

25 November 2019



Christopher P Raper, Emily M J Newman, Addstyle Home Additions
17 Kimo Street
NORTH BALGOWLAH NSW 2093

Dear Sir/Madam,

Development Application No: Mod2019/0551 for Modification of Development Consent DA2018/1452 granted for alterations and additions to a dwelling house including a swimming pool at 17 Kimo Street NORTH BALGOWLAH.

Council has completed a preliminary assessment of your application which was received by Council on 08/11/2019 and has identified a number of areas of non-compliance that will not allow Council to support the application in its current form.

These matters are as follows:

Modification – Not Substantially The Same Development:

Section 4.55 of the Environmental Planning & Assessment Act 1979 requires that a proposed modification be “substantially the same” development, as that originally approved.

The application is not considered to be the same development, based on the:

- additional 1st floor level;
- the changes to the front (west) elevation of the dwelling; and
- the substantial modifications to the south, east and north elevations.

Therefore, the proposal fails the requirements of Section 4.55 of the Act.

Front Setback:

The proposal fails the requirements of Part B7 Front Setback of the Warringah Development Control Plan 2011 (WDCP 2011). The proposed carport is located at a distance of 2.8m from the front boundary and the roofed structure over access stairs is located 3.5m from the front boundary of the site.

These structures diminish the existing sense of openness on the site and are inconsistent with the objectives of the control.

Building Height:

The proposed dwelling does not comply with the Height of Buildings development standard of Warringah Local Environmental Plan 2011 (WLEP 2011). The south-east corner of the dwelling has a height of 8.7m from the existing ground level beneath. This



is likely to have an adverse visual impact when viewed from adjoining properties and may contribute to the loss of views.

Side Boundary Envelope:

A significant breach of the side boundary envelope on the south elevation of the proposal does not comply with Part B3 Side Boundary Envelope of WDCP 2011. The potential visual impact of the breach and the potential loss of views from adjoining properties will not comply with the objectives of the control. It is noted that the estimations of the envelope on the architectural plans assume the 5m envelope, when the 4m envelope applies to the land.

Wall Height:

The east elevation of the proposal will not comply with Part B1 Wall Heights of WDCP 2011. The height on this elevation is estimated at 8.4m, which is a significant variation with the control and has an adverse visual impact when viewed from the east and may contribute to the loss of views from adjoining properties.

Advice for the Applicant

The extent of the issues outlined above, result in Council being unable to support the proposal in its current form.

You are therefore strongly encouraged to withdraw this application and resubmit a new application that addresses all of the issues listed above. Council will not accept any additional information or amendments to this current application.

Should you choose to withdraw this application within seven (7) days of the date of this letter, Council will refund **75%** of the development application fee. If you have not contacted Council by 3 December 2019, Council will assume that you are not withdrawing this application. In this case, no fees can be refunded and the application will be assessed and determined in its current form.

Should you agree to withdraw and in order for Council to process the request, confirmation must be received in writing to council@northernbeaches.nsw.gov.au. To speed up the processing of your refund, please supply bank details using the table provided below, otherwise your refund will be forwarded by way of cheque.

Please note that bank details supplied should match the name listed on the top line of your tax invoice receipt for the application. If bank details supplied do not match this name, then the refund will be forwarded by way of cheque. Council cannot be held responsible if the bank account details provided by you are incorrect.

Bank	
Account Name	
BSB	
Account Number	
Email Address	



If you have not contacted Council by 3 December 2019, Council will assume that you are not withdrawing this application. No fees will be refunded and we will assess this application in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nick England on 1300 434 434 between 8.30am to 5.00pm Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Anna Williams', written over a dotted line.

Anna Williams
Manager, Development Assessment