

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2023/0727
<b>Responsible Officer:</b>	Reeve Cocks
<b>Land to be developed (Address):</b>	Lot 2 DP 514296, 7 Crown Road QUEENSCLIFF NSW 2096
<b>Proposed Development:</b>	Modification of Development Consent DA2021/1636 granted for Alterations and additions to a dwelling house
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned RE1 Public Recreation
<b>Development Permissible:</b>	Yes - Zone R2 Low Density Residential Yes - Zone RE1 Public Recreation
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Andrew James Formica
<b>Applicant:</b>	Bradley David Dorn

<b>Application Lodged:</b>	30/01/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	06/02/2024 to 20/02/2024
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

This development seeks consent for alterations and additions to a dwelling house and associated landscaping works.

Specifically, the works comprise of the following:

- Revised floor level to rear garden deck from RL 19.55 (as approved under DA2021/1636) to be RL 22.13.

- Revised pergola level above rear garden deck from RL 21.85 (as approved under Mod2023/0060) to be RL 24.83.
- Amended the geometry of the deck
- Amended location of external staircase
- Modification to the pool fence along the side boundary which is proposed to be 1.2m height and setback 900mm to meet compliance standards. A planter box is proposed to sit on top of the slab below within the 900mm.

## 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 Development Control Plan - D1 Landscaped Open Space and Bushland Setting

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2 DP 514296 , 7 Crown Road QUEENSCLIFF NSW 2096
<b>Detailed Site Description:</b>	<p>The subject site consists of Lot 2 DP 514296 at 7 Crown Road, Queenscliff. The property has a split zoning with the rear of the site zoned RE1 Public Recreation. This split zoning impacts the rear setback and landscaped open space controls under the Warringah DCP 2011.</p> <p>The subject site is an irregular shaped allotment, similar to a battle-axe arrangement, with a frontage to Crown Road. The frontage of the site measures 10.26m, north-western side boundary of 67.4m, north-eastern side boundary of 53.345m and a rear boundary of 15.67m. The site measures 946m<sup>2</sup> in area. The site is located on the</p>

southern cliffs of Freshwater Beach and has a steep topography.

The rear of the site includes rock outcrops and dense vegetation. The existing development on the site contains a two and three storey dwelling with detached garage at street level and an elevated swimming pool. The dwelling is orientated towards the east to maximise the expansive water views.

It is noted that a portion of the existing garage is located over the front boundary on public land. No changes are proposed to this part of the structure. It is also noted that part of the dwelling on No. 9 Crown Road sits over the boundary and on the subject site.

Surrounding development consists of residential dwellings that step down the cliff towards the beach to the north west and south east. To the south west, along Pavilion Road, there is a mix of residential flat buildings and single dwellings.

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:

DA2021/1636 - Alterations and additions to a dwelling house. (Approved by the Development Determination Panel (DDP) on 10 June 2022)

Mod2023/0060 - Modification of Development Consent DA2021/1636 granted for Alterations and additions to a dwelling house. (Approved by the consent authority on 21 June 2023)

## 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 DA2021/1636, in full, with amendments detailed and assessed as follows:

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

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The works to the terrace makes minor changes to the approved scheme which will not impact on the approved landscape plan or level of soft landscaping across the site.</li> <li>2. The amended design allows for the retention of additional trees that were originally approved for removal.</li> <li>3. The minor amendments will have no additional impacts on adjoining properties or the public domain.</li> </ol>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<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 DA2021/1636 for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The approved land use is not altered as a consequence of the changes as proposed.</li> <li>2. The amended terrace does not give rise to any additional amenity impacts with the privacy outcome not diminished</li> </ol>

Section 4.55(1A) - Other Modifications	Comments
	<p>due to the change in terrace floor level.</p> <p>3. The proposed changes do not change the intended use of any proposed spaces or rooms on site.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(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</p>	<p>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.</p>
<p>(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.</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>

### 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 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	Warringah Development Control Plan applies to this proposal.



Section 4.15 'Matters for Consideration'	Comments
control plan	
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>Part 4, <u>Division 2</u> of the EP&amp;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&amp;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&amp;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&amp;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</u> and/or 64 of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;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&amp;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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah/Manly/Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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	The site is considered suitable for the proposed development.

Section 4.15 'Matters for Consideration'	Comments
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 site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 06/02/2024 to 20/02/2024 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Dr Anthony David Burns	1 Crown Road QUEENSCLIFF NSW 2096

The following issues were raised in the submissions:

- Construction not in accordance with approved plans.

The above issues are addressed as follows:

- **Alleged non-compliant construction**

The submissions raised concerns that the under construction garage and associated "planter" box are not consistent with the approved plans.

### Comment:

This modification is exclusively for the works outlined in the detailed description of development. The applicant has proposed no changes to the garage or planter in the approved plans and therefore the concerns raised cannot be commented on as a part of this modification

application.

Reports relating to development compliance (i.e. alleged non-compliance with a DA or CDC's development consent) should be referred directly to the appointed Certifying Authority for investigation in the first instance.

The concerns relating to alleged unauthorised development have been referred to Councils Building Control Team.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is for modification to development consent DA2021/1636, and includes the following relevant changes for consideration by Landscape Referral as described in the reports and as shown on plans:</p> <ul style="list-style-type: none"> <li>• Site investigations during the construction of the existing levels, rock outcrops and trees have resulted in the stairs to the lower deck to be relocated adjacent to the rockface to create a more viable access arrangement.</li> <li>• The changes in levels to the deck have resulted in additional trees (T18 and T19) being able to be retained to the west of the deck which were previously approved for removal.</li> <li>• A tree was proposed to be removed from within the footprint of the deck which is now proposed to be retained with the deck built around the tree. No reference is provided in reports however the modification plans indicate this is tree T20 (Coast Banksia).</li> </ul> <p>Existing trees T18 and T19 now proposed for retention are exempt species that do not require Council consent and no reference is required in any development consent, and no concerns are raised for retention. It is noted that T19 (Phoenix Palm) has amenity value such as canopy coverage however T18 (Cocus Palm) has no environmental value and the applicant may consider removal subject to replacement with a locally native tree.</p> <p>Landscape Referral conditions under the development consent remain including 6, 13, 14, 16, 23, 24, 25, and 32. Development consent Condition 13 Tree Removal Within the Property shall be amended to remove reference to T20 which is now retained.</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 (Resilience and Hazards) 2021**

#### **Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

#### **Division 3 Coastal environment area**

##### **2.10 Development on land within the coastal environment area**

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - b) coastal environmental values and natural coastal processes,
  - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - f) Aboriginal cultural heritage, practices and places,
  - g) the use of the surf zone.

#### **Comment:**

The proposed modifications are generally relatively minor compared to the original approval and previous modification, and will not significantly alter any impacts to the above matters for consideration.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
  - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

No significant impacts will be caused by the proposed modifications.

**Division 4 Coastal use area**

**2.11 Development on land within the coastal use area**

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
  - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - i) existing, safe access to and along the foreshore, beach, headland or rock
    - ii) platform for members of the public, including persons with a disability,
    - iii) overshadowing, wind funnelling and the loss of views from public places to
    - iv) foreshores,
    - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
  - b) is satisfied that:
    - i) the development is designed, sited and will be managed to avoid an
    - ii) adverse impact referred to in paragraph (a), or
    - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposal will remain consistent with the aims and considerations for the coastal environment of Manly along North Steyne.

**Division 5 General**

**2.12 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

No significant impacts will be caused by the proposed modifications.

**2.13 Development in coastal zone generally—coastal management programs to be considered**

Development consent must not be granted to development on land within the coastal zone unless the

consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The proposed modifications are generally relatively minor, and will not cause any increased risk of coastal hazards. As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (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	Comp
Height of Buildings:	8.5m	9.8m	6.1m (deck)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.1 Relevant acquisition authority	Yes
5.1A Development on land intended to be acquired for a public purpose	Yes
5.3 Development near zone boundaries	Yes
5.5 Controls relating to secondary dwellings on land in a rural zone	Yes
5.8 Conversion of fire alarms	Yes
5.9 Dwelling house or secondary dwelling affected by natural disaster	Yes

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.11 Affordable housing	Yes
Schedule 5 Environmental heritage	Yes

## Warringah Development Control Plan

### Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B5 Side Boundary Setbacks	South East - 0.9m	0.9m setback to deck and 7.3m setback to deck stairs.	2m setback to deck and 0.9m setback to deck stairs.	Yes
	North West - 0.9m	4.6m setback to deck and 4.8m setback to deck stairs	4.5m setback to deck and 5.5m setback to deck stairs.	Yes
B9 Rear Boundary Setbacks	6m	Approximately 2.1m (to zone boundary)	Approximately 4.4m (to zone boundary)	No
		22.1m (to property boundary)	24.5m (to property boundary)	Yes
D1 Landscaped Open Space and Bushland Setting	40%	26.8% (176.3sqm up to zone boundary)	unchanged from current approval	Yes
		51.4% (486.3sqm if the entire site is included)		

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B5 Side 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
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	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
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

### **D1 Landscaped Open Space and Bushland Setting**

#### Description of non-compliance

Part D1 of the WDCP 2011 requires a Landscaped Open Space (LOS) ratio of a minimum of 40% of the site area. The application proposes 27%, non compliant with the numeric control. It is noted that the application has been approved for this variation under Mod2023/0060. It is considered that the merit assessment conducted by Council is of sound conclusion and no further justification is required.

### **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. Mod2023/0727 for Modification of Development Consent DA2021/1636 granted for Alterations and additions to a dwelling house on land at Lot 2 DP 514296,7 Crown Road, QUEENSCLIFF, 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 - 402350 Mod2023/0727	The date of this notice of determination	<p>This development seeks consent for alterations and additions to a dwelling house and associated landscaping works. Specifically, the works comprise of the following:</p> <ul style="list-style-type: none"> <li>Revised floor level to rear garden deck to be RL 22.13.</li> <li>Amended the geometry of the deck</li> <li>Amended location of external staircase</li> <li>Modification to the pool fence along the side boundary which is proposed to be 1.2m height and setback 900mm to meet compliance standards. A planter box is proposed to sit on top of the slab below within the 900mm.</li> </ul> <p><u>Amended Conditions</u> Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation.</p> <p>Modify Condition No.13 - Tree Removal Within the Property - to read as follows: "This consent approves the removal of the following prescribed tree(s) within the property: T21 - Coastal Banksia, subject to native tree replacement within the property. Additionally T12 within the neighbouring property No. 1 Crown Rd, as written consent is provided to remove the dead tree from the property owner."</p> <p>Reason: To enable authorised building works.</p>
PAN - 304791 Mod2023/0060	21 June 2023	<p><u>Modification Description</u> This modification application lodged pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 seeks to modify the built form approved under Development Consent DA2021/1636.</p> <p><u>Amended Conditions</u> Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation.</p> <p>Add Condition No.12A - Boundary fencing - to read as follows: "No consent is given for any boundary fencing. Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate."</p>

Reason: To ensure compliance with the Dividing Fences Act 1991.

### **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.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
Dwg No. 10037_DA 1.10	H	Site Plan	DORN	22 December 2023
Dwg No. 10037_DA 2.001	H	Pool Level Plan	DORN	22 December 2023
Dwg No. 10037_DA 2.002	G	Cellar Level Plan	DORN	22 December 2023
Dwg No. 10037_DA 2.003	E	Lower Garden Level Plan	DORN	22 December 2023
Dwg No. 10037_DA 5.00	G	East Elevation	DORN	22 December 2023
Dwg No. 10037_DA 5.01	F	West Elevation	DORN	22 December 2023
Dwg No. 10037_DA 5.02	F	North Elevation	DORN	22 December 2023

<b>Approved Reports and Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
Geotechnical Letter	-	Ascent Geo	18 January 2024
Basix Certificate	Certificate No. A429076_02	Bradley Dorn	31 August 2022

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.

**B. Modify Condition 13 - Tree Removal Within the Property to read as follows:**

This consent approves the removal of the following prescribed tree(s) within the property:


- T21 - Coastal Banksia, subject to native tree replacement within the property.

Additionally T12 within the neighbouring property No. 1 Crown Rd, as written consent is provided to remove the dead tree from the property owner.

Reason: To enable authorised building works.

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

**Signed**



**Reeve Cocks, Planner**

The application is determined on 10/04/2024, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**