

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2020/0276
<b>Responsible Officer:</b>	Kent Bull
<b>Land to be developed (Address):</b>	Lot 1 DP 1203970, 190 Barrenjoey Road NEWPORT NSW 2106
<b>Proposed Development:</b>	Modification of Development Consent DA2018/1910 granted for alterations and additions to a dwelling house including swimming pool
<b>Zoning:</b>	E2 Environmental Conservation E4 Environmental Living
<b>Development Permissible:</b>	Yes - Zone E2 Environmental Conservation Yes - Zone E4 Environmental Living
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Brooke William Stuart
<b>Applicant:</b>	Brooke William Stuart

<b>Application Lodged:</b>	29/06/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	07/07/2020 to 21/07/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks the modification of Development Consent DA2018/1910 granted for alterations and additions to a dwelling house including swimming pool.

In particular, the works include:

- Lowering to sill height of study window from 1.6m from the Finished Floor Level (FFL) to 0.75m from the FFL; and
- Fixed external privacy screen to this window.

## 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

Pittwater Local Environmental Plan 2014 - Zone E2 Environmental Conservation

Pittwater Local Environmental Plan 2014 - 5.1 Relevant acquisition authority

Pittwater Local Environmental Plan 2014 - 5.1A Development on land intended to be acquired for public purpose

Pittwater Local Environmental Plan 2014 - 7.5 Coastal risk planning

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 1203970 , 190 Barrenjoey Road NEWPORT NSW 2106
<b>Detailed Site Description:</b>	<p>The subject site is known as 190 Barrenjoey Road, Newport and legally referred to as Lot 1 DP 1203970. The site consists of one allotment located on the eastern side of Barrenjoey Road.</p> <p>The site is irregular in shape, with a frontage of 18m along Barrenjoey Road, and a depth between 86m-89m. The site has a surveyed area of 1570m<sup>2</sup>.</p> <p>The majority of the site is located within the E4 Environmental Living zone, with the far eastern end of the site zoned E2 Environmental Conservation.</p> <p>The site currently accomodates a three storey dwelling house, with a swimming pool located to the rear of the site.</p>

The front, western portion of the site is currently under construction and relates to a garage approved under DA2017/1380. To the rear, eastern portion of the site consists of extensive landscaping works approved under DA No. N0106/12 which was later modified under Mod2018/0117. A number of further changes to the dwelling house and garage were approved under DA2020/0179.

The slope of the site is measured at 35.9%, falling approximately 32m from the road frontage to the rear boundary.

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one to three storey dwelling houses of varying ages, sizes and architectural styles and are located on large allotments. Adjoining and surrounding dwelling's on the eastern side of Barrenjoey road enjoy substantial ocean views of Bungan Beach, Bungan Head to the north and Mona Vale Headland to the south.

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:

2 July 2008

Development Application No. N0223/08 for the alterations and additions to the dwelling and a swimming pool was granted consent.

16 November 2011

Development Application No. N0295/11 for the construction of beach access stairs was refused.

17 December 2012

Development Application No. N0106/12 for landscaping works including a viewing deck and spa was granted consent.

30 April 2018

Development Application No. DA2017/1380 for the demolition of existing garage and construction of new garage and front fence was granted consent.

20 April 2018

Modification of Development Consent No. N0106/12 for landscaping works including a viewing deck and spa was granted consent.

20 November 2019

Modification of Development Consent No. DA2017/1380 for demolition of existing garage and construction of new garage and front fence was withdrawn from Council.

17 April 2020

Development Application No. DA2020/0179 for alterations and additions to a dwelling house was granted consent.

## **APPLICATION HISTORY**

5 August 2020

Site inspection undertaken by the development assessment officer.

The site inspection confirmed that the window associated with the modification had been predominantly completed/installed.

A modification application can be granted retrospective approval under NSW case law as established in the case of *Windy Dropdown Pty Ltd v Warringah Council* [2000] NSWLEC 240. Commissioner J. Talbot considered the following:

*the broad construction of s 96 leads to a practical result that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently, provided of course that the development to which the consent as modified relates is substantially the same development.*

Therefore, although part of the works which form the basis of this section 4.55 application (formally known as section 96) have already been undertaken, modification approval can still be granted.

**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 DA2020/0179, 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> <p>The change is a minor change to a sill height of a window, with a privacy screen added to compensate for the lowering of the sill height and protect privacy. It will not substantially alter the overall development as originally approved.</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	<p>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 DA2020/0179 for the following reasons:</p> <p>The application does not seek an increase in the floor area, removal or vegetation, increase in height or excavation to that which has already been approved. The proposed works are limited to the lowering of a sill height to an approved window and for an privacy screen to be affixed to the external face of this window.</p>
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and

Section 4.55(1A) - Other Modifications	Comments
(i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	Assessment Regulation 2000, Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

#### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 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	Pittwater 21 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&amp;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&amp;A Regulation 2000 allow Council</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;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/This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent 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&amp;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>
<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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the 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>
<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 &amp; 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 development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

## REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	The modification to lower the sill height of the South East end approved window will not will not impact the biodiversity values of the site or locality.
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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 have be included as a condition of consent in DA2020/0179.

## 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 (Infrastructure) 2007

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 have be included as a condition of consent in DA2020/0179.



## SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

### 14 Development on land within the coastal use area

- (1)
- (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 platform for members of the public, including persons with a disability,
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and
  - (b) is satisfied that:
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
    - (iii) 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 likely to cause an impact on the existing access along the foreshore for members of the public, including persons with a disability and will not cause any overshadowing, wind tunneling or unreasonably impact on the loss of views from public places to foreshores. The visual amenity and scenic qualities of the coast, including the coastal headlands will be preserved. The proposed development will also not have an adverse impact on the cultural and built environment heritage. It is considered that the proposed development has satisfied the requirement to be designed, sited and will be managed to avoid an adverse impact to the above mentioned cultural and environmental aspects. Furthermore, the proposed development is considered to be of an acceptable bulk, scale and size that is generally compatible with the surrounding coastal and built environment, which consist of low density residential dwellings.

### 15 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:

It is considered that the proposed development is not likely to cause increased risk of coastal hazards on the subject site or other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

## Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone E2 : Yes Zone E4 : Yes
After consideration of the merits of the proposal, is the development consistent with: aims of the LEP?	Yes
zone objectives of the LEP?	Zone E2 : Yes Zone E4 : Yes

### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.8m	Unchanged	-	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.1 Relevant acquisition authority	Yes
5.1A Development on land intended to be acquired for public purpose	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.5 Coastal risk planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

### Detailed Assessment

#### Zone E2 Environmental Conservation

No works are proposed on the portion of the site zoned E2 Environmental Conservation.

#### 5.1 Relevant acquisition authority

In accordance with Clause 5.1, the consent authority has identified that the relevant authority of the State to acquire land identified as Zone E2 Environmental Conservation and marked "Regional Open Space" on the Land Reservation Acquisition Map as 'The corporation constituted under section 8 of the Act', being the Land Acquisition (Just Terms Compensation) Act 1991.

#### 5.1A Development on land intended to be acquired for public purpose

In accordance with Clause 5.1A, the land identified as Zone E2 Environmental Conservation and marked "Regional open space" is to be maintained undisturbed.

As discussed previously within this report, no building works are proposed within the E2 Environmental Conservation zone, and as such, the consent authority can be satisfied in this regard.

### 7.5 Coastal risk planning

Council's Manager for Development, Engineering & Certification has reviewed the application and raised no issues with regards to impacts arising from coastal hazards.

### 7.7 Geotechnical hazards

Council's Manager for Development, Engineering & Certification has reviewed the application and raised no issues with regards to impacts arising from Geotechnical Hazards.

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	29.6m	unaltered	Yes
Rear building line	6.5m	49.3m	unaltered	Yes
Side building line	2.5m	2.5m (South)	unaltered	Yes
	1m	1m (North)	unaltered	Yes
Building envelope	3.5m	Outside envelope (South)	unaltered	No, however unaltered from DA2020/0179
	3.5m	Within envelope (North)	unaltered	Yes
Landscaped area	60%	-	unaltered	Yes, unaltered from DA2020/0179

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.4 Coastline (Bluff) Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.13 Pollution Control	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	Yes	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D10.18 Scenic Protection Category One Areas	Yes	Yes

### Detailed Assessment

#### **C1.5 Visual Privacy**

The application seeks to lower the sill height of a ground floor study window from 1.6m from the Finished Floor Level (FFL) to 0.75m from the FFL. As detailed within the assessment report for development consent no. DA2020/0179 concerns were raised with regards to the size, alignment and proximity of this window to windows of the neighbouring dwelling at 188 Barrenjoey Road. As a result the plans were amended for the window to have a sill height of 1.6m. Whilst the modification seeks to lower the window sill height, a fixed external privacy screen has been proposed in order reduce the potential for direct overlooking. Conditions have been recommended to ensure that details of the privacy screen are reviewed prior to the release of a construction certificate and for the privacy screen to be maintained on-going.

Subject to compliance with these conditions, the application is seen to comply with the requirements of this control.

#### **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 2019**

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;
- Pittwater Local Environment Plan;
- Pittwater 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. Mod2020/0276 for Modification of Development Consent DA2018/1910 granted for alterations and additions to a dwelling house including swimming pool on land at Lot 1 DP 1203970, 190 Barrenjoey Road, NEWPORT, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-1.0, Issue A (Site Plan)	22.06.20	Gordon + Valich Pty Ltd
DA-1.1, Issue B (Ground Floor Plan)	22.06.20	Gordon + Valich Pty Ltd
DA-2.1, Issue B (Elevations)	22.06.20	Gordon + Valich 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 under heading "CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE" to read as follows:**

**Details of privacy screen**

The proposed vertical louvered privacy screen is to be affixed with louvers being solid and having a maximum opening angle of 45 degrees. The privacy screen is to be set so that no more than 25% of overlooking will result when viewed from a midpoint of the subject study window perpendicular to the side boundary with 188 Barrenjoey Road.

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

Reason: To maintain sufficient visual privacy.

**C. Add Condition under heading "ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES" to read as follows:**

**Maintaining sufficient privacy**

The privacy screen as referred to under condition B of this consent is to be maintained for the life of the development.

Reason: To reduce impacts on visual privacy.

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

**Signed**



**Kent Bull, Planner**

The application is determined on 07/08/2020, under the delegated authority of:



**David Auster, Acting Development Assessment Manager**