

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2019/0409
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Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot B DP 377414, 2 Tourmaline Street NARRABEEN NSW 2101
Proposed Development:	Modification of Development Consent DA2018/1290 granted for alterations and additions to an existing dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Tony Ian Nicol
Applicant:	Micris Design Pty Ltd

Application Lodged:	26/08/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	06/09/2019 to 20/09/2019
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Executive Summary

The application seeks to modify Development Consent No DA2018/1290 granted for alterations and additions to 2 Tourmaline Street, Narrabeen. The application was approved by the Development Determination Panel (DDP) on the 23 of January 2019.

The modification seeks to achieve compliance with condition No.2 that was imposed by DDP at its panel meeting held on 23 January 2019. The condition required an increase to the setbacks on the southern and western boundaries, and an increase to the sill height of window (W7) located southern elevation. This modification also includes internal reconfiguration, minor alterations to the external cladding/finish on the northern facade, and additional window changes on the northern, eastern and southern elevations.

The proposed development was notified and one (1) submissions was received. The primary concern raised by the southern adjoining property was the additional privacy impacts as a result of the window changes. The issue raised has been addressed and appropriately conditioned to address the specific concern.

There is no change to the previously approved building height.

The assessment of the application, as amended against Warringah DCP 2011 has found that the modified proposal does raise additional impact in relation visual privacy. However, suitable conditions are recommended to ensure that the development, as amended achieves compliance with the requirement of Clause D8-Privacy of WDCP 2011.

The modification application is recommended for approval.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify Development Consent No.DA2018/1290. Amended Plans have been submitted to address to requirements of Condition No. 2 of the Development Consent, which reads as follows:

2. Amendments to the approved plans

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

- a) The first floor is to maintain a minimum setback of 2.5 metres to the southern boundary*
- b) The first floor is to maintain a minimum setback of 3.0 metres to the western boundary*
- c) The sill height of window W7 is to be a minimum height of 1.5m above the finished floor level.*

In addition to the above, the proposed modification seeks to modify the plans as follows:

- *New kitchen layout, including the removal of an internal wall*
- *New window (W2) on the northern elevation adjoining the kitchen*
- *New window (W3) on the eastern elevation adjoining the kitchen*
- *Change to the internal access stairs*
- *Existing ground floor deck to be reduced in size*
- *Proposed copper cladding panels to the accent walls of the northern facade*
- *Internal reconfiguration of the first floor (location of the walk in robe and en-suite)*
- *Modify the northern elevation windows W10 and W5 (formally W3)*
- *Modify the southern first floor windows W6 & W7 (formally W4, W5 & W6) adjoining the walk in robe, en-suite and stairwell.*

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report)

taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

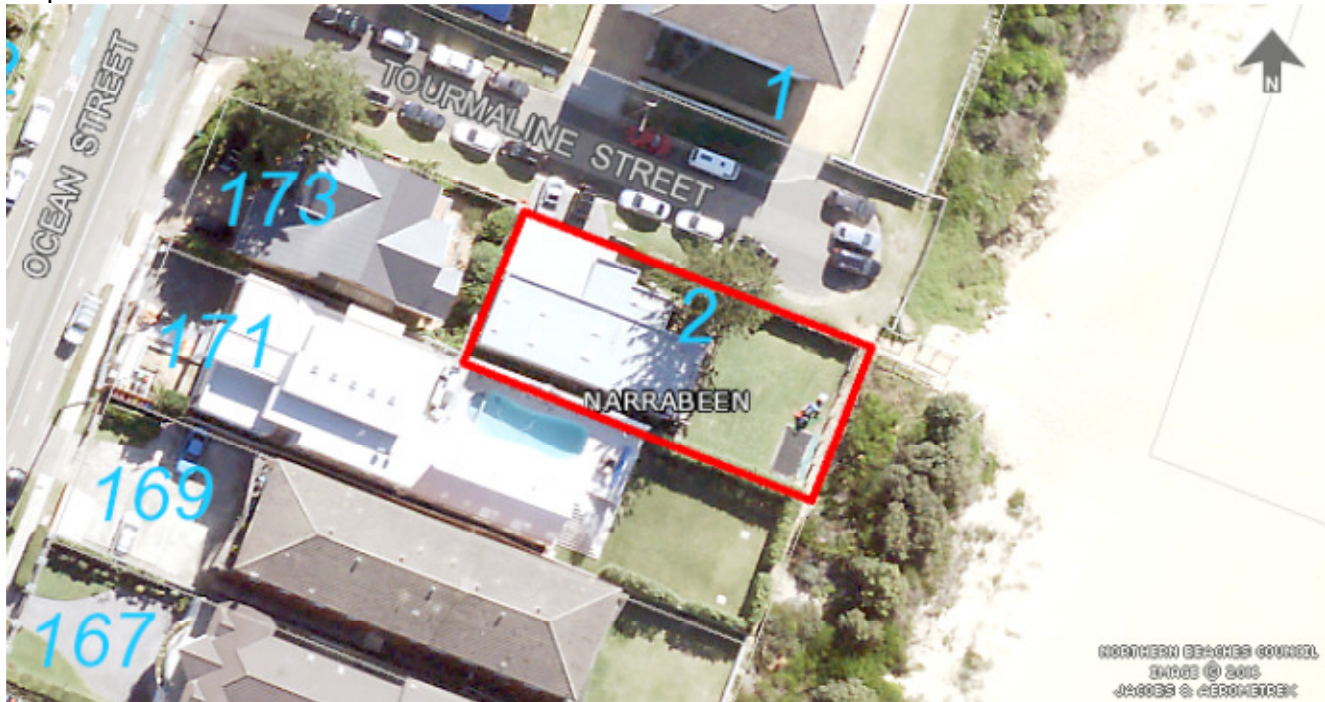
Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot B DP 377414 , 2 Tourmaline Street NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site is legally identified as Lot B in DP 377414, and is known as 2 Tourmaline Street Narrabeen. The site located within the R2 Low Density Residential zone.</p> <p>The subject property is located immediately south of Tourmaline Street, with Collaroy-Narrabeen Beach adjoining the site on the eastern boundary. The overall site area is 569.1m². The subject site has a northern street frontage to Tourmaline Street of 36.27 metres, a eastern boundary dimension of 15.71 metres, southern boundary dimension of 36.345 metres, and a western boundary dimension of 15.635 metres.</p> <p>The surface of the site is relatively flat with the site being previously excavated for the lower ground floor. The Lower Ground Floor Level of the existing dwelling has a finished floor level of 7.6m AHD, and is below the natural ground level, separated by a retaining wall with a crest level of 8.2m AHD. The Ground Floor finished floor level is 9.9m AHD.</p> <p>The site currently contains a two level dwelling house, with lawned area in the eastern area of the site adjoining the vegetated sand dunes of Collaroy/Narrabeen beach.</p> <p>Surrounding sites consist of a range of dwelling types, including single dwelling house, dual occupancy</p>

and residential flat buildings. The site to the south and the west contains two storey dwelling houses, with the site to the north being a three storey residential flat building on the opposite side of the street.

Map:



SITE HISTORY

Development Application (DA2018/1290)

The original DA for alterations and additions to a dwelling house, was lodged with Council on 1 August 2018. The application was assessed and reported to Development Determination Panel with recommendation for refusal. The Panel at its meeting held on 23 January and approved the DA subject to conditions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2018/1290, 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
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 development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2018/1290.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2019/1290 did not require concurrence from the relevant Minister, public authority or approval body.
(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 2000, Warringah Environmental Plan 2011 and Warringah 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.	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 96 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 '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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&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&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
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	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 'Matters for Consideration'	Comments
EPA Regs	
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 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:
Hendrik Pieter Laubscher	171 Ocean Street NARRABEEN NSW 2101

The following issues was raised in the submission and each has been addressed below:

- Visual Privacy**

The submission received has raised concern that the proposed changes to the first floor windows, and the external privacy screens on the southern elevation will result in additional privacy impact on the adjoining development at 171 Ocean Street, Narrabeen.

Comment:

This matter is discussed in detail under Part D8 Privacy of the WDCP section in this report. In summary, the window changes have a direct impact on the privacy levels of the adjoining development. Accordingly, it is recommended that suitable conditions be included in the modified consent to ensure the privacy between the properties is reasonably maintained. The conditions also ensure that the development, as amended, remains consistent with the requirement of Clause D8 - Privacy control and the conditions of the original development consent.

Therefore, this issue is addressed by suitable conditions.

REFERRALS

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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

External Referral Body	Comments
	recommended.

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

An amended BASIX certificate has been submitted with the application (see Certificate No. 1039627S and date 25 August 2019). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 1039627S and date 25 August 2019).

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

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

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

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.

SEPP (Coastal Management) 2018

The subject site is identified as being located within the Coastal Use Area under the provisions of SEPP (Coastal Management) 2018. The application has been considered with regard to the relevant provisions of State Environmental Planning Policy (Coastal Management) 2018 and Council can be satisfied that the proposal is consistent with the relevant matters prescribed by this policy.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings:	8.5m	8.6m (RL16.8)	8.6m (RL16.8)	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	N/A
4.6 Exceptions to development standards	Yes
5.3 Development near zone boundaries	Yes
5.5 Development within the coastal zone	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

Detailed Assessment

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	up to 8m	No change	Yes
B3 Side Boundary Envelope	4m South	Encroachment of up to 1.0m for a length of 11m	0.4m for a length of 8m	Yes
	4m West	Encroachment of up to 0.87m for 6.5m, and 0.4m for a length of 10.5m	No encroachment	Yes
B5 Side Boundary Setbacks	0.9m West	0.9m Garage 1.9m - 2.1m First Floor	1.0m 3.0m First Floor	Yes
	0.9m South	1.4m - 2.4m First Floor	2.5m	Yes
B7 Front Boundary Setbacks	6.5m	0.6m Garage 0.0m Roofing 3.1m - 3.7m First Floor	No change Over the front boundary line (0.1m) No change	Yes No Yes
B9 Rear Boundary Setbacks	6m	13.3m First Floor Balcony 10.7m Access Stairs	No change	Yes
D1 Landscaped Open Space and Bushland Setting	40%	37%	No change	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	No	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

The approved building envelope will be reduced as result of Condition No. 2 of the Development Consent DA2018/1290. The amended plans show the increased setback to the southern and western boundaries. The modified development now only encroaches the side boundary envelope of 4m and 45 degrees on the southern elevation as follows:

- South Elevation - Encroachment of 0.4m for a length of 8m (10% variation); and
- West Elevation - no encroachment

Therefore, the proposed modification reflects the requirements of Condition No. 2 of the Development Consent DA2018/1290, and is considered to be an improvement and consistent with the objectives of this Clause.

B7 Front Boundary Setbacks

Whilst there is no change to the front setback of the garage or first floor, the modified roof line of the ground floor is located forward of the front boundary line encroaching above the road reserve on

Tourmaline Street.

Therefore, a condition is recommended to delete this structure from the approved plans.

D8 Privacy

The modification seeks to make amendments to the previously approved windows on the northern, eastern, and southern elevations.

The proposed changes to the windows on the northern and eastern elevation do not raise visual privacy issues due to the distance to the neighbouring Tourmaline Street residential properties and the public beach area. Therefore, these proposed modified windows are acceptable.

The following changes are proposed to southern elevation windows:

- Window W8 (formally W7) displays the conditioned 1.5m sill height
- Window W7 (formally W6) adjoining the sitting room sill height is now 0.9m above the finished floor level
- Window W7 (formally W6) adjoining the stairwell sill height is now 0.9m above the finished floor level
- Windows W6 adjoining the ensuite replace former windows W5 and W4

A comparison between the proposed modified southern elevation and the approved development are shown below in diagram 1 and 2 below.

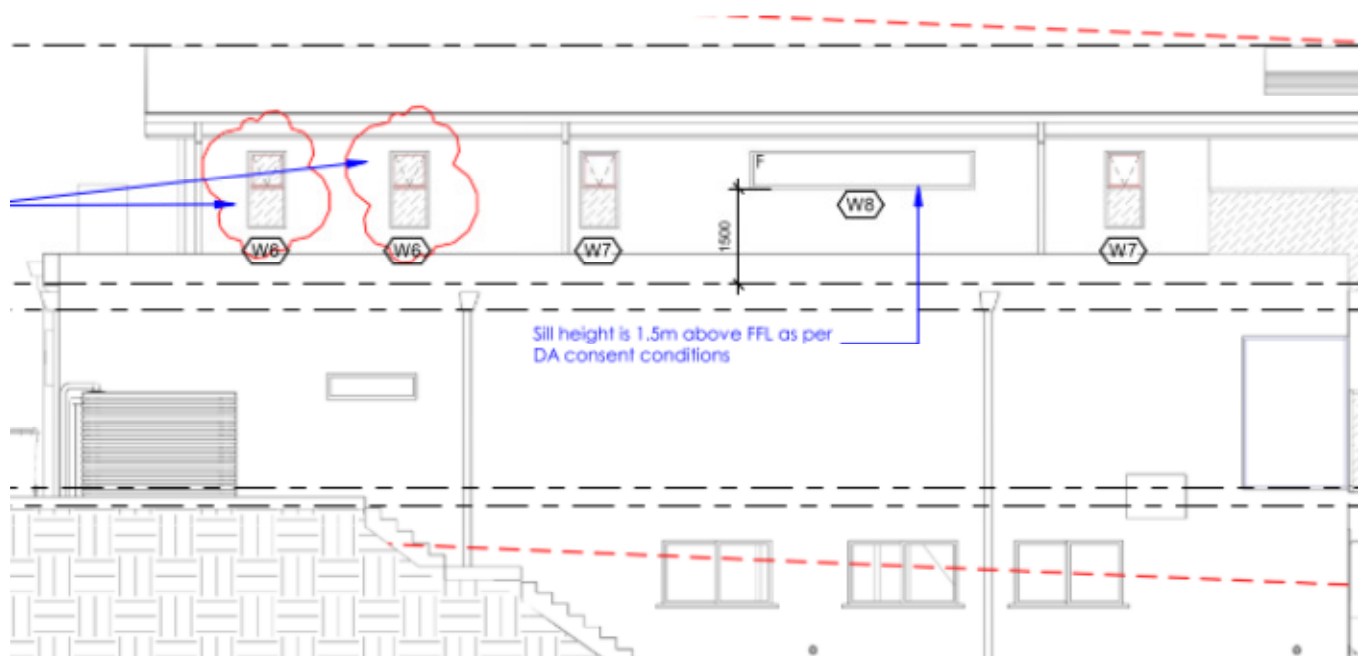


Diagram 1. Modified southern elevation with modified window changes

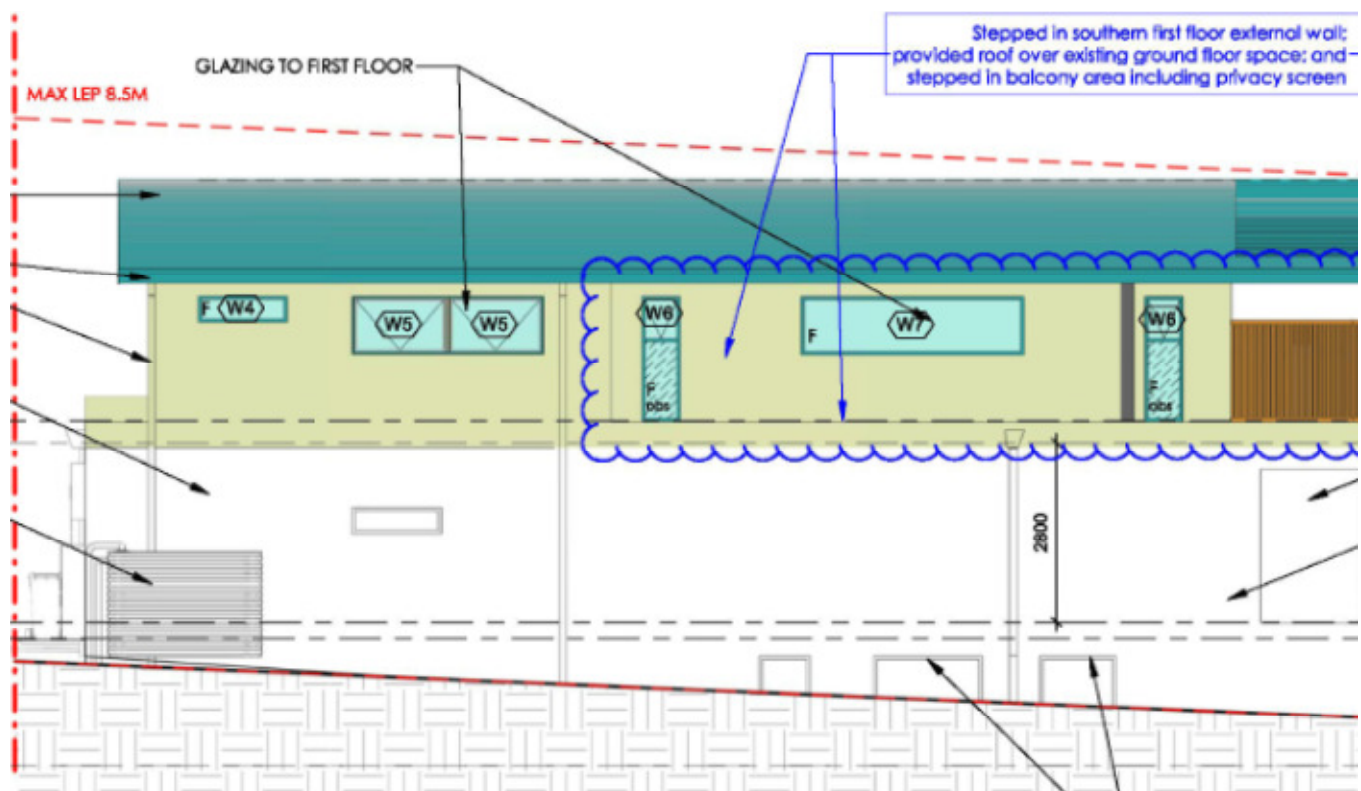


Diagram 2. Development application southern elevation windows.

The changes to the southern elevation windows will have direct impact to the amenity of the adjoining property to the south, being No.171 Ocean Street, Narrabeen.

Whilst the new windows (W6 x 2 and W7 x 2) are located adjoining what is considered a transitional area (i.e the stairwell), and a low usage room (i.e. en-suite), additional privacy measures are required to maintain reasonable privacy levels.

The modified windows are shown as shaded on the submitted plans to represent opaque glazing. However, as this is not documented on the submitted plans, and in absence of a window schedule, a condition is included to ensure that these shaded areas of windows are treated with opaque glazing. This will ensure a reasonable level of privacy and amenity to No.171 Ocean Street Narrabeen is achieved, and also demonstrates consistency with the DDP condition.

There is also proposed changes to the materials utilised for the external privacy screens on the southern elevation. No details have been provided on the materials to be utilised for these privacy screens, and in the absence of a window schedule, a condition will also be imposed to ensure that these glazed privacy screens are of opaque glazing to maintain reasonable privacy and amenity to No.171 Ocean Street Narrabeen.

Therefore, the conditioned changes to the proposed windows and privacy screens on the southern elevation will ensure the modified proposal satisfies the previous conditions of the DDP and the objectives of the privacy control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

The proposal has been assessed in accordance with Section 4.55(2) and the heads of consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended) and is considered to be satisfactory.

The amended proposal, as conditioned, is assessed as being generally consistent with the applicable planning controls that apply to the site under WLEP 2011 and WDCP 2011 and the requirements of Condition No. 2 of the Development Consent DA2018/1290.

The primary concern raised by the southern adjoining property has been addressed and appropriately conditioned to address the specific concern.

The assessment of the application has demonstrated that the proposed development (as amended) is found to be satisfactory subject to conditions with regard to visual privacy and its impact on the adjoining and nearby development.

Accordingly, it is recommended that approval be granted to the modification application subject to the modified conditions.

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. Mod2019/0409 for Modification of Development Consent DA2018/1290 granted for alterations and additions to an existing dwelling house on land at Lot B DP 377414,2 Tourmaline Street, NARRABEEN, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Analysis Plan	14/08/2019	Micris Design Pty Ltd
Ground Floor Demolition Plan	14/08/2019	Micris Design Pty Ltd
Site, Ground Floor, First Floor Plan	14/08/2019	Micris Design Pty Ltd
East, north,south, west elevation and section	14/08/2019	Micris Design 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. Delete Condition No.2 Amendments to the approved plans as follows:

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

- The first floor is to maintain a minimum setback of 2.5 metres to the southern boundary
- The first floor is to maintain a minimum setback of 3.0 metres to the western boundary
- The sill height of window W7 is to be a minimum height of 1.5m above the finished floor level.

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.

B. Add Condition No.2a Amendments to the approved plans to read as follows:

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

- a) Windows W6, adjoining the en-suite on the southern elevation are to be fitted with obscure glazing.
- b) Window W7 adjoining the stairwell on the southern elevation is to be fitted with obscure glazing to a minimum height of 1.5m above the finished floor level.
- c) Window W7 adjoining the sitting room on the southern elevation is to be fitted with obscured glazing to a minimum height of 1.5m above the finished floor level.
- c) The privacy screens adjoining the balconies on the southern elevation are to be fitted with obscure glazing.
- d) The roof is not to encroach above the road reserve on Pacific Lane, and is to remain wholly within the property boundaries.

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.