

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0334
Responsible Officer:	Dean Pattalis
Land to be developed (Address):	Lot 3 SP 1173, 3 / 153 Balgowlah Road BALGOWLAH NSW 2093
Proposed Development:	Modification of Development Consent DA2022/0828 granted for Alterations and additions to a residential flat building
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Austin Frederick Ware Charlotte Camille Vergnolle
Applicant:	Charlotte Camille Vergnolle

Application Lodged:	29/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	06/07/2023 to 20/07/2023
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

It is proposed to modify the consent under DA2022/0828 including the following the works:

- Delete approved deck extension adjoining Unit 1 and reinstate to existing
- Minor extension by 240mm to approved planter area on the western elevation of Unit 3
- Minor extension by 130mm towards the south of approved bedroom and ensuite of Unit 3

It is noted that this modification application also proposed to add the existing four (4) on-site car parking spaces to the strata title. However, the existing car parking arrangement was not approved or

altered under the original consent to which this modification relates (DA2022/0828). Therefore, any change to the strata title in relation to the on-site car parking arrangement is not considered to be substantially the same as the original development and not able to be approved under S4.55(1A) of the EP&A Act 1979. A suitable condition of consent has therefore been recommended to remove reference to these works from the application.

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

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

SITE DESCRIPTION

Property Description:	Lot 3 SP 1173 , 3 / 153 Balgowlah Road BALGOWLAH NSW 2093
Detailed Site Description:	<p>The subject site consists of one allotment with frontages to Balgowlah Road (primary frontage) and Marjory Thomas Place (secondary frontage), Balgowlah. Vehicular and pedestrian access is obtained from both frontages.</p> <p>The site is irregular in shape with a frontage of 14.325 metres to Balgowlah Road and a splayed frontage of 31.86 metres to Major Thomas Place. The site has a surveyed area of 571.8m².</p> <p>The site is located within the R1 General Residential zone pursuant to Manly LEP 2013 and accommodates a two storey residential flat building which contains four separate dwellings. The site also contains an attached carport adjacent to the southern boundary that provides parking for</p>

three vehicles.

The site accommodates two small trees and contains deep soil landscaping adjacent to the northern and eastern boundaries.

The site is generally flat with no prominent fall.

The site is burdened by a right of carriageway and drainage easement that runs contiguous to the western boundary.

Description of Surrounding Development

Surrounding development on the southern side of Balgowlah Road is characterised by a mix of residential land uses, including residential flat buildings, semi-detached dwelling and dwelling houses, all of which are typically 1-2 storeys in height. Development on the northern side of Balgowlah Road is characterised by a mix of commercial buildings and the Council Balgowlah Depot.

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:

Application **DA2022/0828** for Alterations and additions to a residential flat building (Approved 26/07/2022)

Application **DA2021/2641** for Alterations and additions to a residential flat building to create parking spaces (Approved 02/06/2022)

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 DA2022/0828, 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 proposed modification works do not alter the compliance of the built form controls of the existing approved development, with the exception of a minor exacerbation of the southern side setback by a further 130mm which is considered to be a negligible change.</p> <p>The proposed modification is therefore considered to be of 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 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 DA2022/0828 for the following reasons:</p> <p>The proposed modification works do not alter the compliance of the built form controls of the existing approved development, with the exception of a minor exacerbation of the southern side setback by a further 130mm which is considered to be a negligible change.</p> <p>The consent authority is therefore satisfied that the development to which the consent as modified relates is substantially the same</p>

Section 4.55(1A) - Other Modifications	Comments
	as the development for which the consent was originally granted under DA2022/0828, subject to recommended conditions.
(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 2013 applies to this proposal.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – 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 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.</p> <p><u>Clauses 36 and 94</u> of the EP&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&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&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&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&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 2013 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 'Matters for Consideration'	Comments
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 06/07/2023 to 20/07/2023 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Ewan Anton Christian Berkemeier	155 Balgowlah Road BALGOWLAH NSW 2093

One submission was received during the community notification period.

It is noted that the objector states in their submission that their concerns relate more specifically to the original application under this modification consent being DA2022/0828, as they didn't previously get the opportunity to object to the original application.

Comment:

The merits of the approved consent that is now being modified has already been finalised and cannot be revisited at this stage. Only the modification works specifically can be assessed under this application. The concerns of the objector relating to the visual privacy arrangement on the western elevation of the development approved under DA2022/0828, is generally unaltered by this modification application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development. Note: The proposed development may not comply with some

Internal Referral Body	Comments		
	requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.		
NECC (Development Engineering)	The proposed modifications do not impact on the existing engineering conditions. Subject to existing engineering conditions remaining I have no objections to the proposed modification.		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	The proposal has been referred to Heritage as the subject site adjoins a heritage item: Item I3 - Street trees - Balgowlah Road (from Condamine Street to Manly Golf Club House)		
	Details of heritage items affected		
	<p>Statement of Significance: Balgowlah Road East, Historical, early street tree planting indicating importance of road. (from Condamine Street to Manly Golf Club House). Balgowlah Road West (Condamine Street to Hill Street). Aesthetic, part of 1930's street tree planting. Marks entrance to major road thoroughfare from Balgowlah to Queenscliff.</p> <p>Physical Description: Araucaria heterophylla specimens planted in carriageway. Balgowlah Road West (Condamine Street to Hill Street) Avenue of Brush Box (Lophostemon Confertus) tree planting extending from intersection with Condamine Street to Hill Street, Balgowlah. Planting appears c. 1930's.</p>		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	
	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	The proposal seeks consent for modifications to DA2022/0828. This includes removed the proposed deck from the ground floor, and slightly adjusting the extension of Unit 3 by extending the balcony and aligning the southern wall to the existing blockwork		

Internal Referral Body	Comments
	<p>wall. It also includes added the car spaces to the subdivision plan. The proposed changes are considered to not impact upon the heritage street trees in Balgowlah Road as the physical works faces Marjory Thomas Place.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of MLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No 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 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 (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.

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	7.12m	No change	-	Yes
Floor Space Ratio	FSR: 0.6:1	FSR: 0.572:1 (327.1m ²)	FSR: 0.573:1 (327.6m ²)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes

Clause	Compliance with Requirements
6.8 Landslide risk	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 571.8m ²	Requirement	Approved	Proposed	Complies
4.1.2.1 Wall Height	South: 6.5m (based on flat gradient)	6.8m	No change	Yes
	West: 6.5m (based on flat gradient)	6m	No change	Yes
4.1.2.2 Number of Storeys	2	2	No change	Yes
4.1.2.3 Roof Height	Height: 2.5m	1.13m	No change	Yes
	Pitch: maximum 35 degrees	12 degrees	No change	Yes
4.1.4.1 Street Front Setbacks	6m	17.6m	No change	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	Secondary street frontage: 1.96m (1/3 of eastern wall height as no prevailing building line)	0.5m - 2.67m (1st floor extension) 1.8m - 2.23m (ground floor deck to Unit 1)	No change 3.8m	No but existing Yes
	Windows: 3m	no new windows within 3m of side boundaries (i.e. southern and western boundaries)	No change	Yes
	South: 2.27m (1/3 of wall height)	0.36m - 1.2m	0.23m - 1.2m	No
	West: 2m (1/3 of wall height)	3.4m	3.1m	Yes
4.1.4.4 Rear Setbacks	N/A (corner allotment)	N/A	N/A	N/A
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (314.49m ²) of site area	33.11% (189.3m ²) - as per Development Application DA2021/2641	No change	No but existing
	Open space above ground 25% of total open space	Nil	No change	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% (66.26m ²) of proposed open space	83.99% (159m ²) of proposed open space	No change	Yes
	3 native trees	2 trees	No change	No but existing

4.1.5.3 Private Open Space	12sqm per dwelling	Unit 3 (subject to the extension): 23.5m ² (weatherproof terrace)	No change	Yes
Schedule 3 Parking and Access	4 spaces	4 spaces - as per Development Application DA2021/2641	No change	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
3.3.3 Footpath Tree Planting	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
3.5 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
3.5.5 Landscaping	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
3.10 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	No	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

The proposed modification works include reducing the approved southern side setback of Unit 3 by 130mm from 0.36m to 0.23m.

The modification is considered to be a negligible exacerbation of the existing approved non-compliance that shall have no discernible visual or amenity impact compared to the existing extent.

Merit consideration:

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

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The proposal will continue to maintain an appropriate visual relationship with the surrounding built environment.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment:

The works will not result in unreasonable additional overshadowing of adjoining properties or privacy concerns. The works are adequately screened from the street frontage and therefore, will not reduce road visibility. Overall, the proposal achieves this objective.

Objective 3) To promote flexibility in the siting of buildings.

Comment:

Flexibility is afforded in this circumstance as the non-compliance shall not result in an incompatible visual presence in comparison to the existing arrangement.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*

- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposal does not impact the landscape area outcome in comparison to the approved arrangement.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

The site is not bushfire prone.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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. Mod2023/0334 for Modification of Development Consent DA2022/0828 granted for Alterations and additions to a residential flat building on land at Lot 3 SP 1173,3 / 153 Balgowlah Road, BALGOWLAH, 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 - 343328 MOD2023/0334	The date of this notice of determination	Modification of Development Consent DA2022/0828 granted for Alterations and additions to a residential flat building Add Condition 8A. Amendments to the approved plans

Modified conditions

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

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA02	F	Proposed Site Plan	Studio Oulala	12 June 2023
DA03	F	Proposed Ground Floor	Studio Oulala	12 June 2023
DA04	E	Proposed Level 1	Studio Oulala	12 June 2023
DA05	F	Sections	Studio Oulala	12 June 2023
DA06	E	Street Elevations and Finishes	Studio Oulala	23 July 2022
DA07	F	Side Elevations and Finishes	Studio Oulala	12 June 2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B.

Add Condition 8A. Amendments to the approved plans to read as follows:

The proposed modification to add the existing on-site carparking spaces to the strata title shall be removed from the approved plans and shall not form part of this modification consent.

Reason: To ensure this modification consent remains substantially the same as the original consent.

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

Signed



Dean Pattalis, Planner

The application is determined on 18/08/2023, under the delegated authority of:



Rodney Piggott, Manager Development Assessments