

28 July 2025

The General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam,

**APPLICATION TO MODIFY DEVELOPMENT CONSENT,
SECTION 4.55(2) ENVIRONMENTAL PLANNING & ASSESSMENT ACT**

Development Application No: DA2024/0004

Date of Determination: 14 June 2024

Premises: Lot 22 DP 7022
31 Kooloora Avenue, Freshwater 2096

Proposed Development: Demolition works and construction of a dwelling house

On behalf of Christopher Hudson and Hsiu-Hui Hsu, this submission has been prepared to assist Council in the consideration of an application pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act 1979 to alter the development as approved by Development Consent DA2024/0004.

The application involves modifications to the form of the approved development, with the amendments detailed in the revised architectural plans prepared by R Squared Studios, Drawings Revision C dated 23 July 2025.

AR.S455. 0000 SITE AND ROOF PLAN
AR.S455. 0001 PERSPECTIVE VIEWS
AR.S455. 1100 PROPOSED GROUND FLOOR PLAN
AR.S455. 1101 PROPOSED FIRST FLOOR
AR.S455. 3000 (N) ELEVATIONS
AR.S455. 3100 (N) SECTIONS
AR.S455. 3200 DOOR SCHEDULE
AR.S455. 3201 WINDOW SCHEDULE
AR.S455. 4000 EXTERNAL FINISHES
AR.S455. 7000 SUN SHADOWS STUDIES

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BACKGROUND

An application for consent for *Demolition works and construction of a dwelling house* was approved by Council by Notice of Determination on 14 June 2024.

The works that were the subject of Council's consent have commenced in accordance with Construction Certificate 2024/1228.

The works which are the subject of this modification application have not been carried out.

PROPOSED MODIFICATION

This application seeks approval for a series of minor alterations to the form and detailing of the previously approved development.

The proposed amendments, as detailed in the R Squared Studios *Schedule of Changes*, include the following:

1. Garage Width Modification

- *Proposed Change: Increase the width of the approved garage by 900mm toward the southern boundary.*
- *Justification:*
 - *Improves vehicle manoeuvrability and storage, particularly for modern car sizes (DCP Part E1.5).*
 - *Maintains compliance with setback requirements and does not adversely impact the adjoining property's amenity.*
 - *Enhances on-site parking functionality, reducing demand for on-street parking (LEP Clause 6.8 – Car Parking and Access).*

2. Kooloora Avenue Feature Entry Gateway

- *Proposed Change: Add a covered entry gateway on the Kooloora Avenue frontage*
- *Justification:*
 - *Provides clear legibility, weather protection and door station for occupants and guests alike, at the primary pedestrian entry (DCP B4.7 – Building Entries).*
 - *Consistent with the streetscape character by reinforcing a human-scaled entry treatment (DCP C1.1 – Neighbourhood Character), and reflecting on the existing examples of such elements within the street*
 - *Contributes to passive surveillance and architectural articulation without increasing floor area, whilst providing greater amenity for the residents.*

3. Kooloora Avenue Boundary Fence Height Increase

- *Proposed Change: Increase fence height to 1.8m with aluminium posts atop the existing solid fence.*

- *Justification:*
 - *The finished floor level of the main house had to be raised by 400mm to comply with the Flood mitigation strategy for the area. This affected the privacy the occupants were to enjoy had the design of the ground floor been lower. As such, an increase in the perimeter fence has been proposed to provide the loss of privacy.*

4. Revised Window Sizes and Locations

- *Proposed Change: Update window dimensions and placements to reflect interior layout refinements. Proposed changes see windows either remaining the same size only adjusting location to reflect the interior layout or reduced in size.*
- *Justification:*
 - *Improves natural daylight access and cross ventilation, complying with sustainability provisions (DCP B4.3 – Energy Efficiency and Solar Access).*
 - *No new overlooking is introduced; existing privacy and setbacks are maintained (DCP B3.2 – Privacy).*
 - *Aligns with adaptive design principles, enhancing usability and interior comfort.*

5. New Skylight Between Bedrooms 1–3

- *Proposed Change: Introduce a new hallway skylight between Bedrooms 1, 2, and 3.*
- *Justification:*
 - *Provides natural lighting to interior circulation zones, reducing dependency on artificial light (DCP B4.3).*
 - *The skylight is not visible from the street or neighbouring properties, preserving external appearance.*

6. Adjustment of Skylights Over WIR and Ensuite

- *Proposed Change: Slight relocation of existing skylights to suit updated internal spatial planning.*
- *Justification:*
 - *Minor internal optimisation, still meeting DCP guidelines for solar access.*
 - *No change to external appearance or roof profile impact.*

7. Additional Solar Panels

- *Proposed Change: Increase the number of rooftop solar panels and expand their coverage area o optimize energy harvesting.*
- *Justification:*
 - *Directly supports DCP B4.3 – Energy Efficiency, promoting reduced reliance on grid- supplied power.*
 - *Installation aligns with building geometry and avoids overshadowing.*
 - *Integrated with battery storage systems (e.g. Tesla Powerwall) to enhance renewable energy use on site.*

- *Maintains overall building height and massing within LEP controls.*

8. New Roofed Stair for AC/Solar Access

- *Proposed Change: Install a permanent stair and roof structure for access to approved AC units and solar panels.*
- *Justification:*
 - *Supports ongoing maintenance and safety compliance (DCP B4.3 – Sustainable Design).*
 - *Improves occupational health and safety for long-term upkeep.*
 - *Roof cover is low-profile and designed to integrate with the existing roof form, with no impact on view corridors or overshadowing. The proposed structure is set back from the boundary 2.65m and as such has no impact on the neighbours in terms of overshadowing, visual privacy, or view obstruction.*
 - *The design of the cover is glazed on 3 sides to capture light that will filter into the first and ground floor, while the solid western face allows visual privacy from the neighbours.*

9. Rainwater Tank Relocation

- *Proposed Change: Relocate the rainwater tank (RWT) due to the presence of an unexpected underground structure discovered during pool excavation.*
- *Justification:*
 - *Maintains stormwater reuse objectives (DCP B5.3 – Water Management and Rainwater Reuse).*
 - *No change to tank capacity or visibility from neighbouring sites.*
 - *Maintains or improves compliance with hydraulic and sustainability goals.*

10. New Gas Fireplace in First Floor Sitting Room

- *Proposed Change: Introduce a gas fireplace in the upper-level sitting area.*
- *Justification:*
 - *Supports energy efficiency by allowing for zoned heating and reducing whole-house HVAC use (DCP B4.3).*
 - *Venting and design are integrated with internal walls to prevent any adverse visual impact.*

11. Repositioning of Garage Sliding Door

- *Proposed Change: Shift the garage sliding door laterally along the northern wall while maintaining the same opening size.*
- *Justification:*
 - *Improves functional alignment with vehicle door swing paths, facilitating easier access and egress.*
 - *No change to building envelope, external appearance, or compliance with structural openings.*

In support of the application, revised architectural plans prepared by R Squared Studios, Drawings dated 23 July 2025 have been submitted to demonstrate the proposed changes.

A revised BASIX Certificate has been submitted with this modification.

An addendum to the Flood Risk Management Report (prepared by NB Consulting Engineers 17 May 2024), dated 7 July 2025 has been submitted as part of the modification to address the design amendments ensuring that the modified proposal complies with Council's Flood requirements.

The modifications seek to refine the design of the approved dwelling to improve overall amenity, functionality, and comfort for future occupants.

The extent of site coverage and landscaped area remains unchanged. Refer to the development indices below for further detail.

The modified proposal will present the following development indices:

Site Area:	376.8m ²
Approved Building Height:	7.9m
Proposed Building Height:	8.8m – roofline over the access stairs to rooftop for the maintenance of equipment
Approved Landscaped Area:	40.6% or 152.8m ²
Proposed Landscaped Area:	No change as part of the modification

In support of the application, the following documentation is provided to assist Council in its deliberations:

- Revised architectural plans prepared by prepared by R Squared Studios, Drawings dated 23 July 2025.
- Revised Basix Certificate
- Addendum to the Flood Risk Management Report prepared by NB Consulting Engineers (17 May 2024), dated 7 July 2025
- Stormwater Drainage Design prepared by Vanguard Consulting Engineers Reference No V24873, Revision C dated 22 July 2025

The modifications are generally contained within the approved building envelope such that the appearance, drainage and landscape outcomes as approved are not compromised.

Importantly, the spatial relationship of the proposal to adjoining development is maintained together with a complimentary and compatible presentation and appropriate residential amenity outcomes.

To that extent Council can be satisfied that the modifications involve minimal environmental impact and the development as modified represents substantially the same development as originally approved. Accordingly, the application is appropriately dealt with by way of Section 4.55(1A) of the Act.

6.0 Zoning and Development Controls

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

All landscaping works was approved under the previous development application DA2024/0004 by Northern Beaches Council. The development proposal as a part of this application does not seek any amendments to the tree removal or landscaping design previously approved. No further consideration of the SEPP is required.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The original development application was assessed with regard to the provisions of the Coastal Management Act 2016 and Clauses 2.10 and 2.12 of the State Environmental Planning Policy (Resilience and Hazards) 2021, which addresses development within coastal vulnerability and coastal environmental areas.

The proposed modification involves minor works that do not alter the development's relationship to the coastal environment or introduce new risks related to coastal hazards. As such, the modified proposal continues to comply with the relevant requirements and objectives of these statutory provisions, ensuring the development remains appropriate in its coastal context and does not adversely impact the resilience of the site or surrounding coastal environment.

Chapter 4 – Remediation of Land

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) relates to provisions for remediation of land. Clause 4.6 requires the consent authority to consider whether land is contaminated and if land can be remediated and made suitable for the proposed development prior to granting development consent to the DA.

As part of the original application consent authority was satisfied that the issue of contamination was sufficiently assessed.

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal continues to meet the relevant water, thermal and energy standards required by SEPP BASIX. An amended BASIX certificate has been submitted with the subject modification application for the dual occupancy amendments.

6.3 Warringah Local Environmental Plan 2011

Clause 4.3 provides controls relating to the height of buildings.

The building height limit for development in this portion of Freshwater is 8.5m. The modified dwelling will maintain a maximum height of approximately 9.32m and therefore demonstrates a minor variation of 0.82m to the maximum building height and will exceed the approved height by 1.42m.

The majority of the previously approved roofline is maintained at RL11.95, with only the roofline over the internal access stairs to be raised to RL 14.35 (See Figure 1 below).

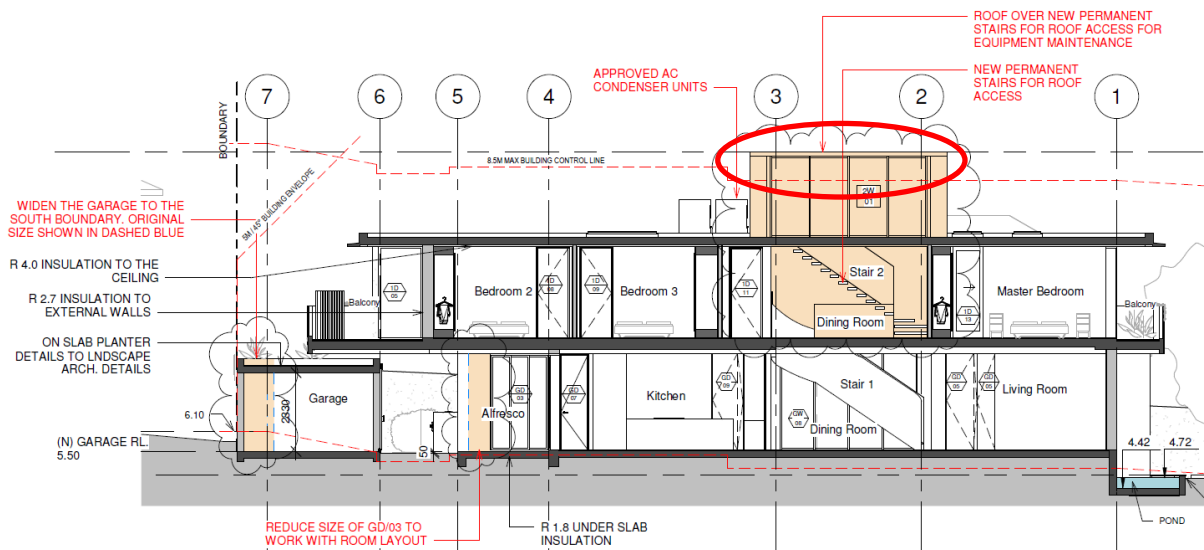


Figure 1: Small variation to the height of buildings of the modified works is circled in red

As Clause 4.6 variation requests apply only to Development Applications and not to applications made under Section 4.55 of the Environmental Planning and Assessment Act 1979, a formal Clause 4.6 variation request has not been submitted with this modification application.

Nevertheless, the proposed 0.82m variation to the height of buildings standard is minor in nature and has been assessed below against the objectives of both the R2 Low Density Residential Zone and Clause 4.3 – Height of Buildings under the Warringah Local Environmental Plan 2011, to demonstrate that the proposed modification remains appropriate and will not result in any unreasonable environmental, visual, or amenity impacts.

For the purposes of calculating building height, the existing excavated level within the site—particularly the excavated garage floor level—has been determined in accordance with the principles established in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 [at 73].

When using the ground floor level as the reference point for the 8.5m height control under Warringah Local Environmental Plan 2011, the proposed works result in a minor exceedance, reaching a maximum height of 9.32m. This variation occurs over a limited length of approximately 5m and is associated solely with the addition of internal stairs providing access to the roof for ongoing maintenance purposes. The

remainder of the building remains within the prescribed height limit, and the minor breach does not result in any adverse visual, overshadowing, or amenity impacts to neighbouring properties.

Despite this technical non-compliance, the proposed alterations and additions are considered to be consistent with the objectives of the R2 Low Density Residential Zone for the following reasons:

- ***To provide for the housing needs of the community within a low density residential environment.***

The proposed height variation does not offend this objective of the zone in that the use of the building remains for detached housing and the additional height is provided improved weather protection and amenity levels for the occupants and is also compatible with the scale, density and pattern of surrounding development. It is considered that the development satisfies this objective.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

This clause is not relevant to the proposal as no other (non-residential services or facilities) are proposed. It is considered that the development satisfies this objective.

- ***To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.***

The height variation does not impact the landscape setting or any significant natural features of the site. The surrounding dwellings are similar in scale and form and on this basis, the proposal is consistent with the pattern of surrounding development in the landscape.

The building height variation has also been assessed against Clause 4.3:

- a) ***to ensure that buildings are compatible with the height and scale of surrounding and nearby development,***

The surrounding area is predominantly characterised by an eclectic mix of two- and three-storey dwellings, alongside residential flat buildings reaching up to 8 stories, which collectively define the built form character of the Freshwater Beach precinct.

The proposed variation to the building height is not readily distinguishable when viewed from either of the two street frontages, owing to the location of the roofline and the scale and form of the existing dwelling and neighbouring developments. The minor exceedance of the 8.5 metre height limit is consistent with other variations observed in the locality, where several surrounding dwellings incorporate building elements that extend above this standard.

The architectural style of the building aligns with the streetscape character and the prevailing landscape elements. The built form complements the existing development pattern in Freshwater, particularly along Kooloora Road. Accordingly, the proposed building height variation is considered acceptable when viewed in context with adjacent dwellings along this section of Kooloora Road.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

The modified development, which includes a minor height variation, is located towards the western portion of the roofline, set back from both street frontages. The flat roof element over the internal access stairs provides essential all-weather protection and is designed to integrate seamlessly with the overall roof form, contributing to architectural interest and articulation.

Detailed solar access diagrams submitted with the application confirm that the variation will not result in any unreasonable impact on sunlight access to adjoining properties. Additionally, suitable view corridors are maintained, ensuring that neighbouring properties continue to enjoy views to the north. As a result, the proposal achieves an appropriate balance and upholds the principle of reasonable view sharing.

Overall, the modified development is considered compatible with the character of the locality and surrounding built form, and is therefore worthy of support.

c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

While the subject site occupies a visually prominent corner position with some views toward nearby public reserves, the proposed minor height variation does not intrude upon any significant public view corridors or detract from the scenic quality of Warringah's coastal or bushland settings. The additional building height is limited in extent, well integrated into the overall built form, and does not result in any unreasonable visual bulk when viewed from surrounding public areas. The modification is therefore considered consistent with this objective.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

The proposed new roof element associated with the internal access stairs, when viewed in the context of the approved dwelling as a whole, presents as a minor and integrated addition. Its visual impact from the public domain, including Kooloora Parade, is minimal and remains consistent with the existing character of the streetscape and the scale of surrounding dwellings. As such, the proposed minor variation to the height standard is considered acceptable and consistent with the objective of managing visual impacts from public places.

Conclusion

The minor variation of 0.82m maintains an appropriate relationship with the scale and character of surrounding development, preserves view sharing, minimises bulk and scale, and ensures that the scenic quality and natural character of the locality is retained. As such, the minor variation is considered acceptable in the context of the objectives of the relevant planning controls.

Clause 5.12 relates to flooding.

The modified works continue to comply with the requirements of Clause 5.12, as the development appropriately responds to the identified flood risk on the site. The proposal maintains consistency with

the previously approved flood planning controls and incorporates measures to ensure safety, structural integrity, and minimisation of flood impact.

An addendum Flood Report has been prepared by NB Engineering, dated 7 July 2025, which supports the modified application and confirms that the proposed changes do not increase flood risk to the subject site or surrounding properties.

Clause 6.2 relates to earthworks.

With the exception of excavation required for the proposed swimming pool, the modified development does not involve any additional earthworks or site disturbance beyond what has already been approved. All excavation will be undertaken in accordance with the recommendations and certification of a qualified Structural Engineer. As such, the modified proposal will not have adverse impacts on environmental functions, land stability, drainage patterns, or the amenity of surrounding properties..

Clause 6.4 relates to development on sloping land.

The modified works continue to respect the topography of the site and have been designed to minimise the extent of cut and fill. The modified proposal does not result in any significant alteration to the natural landform and maintains an appropriate built form. As such, the modifications are considered to avoid unreasonable visual bulk, and does not result in adverse impacts on the amenity of adjoining properties.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

Warringah Development Control Plan

B3 Side Boundary Envelope

The proposed modification results in a minor variation to the side boundary envelope due to the addition of a new roof over the internal access stairs.

This variation is limited in extent and occurs at the roof level of the building, well recessed from the side boundary.

The encroachment does not contribute to any unreasonable visual bulk, overshadowing, or loss of amenity for adjoining properties.

The roof element is modest in scale, consistent with the form of the existing dwelling, and necessary to provide weather protection and safe access to the rooftop area.

As such, the variation is considered minor and acceptable, with the overall design.

B5 Side Boundary Setback

While the majority of side setbacks in the modified design are maintained in accordance with the approved design, however the modified proposal includes a minor increase in the garage width, resulting in a nil side setback along the southern boundary.

This change is limited to the garage structure, which remains single-storey in height and does not include any habitable rooms.

The nil setback is considered appropriate in this context as it does not result in any adverse overshadowing, privacy, or visual impacts on the adjoining property, and is consistent with similar built form outcomes in the locality.

The modification maintains the amenity of neighbouring properties by incorporating no window openings on the affected elevation. Combined with the existing flat roof design, this ensures that any potential impacts are minimal. Furthermore, the site constraints justify this design approach.

D6 Access to Sunlight

The additional roof area over the new internal access stairs results in some increased overshadowing from approximately 9:00 am onwards. However, this overshadowing primarily affects the subject site itself, with shadows progressing in an easterly direction across the property and moving away from the western neighbouring dwelling. Although portions of the shadow cast by the new roofline extend toward the adjoining western property, these areas are already impacted by overshadowing from the originally approved dwelling.

Detailed shadow diagrams have been prepared and demonstrate that the incremental overshadowing caused by the proposed modification is minimal and does not substantially reduce solar access to any primary living spaces, private open areas, or significant landscaping on adjoining lots.

Therefore, the modification does not significantly increase overshadowing to adjoining properties and is consistent with the aim of preserving reasonable sunlight access as per the original approval.

D7 Views

The modified works do not result in any additional building height or bulk that would alter existing view lines. As such, the proposal does not introduce any new visual obstructions or compromise view sharing from surrounding properties. The design changes are minor in nature and generally remain within the established built form envelope already approved. Accordingly, the modified proposal is consistent with the objectives of D7 Views, which seek to maintain equitable view sharing and protect significant views for neighbouring properties.

D8 Privacy

The modified design improves privacy between the subject site and neighbouring sites. The windows adjoining the western boundary, where residential receivers are located, are being reduced in size, thereby further minimising any potential for overlooking or loss of privacy.

No changes are proposed to the window openings along the southern elevation, maintaining the existing privacy conditions to the adjoining property.

The majority of window amendments are located on the northern and eastern elevations, which face Kooloorra Parade and Gore Street respectively, both public frontages, rather than adjoining private open space. As such, the proposed modifications do not result in any unreasonable privacy impacts and maintain appropriate separation and visual screening from neighbouring dwellings and their outdoor areas.

Accordingly, the modified proposal continues to satisfy the intent of the control by minimising overlooking, maintaining acoustic and visual separation, and supporting a high level of residential amenity for both the subject and adjoining sites.

D9 Building Bulk

Despite the minor non-compliance with the maximum building height standard, the modified design continues to a comparable and acceptable building bulk.

The overall scale, form, and articulation of the dwelling remain consistent with surrounding development and do not result in a perception of excessive bulk or visual dominance.

The height variation is limited in extent, located to the western area of the roofline, and well set back from street frontages, reducing its visibility from the public domain.

The building maintains previously approved setbacks, a varied roof form, and appropriate modulation, which all serve to break up the massing and ensure the development sits comfortably within the existing streetscape.

As such, the proposal achieves a built form that is compatible with its context and does not detract from the amenity of neighbouring properties or the character of the area.

B13 Front Fence and Front Walls

The proposed increase in fence height along the Kooloora Street frontage, including the new gate and entry feature, has been designed in an open slat style that complements the architectural character of the dwelling.

The design allows for visual permeability, enabling views through to the landscaping behind and ensuring the frontage does not appear visually dominant or walled-in. This maintains a sense of openness and integration with the streetscape.

Accordingly, the additional fence height and gate design contribute positively to the public domain while providing privacy and definition to the site.

JUSTIFICATION

The Environmental Planning & Assessment Act 1979 provides for the modification of a consent under S4.55(1A) which notes:

(2) Other modifications

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*
- 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*
- (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 that requires the notification or advertising of applications for modification of a development consent, and*
- d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

Accordingly, for the Council to approve the S4.55 Modification Application, the Council must be 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.

LEGAL TESTS

To assist in the consideration of whether a development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted, Justice Bignold established the following test in the *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 289* where His Honours states:

[54] The relevant satisfaction required by s4.55(2)(a) to be found to exist in order that the modification power be available involves an ultimate finding of fact based upon the primary facts found. I must be satisfied that the modified development is substantially the same as the originally approved development.

[55] The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.

[56] The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).

In my opinion, in terms of a “qualitative comparison”, the Modification Application is substantially the same development as that which was approved.

The works seek to provide for minor alterations to the approved form of the development which do not substantially alter the building’s bulk and scale.

The changes do not introduce any significant issues for the neighbouring properties in terms of view loss or privacy. The approved building footprint is unchanged, with sufficient dimensions of landscaped area retained.

When viewed from the public domain or from the neighbouring properties, the building will largely present the same visual impact and appearance in terms of height and scale to that originally approved.

Similarly, the application is substantially the same development when subjected to a “*quantitative comparison*”, as the works provide for “alterations and additions to a dwelling house including a studio” in a location and to a form which is consistent with the consent.

In my view, this application is substantially the same as the original application when considered in the context of the Bignold J determination and the application can be reasonably assessed by Council under S4.55 of the Act.

Conclusion

The test established in **Moto** requires both a quantitative and a qualitative assessment.

In terms of the quantitative extent of the proposed alterations to the dwelling, the minor nature of the changes ensures that the design remains consistent with the approved form.

The proposal also satisfies the qualitative assessment required by the Moto test. The modifications will result in a development which remains generally as approved, for the same purpose and with no substantive modifications to the physical appearance of the approved building.


The proposed modification is justified on the basis that:

- The proposed works are generally consistent with the application as approved and will not comprise the amenity of the subject or neighbouring properties.
- The proposal is “substantially” the same development, as defined by the Environmental Planning & Assessment Act 1979.

Council’s support of the modification to the form of the proposed development is sought in this instance.

Please contact me on 9999 4922 or 0412 448 088 should you wish to discuss these proposed amendments.

Yours faithfully,

A handwritten signature in black ink, reading "Vaughan Milligan". The signature is written in a cursive, flowing style.

VAUGHAN MILLIGAN