

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0088
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Responsible Officer:	Thomas Bershtein
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
Owner:	Robert George Sloss Raine Marie Sloss
Applicant:	Robert George Sloss

Application Lodged:	07/03/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	15/03/2023 to 29/03/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to modify the existing consent for alterations and additions to a dwelling house, including a garage, shed and carport. Proposed changes to the approved plans include the following:

- Relocation of the shed/garage
- Reconfiguration of the shed/garage, including changed roof profile and WC
- Relocation and reconfiguration of the access driveway
- Carport deleted from plans
- Revised materials and finishes schedule for the shed/garage
- Altered tree removal/replanting scheme
- Changes to the location and extent of wastewater system

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

Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - C8 Demolition and Construction
 Warringah Development Control Plan - C9 Waste Management
 Warringah Development Control Plan - D22 Conservation of Energy and Water
 Warringah Development Control Plan - E2 Prescribed Vegetation
 Warringah Development Control Plan - E4 Wildlife Corridors

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 (1) allotment located on the western side of Aumuna Road.</p> <p>The site is triangular in shape with a dual frontages along Aumuna Road and Coolowie Road. The site has a surveyed area of 1.807 hectares.</p> <p>The site is located within the RU4 Primary Production Small Lots zone and accommodates a dwelling house with a detached brick garage, a tennis court, a gazebo and an in-ground swimming pool.</p>

The site has a gradually sloping topography, falling approximately 22 metres from the eastern corner to the west at an average angle of 5°.

The site is heavily vegetated with grass, varying species of tree (both native and exotic) and low-lying shrubs. The site does not contain any threatened species according to Council records.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by large lot residential dwellings and other land uses set amidst a rural setting. Kinma Primary and Preschool is situated directly across the street on 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. The application was withdrawn by the applicant on 28 January 2022 after concerns relating to the proposal's impact on biodiversity were raised.

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 works proposed are partially relocated and not fundamentally different in nature from the previous approval • Changes to the nature of works from the original consent reduce the extent of development on site
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2022/0888 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require,	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment

Section 4.55 (2) - Other Modifications	Comments
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	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.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	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>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</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 - 1991: The</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>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 (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 subject site is classified as bush fire prone land. An updated bushfire risk assessment report was supplied with the application. The report confirms that the modified proposal will satisfy the performance standards of Planning for Bushfire Protection 2019 and the relevant Australian standards, provided that construction is done in accordance with the recommendations of the report. Compliance with the

bushfire recommendations has been imposed as a condition of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 15/03/2023 to 29/03/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Solid Fuel/Oil Heater)	<p>General Comments</p> <p>The plans and elevations show a fire place. Council does not approve traditional "open" fire place heaters as they are not environmentally responsible and inefficient.</p> <p>Being an acreage smoke and odour are not expected to be an issue. We will recommend conditions that require certification of a compliant solid fuel heater (to Australian Standards)</p> <p>Environmental Health supports the proposal with conditions.</p>
Environmental Health (unsewered lands)	<p>General Comments</p> <p>The proposed modifications are depicted in the accompanying architectural plans by Blue Sky Building Designs. A summary of the proposed modifications are described below:</p> <ul style="list-style-type: none"> ▪ relocation of the shed / garage ▪ reconfiguration of the shed / garage including changed roof profile and additional water closet ▪ reconfiguration and relocation of the access driveway to the shed / garage ▪ deletion of the carport. Car parking is now accommodated within the shed and garage ▪ revised materials and finishes schedule for the shed / garage ▪ modifications to the proposed tree removal and replanting regime ▪ modifications to the location and extent of the wastewater system <p>No modifications are proposed to the alterations and additions to the dwelling house and its associated studio.</p> <p>Broadcrest Consulting Pty Ltd has updated their On-Site Wastewater Report October 2022 accordingly</p> <p>WaterNSW Realtime data indicated bore ID GW018343.1.1 present on-site listed for water supply use. The location of the bore as listed by the driller is indicated per Appendix A. AS1547:2012 provides guidance of 15-50m offset, with a standard 100m offset typically adopted per WaterNSW (2019) guidelines. In this instance, a 26m offset is proposed, this potentially posing a moderate to major limitation. To assess the proximity, a viral die-off</p>

Internal Referral Body	Comments
	<p>calculation has been completed per Appendix D. With a three times safety factor, the results indicate a ~25m radius offset is recommended; with the proposed being 25m offset. Based upon the viral die-off results and the EMAs being situated down-hill on a separate site sub-catchment, risk of interaction between the features is suitably limited. Secondary treatment and irrigation are proposed to maximise evapotranspiration and reduce reliance on infiltration.</p> <p>Also critical are recommendations which we will highlight in conditions: To address present site constraints, the following modifications are recommended:</p> <ul style="list-style-type: none"> • Following the implementation of the irrigation field, the field is to be maintained with dense grass coverage and excluded from vehicle and livestock traffic. • Signs are to be posted around the EMA indicating effluent dispersal in the area. • Construct Upslope diversion drains above the EMA's. <p>Environmental Health will therefore support the proposal with conditions.</p>
Landscape Officer	<p>The application is for modification to development consent DA2022/0888, and involves the following external works for assessment in the Landscape Referral: relocation of the shed/garage, reconfiguration of the access driveway, modify proposed tree removal and planting proposed, and modify location of wastewater system.</p> <p>An updated Arboricultural Impact Assessment dated 30 January 2023 is submitted based on the modification proposal and reports that a total of eight existing trees are impacted by the proposed works and require removal whilst the remainder are recommended for retention and the provision of tree protection measures where listed in the report. Amendments to the development consent conditions is required to replace consent information including condition 17. Tree Removal within the Property.</p> <p>The existing trees nominated in condition 17. (trees 13, 14, 15, 16, 27, 28, 29, 30, 68, 69, and 70) do not require removal under the proposed modification and the condition shall replace these trees with trees required to be removed should the application be approved, including trees 21, 37, 38, 40, 42, 44, and 46. Tree 48 proposed for removal is exempt such that Council consent is not required for this tree.</p> <p>Condition 1. Approved Plans and Supporting Documentation, shall be required to be modified to include the updated Arboricultural Impact Assessment dated 30 January 2023 recommendations, and this shall be documented by the Assessing Planning Officer.</p>
NECC (Bushland and Biodiversity)	The proposal seeks approval for Section 455 Modifications of Development Consent DA2022/0888 granted for Alterations and

Internal Referral Body	Comments
	<p>additions to a dwelling house including a garage, shed and carport.</p> <p>The comments on this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> • Planning for Bushfire Protection 2019 • Biodiversity Conservation Act 2016 • Biodiversity Conservation Regulation 2017 • Warringah DCP cl. E2 Prescribed Vegetation • Warringah DCP cl. E4 Wildlife Corridors • Warringah DCP cl. E6 Retaining Unique Environmental Features <p>The proposal seeks approval for the following modifications:</p> <ul style="list-style-type: none"> • relocation of the shed / garage • reconfiguration of the shed / garage including changed roof profile and additional water closet • reconfiguration and relocation of the access driveway to the shed / garage • deletion of the carport. Car parking is now accommodated within the shed and garage • revised materials and finishes schedule for the shed / garage • modifications to the proposed tree removal and replanting regime • modifications to the location and extent of the wastewater system <p>No modifications are proposed to the alterations and additions to the dwelling house and its associated studio.</p> <p>The following Biodiversity relevant reports are noted:</p> <ul style="list-style-type: none"> • Plans Master Set 07/03/2023 • Report - Arboricultural 07/03/2023 (AIA) • Report - Bushfire 07/03/2023 (BF) <p>The new proposed location for the shed is noted and no objection is raised as it will allow for the retention of an additional 3 trees in comparison to the original proposal. As per the original AIA (Tree Survey, 19 April 2022) the original proposal would take out 11 trees (13, 14, 15, 16, 27, 28, 29, 30, 68, 69 and 70). The AIA prepared in relation to the modifications (Tree Survey, 30 January 2023) has proposed the removal of a total of 8 trees (21, 37, 38, 40, 42, 44, 46 and 48) and has identified an additional 27 trees. Conditions will apply to ensure that trees proposed for retention and potentially affected by the proposed modifications due to TPZ encroachment are retained.</p> <p>The revised Bushfire Consultant report (Matthew Toghill, February</p>

Internal Referral Body	Comments
	<p>2023) has assessed that, as the proposed new shed is a Class 10a structure and is not within 6m of the dwelling on the site, "there are no bushfire specific protection requirements". Therefore, no additional removal of vegetation shall be required for the establishment of Asset Protection Zones as per the biodiversity referral comments for the original development (Biodiversity Planning Team, July 2022).</p> <p>No planting schedule has been provided for replacement tree. Conditions shall apply to ensure correct species mix for replacements.</p> <p><u>Planner Note:</u></p> <p>Council's Biodiversity Officer has recommended a condition requiring the following species for replanting:</p> <ul style="list-style-type: none"> • 3 Casuarina glauca • 1 Corymbia maculata • 1 Eucalyptus robusta • 2 Casuarina cunninghamiana <p>It is found that there is no nexus between the modified proposal under assessment and the recommended condition. The recommended condition does not satisfy the Newbury test in that the condition does not specifically relate to the development for which the consent is being given. As such, the condition has not been imposed on the modified consent. The applicant is however recommended to replant in accordance with the above.</p>
NECC (Development Engineering)	<p>The proposal includes the relocation of a shed and deletion of the carport with carparking to be accommodated within the shed. An extension to the existing internal driveway is proposed to access the shed which is acceptable. As a result the previously proposed second crossing is no longer required and as such the conditions relating to the new crossing are to be deleted.</p> <p>Development Engineering support the proposal subject to the deletion of conditions 13 and 27 of consent DA2022/0888.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>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. Ausgrid have advised that "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached. These recommendations will be included as a condition of consent.</p>
Aboriginal Heritage Office	<p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p>

External Referral Body	Comments
	<p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A426499_03, dated 07 March 2023). 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, subject to conditions which have been included in the recommendation of this report.

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	7.8m	8.1m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.2 Earthworks

Geotechnical reporting supplied with the application suggests that earthworks are limited to a minor levelling of terrain. It is considered that these works are not significant and will not meaningfully impact the geotechnical stability of the site.

6.4 Development on sloping land

The site is classified under Land Slip Risk Area B on Council mapping. The proposal is assessed against the objectives of the control below:

(a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,

Comment:

The modified proposal has been reassessed by qualified geotechnical engineers who found that the works do not present significant adverse impacts, provided that sound engineering and building practices are followed. The recommendations of the report have been included as conditions of consent

(b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,

Comment:

Council's Development Engineers have reviewed the proposal and raised no concerns regarding stormwater infrastructure or runoff. Additionally, it is considered that the high proportion of permeable surface on the site will sufficiently manage stormwater through infiltration to the water table.

(c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.

Comment:

The proposal incorporates a minor degree of earthworks that are not considered to affect subsurface flows on the subject site or any other in the locality.

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	5.6m	5.6m	Yes
B2 Number of storeys	N/A	N/A	N/A	N/A
B5 Side Boundary Setbacks	10m	S: 26.55m	26.3m	Yes
B7 Front Boundary Setbacks	20m (Aumuna)	27.24m	19m	No
	10m (Coolowie)	10.46m	39m	Yes
D1 Landscaped Open Space and Bushland Setting	30%	87.3%	84.1%	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	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	No	Yes
C9 Waste Management	No	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
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	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

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The WDCP requires development in the area to be set back 20 metres from the front boundary line.

The modified proposal sees the shed move to from a central position to one 19 metres from the Aumuna Road frontage, representing a 5% variation on the control.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The encroaching element is a single shed, approximately 20 metres in length when viewed from the south-west. The frontage is approximately 215 metres long. Given the low scale of development in comparison to the frontage, it is considered that the modified proposal will have no meaningful impact on the sense of openness in the area.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The vast majority of the front setback area along Aumuna Road is to be free of structures or development of any kind, as described above. The visual aesthetic of the street is thus considered to remain unchanged, largely consisting of landscaping when viewed from the street. Continuity is therefore considered to be maintained.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The Aumuna Road frontage does not adjoin any public spaces of note. With regard to the visual quality of the streetscape, the proposal is considered to be limited and scale and utilises sound design principles, contributing positively to the streetscape.

- *To achieve reasonable view sharing.*

Comment:

The subject site and adjoining sites do not enjoy sightlines to any views of note.

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.

C3 Parking Facilities

Appendix 1 of the WDCP suggests that two parking spaces are required per dwelling house. While the proposal includes the demolition of the carport, it is noted that the shed has sufficient dimensions to support two vehicles for off-street parking. The proposal is therefore compliant with the control.

C8 Demolition and Construction

The modified proposal was not supported by a Waste Management Plan. A condition was imposed on the original consent requiring the presentation of an adequate Waste Management to the certifying authority prior to the issuing of a construction certificate. This condition will remain in place to ensure compliance with the control.

C9 Waste Management

See the comments under C8 Demolition and Construction.

D22 Conservation of Energy and Water

The modified application is supported with a valid BASIX Certificate. It is considered that the development adequately conserves water and energy in line with the control.

E2 Prescribed Vegetation

Portions of the subject site are included in Council mapping of wildlife corridors. These corridors are concentrated within the heavily vegetated areas along the northern and eastern edges of the allotment. It is noted that the modified proposal seeks to relocate the shed further away from identified wildlife corridors and as such, is supported.

E4 Wildlife Corridors

See comment under E2 Prescribed Vegetation.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- 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. Mod2023/0088 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:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A101 - Site Plan - Overall	03/10/2022	Blue Sky Building Design
A102 - Shed Site Plan	03/10/2022	Blue Sky Building Design
A103.1 - Shed - Floor Plan	03/10/2022	Blue Sky Building Design
A103.2 - Shed - Mezzanine	03/10/2022	Blue Sky Building Design
A104 - Shed Elevations	03/10/2022	Blue Sky Building Design
A105 - Shed Elevations & Sections	03/10/2022	Blue Sky Building Design
A106 - House - Site Plan	03/10/2022	Blue Sky Building Design
A108 - House - Demolition Plan	03/10/2022	Blue Sky Building Design

A109 - House - Floor Plan	03/10/2022	Blue Sky Building Design
A110 - Ceiling Plan & Mezzanine	03/10/2022	Blue Sky Building Design
A111 - House - Elevations	03/10/2022	Blue Sky Building Design
A112 - House - Elevations/Section	03/10/2022	Blue Sky Building Design
A113 - House - Sections/Inspirations	03/10/2022	Blue Sky Building Design
A114 - House - Sections	03/10/2022	Blue Sky Building Design
A115 - House - Sections	03/10/2022	Blue Sky Building Design

Engineering Plans		
Drawing No.	Dated	Prepared By
Stormwater Concept Plan, Rev. A-05	23/01/2023	Broadcrest Engineering and Environmental Consultants

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate	07/03/2023	Blue Sky Building Design
Arboricultural Impact Assessment & Tree Protection Plan	30/01/2023	Tree Survey Pty Ltd
Bush Fire Assessment Report	06/02/2023	Bushcon Australia
Preliminary Geotechnical Assessment	08/11/2022	White Geotechnical Group
On-Site Wastewater Report	10/2022	Broadcrest Consulting Pty Ltd

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

B. Delete Condition 13 Vehicle Crossings Application to read as follows:

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

C. Add Condition 16a. Approval to Install and operate an On-site Sewage Management System to read as follows:

Prior to the release of the Construction Certificate (CC), the applicant must receive an 'Approval to Install an On-Site Sewage Management System' from Council.

The installation will be required to comply with the assessment by Broadcrest Consulting Oct 2022 plus any Council conditions by the Approval to Install and approval to Operate an On-site Sewage System and site modifications including:

Following the implementation of the irrigation field, the field is to be maintained with dense grass

coverage and excluded from vehicle and livestock traffic. with suitable physical barriers being installed and maintained.

- Signs are to be posted (and maintained ongoing) around the EMA indicating effluent dispersal in the area .
- Construct Upslope diversion drains above the EMA's.

Details demonstrating compliance are to be submitted to the Certifier.

Reason: To fulfil the requirements under Section 68 of the Local Government Act 1993

D. Add Condition 16b. Adherence to Natural Environment Consent Conditions to read as follows:

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2022/0888, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

E. Modify Condition 17 Tree Removal Within the Property to read as follows:

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- a) tree numbers: 21, 37, 38, 40, 42, 44, and 46.
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

F. Delete Condition 27 Vehicle Crossings to read as follows:

The Applicant is to construct one vehicle crossing 3.0 metres wide on the Coolowie Road frontage in accordance with Northern Beaches Council's Rural Vehicular crossing profile and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

G. Add Condition 38a. Certificate of Compliance to read as follows:

Condition 38a. Certificate of Compliance

Prior to occupation certificate, provide Council a certificate from an appropriately qualified person indicating the system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements.

Reason: To ensure the system operates in a legislatively compliant manner.

H. Add Condition 38b. Prior to an Occupation Certificate being issued to read as follows:

Prior to an OC being issued the Principal Certifying Authority shall be satisfied that the Waste Water System complies with the assessment by Broadcrest Consulting Oct 2022 plus any Council conditions by the Approval to Install and Approval to Operate an On-site Sewage System and site modifications including:

Following the implementation of the irrigation field, the field is to be maintained with dense grass coverage and excluded from vehicle and livestock traffic. with suitable physical barriers being installed and maintained.

- Signs are to be posted (and maintained ongoing) around the EMA indicating effluent dispersal in the area .
- Construct Upslope diversion drains above the EMA's.

Details demonstrating compliance are to be submitted to the Certifier.

Reason: To comply with legislation and prevent adverse public health and environmental outcomes.

I. Add Condition 41 Maintenance of solid fuel heaters to read as follows:

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

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

Signed



Thomas Bershtein, Planner

The application is determined on 19/05/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments