

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0528
----------------------------	--------------

Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 6 DP 9891, 136 Woodland Street BALGOWLAH NSW 2093
Proposed Development:	Modification of Development Consent DA202019/1133 granted for alterations and additions to a dwelling house
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	John David O'Leary Lauren O'Leary
Applicant:	Drafting Help Pty Ltd

Application Lodged:	23/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	04/08/2021 to 18/08/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application seeks to amend the previously approved design under DA2019/1133.

The works include the following:

- Juliet balcony and sliding doors on the First Floor of the west elevation removed
- Three new windows on the First Floor of the western elevation, S3, S4 and S5
- New single vehicle carport
- Additional window, S1, on the First Floor of the northern elevation
- New Skylight
- Additional window, S2, on the First Floor of the south elevation.

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

Manly Development Control Plan - 3.1.1 Streetscape (Residential areas)

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

SITE DESCRIPTION

Property Description:	Lot 6 DP 9891 , 136 Woodland Street BALGOWLAH NSW 2093
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Woodland Street. The site is located within the R1 General Residential zone as mapped within the Manly Local Environment Plan 2013.</p> <p>The site is regular in shape with a surveyed area of 564m². The frontage along Woodland Street is approximately 13.7m with an average depth of 41.1m.</p> <p>The site has a cross fall from west to east (ie. front to rear) of approximately 2.7m.</p> <p>The existing site contains a two storey dwelling house, with vehicle access from Woodland Street.</p> <p>Adjoining and surrounding development is characterised by similar low density residential development, of varying ages, within a landscaped setting.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant development applications:

- Development Application **DA2019/1133** for the alterations and additions to a dwelling house was approved by Council on the 20/11/2019.
- Development Application **DA2019/0951** for the alterations and additions to a dwelling house was withdrawn from Council on the 09/10/2019.
- Application **10.2001.204.1** for the alteration and additions including new first floor addition was approved by Council on the 12/09/2001.
- Application **10.2001.204.2** for the alteration and additions including new first floor addition was approved by Council on the 20/11/2001.
- Application **5.1997.375.1** for a concrete swimming pool was approved by Council on the 13/10/1997.

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 DA2019/1133, 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>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <p>The modifications do not change the building envelope, Woodland streetscape appearance, car parking location, drainage or landscape outcomes. As there are no change to the built form controls for the dwelling house, or change in the amenity of the occupants or surrounding sites due to the juliet balcony removal. The spatial relationship of the proposed works to adjoining properties is maintained with a complimentary and compatible streetscape.</p>
(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	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2019/1133.
<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>	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any	See discussion on "Notification & Submissions Received" in this report.

Section 4.55(1A) - Other Modifications	Comments
period prescribed by the regulations or provided by the development control plan, as the case may be.	

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly 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 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 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 in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original 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 Manly 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 site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 04/08/2021 to 18/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Gail Dendle	2 / 34 White Street BALGOWLAH NSW 2093

The following issues were raised in the submissions and each have been addressed below:

- **Privacy**

The matters raised within the submissions are addressed as follows:

- ***Concern was raised that the additional window on the southern elevation could have privacy impacts to the southern adjoining property of No. 34 White Street.***

Comment:

As discussed within this report, the inclusion of the First Floor window on the southern elevation (S2) could have unreasonable impact. As a result, opaque glazing will be conditioned to ensure there is no unreasonable impacts associated with visual privacy between the proposed development and the southern adjoining neighbouring sites as existing.

The privacy concerns are concurred with and the matter has been resolved via conditions, and therefore does not warrant the refusal of the application.

REFERRALS

No referrals were sent in relation to this application

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A422626_02 dated 7 July 2021). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No.

A422626_02 dated 7 July 2021).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	Pass
Thermal Comfort	Pass	Pass
Energy	50	Pass

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

Manly Local Environmental Plan 2013

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

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.0m	No Change Dwelling - 8.0m 3.0m - 4.1m Carport	- -	Yes Yes
Floor Space Ratio	FSR: 0.5:1 (282m ²)	FSR: 0.39:1 (220.6m ²)	No Change	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 564sqm	Requirement	Approved	Proposed	Complies

4.1.2.1 Wall Height	N: 6.9m (based on gradient 1:13)	Xm	Xm	Yes
	S: 6.9m (based on gradient 1:15)	Xm	Xm	Yes
4.1.2.2 Number of Storeys	2	2	No Change	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.9m	No Change	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	7.0m First floor balcony 8.0m First floor addition	8m Carport	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	N: 1.9m (based on wall height) S: 2.0m (based on wall height)	4.5m 1.98m	0.5m Carport	No
	Windows: 3m	-	2m Southern elevation (existing setback)	No
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (310.2m ²) of site area	52.8% (298m ²)	No change	Yes
	Open space above ground 25% (77.6m ²) of total open space	5.8% (18m ²)	5.13% (15.3sqm)	
4.1.5.2 Landscaped Area	Landscaped area 35% (108.6m ²) of open space	31.2% (96.8m ²)	No Change	Yes
4.1.5.3 Private Open Space	18m per dwelling	>18sqm	No change	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	-	4.1m	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	Nil spaces	2 spaces	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security		

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes

Detailed Assessment

3.1.1 Streetscape (Residential areas)

The DCP requirements and objectives, pursuant to Clause 3.1.1 Streetscape (Residential area), including sections 3.1.1.1 to 3.1.1.5 are addressed as follows:

Merit Assessment Comments:

The modified proposal is required to be consistent with Complementary Design and Visual Improvement design outcomes including streetscape considerations for setbacks, materials and built form. As outlined in the built form controls table, the proposed carport is consistent with the objectives of the DCP and has acceptable materials in conjunction with a roof profile that is incorporated with the dwelling house to address visual impact on the street and adjacent land.

The conservative height of the carport combined with an open style design and use of existing landscaping within the front setback assist to ensure no unreasonable impacts of visual bulk. The carport does however extend / protrude into the setback areas that are inconsistent with requirements of the control. However, the carport design with gabled roof line and incorporation into the dwelling house roof design minimise the visual dominance.

In consideration of the Woodland Street frontage, carports are a common characteristic of the streetscape, there are multiple examples along this section of Woodland Street. As a result, the proposed carport with an improved and modernised design ensures the bulk and scale of the carport area is not overbearing and continues to be consistent with general streetscape character.



Photo 1: Existing Woodland Street presentation.

Whilst there are design changes with the removal of the Juliet balcony on the First Floor, the new windows proposed for the First Floor seeks to mimic what currently exists, which it is responsive to the character of the local area or to the visual catchment of the site.

No issue is raised with respect to clause 3.1.1.5 for the bin storage area as this is concealed from view as part of the rear area of the carport/storage area.

Having regard to the above assessment, and objectives of this clause it is concluded that subject to conditions the proposed development is consistent with the MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

3.4.2 Privacy and Security

The proposal includes changes to the windows on the north, south and west elevations.

The proposed window changes on the western elevation elevation face the front of the subject site and have no unreasonable amenity impact.

The amendments to the windows on the northern and southern elevations, are located at the previously approved side setbacks as follows:

- Northern First Floor - 4.5m
- Southern First Floor - 2.0m

Whilst the window addition on the northern elevation does not display unreasonable amenity or privacy impacts to the adjoining sites, potential amenity impacts could be created by the addition of window S2 on the First Floor. As a result, an assessment has been undertaken to ensure consistency with the objectives of the control.

Merit Consideration:

*To minimise loss of privacy to adjacent and nearby development by:
appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;
and mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Comment:

Northern Elevation - First Floor

The proposal includes additional window S1, that is minor in size at 0.8m x 0.75m with an appropriate sill height that will minimise any unreasonable privacy impacts to the northern neighboring site. The additional windows service the en-suite and as a result, the location of the window do not facilitate unreasonable overlooking or privacy impacts to the northern adjoining site.

Southern elevation -First Floor

The proposal includes one additional window S2. This window is much larger in size at 1.2m x 1.1m, and services the stairwell. Whilst the side setback have some screening vegetation (see photo 2 below), consistent with with Super Studio v Waverley. Council[2004] landscaping cannot be solely relied upon to maintain appropriate levels of privacy. Due to the elevation and orientation towards the rear setback areas of three adjoining sites the window will be conditioned to be of opaque glazing to ensure the window does not facilitate unreasonable overlooking or privacy impacts to the southern adjoining properties.



Photo 2: Existing southern elevation and relationship with southern adjoining properties.

As a result, the application (as conditioned) proposes a range of window designs that mitigate unreasonable privacy impacts, whilst satisfying the requirements of the control.

To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.

Comment:

The conditioned proposal includes windows to allow for greater access to light and air without resulting in unreasonable privacy outcomes, and while retaining suitable outlooks and views.

To encourage awareness of neighbourhood security.

Comment:

The development proposes sufficient windows to allow passive surveillance and encouraging awareness of neighbourhood security.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

Section 4.1.4.2

The proposed carport does not satisfy the requirements for side setbacks. The non-compliance is attributed to the existing dwelling house and hardstand location.

The additional window on the southern elevation does not satisfy the requirement for windows to be setback a minimum of 3.0m from side boundaries.

Merit consideration:

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

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The proposed open style carport will create a side variation to the side setback control. However, given the location of the existing car parking spaces and dwelling house, the noncompliance is largely unavoidable.

Parking structures are a general characteristic of the Woodland Street streetscape, with multiple examples of dwelling houses, of varying ages, within the directly surrounding area that display car parking structures within the side and front setback due to the position of the existing dwelling houses.

The side setback non-compliance will be located over the existing hardstand, whilst the incorporation of boundary fencing (not proposed as part of this application) would provide additional screening the the proposed carport structure, see photo below.



Photo 3. Location of proposed carport and relationship with northern neighbouring site.

As a result, the proposed carport design and size is considered to not dominate the street frontage due to the open design, lightweight posts within the side setback and proposed roofline to be incorporated within the existing dwelling design.

The new First Floor window on the southern elevation is not redibly visible from the streetscape, and is therefore considered reasonable in the context.

Overall, the proposal will not unreasonably affect the existing streetscape, and is considered acceptable in relation to this objective.

Objective 2) To ensure and enhance local amenity by:

providing privacy;

providing equitable access to light, sunshine and air movement; and

facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.

defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and

facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.

Comment:

The site constraint of the existing location of the dwelling house, combined with the need to provide two car parking spaces dictate the location of the new carport additions.

The carport proposal is not considered to have any unreasonable impacts on privacy as it is located of the existing hardstand area, therefore the intended usage of the side setback is not amended by the addition of the carport.

The carport roofline is considered to maintain reasonable solar access to the western neighbouring sites.

The open style design is considered sufficient to enable adequate air movement.

No unreasonable view loss has been identified as a result of the proposal.

The open style design is considered generally positive from a streetscape character point of view with no significant change to traffic conditions in this regard.

The orientation of the dwelling means that the proposed First Floor window, servicing the stairwell, could have unreasonable impacts on local amenity of the three adjoining sites located on White Street. The side setback of the existing dwelling is directly adjoining the rear setbacks of three properties along White Street, No. 32, 34/1, 34/2 and 36. As a result, the large window orientated towards these site will be conditioned to be opaque to ensure appropriate privacy levels are maintained.

No unreasonable view loss has been identified as a result of the modifications.

Therefore, the proposal is considered acceptable in relation to this objective.

Objective 3) To promote flexibility in the siting of buildings.

Comment:

The proposed open style carport will create a side variation to the side setback controls. However given the location of the existing hardstand and dwelling house, the noncompliance is largely unavoidable.

The proposed carport is a lightweight structure which will be open in design and provide a low roof profile, and is therefore not considered to not dominate the street frontage.

The non-compliant additional window on the First Floor of the southern elevation maintains the existing side setbacks, however due to the size and location it will be conditioned to be opaque to ensure appropriate privacy levels are maintained.

Flexibility is afforded in this circumstance as the proposal will not result in unacceptable amenity, or streetscape impacts.

*Objective 4) To enhance and maintain natural features by:
accommodating planting, including deep soil zones, vegetation consolidated across sites,
native vegetation and native trees;
ensuring the nature of development does not unduly detract from the context of the site and
particularly in relation to the nature of any adjoining Open Space lands and National Parks; and
ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposal maintains sufficient landscaped areas within the side and front setback area to allow for an appropriate balance between natural features and built form.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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 2021

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly 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. Mod2021/0528 for Modification of Development Consent DA202019/1133 granted for alterations and additions to a dwelling house on land at Lot 6 DP 9891, 136 Woodland Street, BALGOWLAH, 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
Site Plan - 4.55(1A)	5/8/2019	Drafting Help Pty Ltd
South Elevation - 4.55(1A) Sheet 4	5/8/2019	Drafting Help Pty Ltd
West Elevation - 4.55 (1A) Sheet 5	5/8/2019	Drafting Help Pty Ltd
North Elevation - 4.55 (1A) Sheet 6	5/8/2019	Drafting Help Pty Ltd
East Elevation - 4.55 (1A) Sheet 7	5/8/2019	Drafting Help Pty Ltd
Section A-A - 4.55(1A) Sheet 8	5/8/2019	Drafting Help Pty Ltd
Section B-B - 4.55(1A) Sheet 9	5/8/2019	Drafting Help Pty Ltd
Ground Floor - 4.55(1A) Sheet 10	5/8/2019	Drafting Help Pty Ltd
First Floor - 4.55(1A) Sheet 11	5/8/2019	Drafting Help Pty Ltd
Roof Plan - 4.55(1A) Sheet 12	5/8/2019	Drafting Help Pty Ltd

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 10A amendment to the approved plans condition to read as follows:

The following amendments are to be made to the approved plans:

a) Window S5 on the First Floor of the southern elevation is to be of opaque glazing.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

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

Signed



Catriona Shirley, Planner

The application is determined on 03/09/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments