style="list-style-type: none"> • Add Condition 1A • Delete Condition 13

- Add Condition 16A
- Add Condition 16B
- Modify Condition 17
- Add Condition 38A
- Add Condition 38B
- Add Condition 41

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
A101	4	Site Plan - Overall	Blue Sky Building Designs	3 February 2025
A102	4	Shed Site Plan	Blue Sky Building Designs	3 February 2025
A103.1	4	Shed - Floor Plan	Blue Sky Building Designs	3 February 2025
A103.2	4	Shed - Mezzanine	Blue Sky Building Designs	3 February 2025
A104	4	Shed Elevations	Blue Sky Building Designs	3 February 2025
A105	4	Shed Elevation & Sections	Blue Sky Building Designs	3 February 2025
A106	4	House _ Site Plan	Blue Sky Building Designs	3 February 2025
A109	4	House - Floor Plan	Blue Sky Building Designs	3 February 2025
A110	4	Ceiling Plan - Mezzanine	Blue Sky Building Designs	3 February 2025
A111	4	House - Elevations	Blue Sky Building Designs	3 February 2025
A112	4	House - Elevations / Section	Blue Sky Building Designs	3 February 2025
A115	4	House - Sections	Blue Sky Building Designs	3 February 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
RE: Section 4.55 modification	-	Matthew Toghill	6 February 2025
BASIX Certificate	A426499_04	Blue Sky Building Designs Pty Ltd	3 February 2025
Preliminary Geotechnical Assessment	J3654G	White Geotechnical Group	10 February 2025

OSSM Design Review	1381-WW-A-03	Broadcrest Environmental	31 May 2024
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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



Olivia Ramage, Planner

The application is determined on 21/03/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments