

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0620
Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 22 DP 5118, 38 Undercliff Road FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2020/1501 granted for demolition works and construction of a dwelling house including secondary dwelling and swimming pool
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Gregory Craig Cetinich Marcella Cetinich
Applicant:	Denis Smith

Application Lodged:	24/08/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	02/09/2021 to 16/09/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

EXECUTIVE SUMMARY

This modification application seeks to modify development consent DA2020/1501, which approved demolition works and the construction of a dwelling house, secondary dwelling and swimming pool.

The modification involves minor external and internal changes to the dwelling house, including minor external alterations to the approved outdoor living area on the north-eastern side of the site that presents to the Moore Lane, which was the subject of conditions imposed by the DDP. The visual appearance of the building remains generally consistent with that approved under DA2020/1501 and the overall height, footprint, bulk and scale of the building remains unchanged.

The application was notified for a period of 14 days and one (1) submissions was received, raising concern with stormwater management. The stormwater management solution remains unchanged and unaffected by the proposed modifications.

The proposed modifications are not considered to generate any unreasonable amenity impacts and the modification results in a development that is substantially the same as originally approved under DA2020/1501. As the application has been made pursuant to s4.55(2) of the EP&A Act in relation to a matter previously determined to by the DDP, the application is referred to the DDP for determination with a recommendation of approval.

PROPOSED DEVELOPMENT IN DETAIL

This modification application lodged pursuant to Section 4.55(2) of the EP&A Act seeks to modify the built form approved under Development Consent DA2020/1501.

The modifications proposed include:

- Deletion of doors and windows to internal courtyard and the addition of operable skylight to roof above;
- Replacement of sliding doors with glass louvres to ground floor;
- Reconfiguration of deck and pool area including reduction of approved planters.

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 - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 22 DP 5118 , 38 Undercliff Road FRESHWATER NSW 2096
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the north-eastern side of Undercliff Road.</p> <p>The site is regular in shape with a 15.825m wide frontage to Undercliff Street and a 15.45m wide frontage to Moore Lane. The site has an average depth of 37.5m and a surveyed area of 576.7m².</p> <p>The site is located within the R2 Low Density Residential zone and currently accommodates a dwelling house.</p> <p>The site slopes from south-west to north-east and includes a crossfall of approximately 5m.</p> <p>The site does not include any significant landscape features or vegetation.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one, two and three storey dwelling houses and multi dwelling housing.</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:

DA2020/1501 - Demolition works and construction of a dwelling house including secondary dwelling and swimming pool. (Approved by DDP 7 May 2021)

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 DA2020/1501, in full, with amendments detailed and assessed where relevant throughout the report.

Section 4.55(2) Assessment

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - 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 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 development, as proposed, has been found to be such that Council can be satisfied that the proposed works are substantially the same as those already approved under DA202/1501 for the following reasons:</p> <ul style="list-style-type: none">• The approved use of the site will remain unchanged.• From both a qualitative and quantitative perspective (which includes (but is not limited to) building height, setbacks, landscaped area, etc.) the proposed modifications will not substantially alter the development from what was previously approved.

Section 4.55 (2) - Other Modifications	Comments
	<ul style="list-style-type: none"> The proposal will have no additional impacts on surrounding sites nor the public domain.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2020/1501 did not require concurrence from the relevant Minister, public authority or approval body.
(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 Regulation 2000 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 EP&A Act, in determining a 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 EP&A Act are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed

Section 4.15 'Matters for Consideration'	Comments
	development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on 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 Warringah 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 02/09/2021 to 16/09/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Karen Warburton	3 Kurraba Road NEUTRAL BAY NSW 2089

The matters raised within the submissions are addressed as follows:

- **Stormwater runoff**
Concern is raised in regards to the existing issues with runoff in Moore Road. The original application was referred to Council's development engineers for comment in regards to stormwater management. Suitable conditions were imposed as part of the original consent to ensure adequate stormwater management for the two dwellings (principal and secondary) and adjoining properties.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>No objection, no conditions.</p> <p>The modification includes deletion of planted areas along the northern end of the site and replacement with 650mm wide garden planters and entertainment area above the secondary dwelling and garage.</p> <p>The Landscape Plans provided indicate planting to the new planters, which is not objected to, however, widening of the planters to provide 800mm width for increased soil volume would provide a better long term outcome in terms of the ongoing viability and health of the proposed planting.</p> <p><u>Planner Comment:</u> A condition of consent has been included as part of this recommendation to ensure the proposed new planters are widened to 800mm, to ensure the longevity of the proposed planter boxes.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1154466M_03 dated 27 July 2021).

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Coastal Management) 2018

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

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The development is located partially within the coastal environment area. The development will not result in any adverse impact on the items within (1)(a)-(g).

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

Comment:

The proposed development is not likely to adversely impact the environmental and cultural values of the 'Coastal Environment Area'.

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

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

Comment:

The development will not cause an increased risk of coastal hazards on the site or other land.

As such, it is considered that the application does/does not comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

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	8.2m (Dwelling House) 5.3m (Pergola) 2.9m (garage)	3.9m (top of proposed glass louvers) 3.5m (Top of proposed outdoor living)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	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	7.7m	Sliding doors - 5.5m	Yes
B3 Side Boundary Envelope	south - 5m	Non - compliant Height - 0m - 1.1m Length - 4.7m	No change	-
	north - 5m	Compliant	Compliant	-
B5 Side Boundary Setbacks	south - 0.9m	0.9m (Dwelling house, Garage)	1.9m (Measured to new outdoor living area)	Yes
	north - 0.9m	0m (Secondary dwelling) 0.9m (Dwelling house)	0.9m (Measured to new outdoor living area)	Yes

B7 Front Boundary Setbacks	6.5m (Primary frontage)	4.5m - 8.5m (Dwelling)	No Change	-
	3.5m (Secondary frontage)	1m (Garage) 2m (Secondary dwelling) 1m (Decking)	Decking -0.99m Garage and Secondary dwelling- No change	No
D1 Landscaped Open Space and Bushland Setting	40% (230.68sqm)	28.8% (166.2sqm)	28.8% (166.2sqm)	No

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
B7 Front Boundary Setbacks	No	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	No	No
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The Warringah DCP 2011 requires a 6.5m setback to the frontage and a 3.5m setback to the secondary frontage.

The proposed alterations deck and planter alterations propose a 0.991m setback from the secondary street frontage (Moore Lane), non-complaint with the numeric control. This represents a 71.8% variation to the numeric control.

The approved planter were setback 1m from the Moore Lane and as such seeks a .09m reduction to the setback approved under DA2020/1501.

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 proposed deck alterations are not expected to cause unreasonable impacts upon the openness of the front setback area. Commensurate to surrounding properties, it is found that the proposed encroaching elements do not jeopardise the existing sense of openness and that the works are appropriately designed and proportioned. The proposed alteration to the front setback, while slightly reduced, does contradict the determination made by Council in determining the original development application. The proposed alterations provides a better landscape setback to Moore lane at ground floor level and will not impact upon lines of sight for vehicles entering and exiting the garage at lower ground floor level.

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

Comment:

The existing front setback pattern of buildings along the eastern side of Moore Lane is varied. The proposed deck alterations are not expected to cause unreasonable impact to the visual continuity between buildings and landscape elements. Whilst marginally reduced compared to that approved, the proposed alterations will allow for a more regular planting arrangement, increasing the minimum width of the planter from 0.2m to 0.65m as pictured below. As recommended by Council's landscape officer a condition of consent has been imposed to further increase the width of the planter from 0.65m to 0.8m.

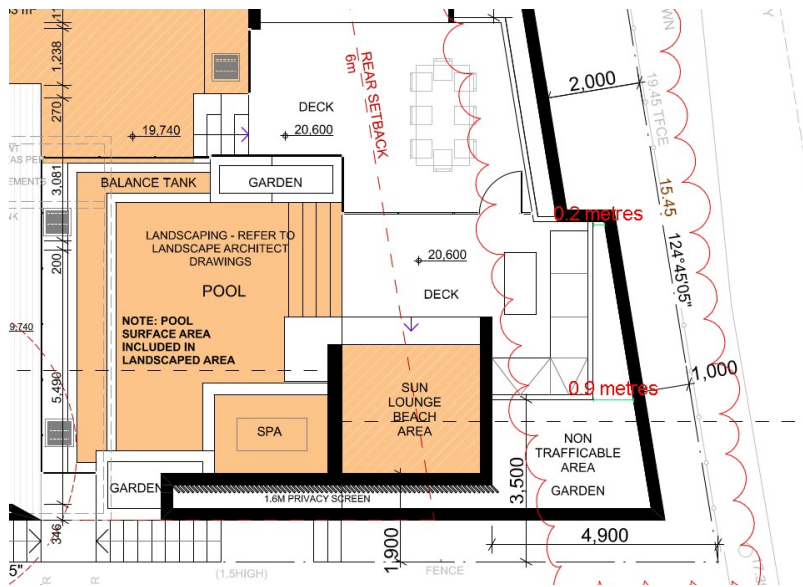


Image 1 - Approved ground floor plan

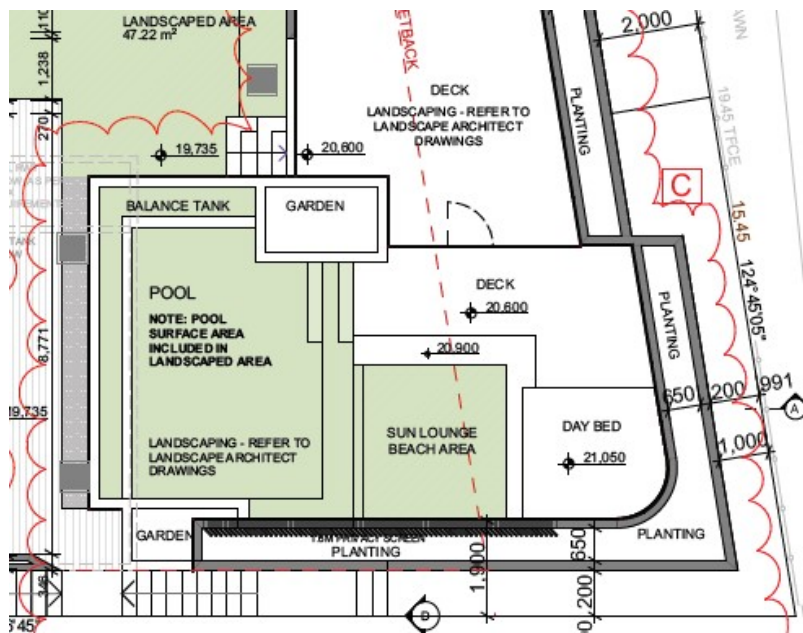


Image 2 - Proposed ground floor plan

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

Comment:

The design of the proposal will successfully achieve a reasonable level of openness within the front setback, while maintaining the visual continuity of buildings and landscape elements. The reduced front setback will not unreasonably affect the visual quality of the surrounding streetscape, as there are still opportunities within this setback area to incorporate adequate landscaping to soften the built form. Therefore, the proposal is compatible with the established streetscape of Undercliff Road and Moore Lane.

- *To achieve reasonable view sharing.*

Comment:

The proposed deck alterations will not result in any unreasonable loss of views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of this control and accordingly, the proposed variation is supported in this instance.

D1 Landscaped Open Space and Bushland Setting

The modifications propose include reducing the size of planter box to the south-east corner of the subject site. However, this area was not counted in the original landscaped open space (LOS) calculations as it did not meet minimum soil depth requirements of this clause. Therefore, the reduction of planter box does not technically reduce the landscaped area calculations of the approved development. The site retains the existing approved non-compliance.

Subject to increasing the width of modified planter box from 650mm- 800mm, as recommended by Council's Landscape Officer, the proposed planters will still allow for a viable long term solution for planting across the site.

D8 Privacy

The application proposes to extend the size of the outdoor living area to the south-east area of the property to allow for a day bed. The proposed day bed will be located 450mm above the level of the deck. The resulting acoustic and visual privacy impact is not significant or unreasonable in the residential context of the site, and suitable visual and acoustic privacy will be retained to adjoining properties.

The proposed outdoor living extension will result in a reduction to the size of the garden area, with the resulting garden bed having a width of 0.65m. The approved planters, while not relied upon for privacy, may assist in offsetting overlooking between properties. As recommended by Council's landscape officer and to ensure a better long term outcome for the viability and health of the proposed planting, a condition of consent is recommended to require the width of the planters that adjoin the day bed to be increased from 650mm to 800mm. The small increase of the planting area by way of conditions will still allow for a significantly sized outdoor living area. The increased width will also provide increased spatial separation between the proposed outdoor living area and adjoining properties.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

In summary, a detailed assessment has been required for the following specific issues:

- Privacy resulting from a increased sized deck; and
- Alterations to the built form.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0620 for Modification of Development Consent DA2020/1501 granted for demolition works and construction of a dwelling house including secondary dwelling and swimming pool on land at Lot 22 DP 5118,38 Undercliff Road, FRESHWATER, subject to the conditions printed below:

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

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA.02/ Issue D	7 July 2021	Arkhaus
DA.03/ Issue D	7 July 2021	Arkhaus
DA.04/ Issue D	7 July 2021	Arkhaus
DA.05/ Issue D	7 July 2021	Arkhaus
DA.06/ Issue D	7 July 2021	Arkhaus
DA.07/ Issue D	7 July 2021	Arkhaus
DA.09/ Issue D	7 July 2021	Arkhaus
DA.10/ Issue D	7 July 2021	Arkhaus
DA.11/ Issue D	7 July 2021	Arkhaus

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1154466M_03	27 July 2021	ECOMODE Design

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

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan	12 July 2021	Amy Taylor

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

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

B. Add Condition No. 14A- Planter Box Extension - to read as follows:

The width of the proposed planter boxes that adjoin the day bed is to be increased from 650mm to 800mm. The additional width should not result in any reduction to the setback to Moore Lane.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure appropriate soil volume for planting.