

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | Mod2023/0311 |
|----------------------------|--------------|

|   |   |
|---|---|
| <b>Responsible Officer:</b>               | Stephanie Gelder  |
| <b>Land to be developed (Address):</b>    | Lot 22 DP 31510, 46 Roosevelt Avenue ALLAMBIE HEIGHTS NSW 2100  |
| <b>Proposed Development:</b>              | Modification of Development Consent DA2022/0342 granted for Demolition works and Construction of a 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>                             | Phillip John Bock<br>Sandra Diane Bock  |
| <b>Applicant:</b>                         | Phillip John Bock   |

|                                  |                                  |
|----------------------------------|----------------------------------|
| <b>Application Lodged:</b>       | 13/06/2023                       |
| <b>Integrated Development:</b>   | No                               |
| <b>Designated Development:</b>   | No                               |
| <b>State Reporting Category:</b> | Refer to Development Application |
| <b>Notified:</b>                 | 20/06/2023 to 04/07/2023         |
| <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 proposed modification works to DA2022/0342 comprise of the following:

- Extending the outer front edge of the approved floor plate with a front setback of 6.5 metres to garage and 5.5 metres to blade wall;
- Addition of front porch;
- Internal alterations to size and configuration of rooms;
- Increase to external wall heights and projection of roof line (maximum height of ridge line retained);
- Amendments to the size, shape, and profile of glazing/window openings;
- Deletion of approved planter;
- Amendment to the external finishes and materials; and

- Addition of front fence and sliding driveway gate.

## 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 - B7 Front Boundary Setbacks

Warringah Development Control Plan - D13 Front Fences and Front Walls

## SITE DESCRIPTION

|                                   |   |
|-----------------------------------|---|
| <b>Property Description:</b>      | Lot 22 DP 31510 , 46 Roosevelt Avenue ALLAMBIE HEIGHTS NSW 2100   |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the northern side of Roosevelt Avenue.</p> <p>The site is regular in shape with a frontage of 16.765m along Roosevelt Avenue and a depth of 42.67m. The site has a surveyed area of 715.4m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone from WLEP 2011 and accommodates a single storey dwelling house, metal carport, detached garage, metal shed, timber pergola, and swimming pool currently on the site.</p> <p>The site slopes gently from the southern front boundary upwards to the northern rear boundary over approximately 2 metres</p> <p>The site contains maintained lawn areas, with limited</p> |

plantings or trees. There are no details of any threatened species on the subject site.

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey dwelling houses varying in architectural style and design. To the west of the subject site is Allambie Heights shopping precinct and Allambie Heights Public School.

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:

#### DA2022/0342

Development Application for Demolition works and Construction of a dwelling house.  
Approved on 14 June 2022.

### 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 DA2022/0342, 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 proposed modification works are considered to be minimal environmental impact as the proposal will not result in any unacceptable environmental impacts.</li> <li>The proposed modification works are considered to be minor amendments that will not result in unreasonable amenity impacts.</li> <li>The proposed modification works will not alter the development standards, and built form controls, albeit a minor amendment to the front boundary setback control.</li> <li>Overall, it is considered the proposed works are of minimal environmental impact.</li> </ul>                 |
| (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and | <p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2022/0342 for the following reasons:</p> <ul style="list-style-type: none"> <li>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2022/0342.</li> <li>The proposal is considered to be consistent that the development as approved, and includes minor amendments that will overall improve the amenity of the development.</li> <li>The proposed modification works will retain the approved land use as a dwelling house,</li> </ul> |

| Section 4.55(1A) - Other Modifications  | Comments   |
|---|--|
|   | and as such it is considered that the modification works are substantially the same as per DA2022/0342.  |
| (c) it has notified the application in accordance with:<br><br>(i) the regulations, if the regulations so require,<br><br>or<br><br>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan. |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.  | See discussion on "Notification & Submissions Received" in this report.  |

#### Section 4.15 Assessment

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

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

| Section 4.15 'Matters for Consideration'  | Comments   |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument   | See discussion on "Environmental Planning Instruments" in this report.   |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | There are no current draft environmental planning instruments.   |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan  | Warringah Development Control Plan 2011 applies to this proposal.  |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement   | None applicable.   |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.<br><br><u>Clause 29</u> of the EP&A Regulation 2021 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. |



| Section 4.15 'Matters for Consideration'   | Comments   |
|--|--|
|  | <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) <b>Social Impact</b><br/>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><br/>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 20/06/2023 to 04/07/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

## REFERRALS

| Internal Referral Body         | Comments   |
|--------------------------------|--|
| Landscape Officer              | The application is to modify development consent DA2022/0342 as described in reports and as illustrated in plans. In terms of landscape outcome the modification includes removal of the approved planter along the front porch, and this does not impact the overall landscape outcome as imposed by development consent condition 21.<br>Landscape Completion.   |
| NECC (Development Engineering) | <p><b>15/06/2023:</b><br/>No objections are raised to the proposed modification.</p> <p><b>1) <u>Condition 7</u> of <u>DA2022/0342</u> to be amended and read as ;</b></p> <p><b>On-site Stormwater Detention Details</b><br/>The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT for DEVELOPMENT POLICY and generally in accordance with the concept drainage plans prepared by CATES Consulting Engineers, Dated 29/5/2/2023, Drawing No.-23032C1.00,C2.00, C3.00, C4.00 Issue A . Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.<br/>The drainage plans must address the following:<br/>i. OSD to be provided in accordance with Clause 9.0 of Council's Water Management for Development Policy<br/>ii. Orifice plate to be sized as per Council's Water Management for Development Policy and to not to exceed PSD by 28.6l/s including any bypass flows.<br/>iii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure appropriate provision for the disposal of</p> |

| Internal Referral Body | Comments   |
|------------------------|--|
|                        | <p>stormwater and stormwater management arising from the development</p> <p><b>2) <u>Delete Condition 6:</u></b> Stormwater Drainage Disposal</p> <p><b>3) <u>Delete Condition 22:</u></b> Stormwater Drainage Disposal Certification</p> <p>The rest of the existing Development Engineering conditions for DA2022/0342 are considered to still be relevant and adequate.</p> |

| External Referral Body                                    | Comments   |
|---|--|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.1396659S dated 02 June 2023).

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

| Commitment             | Required Target | Proposed |
|------------------------|-----------------|----------|
| <b>Water</b>           | 40              | 40       |
| <b>Thermal Comfort</b> | Pass            | Pass     |
| <b>Energy</b>          | 50              | 50       |

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

### SEPP (Transport and Infrastructure) 2021



### Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

## **SEPP (Resilience and Hazards) 2021**

### **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

## **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        | 6.1m     | unaltered | -           | Yes      |

### Compliance Assessment

| Clause                          | Compliance with Requirements |
|---------------------------------|------------------------------|
| 4.3 Height of buildings         | Yes                          |
| 6.2 Earthworks                  | Yes                          |
| 6.4 Development on sloping land | Yes                          |

## Warringah Development Control Plan

### Built Form Controls

| Standard                                      | Requirement                    | Approved                       | Proposed                           | Complies         |
|---|--------------------------------|--------------------------------|------------------------------------|------------------|
| B1 Wall height                                | 7.2m                           | 3.3m                           | 3.9m                               | Yes              |
| B3 Side Boundary Envelope                     | 4m (East)                      | Within Envelope                | Within Envelope                    | Yes              |
|   | 4m (West)                      | Within Envelope                | Within Envelope                    | Yes              |
| B5 Side Boundary Setbacks                     | 0.9m (East)                    | 1.7m-2.0m                      | 1.5m-2.0m                          | Yes              |
|   | 0.9m (West)                    | 0.9m-2.0m                      | 0.9m-2.0m                          | Yes              |
| B7 Front Boundary Setbacks                    | 6.5m (South)                   | 6.5m                           | 5.5m (Blade Wall)<br>6.5m (Garage) | <b>No</b><br>Yes |
| B9 Rear Boundary Setbacks                     | 6m (North)                     | 11.5m                          | 11.1m                              | Yes              |
| D1 Landscaped Open Space and Bushland Setting | 40%<br>(286.16m <sup>2</sup> ) | 40.82%<br>(292m <sup>2</sup> ) | 40.01%<br>(285.85m <sup>2</sup> )  | Yes              |

### 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                    | No                           | Yes                         |
| B9 Rear Boundary Setbacks                     | Yes                          | Yes                         |
| C2 Traffic, Access and Safety                 | Yes                          | Yes                         |
| C3 Parking Facilities                         | Yes                          | Yes                         |
| C4 Stormwater                                 | 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                         |

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D11 Roofs                                       | Yes                          | Yes                         |
| D12 Glare and Reflection                        | Yes                          | Yes                         |
| D13 Front Fences and Front Walls                | Yes                          | Yes                         |
| D14 Site Facilities                             | Yes                          | Yes                         |
| D20 Safety and Security                         | Yes                          | Yes                         |
| D21 Provision and Location of Utility Services  | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation | Yes                          | Yes                         |
| E2 Prescribed Vegetation                        | Yes                          | Yes                         |
| E10 Landslip Risk                               | Yes                          | Yes                         |

#### Detailed Assessment

#### **B7 Front Boundary Setbacks**

##### Description of non-compliance

The proposed modification includes an encroachment within the front setback area as a result of the blade wall, and front porch that is located 5.5m from the front boundary line, presenting a variation of 15.38% (1.0m) to the 6.5m control.

The remainder of the proposal is located behind the 6.5m front boundary setback, with the garage located 6.5m from the front boundary line.

The proposal has been assessed against the objectives of the control. In this instance it is considered the proposal has met the objectives, and as such is supportable.

##### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- ***To create a sense of openness.***

##### Comment:

The proposal will provide a sense of openness as the front setback area is largely open with the exception of the blade wall is a point encroachment. The front porch is at ground level, and therefore will present a sense of openness to the streetscape.

- ***To maintain the visual continuity and pattern of buildings and landscape elements.***

##### Comment:

The proposal is consistent with the visual continuity, and pattern of buildings, and landscape elements along Roosevelt Avenue.

- ***To protect and enhance the visual quality of streetscapes and public spaces.***

##### Comment:

The proposal will enhance the visual quality of streetscapes and public spaces as a result of the contemporary design that will positively contribute to the streetscape.

- ***To achieve reasonable view sharing.***

Comment:

The proposal is a single storey dwelling house, and as such will not result in any unreasonable view impacts.

### **D13 Front Fences and Front Walls**

The proposal includes an open-style batten front fence, and sliding driveway gate that is 0.8m in height.

It is considered the proposed front fence, and sliding driveway gate is compatible with the existing streetscape. Furthermore, the proposed new fence, and driveway gate is considered an improvement to the existing front fence on site that is an open metal style fence.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- ***To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.***

Comment:

The proposed fence is compatible with the existing streetscape character that includes low batten front fences as evident along Roosevelt Avenue. It is considered that the proposed fencing will create an improved visual interest in the public domain.

- ***To encourage innovative design solutions to improve the urban environment.***

Comment:

The proposed front fencing, and driveway gate is an open-style batten fencing that will positively contribute to an improved urban environment.

- ***To avoid a 'walled in' streetscape.***

Comment:

The proposal will avoid a 'walled in' streetscape, as the fence and driveway gate are of an open batten style, that is approximately 0.8m in height. Therefore, the low height, and open-style of fencing will avoid any 'walled in' effect on the existing streetscape.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

Section 7.12 contributions were levied on the Development Application.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- 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. Mod2023/0311 for Modification of Development Consent DA2022/0342 granted for Demolition works and Construction of a dwelling house on land at Lot 22 DP 31510,46 Roosevelt Avenue, ALLAMBIE HEIGHTS, subject to the conditions printed below:

## **Modification Summary**



The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

| Application Number         | Determination Date                       | Modification description  |
|----------------------------|--|---|
| PAN-338863<br>Mod2023/0311 | The date of this notice of determination | Modification of Development Consent DA2022/0342 granted for Demolition works and Construction of a dwelling house<br><br>Amend Condition 1 - Approved Plans and supporting Documentation<br>Add Condition 1B - Compliance with Other Department, Authority or Service Requirements<br>Delete Condition 6 - Stormwater Drainage Disposal<br>Amend Condition 7 - On-site Stormwater Detention Details<br>Delete Condition 22 - Stormwater Drainage Disposal Certification |

### Modified conditions as follows:

#### A. Condition 1 is amended to the extent as follows:

#### Condition No.1 - 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) Modification Approved Plans

| Architectural Plans - Endorsed with Council's stamp |               |                |
|---|---------------|----------------|
| Drawing No.   | Dated         | Prepared By    |
| Site Plan/SCP - A0001, Issue A                      | 12 April 2023 | Map Architects |
| Ground Floor Plan - A2100, Issue A                  | 12 April 2023 | Map Architects |
| Roof Plan - A2101, Issue A                          | 12 April 2023 | Map Architects |
| North/East Elevation - A3000, Issue A               | 12 April 2023 | Map Architects |
| South/West Elevation - A3001, Issue A               | 12 April 2023 | Map Architects |
| Section AA/BB - A3100, Issue A                      | 12 April 2023 | Map Architects |

| Engineering Plans                                    |             |                            |
|--|-------------|----------------------------|
| Drawing No.  | Dated       | Prepared By                |
| General Notes & Locality Plan - C1.00, Rev A         | 29 May 2023 | Cates Consulting Engineers |
| Site Stormwater Drainage Concept Plan - C2.00, Rev A | 29 May 2023 | Cates Consulting Engineers |
| Roof Stormwater Drainage Concept Plan - C3.00, Rev A | 29 May 2023 | Cates Consulting Engineers |
| Stormwater Drainage Details - C4.00, Rev A           | 29 May 2023 | Cates Consulting Engineers |

| Reports / Documentation – All recommendations and requirements contained within: |
|--|
|  |

| Report No. / Page No. / Section No. | Dated        | Prepared By |
|-------------------------------------|--------------|-------------|
| BASIX Certificate (No.1396659S)     | 02 June 2023 | AENEC       |

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 1B as follows:**

**Condition No.1B - Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference            | Dated        |
|--|---------------------------|--------------|
| Ausgrid                                | Ausgrid Referral Response | 19 June 2023 |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

**C. Delete Condition 6 as follows:**

**Condition No.6 - Stormwater Drainage Disposal**

DELETED.

**D. Condition 7 is amended to the extent as follows:**

**Condition No.7 - On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT for DEVELOPMENT POLICY and generally in accordance with the concept drainage plans prepared by CATES Consulting Engineers, Dated 29/5/2/2023, Drawing No.-23032C1.00,C2.00, C3.00, C4.00 Issue A . Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- OSD to be provided in accordance with Clause 9.0 of Council's Water Management for Development Policy
- Orifice plate to be sized as per Council's Water Management for Development Policy and to not to exceed PSD by 28.6l/s including any bypass flows.
- Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management

arising from the development

**E. Delete Condition 22 as follows:**

**Condition No.22 - Stormwater Drainage Disposal Certification**

DELETED.

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

**Signed**



**Stephanie Gelder, Planner**

The application is determined on 05/07/2023, under the delegated authority of:



**Maxwell Duncan, Acting Development Assessment Manager**