

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0641
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Responsible Officer:	Clare Costanzo
Land to be developed (Address):	Lot 40 DP 11828, 21 Wattle Avenue FAIRLIGHT NSW 2094
Proposed Development:	Modification of Development Consent DA2019/1108 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:	Rebecca Jane Baker Duncan Robert Earl
Applicant:	Duncan Robert Earl

Application Lodged:	04/12/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	15/12/2020 to 20/01/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	4.3 Height of buildings: 8%
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The modification application comprises of the following amendments to approved DA2019/1108:

Lower Floor

- extend rumpus within existing subfloor
- provide timber windows on the northern elevation
- new door along western elevation

Ground Floor

- delete extension over existing deck adjacent to family room

- provide french doors on the northern elevation

First Floor

- new bay window extension to bedroom 3 and 4

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 Local Environmental Plan 2013 - 4.3 Height of buildings

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

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

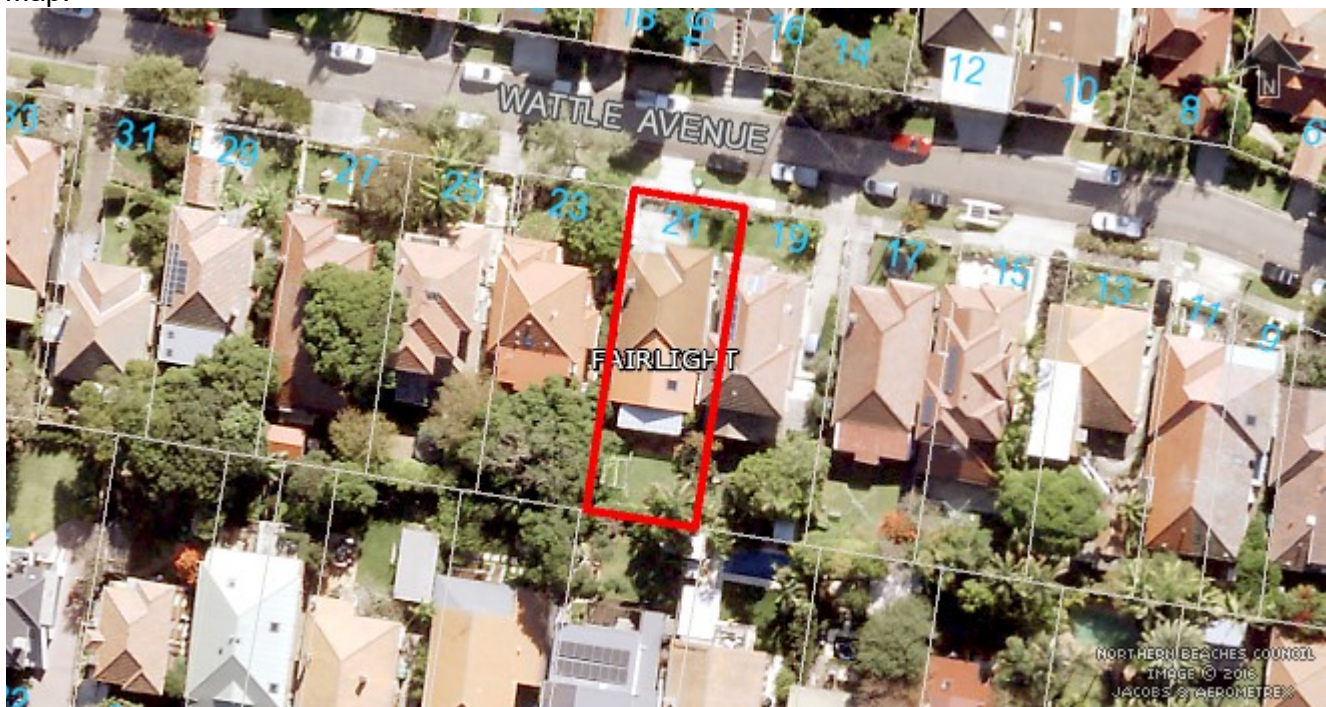
SITE DESCRIPTION

Property Description:	Lot 40 DP 11828 , 21 Wattle Avenue FAIRLIGHT NSW 2094
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Wattle Street.</p> <p>The site is irregular in shape with a frontage of 12.19m along Wattle Avenue and a depth of 35.43m. The site has a surveyed area of 431.8m².</p> <p>The site is located within the R1 General Residential zone and accommodates a two storey brick residence with a tile roof. Vehicular access is available from Wattle Avenue to a garage at street level.</p>

The site has a northerly aspect, with no significant vegetation.

Adjoining and surrounding development is characterised by residential 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:

DA2019/1108: Application for alterations and additions to a dwelling house was approved on the 18 December 2019.

DA2019/0193: Application for alterations and additions to a dwelling house was lodged on 28 February 2019. This application was also withdrawn by the Applicant on 11 June 2019 when assessment of the proposal found that the issues with the previous application had still not been addressed in this application.

DA2018/1518: Application for alterations and additions to a dwelling house was lodged on 12 September 2018. This Application was withdrawn by the Applicant on 21 November 2018 after Council advised that they did not support the application based on the following issues:

- Building Height;
- Wall Height;
- Front Setback;
- Existing Character (1st floor additions); and
- Earthworks

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2019/1108, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • the assessment of the built form and impacts remains the same as those considered in the original assessment • the works are substantially the same as those assessed under DA2019/1108
(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 DA2019/1108 for the following reasons:</p> <ul style="list-style-type: none"> • findings from the assessment of the original DA remains relevant to the modification application • the approved built form remains mostly unchanged when viewed from the streetscape • no changes to the approved maximum height or wall heights

Section 4.55(1A) - Other Modifications	Comments
	<ul style="list-style-type: none"> open space and landscaping remains as approved no change to approved use
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Manly Local Environment Plan 2011 and Manly Development Control Plan.</p>
<p>(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.</p>	<p>See discussion on "Notification & Submissions Received" in this report.</p>

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the 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 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact</p>

Section 4.15 'Matters for Consideration'	Comments
	The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 15/12/2020 to 20/01/2021 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Arne Nicholas Borg	19 Wattle Avenue FAIRLIGHT NSW 2094

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

- Loss of privacy
- Increased noise
- Increased fire risk
- Unacceptable built form

The matters raised within the submissions are addressed as follows:

- *Increased noise. It is clear from the plans that these changes are really going to incorporate the existing shed into a larger rumpus room. This room is adjacent to the master bedroom of my house and is likely to cause more noise at night, with young children, and potentially being a place used to play loud music.*

Comment:

The proposed minor extension to the rumpus room is not expected to have any unreasonable

noise impacts above those considered in the original development application DA2020/1108. The lower ground level is approved as a habitable space given it is partly below ground level and therefore it is not anticipated the noise levels will be unreasonable within the context of the site.

- *A three storey home breaches the DCP guidelines and should not be allowed. I raised this concern in the prior submission, but it can no longer be argued that this is not a three storey home with additional door for access and windows at the front, and therefore clearly in breach of the DCP 4.1.2.2.*

Comment:

The development will continue to result in a two storey dwelling. The lower ground floor level is predominantly below existing ground level where the floor level of the storey immediately above is less than 1 metre above ground level (existing) when calculated on average and is therefore considered a basement under the Manly LEP. The modification seeks to combine the approved rumpus room and shed to result in a larger basement area and will therefore continue to comply with the DCP control 4.1.2.2.

- *While some other houses in the street also have windows on the lower floor, I point out that under the DCP 1.5 guidelines "Previous approvals do not create a precedent for proposed development that is of a similar form." Of consideration is that this room is only 1.3 meters from the boundary, and as noted later in this submission this does not comply with the minimum 3 meter requirement of windows at the side of a building, refer to DCP requirement 4.1.4.2 related to side setbacks.*

Comment:

The modification application does not propose any new windows along the eastern elevation of the lower ground level. The new lower ground windows along the northern elevation will comply with relevant DCP controls.

- *Loss of privacy due to increased windows and extension of the windows towards the boundary. The windows will make it easier for the occupants to look down into my ground floor living room, dining area and second bedroom.*

Comment:

The proposed bay window along the eastern elevation of bedroom 4 will present a breach to the setback control. Given the increased non-compliance the bay window along the eastern elevation is not supported. This is discussed further in section 4.1.4.

- *Increased noise. As these bedrooms are now only 1 meter from the boundary it will mean that more noise will carry between the houses.*

Comment:

As discussed above the bay window along the eastern elevation is not supported.

- *Increased fire risk, there are reasons for spacing between homes. One of these reasons is to create fire separation so that if one dwelling catches fire, the risk of spreading to neighbouring dwellings is minimised. This creates a safety issue and should be a concern for council.*

Comment:

The site is not listed as being within bushfire prone land and as approved is capable of complying with all relevant and required Building Code of Australia (BCA) standards. The

conclusions found in the assessment of development application DA2019/1108 remain applicable to the modification application. The proposed modifications will continue to comply with all relevant and required BCA standards.

- *Building Height. Even though the modifications don't increase the building height, the building height is still 8% > the maximum allowed. I don't understand how council can claim that 8% is insignificant, and this should have never been allowed.*

Comment:

The modification does not seek to increase the approved building height and therefore the assessment of the development application DA2019/1108 remains applicable.

- *I still have a significant issue with the first floor master bedroom eastern windows situated right next to my balcony.*

Comment:

There are no changes to approved master bedroom eastern windows as part of this modification application.

- *I also note that I have an upstairs bathroom with a north facing window, on the western side of my building that is directly opposite 21 Wattle Avenue.*

Comment:

There are no new windows proposed as part of this modification application and therefore there are no privacy impacts above those considered in the original development application DA2019/1108.

- *The first floor balcony is in front of my balcony and allows the neighbours the opportunity to look directly into my upstairs living room.*

Comment:

There are no changes to the approved first floor balcony as part of this modification application.

REFERRALS

No referrals were sent in relation to this application

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A324632_06 dated 29 October 2020).

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	9.2m	no changes	-	No
Floor Space Ratio	FSR: 0.6:1	FSR: 0.6:1	FSR: 0.51:1	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No
4.4 Floor space ratio	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.12 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

The maximum building height is 9.2m, as approved in DA2019/1108. This development application was supported by a clause 4.6 written request to vary a development standard.

Given there are no changes to the approved maximum building height the assessment of the proposal in DA2019/1108 remains applicable to the modification application. No further assessment required.

Mainly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 431.8m ²	Requirement	Approved	Proposed	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 1 unit per 250sqm dwellings	1 (existing)	1 (existing)	Yes
	Dwelling Size: 90sqm	259sqm	220.8sqm	Yes
4.1.2.1 Wall Height	N: 6.5m	3.1m	no changes	Yes
	S: 6.5m	3.1m	no changes	Yes
	E: 6.9m	7.5m	no changes	No

	W: 6.9m	7.8m	no changes	No
4.1.2.2 Number of Storeys	2	2	no changes	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.5m	no changes	Yes
	Parapet Height: 0.6m	N/A	N/A	N/A
	Pitch: maximum 35 degrees	35 degrees	no changes	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	Garage/store: 0.3m Dwelling, ground floor: 5.7m Dwelling, first floor: 7.1m	no changes	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	E: 2.2m (based on wall height) W: 2.3 (based on wall height)	1.3m 1-2.7m	1m 2.4m	No Yes
	Windows: 3m	1-2.7m	no changes	No
4.1.4.4 Rear Setbacks	8m	16.3m	no changes	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% of site area	63%	no changes	Yes
4.1.5.2 Landscaped Area	Landscaped area 25% of open space	44%	no changes	Yes
	1 native trees	1 tree	no changes	Yes
4.1.5.3 Private Open Space	18m / 12sqm per dwelling	150sqm	no changes	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	no changes	Yes

Compliance Assessment

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

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	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
3.6 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)	No	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	No
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

The modification application does not seek any physical changes that will change the approved wall height, number of storeys and roof height. There are no proposed impacts above those considered in the original development application DA2019/1108.

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

The proposal presents a variation to required minimum side setback control along the eastern setback on the first floor by 1.2m or 45%.

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.4 Setbacks (front, side and

rear) and Building Separation of the Manly Development Control Plan.

A variation to 4.1.4 Setbacks (front, side and rear) and Building Separation was granted under DA2019/1108 to allow for a maximum eastern setback of 1.3m. A further request to vary the setback control by 300mm is not supported by Council as it will not provide for a reasonable level of building separation to ensure privacy between dwellings.

Clause 4.1.4.2 Side Setbacks and secondary street frontages (c) requires all new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries. In its current form the proposed new bay windows along the eastern boundary will present a setback of 1m, which is a 2m or 33% variation to the control. Given the close proximity to the neighbouring property and the height of the windows above ground level the proposed side setback along the eastern elevation is not supported.

A condition has been recommended requiring the eastern side setback to be aligned with the current approved eastern side setback. The bay window along the eastern side boundary must be located with a 1.3m side setback to maintain privacy and building separation. No changes are required to the proposed bay window along the western boundary as it readily complies with the side setback 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;
- 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
- Inconsistent 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. Mod2020/0641 for Modification of Development Consent DA2019/1108 granted for alterations and additions to a dwelling house on land at Lot 40 DP 11828,21 Wattle Avenue, FAIRLIGHT, 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
C4.55-3 Site Analysis Plan RevA	2/11/2020	sketchArc
C4.55-4 Lower Floor Plan RevA	2/11/2020	sketchArc
C4.55-5 Ground Floor Plan RevA	2/11/2020	sketchArc
C4.55-6 First Floor Plan RevA	2/11/2020	sketchArc
C4.55-7 Roof Plan RevA	2/11/2020	sketchArc
C4.55-8 North & South Elevations RevA	2/11/2020	sketchArc
C4.55-9 East Elevation RevA	2/11/2020	sketchArc
C4.55-10 Western Elevation RevA	2/11/2020	sketchArc
C4.55-11 Sections A-A/B-B RevA	2/11/2020	sketchArc
C4.55-12 Sections C-C RevA	2/11/2020	sketchArc

C4.55-13 Sections D-D RevA	2/11/2020	sketchArc
C4.55-14 Floor Area Plans RevA	2/11/2020	sketchArc
C4.55-15 Open Space and Landscaping	2/11/2020	sketchArc

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report	5/11/2020	White Geotechnical Group
BASIX Certificate No. A324632_06	A324632_06	Phil Brown Drafting

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	20/10/2020	sketchArc

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

B. Add Condition 20 - Conditions to be satisfied prior to the issue of the construction certificate - Amendments to approved plans to read as follows:

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

- The eastern first floor setback is to be aligned with DA2019/1108 approved side setback of 1.3m. For the avoidance of doubt, proposed bay windows along the eastern side setback must be 1.3m from the side boundary. Bay windows along the rear and western side boundary are supported and do not require any amendments.

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



Clare Costanzo, Planner

The application is determined on 25/01/2021, under the delegated authority of:



Anna Williams, Manager Development Assessments