

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

| | |
|----------------------------|--------------|
| Application Number: | Mod2023/0285 |
|----------------------------|--------------|

| | |
|---|---|
| Responsible Officer: | Thomas Prosser |
| Land to be developed (Address): | Lot 22 DP 8075, 44 Bower Street MANLY NSW 2095 |
| Proposed Development: | Modification of Development Consent DA2020/0319 granted for Demolition works and construction of a dwelling house including swimming pool |
| Zoning: | Manly LEP2013 - Land zoned C3 Environmental Management |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Justine Lynette Acret The Trustees Of The Roman Catholic Church For The Archdiocese Of Sydney |
| Applicant: | Justine Lynette Acret |

| | |
|----------------------------------|----------------------------------|
| Application Lodged: | 30/05/2023 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Refer to Development Application |
| Notified: | 06/06/2023 to 20/06/2023 |
| Advertised: | Not Advertised |
| Submissions Received: | 1 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

PROPOSED DEVELOPMENT IN DETAIL

The proposal is to modify the approved, "demolition of all existing structures on the site and construction of a new two-storey detached dwelling," under DA2020/0319.

In detail, the modification requests the following changes:

Ground Floor

- Change from stone clad finish to render finish at eastern ground floor wall
- Rotation of Butler pantry window (to be horizontal)

- Doorway access from garage to side passageway
- Reduction in the size of the east and west facing living room windows, each from 2.3m to 1.5m.

First Floor

- Deletion of south facing window from master bed robe
- Deletion of east facing TV room window
- Lowering of south (street) facing screen at first floor level to be 1.4m in height from FFL.

Consent for Retrospective works

The modification application seeks some changes to reflect as-built works. In particular, the Butler Pantry window has already been constructed (to be horizontal), and a side access door has been constructed to the garage.

Having regard to the Supreme Court of Appeal decision under *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177 (“Buyozo”), there is no power to retrospectively approve works under a modification of consent. As such, only the prospective works sought under this application can be accepted.

In this regard, a condition has been imposed to accept only the prospective works as a part of this consent, and the 'as-built works' have been referred to Council's Building Compliance team.

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 22 DP 8075 , 44 Bower Street MANLY NSW 2095 |
| Detailed Site Description: | <p>The subject site consists of an allotment located on the northern side of Bower Street.</p> <p>The site is an irregular in shape with a frontage of 15.28m along Bower Street and a depth of 45.72m. The site has a surveyed area of 696.8m².</p> <p>The site is located within the E3 Environmental Management zone and accommodates a dwelling house on site.</p> <p>The site has slope from the road down toward the rear of the property.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential development.</p> |

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:

- DA27/2015- Alterations and additions to an existing dwelling including internal alterations, extensions and terraces to ground floor and first floor, stairs to rear garden, new gate, enlarged garage and driveway approved by DAU on 20 May 2015

- DA222/2015 - Alterations to the existing dwelling including rear addition, extended deck, swimming pool, pergola and retaining walls approved by DAU on 2 December 2015
- DA202/2016- Demolition of existing dwelling and construction of a three storey dwelling with front and rear terraces and lift, new swimming pool with deck, new double garage and driveway, removal of trees, landscaping and new fences approved by DAU 8 February 2017.
- DA2020/0319 - Demolition works and construction of a dwelling house including swimming pool approved 17 July 2020. This is the consent subject to this modification application.

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 DA2020/0319, 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> <p>The proposal provides minor changes to materials, finishes, windows, and a street facing screen. These changes will result in minimal environmental impact.</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 | <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 DA2020/0319 for the following reasons:</p> <p>The proposal maintains the use as a dwelling, and maintains the footprint of this dwelling. The changes to openings and screens will result in a development that is substantially the same.</p> |

| Section 4.55(1A) - Other Modifications | Comments |
|---|--|
| originally granted was modified (if at all), and | |
| (c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 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 | Manly Development Control Plan applies to this proposal. |

| Section 4.15 'Matters for Consideration' | Comments |
|--|---|
| Section 4.15 (1) (a)(iia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <p><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.</p> <p><u>Clause 61</u> of the EP&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>Clause 69</u> of the EP&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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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 06/06/2023 to 20/06/2023 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 process council is in receipt of 1 submission/s from:

| Name: | Address: |
|----------|----------------|
| Withheld | MANLY NSW 2095 |

The above issues are addressed as follows:

- **Incorrect lot identified in Statement of Modification**

The submissions raised concerns that the Statement refers to Lot 24 (40 Bower Street) instead of Lot 22 (4 Bower Street).

Comment:

The area in the Statement is noted. However, the application was lodged and notified for the correct lot. As such, the error does not lead to a misleading proposal.

- **Concern with change of wall from render to stone clad**

Comment:

The Development control plan has no requirement for stone cladding, and the suitable side setbacks ensure there would be no unreasonable visual impact caused by the wall.

- **Change of Butler's pantry window from horizontal to vertical**

The submissions raised concerns that this results in overlooking to and from the side access path. A request is made for this window to be constructed from "fluted glass."

Comment:

As noted above, this window has already been constructed. As such, retrospective consent cannot be granted under this application.

- **Concern with side access door**

The submissions raised concerns that the door was not in the initial consent, and causes privacy issues.

Comment:

As noted above, this door has already been constructed. As such, retrospective consent cannot be granted under this application.

- **Request for screen on study window to be implemented**

Comment:

The screen to the study remains on the plans, and remains a requirement of the consent.

REFERRALS

| Internal Referral Body | Comments | | |
|--|--|----|--|
| Strategic and Place Planning (Heritage Officer) | HERITAGE COMMENTS | | |
| | Discussion of reason for referral | | |
| | <p>This application has been referred to Heritage, as the site is within the vicinity of heritage items, being:</p> <p>Item I86 - House - 50 Bower Street, Manly</p> <p>Item I168 - Ocean foreshores - Manly municipal area, boundary adjacent to the ocean</p> | | |
| | Details of heritage items affected | | |
| | <p>Details of the heritage items as contained within the Manly Heritage Inventory are:</p> <p>Item I86 - House <u>Statement of significance</u> This is a good example of an Inter- War Free Classical style house. <u>Physical description</u> Two storey brick house with unglazed terracotta tile gabled roof, sandstone foundations, entry porch featuring triangular pediment with stucco decoration and two pairs of classical columns. There is a semi-circular two storey bay to the north side of the house with engaged columns. Features elaborate leadlight windows, some with semi-circular arches and elaborate leadlight to semi-circular fanlight over front door and rectangular sidelights. Sandstone front fence.</p> <p>Item I168 - Ocean foreshores <u>Statement of significance</u> Natural landscape. Part of coastal zone, east coast of Australia. Part entrance to Sydney Harbour. Listed due to its aesthetic, historic, and scientific significance to the area. <u>Physical description</u> Ocean foreshores, mostly rocky edge and cliff or beach sand system. Natural environment. High scenic quality.</p> | | |
| | Other relevant heritage listings | | |
| | SEPP (Biodiversity and Conservation) 2021 | No | |
| | | | |
| | | | |
| | | | |

| Internal Referral Body | Comments | | |
|------------------------|--|----|--|
| | Australian Heritage Register | No | |
| | NSW State Heritage Register | No | |
| | National Trust of Aust (NSW) Register | No | |
| | RAIA Register of 20th Century Buildings of Significance | No | |
| | Other | No | |
| | Consideration of Application | | |
| | <p>The proposal seeks consent for modifications to the approved DA2020/0319. The proposed modifications are mainly involve changes to the fenestration and do not involve any changes to the approved building envelope or the approved materials. Given the the proposed works do not change the bulk and scale of the approved building, the proposal is considered to not have an additional impact upon the significance of the heritage items in the vicinity.</p> <p>Therefore, no objections are raised on heritage grounds, subject to the condition of consent - DA2020/0319 - Photographic Archival Record.</p> <p><u>Consider against the provisions of CL5.10 of MLEP 2013.</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</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 requirements remain on the 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. 1077596s_03).

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

| Commitment | Required Target | Proposed |
|-----------------|-----------------|----------|
| Water | 40 | 46 |
| Thermal Comfort | Pass | Pass |
| Energy | 50 | 52 |

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

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.

Manly Local Environmental Plan 2013

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

Principal Development Standards

| Standard | Requirement | Approved | Proposed | % Variation | Complies |
|----------------------|----------------------------|-------------------------|-------------------------|-------------|------------------|
| Height of Buildings: | 8.5m | 8.7m | 8.7m (no change) | N/A | No (as approved) |
| Floor Space Ratio | FSR: 0.45:1 (313.56sqm) | FSR: 0.44:1 (310sqm) | FSR: 0.44:1 (310sqm) | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|---|------------------------------|
| 2.7 Demolition requires development consent | Yes |

| Clause | Compliance with Requirements |
|--|------------------------------|
| 4.3 Height of buildings | Yes |
| 6.2 Earthworks | Yes |
| 6.4 Stormwater management | Yes |
| 6.5 Terrestrial biodiversity | Yes |
| 6.8 Landslide risk | Yes |
| 6.9 Foreshore scenic protection area | Yes |
| 6.10 Limited development on foreshore area | Yes |
| 6.12 Essential services | Yes |

Manly Development Control Plan

Built Form Controls

| Built Form Controls - Site Area: 696.8sqm | Requirement | Approved | Proposed | Complies |
|---|--|------------------------------------|------------------------------------|------------------|
| 4.1.2.1 Wall Height | East: 7.1m (based on gradient 1:10) | 8.4m | 8.4m (no change) | No (as approved) |
| | W: 6.9m (based on gradient 1:15) | 8.6m | 8.6m (no change) | No (as approved) |
| 4.1.4.1 Street Front Setbacks | Prevailing building line / 6m | Consistent with prevailing setback | Consistent with prevailing setback | Yes |
| 4.1.4.2 Side Setbacks and Secondary Street Frontages | East: 2.8m (based on wall height) | First Floor: 1.45m | First Floor: 1.45m (no change) | No (as approved) |
| | West 2.86m (based on wall height) | First Floor: 1.9m | First Floor: 1.9m (no change) | No (as approved) |
| | Windows: 3m | 1.1m-1.9m | 1.1m-1.9m | No (as approved) |
| 4.1.4.4 Rear Setbacks | 8m | 19.6m | 19.6m | Yes |
| 4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3 | Open space 55% of site area | 63% (440sqm) | 63% (440sqm) | Yes |
| 4.1.5.2 Landscaped Area | Landscaped area 35% of open space | 69% (305sqm) | 69% (305sqm) | Yes |
| 4.1.5.3 Private Open Space | 18m | 36sqm | 36sqm | Yes |
| 4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas | Maximum 50% of frontage up to maximum 6.2m | 40% | 40% | Yes |
| Schedule 3 Parking and Access | Dwelling 2 spaces | 2 spaces | X spaces | Yes |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 3.1 Streetscapes and Townscapes | Yes | Yes |
| 3.1.1 Streetscape (Residential areas) | Yes | Yes |
| 3.3.1 Landscaping Design | Yes | Yes |
| 3.3.2 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) | Yes | Yes |
| 3.4.1 Sunlight Access and Overshadowing | Yes | Yes |
| 3.4.2 Privacy and Security | Yes | Yes |
| 3.4.3 Maintenance of Views | Yes | Yes |
| 3.4.4 Other Nuisance (Odour, Fumes etc.) | Yes | Yes |
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes | Yes |
| 3.5.1 Solar Access | Yes | Yes |
| 3.5.3 Ventilation | Yes | Yes |
| 3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings) | Yes | Yes |
| 3.5.5 Landscaping | Yes | Yes |
| 3.5.6 Energy efficiency/conservation requirements for non-residential developments | Yes | Yes |
| 3.5.7 Building Construction and Design | Yes | Yes |
| 3.6 Accessibility | Yes | Yes |
| 3.7 Stormwater Management | Yes | Yes |
| 3.8 Waste Management | Yes | Yes |
| 3.9 Mechanical Plant Equipment | Yes | Yes |
| 3.10 Safety and Security | Yes | Yes |
| 4.1 Residential Development Controls | Yes | Yes |
| 4.1.1 Dwelling Density, Dwelling Size and Subdivision | Yes | Yes |
| 4.1.1.1 Residential Density and Dwelling Size | Yes | Yes |
| 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) | Yes | Yes |
| 4.1.3 Floor Space Ratio (FSR) | Yes | Yes |
| 4.1.4 Setbacks (front, side and rear) and Building Separation | Yes | Yes |
| 4.1.5 Open Space and Landscaping | Yes | Yes |
| 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) | Yes | Yes |
| 4.1.7 First Floor and Roof Additions | Yes | Yes |
| 4.1.8 Development on Sloping Sites | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| 4.1.9 Swimming Pools, Spas and Water Features | Yes | Yes |
| 4.4.1 Demolition | Yes | Yes |
| 4.4.5 Earthworks (Excavation and Filling) | Yes | Yes |
| 5.4.1 Foreshore Scenic Protection Area | Yes | Yes |
| 5.4.2 Threatened Species and Critical Habitat Lands | 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 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;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- 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. Mod2023/0285 for Modification of Development Consent DA2020/0319 granted for Demolition works and construction of a dwelling house including swimming pool on land at Lot 22 DP 8075,44 Bower Street, MANLY, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

| Application Number | Determination Date | Modification description |
|--------------------------|--|---|
| PAN334444 - MOD2023/0285 | The date of this notice of determination | Modification of Development Consent DA2020/0319 granted for Demolition works and construction of a dwelling house including swimming pool Add Condition 1A Add Condition 5A |

Modified conditions

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 |
| DA.301 - Basement Floor Plan - Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.302 - Ground Floor Plan - Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.303 - First Floor Plan - Rev B | 04/05/23 | Madeline Blanch Architects |

| | | |
|---|----------|----------------------------|
| DA.304 - Roof Plan - Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.401 - South (Street) Plan - Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.402 - North Elevation- Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.403 - East Elevation- Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.404 - West Elevation- Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.501 - Long Section- Rev B | 04/05/23 | Madeline Blanch Architects |
| DA.502 - Short Section - Rev B | 04/05/23 | Madeline Blanch Architects |
| DA902 - Materials Board - Rev B | 04/05/23 | Madeline Blanch Architects |
| DA903 - Site Waste and Recycling Management and Exec Plan | 04/05/23 | Madeline Blanch Architects |

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 5A - No retrospective works approved to read as follows:

This consent does not retrospectively provide consent to the following 'as-built' works:

- The horizontal 'butler's pantry' window;
- The side access door to the rear of the garage.

Reason: To ensure consistency with the findings of Ku-ring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177 ("Buyozo").

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

Signed



Thomas Prosser, Planner

The application is determined on 24/08/2023, under the delegated authority of:



Rodney Piggott, Manager Development Assessments