

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0038
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 8 DP 25959, 14 Lalchere Street CURL CURL NSW 2096
Proposed Development:	Modification of Development Consent DA2020/1135 granted for Demolition works and construction of a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Nicholas James Guidera Nicole Lisa Andrews
Applicant:	AMDE Construction Pty Ltd

Application Lodged:	08/02/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	15/02/2022 to 01/03/2022
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for a "Section 4.55(1A)" modification to development consent No.DA2020/1135. The changes broadly involve minor alterations to the interior floor plans and selected external elements of the approved house. The modified work proposed are detailed as follows:

Ground Floor Changes:

- New external brick chimney (gas fireplace);
- Replace front living room door with a window;
- Replacement of one window with two (W05 & W06);
- New interior feature walls;
- Reduced rear deck with associated column changes;
- Slab set-down (bathroom/laundry wet floor).

First Floor Changes:

- External brick chimney (continued);
- Delete selected living room windows adjoining balcony;
- Translucent glazing and privacy screening on southern side windows;
- Slab set down (bathroom wet floor).

The modified dwelling maintains the same floor layout as approved with minor adjustments and the overall design and building materials is also unchanged.

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

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 8 DP 25959 , 14 Lalchere Street CURL CURL NSW 2096
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Lalchere Street. The site adjoins the John Fisher Reserve located to the immediate north. The site is regular in shape with a frontage of 15.6 metres (m)along Lalchere Street and a depth of 40m. The site has a surveyed area of 600.7 square metres (sqm). The site was previously developed for a single storey brick, clad / rendered dwelling on the site (to be demolished).</p> <p>The site is generally flat with a number of trees located</p>

within the northern and western boundary including a mature Norfolk Pine tree. A low brick wall is situated along the northern and boundary.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by primarily two storey detached dwellings in addition to a few older style single storey dwellings. John Fisher reserve and parkland area adjacent Curl Curl lagoon provide a northerly outlook to the site. The reserve area and low lying sites adjacent are subject to flooding and acid sulfate soils.

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:

- **Development Application No.DA2020/1135** for 'construction of a swimming pool' was approved by Council on 11.3.2021.
- **Development Application No.DA201/1089** for 'demolition and construction of dwelling house' was approved by Council on 16.12.2020. This house is proceeding with the site preparation and construction phase and is the subject of this modification application.
- **Building Application No.C571/65** for alterations and additions was approved by Council in 1965.
- **Building Application No.C1176/62** for a fibro workshop outbuilding was approved by Council in 1962.
- **Building Application No.C1162/61** for a brick veneer dwelling house was approved by Council

in 1961.

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 DA2020/1135, 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 dwelling overall height and internal room arrangements, building width and general appearance is unchanged. • Landscaping area remains unchanged (noting that a pool has been approved under separate application). • The reasons for granting of approval for DA2020/1135 or any special conditions are not undermined by the modification. • The dwelling configuration as a two storey house with hipped roof, and garage remains the same. The changes to windows and selected openings are suitable for the residential environment. The new fireplace is natural gas and therefore has acceptable low smoke / odour emission.

Section 4.55(1A) - Other Modifications	Comments
<p>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2020/1135 for the following reasons:</p> <ul style="list-style-type: none"> • The modified dwelling maintains the same floor layout as approved with minor adjustments and the overall design and building cladding is also unchanged. • The proposed new changes will not significantly alter the original reasons behind approval and will add extra amenity to the future occupants whilst not unreasonably impacting the adjoining dwellings visual and acoustic privacy, amenity, solar access, views or the like. • The modified proposal will not impact upon the natural flooding constraints or natural hazards.
<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, and the Northern Beaches Community Participation 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 modification of the 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	Warringah Development Control Plan applies to this proposal. Provisions of the plans in context of the original DA have been reviewed including past submissions, site planning, access, drainage, excavation, flooding, privacy, overshadowing, streetscape amenity, vehicle access, landscaping and parking.
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>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 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	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed modification of the development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p>

Section 4.15 'Matters for Consideration'	Comments
the natural and built environment and social and economic impacts in the locality	<p>Associated changes and updates to the plans have been reviewed including the built form controls and original DA assessment. For the purposes of the modification some minor ancillary elements of the proposal have been included however to not raise any adverse issues with regard to retaining walls, soil conditions, stormwater, privacy, earthworks, access, safety, building bulk or amenity.</p> <p>(ii) Social Impact The proposed modification of development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed modification of 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 interest	No matters have arisen in this assessment that would justify the refusal of the modification of the application in the public interest including the reasons for granting of consent to DA2020/1135.

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 15/02/2022 to 01/03/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p>General Comments</p> <p>The modification mainly seeks to alter the interior layout and external</p>

Internal Referral Body	Comments
	<p>window schedule. As such, the modification is unlikely to impact on previous conclusions regarding Acid Sulphate Soils.</p> <p>Recommendation</p> <p>Supported - no conditions</p>
Landscape Officer	<p>The application is for modification of development consent DA2020/1135 and includes minor alterations to the interior floor plans and external appearance, and a minor reduction in the outdoor rear deck.</p> <p>Landscape Referral raise no concerns with the modification proposal and note that the landscape conditions 15, 27, 28, 29, 32 and 34 remain unaltered.</p>
NECC (Bushland and Biodiversity)	<p>The modification does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. Council's Natural Environment Unit - Biodiversity referral team has no objections to the proposed modifications subject to the biodiversity conditions provided for the previous DA consent (DA2020/1135).</p>
NECC (Development Engineering)	<p>Applicant seek minor internal changes to the approved DA. No Development Engineering objection with no conditions.</p>
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. As this site drains into Curl Curl Lagoon, the proposed modifications to the development must not significantly impact on the biophysical, hydrological or ecological integrity of these waters, or on the quantity and quality of surface and ground water flows to creeks or the waterway.</p> <p>This application is supported as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Curl Curl Lagoon and its surrounding environment.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed modification is for minor alterations to the interior floor plans and external appearance.</p> <p>No further conditions for these modifications.</p>
Parks, reserves, beaches, foreshore	<p>The application is for modification of development consent DA2020/1135 and includes minor alterations to the interior floor plans and external appearance, and a minor reduction in the outdoor rear deck.</p> <p>Parks, Reserves and Foreshores Referral raise no concerns with the modification proposal.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The requirements of Ausgrid have been addressed in the Ausgrid referral response dated 19/10/2020 with regard to the parent development application and associated conditions already applied by</p>

External Referral Body	Comments
	consent to ensure compliance with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

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

The requirements of SEPP 55 and the draft SEPP were considered and addressed as applicable under the parent development application. No further detailed consideration for the modification is required pursuant to the SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

A revised BASIX certificate has been submitted with the modification application (see Certificate 1128988S_03, dated 17.1.2022 by Energy Advance).

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

Commitment	Required Target	Proposed
Water	40	Target 40
Thermal Comfort	Pass	Target Pass
Energy	50	Target 51

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 requirements of Ausgrid were addressed by the Referral Response provided under the original development application. No change to conditions or further referral advice is required.

Other Service Infrastructure Authorities

The requirements of SEPP Infrastructure were considered and addressed as applicable under the parent development application. No further detailed consideration for the modification is required pursuant to the SEPP. Sydney Water assets (sewer, water etc) are managed separately through Sydney Water's own administrative procedures.

SEPP (Coastal Management) 2018

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

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The site is within an established residential zone service by essential infrastructure. Therefore the modification proposal will not create any unreasonable impact on adjacent Curl Cur Lagoon area.

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed*

- development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The modification works are consistent with the approved development consent for the land of a single dwelling and maintain the historical residential use of the land.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The dwelling modification will not create any unreasonable impact on flooding or coastal processes and the adjacent reserve environment.

14 Development on land within the coastal use area

- (1)
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The modification is consistent with the adjacent residential uses in Lalchere Street and the pattern of surrounding development.

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

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The modification work will not create any adverse impact on coastal hazards to be managed with regard to construction, acid sulphate soils, flooding and the like,

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.9m	7.9m (No change)	N/A	Yes (As approved)

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	% Variation*	Complies

B1 Wall height	7.2m	6.4m	No change	N/A	Yes
B3 Side Boundary Envelope (Eaves, chimneys, vents etc permitted to encroach)	45 degrees at 5m (North)	Within envelope	No change	N/A	Yes
	45 degrees at 5m (South)	Within envelope	No change	N/A	Yes
B5 Side Boundary Setbacks	0.9m (North)	2.1m to 3.4m Ground Level / Garage 3.4m to 4.7m Upper Level wall	2.1m to 2.7m Balcony / chimney 3.4m to 4.7m Upper Level wall	N/A	Yes
	0.9m (South)	1.3m Ground level 2.6m Upper Level wall	No change No change	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6.5m Verandah 7.3m Dwelling wall	No change	N/A	Yes
B9 Rear Boundary Setbacks	6.0m	10.9m Verandah 13.8m Dwelling wall	10.99m Verandah 13.8m Dwelling wall	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% 242.7sqm	40.6% 246.6sqm (without approved pool 57%)	40.6% 246.6sqm	N/A	Yes

*No further detailed assessment for the modification is required with regard to the built form controls that have not changed as previously assessed under the original development application for the same elements already approved. In this case, the approval of a swimming pool under DA2021/0028 has been factored in.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	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
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

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 2021

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

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. Mod2022/0038 for Modification of Development Consent DA2020/1135 granted for Demolition works and construction of a dwelling house on land at Lot 8 DP 25959, 14 Lalchere Street, CURL CURL, subject to the conditions printed below:

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

"1A. Modification of Consent - Approved Plans and supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of

consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A03 Rev K Site Plan	20/1/2022	G.J Gardner
A05 Rev K Ground Floor Plan	20/1/2022	G.J Gardner
A06 Rev K First Floor Plan	20/1/2022	G.J Gardner
A07 Rev K Elevations	20/1/2022	G.J Gardner
A08 Rev K Elevations	20/1/2022	G.J Gardner
A09 Rev K Sections	20/1/2022	G.J Gardner
A10 Rev K Demolition Plan	20/1/2022	G.J Gardner
A17 Rev K Flooring Setout Plan	20/1/2022	G.J Gardner

Engineering Plans		
Drawing No.	Dated	Prepared By
A12 Rev K Erosion and Sediment Plan	20/1/2022	G.J Gardner
A16 Driveway Detail	20/1/2022	G.J Gardner

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Basix Certificate 1128988S 03	17/1/2022	Chapman Environmental Services

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/Title.	Dated	Prepared By
A013 Rev K Waste Management Plan	20/1/2022	G.J Gardner

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

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

Signed



Alex Keller, Principal Planner

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



Rodney Piggott, Manager Development Assessments