

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2021/0889
----------------------------	--------------

<b>Responsible Officer:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 5 DP 6000, 10 Gardere Avenue CURL CURL NSW 2096
<b>Proposed Development:</b>	Modification of Development Consent DA2021/0010 granted for Demolition works and construction of dwelling house
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Paul Andrew Torrington Annette Torrington
<b>Applicant:</b>	Paul Andrew Torrington

<b>Application Lodged:</b>	22/11/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	02/12/2021 to 16/12/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The subject application proposes to modify Development Consent no. DA2021/0010 (as modified) pursuant to section 4.55(1A) of the Act.

The changes relate to an 18-metre long retaining wall along the southwest side boundary of the subject site. Land between the previously approved dwelling and the proposed retaining wall is to be filled with level as to reflect that of the retaining wall.

As a result of the modifications, condition 1 of Development Consent no. DA2021/0010 will require modification in order to reference the amended plans.

No other changes are proposed nor changes required to the consent notice as a result of the proposed modification.

## 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 Local Environmental Plan 2011 - 6.4 Development on sloping land  
Warringah Development Control Plan - E10 Landslip Risk

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 5 DP 6000 , 10 Gardere Avenue CURL CURL NSW 2096
<b>Detailed Site Description:</b>	<p>The subject site has an address of 10 Gardere Avenue, Curl Curl, and legally known as Lot 5, DP 6000.</p> <p>The subject site consists of an irregularly-shaped allotment. The site is oriented in a northeast/southwest direction, with the primary road frontage located at the north of the site; all other boundaries adjoin residential allotments. The western and southern boundaries adjoin other residential allotments. The site has an area of 455.3m<sup>2</sup> (survey) and contains a moderate downhill slope towards the east across the site, with a maximum fall of approximately 1.75 metres.</p> <p>The subject site is located within an R2 Low Density Residential zone under <i>Warringah Local Environmental Plan 2011</i> (WLEP 2011). All boundaries adjoin R2-zoned sites, and the site is not in close proximity to any zone boundaries (the most notable zone boundary that with an RE1 Public Recreation zone that forms part of Curl Curl Beach, approximately 95 metres east of the site). The site is mapped by WLEP 2011 as being landslip prone (Area B,</p>

denoting slopes of between 5 and 25%), though it is not mapped as being affected by any other major hazards or affectations. The subject site does not contain a heritage item, is not within a Heritage Conservation Area, and is not in close proximity to a heritage item.

The site is currently cleared of development, with preliminary construction works underway as part of the approval of Development Consent no. DA2021/0010.

#### **Adjoining sites and surrounding area:**

The sites adjoining the southern and western boundaries are identified as 8 Gardere Place and 12 Gardere Place, which adjoin the eastern and western boundaries respectively; 2 Tanderra Place adjoins the rear boundary. The sites adjoining the side boundaries contain two-storey detached dwellings, while the site to the rear contains a detached dual occupancy. Sites on residential-zoned allotments within the surrounding area consist predominantly of low-density development (i.e. dwelling houses, dual occupancies and associated development such as secondary dwellings, detached sheds/garages, swimming pools and the like); a notable exception is Stewart House school, which is located approximately 100 metres south of the subject site.

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:

- 24 January 2013: Development Application (Tree Removal) no. DA2013/0060 approved for the

removal of a tree.

- 16 December 2020: Development Application no. DA2020/1121 withdrawn. The application proposed the demolition of a dwelling house and the construction of a dwelling house.
- 19 January 2021: Development Application no. DA2021/0010 approved for the demolition of a dwelling house and the construction of a dwelling house.
- 13 October 2021: Section 4.55(1A) Modification Application no. Mod2021/0548 approved for modifications to DA2021/0010 that included changes to a window and balcony roof.
- 22 November 2012: Subject Section 4.55(1A) Modification Application lodged.

## 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 DA#####/#####, in full, with amendments detailed and assessed as follows:

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

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> <li>• The form of the dwelling as approved by Development Consent no. DA2021/0010 (which was previously found by Council to be satisfactory, subject to recommended conditions) will not be modified by this proposal.</li> <li>• Major development considerations (i.e. setbacks, building height, FSR, landscaped area, etc.) will not be altered by the</li> </ul>

Section 4.55(1A) - Other Modifications	Comments
	<p>proposed modifications.</p> <ul style="list-style-type: none"> <li>The nature of the modifications is such that no additional impacts (i.e. visual privacy, overshadowing, view loss, etc.) will arise as a result of the proposed retaining wall and associated earthworks.</li> </ul>
<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 DA2021/0010 (as currently modified) for the following reasons:</p> <ul style="list-style-type: none"> <li>The use of the site as approved by Development Consent no. DA2021/0010 will not be altered by the proposed modifications.</li> <li>The form of the dwelling as approved by Development Consent no. DA2021/0010 will not be modified.</li> <li>Major development considerations (i.e. setbacks, building height, FSR, landscaped area, etc.) will not be altered by the proposed modifications.</li> <li>Quantitatively and qualitatively, the approved development (if modified as proposed) will not substantially change from that which was originally approved.</li> </ul>
<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>No submissions were received in relation to this application.</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	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&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;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&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to owners consent and the provision of a geotechnical report/letter.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
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 02/12/2021 to 16/12/2021 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

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. The relevant provisions of SEPP 55 were considered as part of the assessment of DA2021/0010, and it was considered at that time 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 modified residential development.

### 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:

#### **10 Development on certain land within coastal wetlands and littoral rainforests area**

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
  - (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
  - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
  - (c) *the carrying out of any of the following:*
    - (i) *earthworks (including the depositing of material on land),*
    - (ii) *constructing a levee,*
    - (iii) *draining the land,*
    - (iv) *environmental protection works,*



- (d) any other development.

Comment:

Not applicable.

## 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:

Not applicable.

## 12 Development on land within the coastal vulnerability area

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
  - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures  
are in  
place  
to  
ensure  
that  
there  
are  
appropriate  
responses  
to, and  
management  
of,  
anticipated  
coastal  
processes  
and*

*current  
and  
future  
coastal  
hazards.*

Comment:

Not applicable.

### **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 nature of the proposed modifications are such that the development (if undertaken in accordance with previously recommended conditions) will not adversely affect the coastal environment.

- (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:

If undertaken in accordance with previously recommended conditions, the development (if modified as proposed) will not adversely affect the coastal environment with regard to matters such as erosion and sediment control and runoff.

### **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 size and nature of the proposed modifications within a residential site are such that they will have no impact on the coastal use area nor affect access to such areas.

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 proposed modifications will have no foreseeable impacts on coastal hazards. Additional conditions are not required, as the proposed changes will be captured by the requirements of conditions already imposed.

## 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

## Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes

Clause	Compliance with Requirements
4.6 Exceptions to development standards	N/A
5.3 Development near zone boundaries	N/A
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

#### Detailed Assessment

### 6.4 Development on sloping land

The subject site is located within Landslip category B. The proposal is accompanied by engineering plans and a letter prepared by the geotechnical consultant, who prepared the report for the original DA. The letter (dated 16 November 2021) confirms that the recommendations of that original report will be sufficient to cover the works and associated earthworks on the site. The satisfaction of such conditions will therefore not foreseeably increase the landslip risk to the site or adjoining sites.

### Manly Development Control Plan

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes

### Warringah Development Control Plan

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B5 Side Boundary Setbacks	N/A	N/A
B7 Front Boundary Setbacks	N/A	N/A
B9 Rear Boundary Setbacks	N/A	N/A
C2 Traffic, Access and Safety	N/A	N/A
C4 Stormwater	N/A	N/A
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	N/A	N/A
D1 Landscaped Open Space and Bushland Setting	N/A	N/A
D3 Noise	N/A	N/A
D10 Building Colours and Materials	N/A	N/A
D13 Front Fences and Front Walls	N/A	N/A

Clause	Compliance with Requirements	Consistency Aims/Objectives
D15 Side and Rear Fences	N/A	N/A
D22 Conservation of Energy and Water	N/A	N/A
E1 Preservation of Trees or Bushland Vegetation	N/A	N/A
E2 Prescribed Vegetation	N/A	N/A
E6 Retaining unique environmental features	N/A	N/A
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### **E10 Landslip Risk**

The subject site is located within Landslip category B. The proposal is accompanied by engineering plans and a letter prepared by the geotechnical consultant, who prepared the report for the original DA. The letter (dated 16 November 2021) confirms that the recommendations of that original report (i.e. that good engineering and building practices be followed) will be sufficient to cover the works and associated earthworks on the site. The satisfaction of such requirements (in addition to existing conditions within Development Consent no. DA2021/0010) will therefore not foreseeably increase the landslip risk to the site or adjoining sites.

#### **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. Mod2021/0889 for Modification of Development Consent DA2021/0010 granted for Demolition works and construction of dwelling house on land at Lot 5 DP 6000,10 Gardere Avenue, CURL CURL, 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
Dwg No. 580.A702 Landscape Plans	2 November 2011	Urban Harmony

Engineering Plans		
Drawing No.	Dated	Prepared By
Dwg No. S00.01	October 2020	Engineering Studio
Dwg No. S01.01	October 2020	Engineering Studio
Dwg No. S01.04	October 2020	Engineering Studio

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

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

**B. Add Condition 13A - Approved works constructed within subject site to read as follows:**

The plans submitted for the Construction Certificate are to ensure all works, including footings of the retaining wall are to be maintained within the property boundaries of the subject site.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

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

**Signed**



**Penny Wood, Planner**

The application is determined on 23/12/2021, under the delegated authority of:



**Rebecca Englund, Acting Development Assessment Manager**