

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0094
Responsible Officer:	Dean Pattalis
Land to be developed (Address):	Lot 19 DP 12667, 3 Summit Avenue DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2018/0383 granted for Alterations and Additions to an existing Dwelling House
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Carl Sakellaris Anna Sakellaris
Applicant:	Grant Trevor Seghers

Application Lodged:	12/03/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	18/03/2024 to 01/04/2024
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application proposes to modify the consent under DA2018/0383 for alterations and additions to an existing dwelling house.

The proposed modification works include:

- Expanded driveway crossover and hardstand parking, demolish existing brick column.
- New front entry path, low sandstone front boundary walls landscaping behind.
- New steps to existing front deck from new path and car-parking area.
- New stepped garden beds from existing Front Deck.
- Existing Chimney to be demolished.

- Internal re-configuration works and changes to window/door schedule
- Front first floor balustrades to be metal in lieu of glass.

Planner Comment

The original consent under DA2018/0383 was granted on 24 May 2018 and therefore benefits from an extension of the lapsing date by 2 years permitted by the NSW government for consents granted prior to 25 March 2020 that had not already lapsed.

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 - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

Property Description:	Lot 19 DP 12667 , 3 Summit Avenue DEE WHY NSW 2099
Detailed Site Description:	<p>The site is located on the southern side of Summit Avenue, Dee Why and is upon land zoned for R2 Low Density Residential development pursuant to the Warringah Local Environmental Plan 2011.</p> <p>The allotment is regular in shape and has a street frontages of 17.3m, depths of 34m and an overall surveyed area of 593.1m².</p> <p>The site accommodates an existing dwelling house.</p> <p>Topographically the site inclines from north to south (front to rear) by approximately 2.0m.</p>

Other surrounding developments consist of detached dwelling houses of varying age, size and construction.

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:

Application **DA2018/0383** for Alterations and Additions to an existing Dwelling House (Approved 24/05/2018)

Application **CDC2024/0209** for Demolition of existing swimming pool and construction of new swimming pool in the rear of the property (27/03/2024)

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 DA2018/0383, 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
<p>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:</p>	
<p>(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>	<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 DA2018/0383 for the following reasons:</p> <p>Subject to conditions, the proposed modification works generally do not result in any change to the existing built form controls and principal development standards approved under the original consent.</p> <p>The consent authority cannot 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 DA2018/0383.</p>
<p>(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</p>	<p>Development Application DA2018/0383 did not require concurrence from the relevant Minister, public authority or approval body.</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</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>

Section 4.55 (2) - Other Modifications	Comments
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	
(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.	See discussion on "Notification & Submissions Received" in this report.

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 2011 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</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>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 - 2001: The 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>
<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>	<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>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

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 18/03/2024 to 01/04/2024 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:
Apex Law	PO Box 233 FRESHWATER NSW 2096

One submission was received during the community notification period and the following concerns were raised:

- **Absence of plan notations from the original plans relating to the western boundary wall**

Comment

Concern was raised regarding the absence of notations on the modification plans which were present on the west elevation of the original approved plans, in relation to a boundary notice between the relevant property owners. Council considers these notations to be necessary given the location of the wall along the common boundary. A condition of consent is therefore recommended for the original notations on the west elevation plan to be re-instated on the approved modification plans. Therefore, there is no change permitted to the existing boundary wall approved under the original consent.

- **Impact of any remediation works relating to the wall upon the site condition and 'deep drainage' of the adjoining property owner**

Comment

Concern was raised regarding the proposed remediation works to the wall which require an engineering assessment to clarify impacts to 'deep drainage' and the existing site condition of the adjoining property owner. It is advised that this modification consent does not permit any change to the western boundary wall which was approved under the original consent. Therefore no further comment is required under this modification consent in relation to the wall as these works are unchanged and subject to the terms of the original consent.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	The Statement of Modification and Architectural plans have been reviewed. Development engineering has no objections to the proposed modification subject to the removal of engineering condition of consent 7 (Vehicle Crossing Application) and condition 12 (Vehicle Crossings), the retention of all other engineering conditions of

Internal Referral Body	Comments
	<p>consent and the inclusion of the following conditions:</p> <p><u>Planner Comment</u> <i>As discussed within this report, the proposed modification works to the driveway, crossover and hardstand are recommended to be deleted from the approved plans via condition of consent and re-instated to the original arrangement approved under DA2018/0383. Therefore, the modified conditions recommended by Council's Development Engineer in relation to the new driveway works are considered to be redundant and the conditions from the original consent remain unchanged.</i></p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	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. These recommendations will be included as a condition of consent.

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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.A307857_02 dated 29 February 2024).

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 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 development is not considered likely to cause an adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, native vegetation and fauna and their habitats, public open space or aboriginal cultural heritage.

- 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:

The development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1).

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 proposed development is not considered likely to cause an adverse impact on safe access to and along the foreshore, overshadowing, wind funnelling and the loss of views from public places to foreshores, the visual amenity and scenic qualities of the coast, including coastal headlands, or cultural and built environment heritage.

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:

The proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

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 relevant provisions of any certified coastal management program that applies to the land have been considered.

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	Complies
Height of Buildings:	8.5m	8.35m	Unchanged	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	6.2m	Unchanged	Yes
B3 Side Boundary Envelope	5m (east)	No encroachment	No encroachment	Yes
	5m (west)	No encroachment	No encroachment	Yes
B5 Side Boundary Setbacks	0.9m (east)	1m - 1.15m	Unchanged	Yes
	0.9m (west)	Nil	Unchanged	No but existing
B7 Front Boundary Setbacks	6.5m	4.5m (entire length of building)	Unchanged (dwelling) Nil (hardstand)	No but existing No
B9 Rear Boundary Setbacks	6m	10.4m	Unchanged	Yes
D1 Landscaped Open Space and Bushland Setting	40%	35.5% (210.7m ²)	29.7% (176.3m ²)	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	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 proposed modification works include a new double hardstand area with a nil setback, which does not comply with the front setback control.

The existing site already provides two off-street parking spaces in the form of an existing garage along the western elevation which therefore complies with the numerical requirements under Appendix 1 WDCP 2011. The proposed modification works therefore create a surplus in off-street vehicle parking whilst exacerbating the existing front boundary setback non-compliance of the development. This arrangement is not supported.

A condition of consent is therefore recommended for the proposed modification works to the driveway, crossover and hardstand to be deleted from the approved plans and re-instated to the original arrangement approved under DA2018/0383.

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:

Subject to conditions, the proposal will not impact on the sense of openness within the front setback.

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

Comment:

Subject to conditions, the proposal is not uncharacteristic of the area or adjoining pattern of development.

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

Comment:

Subject to conditions, the proposal maintains a high-quality landscape outcome for the site, therefore enhancing the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

Subject to conditions, views will not be impacted by the proposal.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The proposed modification works result in a total landscaped area of 176.3m² (29.7%), which does not comply with the numerical control of 40%.

It is noted this is an exacerbation of the existing non-compliance of 35.5% approved under DA2018/0383. It is also noted that CDC2024/0391 has been subsequently issued to the site which re-located the swimming pool in the front setback area to the rear of the property and replaced the previous location of the swimming pool with landscaped area. The CDC works resulted in an identical percentage of L.O.S in comparison to DA2018/0383.

It is considered the exacerbation of the existing L.O.S non-compliance proposed under this modification application, is the result of the driveway and hardstand parking works proposed in the front setback area. As discussed earlier in this report, the hardstand works also exacerbate the existing front setback non-compliance in addition to the L.O.S non-compliance, and are not supported.

A condition of consent is therefore recommended for the proposed modification works to the driveway and hardstand to be deleted from the plans and reinstated to the original arrangement under DA2018/0383. Subject to compliance with this condition, the existing L.O.S percentage approved under the original consent and CDC2024/0391, is considered to be generally maintained.

Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

Subject to conditions, the site shall maintain and enhance opportunities for planting to the front of the setback.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

Subject to conditions, the proposal will not impact on indigenous vegetation, topographical features or habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

Subject to conditions, the landscaped open space will continue to be appropriately dimensioned with sufficient capacity to enable the establishment of suitable plant species of varying sizes.

- *To enhance privacy between buildings.*

Comment:

Privacy between buildings will be maintained.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The proposal will provide suitable recreational opportunities.

- *To provide space for service functions, including clothes drying.*

Comment:

Service functions will not be impacted.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

Water management, including infiltration of stormwater will not be negatively impacted.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

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. Mod2024/0094 for Modification of Development Consent DA2018/0383 granted for Alterations and Additions to an existing Dwelling House on land at Lot 19 DP 12667,3 Summit Avenue, DEE WHY, 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# - PAN-416350 MOD# - Mod2024/0094	The date of this notice of determination	Modification of Development Consent DA2018/0383 granted for Alterations and Additions to an existing Dwelling House Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Add Condition No.9A - Amendments to the approved plans

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.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
Mod-02	A	Site Plan	Grant Seghers Design	29/02/2024
Mod-03	A	Ground Floor	Grant Seghers Design	29/02/2024
Mod-04	A	First Floor	Grant Seghers Design	29/02/2024
Mod-05	A	Elevations	Grant Seghers Design	29/02/2024
Mod-06	A	Elevations	Grant Seghers Design	29/02/2024
Mod-07	A	Street Elevation	Grant Seghers Design	29/02/2024
Mod-08	A	Sections	Grant Seghers Design	29/02/2024

Mod-09	A	Section C:C	Grant Seghers Design	29/02/2024
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Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate (A307857_02)	-	Grant Seghers	29/02/2024

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. Add Condition No.9A - Amendments to the approved plans, to read as follows:

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

- The proposed modification works to the driveway, crossover and hardstand parking to the front of the property illustrated on the plans referenced in Condition 1A, shall be deleted and re-instated to the original arrangement approved under DA2018/0383 and CDC2024/0209.
- All details and notations relating to the approved western boundary wall stated on the West Elevation Plan under DA2018/0383 (Drawing No.DA-06), shall be re-instated on the approved modification plans. No change is permitted to the existing boundary wall illustrated on the west elevation plan under DA2018/0383.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

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

Signed



Dean Pattalis, Planner

The application is determined on 07/05/2024, under the delegated authority of:



A handwritten signature in blue ink that reads "Steven Findlay".

Steven Findlay, Manager Development Assessments