

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0516
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Responsible Officer:	Dean Pattalis
Land to be developed (Address):	Lot 18 DP 6100, 90 Birkley Road MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA2020/1053 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:	Stuart John McPhail Joanna Ruth Patching
Applicant:	Stuart John McPhail

Application Lodged:	04/10/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	11/10/2022 to 25/10/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application proposes to modify the development consent under DA2020/1053 including the following works:

- Increase to terrace area above the approved carport
- New 500mm planters to western and northern sides of proposed terrace
- Increase height of approved privacy screen and new balustrade on northern side of terrace
- New lawn area raised to south-western portion of front setback
- New panel lift gate to carport
- New balustrade on southern elevation above retaining wall
- New retaining walls
- New boundary fencing

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 - 4.1.4 Setbacks (front, side and rear) and Building Separation
Manly Development Control Plan - 4.1.10 Fencing

SITE DESCRIPTION

Property Description:	Lot 18 DP 6100 , 90 Birkley Road MANLY NSW 2095
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Birkley Road.</p> <p>The site is regular in shape with a frontage of 12.19m along Birkley Road and a depth of 30.48m. The site has a surveyed area of 371.6m².</p> <p>The site is located within the R2 Low Density Residential zone from MLEP 2013 and accommodates a two (2) storey dwelling on site. Vehicular access to the site is provided from Birkley Road along the northern side of the site via a concrete driveway. Given the undersized size of the garage, the site can accommodate one (1) off street car parking space within the front setback</p> <p>The site slopes gently from the southern side to the northern side with a fall of approximately 1.0m.</p> <p>The site has a front and rear garden incorporating landscaping. The site does not contain any canopy trees or endangered species.</p> <p>Detailed Description of Adjoining/Surrounding</p>

Development

Adjoining and surrounding development is characterised by single and two (2) storey dwellings.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Application **DA2020/1053** for Alterations and additions to a Dwelling House (Approved 19/02/2021)

Pre-lodgement Meeting **PLM2020/0011** was held on 06/02/2020

Application **10.2009.241.1** for Alterations and additions to an existing dwelling including first floor addition (Approved 29/09/2009)

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 DA2020/1053, 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 DA2020/1053 for the following reasons:</p> <p>The original application sought consent for the alterations and additions to a dwelling house including a new double carport, conversion of existing garage into storage room, extend the existing crossover, extend the existing terrace off the living room at the front of the dwelling and ancillary landscaping works.</p> <p>The proposed modification works generally do not alter any built form controls of the approved dwelling, with the exception of extending the rooftop terrace towards the street and some further balustrade fencing. As a result, the spatial relationship of the proposed works to adjoining properties is adequately maintained with a complimentary and compatible streetscape presentation.</p> <p>As the proposed modification is not considered to increase the scope of the works to an extent that an unreasonable adverse impact will be incurred to the amenity or desired future character of the locality, the consent authority is 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 DA2020/1053.</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</p>	<p>Development Application DA2020/1053 did not require concurrence from the relevant Minister, public authority or approval body.</p>

Section 4.55 (2) - Other Modifications	Comments
body has not, within 21 days after being consulted, objected to the modification of that consent, and	
(c) it has notified the application in accordance with: (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	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.
(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	Manly Development Control Plan 2013 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)	<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. <u>Clause 29</u> of the EP&A Regulation 2021 requires the

Section 4.15 'Matters for Consideration'	Comments
	<p>submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to owners consent from the relevant property owner for the proposed common boundary fence. The information was accepted by Council on 10 November 2022.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: 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>
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 2013 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	No matters have arisen in this assessment that would justify

Section 4.15 'Matters for Consideration'	Comments
interest	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 11/10/2022 to 25/10/2022 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:
Mr Robert O'Brien	1/1 Herbert Street MANLY NSW 2095

One submission was received by the owners of 1 Herbert Street, Manly which was in support of the proposed modification application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is to modify development consent DA2020/1053 and provide an extended terrace over the approved carport with the addition of planting and new façade materials. Shrub planting is proposed upon the slab structure with a planter depth of 500mm and width of planters as shown on the plans.</p> <p>Condition 9 of development consent DA2020/1053 applies to the proposed terrace planter under this modification and shall be utilised for all planters on slab to the development. Likewise Condition 24 applies to the the planting of shrubs in planters under this modification. Therefore no alterations (modify, add or delete) to landscape conditions under the development consent are required and Landscape Referral raise no objections to the landscape component of the modification application.</p>
NECC (Development Engineering)	<p>The application proposed some amendments on the approved terrace.</p> <p>Development Engineering has no objection to the application.</p> <p>No additional engineering condition is required.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A385664_02 dated 17 June 2022).

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

SEPP (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.

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
Height of Buildings:	8.5m	6m	5m (Carport FFL to top of privacy s
Floor Space Ratio	FSR: 0.6:1	FSR: 0.45:1	Unchanged

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 371.6sqm	Requirement	Approved	Proposed	Complies
4.1.2.1 Wall Height	N: 6.5m (based on gradient 0)	4.5m (inclusive of privacy screen)	4.85m	Yes
	S: 6.5m (based on gradient 0)	2.7m	3.7m	Yes
4.1.2.3 Roof Height	Height: 2.5m	200mm (roof over carport)	N/A - Roof replaced with terrace	N/A
	Pitch: maximum 35 degrees	2 degrees	N/A	N/A
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	Nil	Nil (terrace extension)	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	N: 1.62m (based on wall height) S: 1.23m	Nil 5.5m (carport)	Nil Unchanged	No but existing Yes
4.1.4.4 Rear Setbacks	8m	Unimpacted	Unimpacted	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% of site area	44.6% (166m ²)	51% (189.73m ²)	No but increase to existing
	Open space above ground 40% of total open space	18%	20.26% (38.43m ²)	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% of open space	73%	Existing	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	51.68% (6.3m)	Unchanged	No but existing
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	2 spaces	Yes
4.1.10 Fencing	1m in height above ground level at any point	1.3m - 2.2m	3.5m (terrace rail)	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	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	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	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
4.1.10 Fencing	No	Yes

Detailed Assessment

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

Description of non-compliance

The dimensions of the approved carport shall remain unchanged, however the terrace above is proposed to be extended towards the front boundary and result in a nil front setback.

Despite the extension of the rooftop terrace area towards the street, additional planters and landscaping are also proposed atop the carport to provide a visual buffer and soften the appearance of the proposed structures within the front setback area. An overall increase in on-site landscaped area is proposed as a result, in comparison to the existing arrangement. The flat roof presentation of the approved carport is also maintained to minimise the bulk of the structure.

The non-compliance does not adjoin any neighbouring private open space and shall not create any unreasonable amenity impacts. The proposal is also consistent with similar structures in the front setback area within the Birkley Road streetscape.

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 proposal will continue to maintain an appropriate visual relationship with the surrounding built environment. The proposed carport maintains a flat roof and substantial vegetation in the front setback area to minimise the impact upon the streetscape.

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 works will not result in unreasonable additional overshadowing of adjoining properties or privacy concerns. The works are adequately screened from the street frontage and therefore, will not reduce road visibility. Overall, the proposal achieves this objective.

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

Comment:

Flexibility is afforded in this circumstance as the non-compliance shall not result in an incompatible visual presence in comparison to the existing arrangement.

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 results in an improved landscape area outcome in comparison to the approved arrangement. Council's Landscape Officer has reviewed the application and raised no objection to approval, subject to recommended conditions.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

The site is not bushfire prone.

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.

4.1.10 Fencing

Description of non-compliance

The control states that freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point, whilst partially open/transparent front fences to reach a maximum height of 1.5m above the existing ground level.

The proposed modification works include new 1m-high balustrade fencing above the carport on the northern elevation, which has a maximum height of 3.5m above existing ground level. Further balustrade fencing is proposed above new retaining walls on the southern elevation which results in a total height of 2.6m above existing ground level. A 1.8m-high boundary fence is also proposed along the front portion of the common side boundary between No.90 and 92 Birkley Road, adjacent to the approved carport. Owners consent has been provided by the owners of No.92 for this fence.

The fencing is screened by proposed additional vegetation plantings in the front setback area, which softens the appearance of the proposed fence and wall structures within the front setback area. The non-compliance does not adjoin any neighbouring private open space and shall not create any unreasonable amenity impacts.

Following a site inspection of the subject property and surrounds, it is noted that several other examples of similar front fencing structures located above garages/carports are located along the Birkley Street streetscape, whilst side boundary fencing with similar heights are also observed due to the sloping topography on this section Birkley Road.

It is noted however, the approved 1.65m-high privacy screen on the northern elevation above the carport is proposed to be modified in height and increased to 2m. This height increase is considered onerous and excessive in this instance and adds further bulk to the facade of the dwelling. Therefore, a condition of consent has recommended for the privacy screen to remain at 1.65m in height, as

approved under DA2020/1053.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the control. The control relies upon the objectives of Clause 3.1 - Streetscapes and Townscapes within the Manly DCP 2013.

Objective 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.

Comment:

The height of the fences will not be out of keeping with the streetscape character as there are other examples of similarly sized fences with similar finishes in the immediate locality. The fence is considered to achieve this objective.

Objective 2) To ensure development generally viewed from the street complements the identified streetscape.

Comment:

As noted above, the fence will be in keeping within the streetscape.

Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.

Comment:

The proposed fencing is reasonable in this circumstance and therefore, a soft landscape alternative is not required in this instance.

Conclusion

Having regard to the above assessment, it is concluded that the objectives of the control have been achieved. Therefore, the application is supported on merit 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;
- 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. Mod2022/0516 for Modification of Development Consent DA2020/1053 granted for Alterations and additions to a dwelling house on land at Lot 18 DP 6100,90 Birkley Road, MANLY, 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
S4.5503-A	9 August 2022	Action Plans

S4.5506-A	9 August 2022	Action Plans
S4.5507-A	9 August 2022	Action Plans
S4.5508-A	9 August 2022	Action Plans
S4.5509-A	9 August 2022	Action Plans
S4.5510-A	9 August 2022	Action Plans
S4.5511-A	9 August 2022	Action Plans
S4.5512-A	9 August 2022	Action Plans
S4.5514-A	9 August 2022	Action Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (A385664_02)	17 June 2022	Action Plans

d) 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 15(A). Amendments to the approved plans to read as follows:

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

- The modification to the approved privacy screen located along the northern elevation of the elevated terrace, involving a height increase to 2 metres, shall be deleted. The privacy screen shall remain unchanged and maintain the approved height of 1.65m.

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



Dean Pattalis, Planner

The application is determined on 10/11/2022, under the delegated authority of:



Adam Richardson, Manager Development Assessments