

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0096
----------------------------	--------------

Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 82 DP 5539, 3 Curl Curl Parade CURL CURL NSW 2096
Proposed Development:	Modification of Development Consent DA2020/1755 granted for demolition and construction of a dwelling house.
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jessie Hannah Mitchell Michael Alexander Nikotin
Applicant:	Trias Pty Ltd

Application Lodged:	08/03/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	15/03/2022 to 29/03/2022
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The modification application proposes the following changes to the approved plans:

Lower Ground Floor

- Utility room moved to western side Laundry moved to south-west corner Ensuite added to south-east corner
- Lightwell introduced to full height of building
- Eastern setback decreased from 2500mm to 1300mm and Western setback increased from 900mm to 1410mm

Ground Floor Plan

- Sunroom removed, Stair to upper level, media room, study and bathroom rearranged within the same footprint
- Kitchen, living and dining rearranged within the same footprint
- Carport reduced in width by 335mm
- Lightwell introduced to full height of building
- Eastern setback increased from 1140mm to 1300mm and Western setback increased from 900mm to 1410mm.

First Floor Plan

- Changed location of stair and study
- Skylights over stairs below removed.

Roof Plan

- Solar panels moved to carport roof and bedroom roof
- Skylights removed
- Introduced roof garden.
- Rooftop planter introduced and carport reduced in height by 240mm
- Setback increased from 500mm to 1410mm.

Materials

- Roof colour changed to Colourbond Windspray
- Material changed from render to TM-01 cladding on lower ground floor wall and number of timber posts changed.

Screens

- Privacy screen introduced at entry.
- Screens added to selected windows and balconies to assist privacy to east and west.

Windows

- Selected windows and external doors changed or deleted as per plans. Changes include Windows W1 to W33 and D01 to D05

The approved Floor Levels were:

- Lower ground RL20.0
- Ground Floor RL24.3 to RL25.6
- First Floor RL27.0

- Upper Roof RL29.97

The modified Floor Levels are:

- Lower ground RL20.77 to RL21.22
- Ground Floor RL 24.07 to RL24.57
- First Floor RL26.92
- Garage RL25.65 (no change)
- Upper Roof RL29.97 (style change)

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 - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D7 Views
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 82 DP 5539 , 3 Curl Curl Parade CURL CURL NSW 2096
Detailed Site Description:	The site has a street frontage of 7.6metres (m) to Curl Curl Parade, with a maximum depth of 67.8m and area of 583.1

square metres (sqm). The site is on the low side of Curl Curl Parade and has a steep fall from south to north, including some surface rock in parts of the property. The existing structures on the site consist of a clad dwelling house with metal roof and detached single garage.

The elevation of the site drops from about 25.6m AHD at the front to 13.3m AHD toward the northern corner of the site. The property contains some low retaining walls throughout the site. There are no heritage items within the immediate vicinity.

There are no known flooding issues on the site and the land is within landslip "Area B" classification. Natural drainage across the site falls towards the north and the site is an irregular shape with a narrow frontage, wider central area and northern boundary coming to a 'point' shaped rear yard. Stormwater currently drains towards the northern neighbours at the rear and overland toward Adams Street, however there is no drainage easement / pipes to connect to Adams Street or Farnell Street. Surrounding properties, including the site, have views toward Curl Curl Lagoon and / or the coastline (generally north-easterly).

Map:

The remote server returned an error: (503) Server Unavailable.

SITE HISTORY

The existing dwelling on the site pre-dates Council development consent records under the EP&A Act 1979. The majority of all structures are to be demolished and removed, therefore no further site history is relevant to the application. Any demolition material (including lead paint or asbestos) will be required to be appropriately managed under safe handling (WorkCover) requirements, *Australian Standards* and the submitted waste management plan.

Building Application No.389/96 for a detached single garage was approved by Council on 22 March 1996.

The development proposal did not have a pre-lodgement meeting to consider potential assessment issues with non-compliance and other environmental considerations.

Development Application DA2020/1755 for demolition and construction of a dwelling house was approved by Council on 10/5/2021. The subject application seeks to modify this consent.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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 DA2020/1755, in full, with amendments detailed and assessed as follows:

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 is satisfied that the proposed works are substantially the same as those already approved under DA2020/1755 for the following reasons:</p> <ul style="list-style-type: none"> • The building height and setbacks remain the same. • Minor changes to the floor levels are proposed with no increased impacts on surrounding land. • Landscaping area remains consistent with the approved plans. <p>Reviewing the above comments and the court</p>

Section 4.55 (2) - Other Modifications	Comments
	judgement by Justice Bignold established in the <i>Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 289</i> it is concurred that the proposed modification is consistent with the (original) consent and can be considered under Section 4.55 of the Act.
(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 DA2020/1755 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 Act 1979, 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 Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 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.. Note: While the modification seeks a further variation to a development standard (height of buildings) the application is appropriate to be considered under Section 4.55(2) and is quantified as suitable modification of consent under the Act. The NSW Planning Directions to local Councils (Variation to Development Standards) has been reviewed

Section 4.15 'Matters for Consideration'	Comments
	<p>with respect to permitting variations for development applications and the use of Planning Panels / or alternative Panel / staff delegations for such purposes of a modification. Consideration of the modification has been made in context as summarised by <i>Pepper J in Agricultural Equity Investments Pty Ltd v Westlime Pty Ltd (No 3) [2015] NSWLEC 75</i>.</p> <p>The application of "Clause 4.6" has previously been required with the original DA assessment, however the proposal shows a 10cm variation toward a corner of the new roof cladding / parapet shape. Overall the new changes being extensively cosmetic or limited to a simplified internal room layout as discussed above. A modification of Consent is subject to the separate facultative power of Section 4.56 of the Act and therefore Clause 4.6 is not applied. The height variation however is still subject to detailed consideration on its own merit with respect zone and height control objectives, including views and any previous submissions. The modification has also raised 2 submissions and discussions / review with the applicant of the modification have resolved that a condition is applied to adjust the parapet shape in order to protect views and keep a compliant roof height (marginally lower at RL29.92)</p>
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to privacy screening and this was addressed by the inclusion of custom screen details shown on <i>DA4001 Revision G</i> to show screens along the relevant windows and balcony areas. The details are of a routine consideration, otherwise capable of being addressed by conditions. Therefore, renotification is not required pursuant to the Community Participation Plan.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>authority to consider the upgrading of a building (including fire safety upgrade of development). 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 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>
<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>	<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. The proposed modifications are consistent with the reasons for granting of approval and the original consent documents and application details have been reviewed including submission issues from the original DA.</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>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

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 15/03/2022 to 29/03/2022 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 2 submission/s from:

Name:	Address:
Mr Jason Michael Howes	6 Curl Curl Parade CURL CURL NSW 2096
Ms Anne-Eloise Cournut Mr Nicholas Paul Andrews	1 Curl Curl Parade CURL CURL NSW 2096

The following issues were raised in the submissions and each have been addressed below:

- Tree height landscaping (re views)
- Privacy
- Parking

The matters raised within the submissions are addressed as follows:

- *Concern that the modification may change landscaping and plant height will impact views across the site from properties overlooking it toward Curl Curl*

Comment:

The landscaping plans have been revised by *Trias Architects* with some changes to Landscaping as shown on DA-1008, dated 23.2.2022. There are no major trees to be added to the landscaping on the site and recently a major tree was removed from adjacent land on the east side of the house. Additional landscaping is now provided at the front of the site to enhance the streetscape setback area. Landscaping shown are low height plants with no taller plants than the building around the main area of the house. Landscaping is consistent with the approved plans to ensure no unreasonable impact on views.

This issue is addressed by reference to the plans (condition 1A) and does not warrant refusal of the application.

- *Concern that privacy will be impacted by the modification toward adjacent land, particularly No.1 Curl Curl Avenue*

Comment:

This issue has been addressed by the introduction of 1.5m to 1.65m high fitted (custom) privacy screens for selected windows and balcony edges on the eastern elevation. Details are shown on diagram DA-DA4004 dated 11.4.2022 drawn by *Trias Architects*. The inclusion of custom privacy screens will ensure no unreasonable impact on casual privacy for the surrounding residential environment.

This issue is addressed by the amended plans and does not warrant refusal of the application.

- *Concern that parking should be provided in a wider front setback and there will be carparking problems to the adjacent garages.*

Comment

The application is assessed on the equal basis that surrounding car garages are fully able to be used for their approved carparking capacity and those garages or any adjacent or nearby

private parking structures are not obstructed from internal car access by being otherwise used to store domestic / miscellaneous items, causing displacement pressure on the street parking / setback areas. In this case, the applicants design of an open carport creates a strong deterrent from use of the car parking platform for other domestic purposes (such as household storage). The applicant has not selected to alter the 2 car capacity of the parking space which complies with the numerical DCP requirement for the dwelling house. The modification remains consistent with the original development application and parking assessment therefore this issue does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is to modify development consent DA2020/1755.</p> <p>The modification includes a new design of the building with reduced built form from various design changes. The removal of Exempt Species is addressed under the development consent and no additional trees are required to be removed. A Landscape Plan is submitted with the modification application, proposing landscape works to areas impacted by the development works, with the lower portion of the property unaltered.</p> <p>The Landscape Plan is acceptable subject to imposed conditions, and Condition 23 Landscape Completion, shall be amended to reflect the landscape proposal submitted under the modification application.</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Coastal Management) 2018 (clauses 13, 14 & 15); and • Relevant LEP and DCP clauses. <p>The application meets the requirements of the relevant Environmental Planning Instruments and policies.</p>
NECC (Development Engineering)	<p>06/05/2022:</p> <p>No objections are raised to the proposed modification. No modification to Development Engineering conditions required.</p> <p>Existing Development Engineering conditions for DA2020/1755 are considered to still be relevant and adequate.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The modified proposal was referred to Ausgrid. A response was received on 6.4.2022 with comments and requirements to ensure compliance with however the design submission must comply with relevant <i>Ausgrid Network Standards</i> and <i>SafeWork NSW Codes of Practice</i> for construction works near existing electrical assets.</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. The requirements of the SEPP were addressed under the original development application.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the modification application (see revised Certificate No.1250401S, dated 27 January 2022).

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

Commitment	Required Target	Proposed
Water	40	42
Thermal Comfort	Pass	Pass
Energy	40	99

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. A referral response was previously provided by Ausgrid for the development application with advice regarding standard clearances to be maintained and raising no objection to the proposed development.

Other Infrastructure Service Authorities

The modification application was not required to be referred to the Roads and Maritime Service (RMS, now *Transport NSW*) and no other Service Authority referral issues are raised pursuant to the SEPP. *Sydney Water* infrastructure requirements are managed by separate processes administered directly through Sydney Water.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018) as the boundary extends inland from Curl Curl beach toward Curl Curl Parade. The site is not readily visible from the beachside area due to the density of surrounding development and the position of the building on the mid slope of the escarpment above Curl Curl coastal area.

Comment:

The requirements and objectives of the SEPP were considered in detail under the original DA and the modification remains consistent with that assessment. In summary, the proposal is satisfactory having regard to with Clause 14 and 15 of SEPP Coastal Management (2018) including the "Coastal Use Area" and "Development in the Coastal Zone Generally" areas with no unreasonable impact.

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

Standard	Requirement	Proposed	Approved	Proposed	Complies
Height of Buildings:	8.5 metres (m)	8.5 m	8.5m	8.5m (reconfigured from 8.6m parapet edge)	Yes

*A modification of consent may seek variation, or a further variation to a development standard without the need to rely on "Clause 4.6". A modification therefore operates as a "free-standing provision" as

originally outlined by the NSW Land and Environment Court judgment in *North Sydney Council v Michael Standley & Associates Pty Ltd [1998] NSWSC 163*.

To avoid ambiguity of compliance shown in the Modification plans the applicant has agreed to lower the ridge / parapet RL from the previously approved RL29.970 to RL 29.920. This is addressed by condition.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

da Built Form Control	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	7.9m 9.7%	7.9m (No change)	No (As approved)
B3 Side Boundary Envelope	45 degrees at 5m West	Breaches envelope 1.7m (26%)	Breaches envelope 1.3m (18%)	No*
	45 degrees at 5m East	Breaches envelope 1.4m (21%)	Breaches envelope 1.7m (26%)	No*
B5 Side Boundary Setbacks	0.9m (West)	0.45m to 1.2m 40%	0.45m to 1.5m (setback increased)	No*
	0.9m (East)	1.2m to 1.5m (Side steps / landings) >1.0m	1.2m to 1.3m (Side steps / landings) >1.0m	Yes No*
B7 Front Boundary Setbacks	6.5m	0.1m 88% Carport 6.7m Dwelling	No change No change	No (As approved) Yes
B9 Rear Boundary Setbacks	6.0m	19.5m to 34.1m Deck and Patio	No change	Yes
		22.5m to 38.1m Dwelling wall	No change	Yes

D1 Landscaped Open Space (LOS) and Bushland Setting Site area 583.1 sqm	40% (231.6sqm)	40.5% 231.1sqm	No change	Yes
--	-------------------	-------------------	-----------	-----

*Refer to detailed merit assessment under the heading Built Form Controls within this report.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	No	Yes
D8 Privacy	No	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
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
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The maximum wall height is up to 7.9m for the side wall of the building, being a variation of 9.7% retained however the modification changes all the wall cladding and most of the window styling.

Merit consideration:

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

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The non-compliance with the wall height control relates to both the eastern and western wall planes for the master bedroom and kitchen/living/dining room, along the upper wall elements and has changed with the modification in so far as the wall alignment has been altered for selected side elements of the dwelling. These elements of the building will be visible from surrounding properties and the public street, particularly at the front section of the dwelling (master bedroom). The building is not readily visible from the coastal zone (Curl Curl beach area) and offshore, and is a similar height to adjacent buildings on either side which forms part of the existing pattern of development and visual impact when viewed from the street. The building has living areas above ground level to capitalize coastal views which is consistent with development on similar sloping sites as assessed in the original DA. Overall the proposed modification will maintain compliance with the maximum height limit and seeks to maintain consistent visual impact having regard to the pattern of surrounding development. The non-complying wall sections / carport elements do not create an unreasonable visual impact on surrounding properties in the context of the low density residential zone and existing subdivision layout, and the proposal is consistent with the original DA.

- *To ensure development is generally beneath the existing tree canopy level.*

Comment:

As assessed with the original application the narrowness of the Lot restricts opportunities for substantial landscaping in the side and front setback areas, and as such, there is no substantial tree canopy adjacent the dwelling. The site is on a broad north facing slope with higher land to the south and therefore the height of the tree canopy in the surrounding area provides a backdrop for development on the low side of Curl Curl Avenue. The use of large trees at the rear of the site would impact neighbours existing view lines toward the north-east so the planting selection shown in the landscape plans reflect this consideration. The modification retains a consistent landscaping scheme.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The non-compliance with wall height will have no unreasonable impact on view sharing nearby public land as the proposal has utilized a stepped and flat roof form to accommodate principal overlooking views. Issues of view sharing from surrounding private property is addressed in detail under the heading *Part D7 Views* within this report. The upper roof section of the house has been lowered by condition to ensure no change to the upper height / parapet edge as approved.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The proposal is consistent with the pattern and scale of surrounding development and due to the slope of the land and narrow lot width is also consistent to similar new development in the vicinity of the site to ensure no unreasonable development on adjoining or nearby properties. Screens at 1.5m or 1.65m (as per DA-DA4004) are now included for upper level windows to ensure no unreasonable loss of privacy to adjacent land.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The carport area is located toward the front of the dwelling, accessed from a shared driveway below road level as the land slopes down from the road kerb. The modification design includes new styling of elements of recessed wall planes, feature work, and variation in materials to provide articulation and visual interest, with the different floor levels arranged to capitalise on the slope of the land with minimal excavation of the natural landform.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

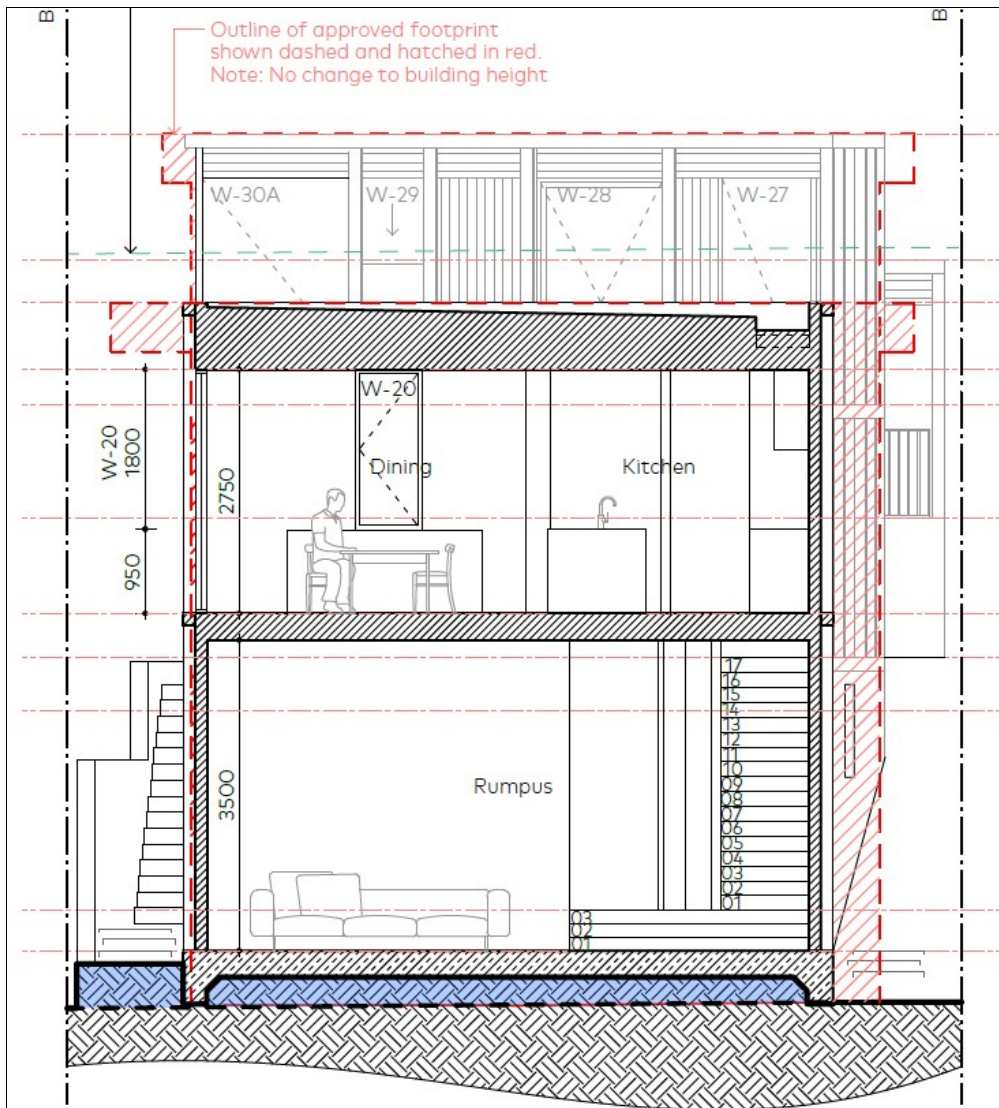
The building is of a contemporary style flat roof form has been used which is suitable for the location and consistent with other adjacent (newer) dwellings.

Having regard to the above assessment, it is concluded that the proposed development, is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the modified proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The modified proposal does not comply with the side boundary envelope along the eastern and western elevations. The non-compliance is up to a 2.4m breach of the envelope and has altered by a change in the outer wall positions along the side boundaries (principally on the western side) as depicted below.



Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The modified proposal breaches the building envelope along both side wall planes for the living area level and the upper master bedroom level. As outlined in the original assessment the non-compliance is influenced by steep gradient of the site and narrow width, but is reduced to comply toward the central areas of the building. Due to slope of the site and position on the low side of Curl Curl Avenue, most surrounding dwellings are higher or at similar floor levels (RL). The position of the house is also influenced by the design intent to share views toward the north-east and maintain similar building alignments to adjacent dwellings. Privacy screening is to be used to ensure no unreasonable overlooking from balconies or the upper storey levels.

- *To ensure adequate light, solar access and privacy by providing spatial separation between*

buildings.

Comment:

The site has a north facing rear yard and due to the natural slope of the land and open rear yards adjacent, light and solar access is maintained to adjacent properties for the principal private open space areas in compliance with the Warringah DCP. Overshadowing and privacy is consistent with approved plans and the pattern of surrounding development in the context of the low density residential environment. The extent of non-compliance as modified with the side boundary envelope does not create unreasonable loss of amenity in terms of wall height and setbacks.

- *To ensure that development responds to the topography of the site.*

Comment:

The modified proposal responds to the site by minimising excavation and stepping the sections of the building down the site with two main components between the parking area and the main dwelling footprint (including ground level terracing) but with a simplified / rationalised floor plate. The proposal also seeks to capitalise on the coastal views toward the north east and an innovative design response has been used to assist in view sharing across the upper rear balcony by privacy screens fitted to the northern windows for the living area (rather than along the balcony outer edge). Minor amendments have been included to provide articulation and variation in wall sections and materials to break up the side wall plane. The position of the building toward the road (and over the existing building footprint) provides a suitable response to the topography and consistency with the pattern of surrounding development.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions is consistent with the relevant objectives of WDCP and the objectives specified in section 5 (a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the modified proposal is supported, in this particular circumstance maintains consistency with the requirements and objectives of the side boundary envelope control.

B5 Side Boundary Setbacks

Description of non-compliance

The modified proposal does not comply with the minimum side setback (0.9m) for the proposed carport structure. A setback of 150mm to 450mm is proposed along the western setback for the carport and side stairs within 1m of the boundary.

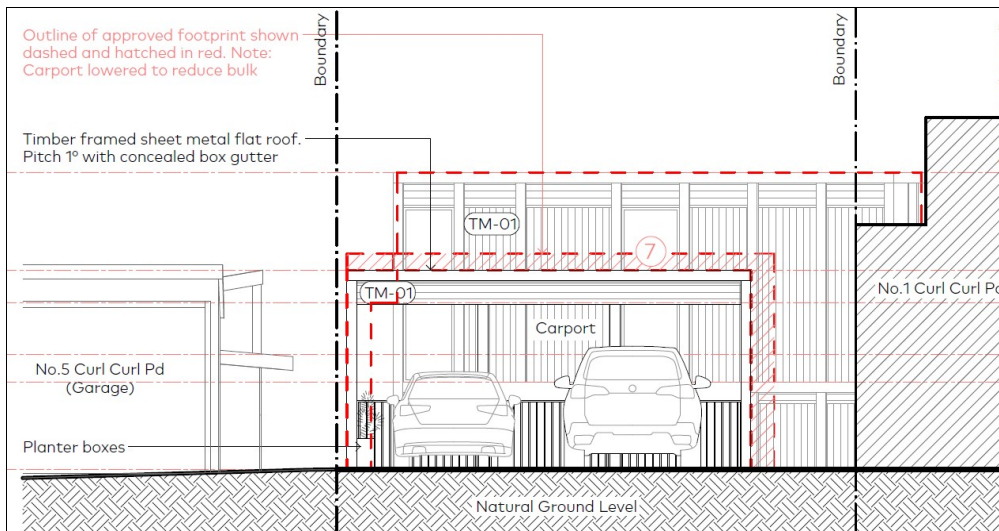


Image: Open style carport retained (using existing garage slab)

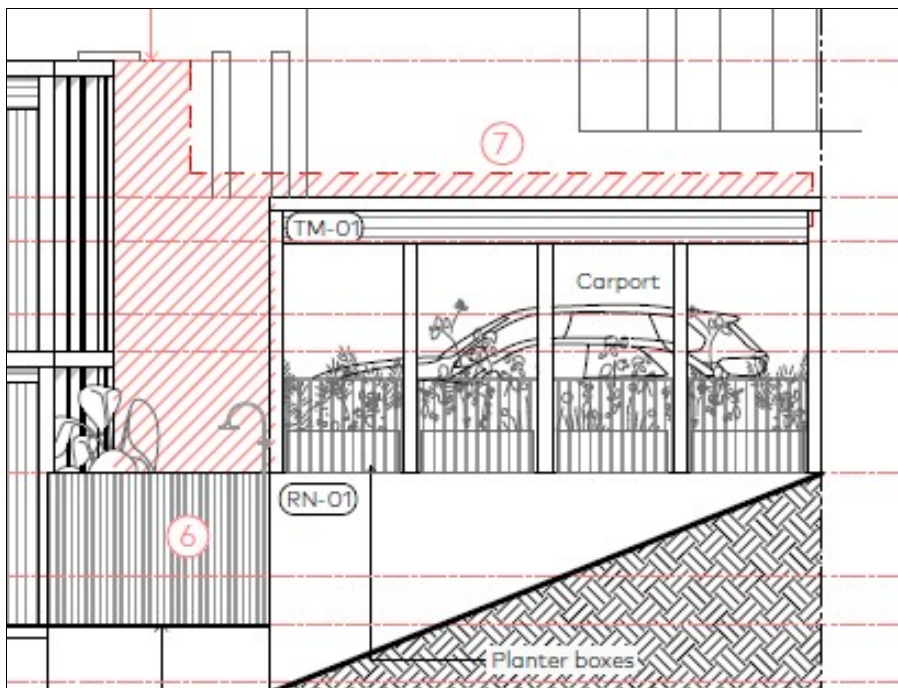


Image: Carport appearance on side elevation with reduced setback 150mm to 450mm side setback.

Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

The location of the carport within the front setback any opportunity to retain the side setback area (even though only 0.9m wide or similar along the house side setback) for deep soil landscaping. While this area would be in shadow the majority of the day, suitable shade tolerant plants (coastal natives plants or the like) are to be established in this soil zone to screen the adjacent neighbouring side wall. The development includes some planting along the pedestrian entry and the western side of the carport

(planter boxes) to assist with providing a landscape setting to the streetscape with the modification keeping this style of landscaping.

- *To ensure that development does not become visually dominant.*

Comment:

The positioning of the carport as modified assists to ensure that development *does not* become visually dominant by adding another fully enclosed garage building into the front setback that would abut the adjacent garage. The use of a carport structure maintains a desired sense of openness across frontage. The use of a carport as an open sided lightweight has a more minimal visually less dominant appearance when combined with ground landscaping and consideration of the higher dwelling element behind (master bedroom level).

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The retained use of a carport structure is consistent with the DCP in that "*Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause.*" The modification maintains an open sided, low profile structure that is not an enclosed parking building. The non compliance with the side setback is not visually apparent to the street because of the carport roof line and adjacent dwelling structure behind.

- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.

Comment:

The use of a reduced setback for ground level side steps / domestic side paths and the carport does not unreasonably affect privacy, amenity or solar access to adjacent land. The carport structure is in context with a cluster of garages at this point in the street due to the sloping topography and road geometry. The side paths and landings (where more than 1m high) have been considered in terms of this control and have been addressed in the original consent for levels to accommodate reasonable cross boundary continuity issues with natural drainage, slope, landscaping and the like.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The encroachment does not affect the sharing of views from public or private land due to the close pattern of adjacent / surrounding buildings and ground level position.

Having regard to the above assessment, it is concluded that the proposed modified development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposal includes a reduction in the carport structure and maintains a variation to the front setback being forward of the 6.5m setback line as depicted in the image below:

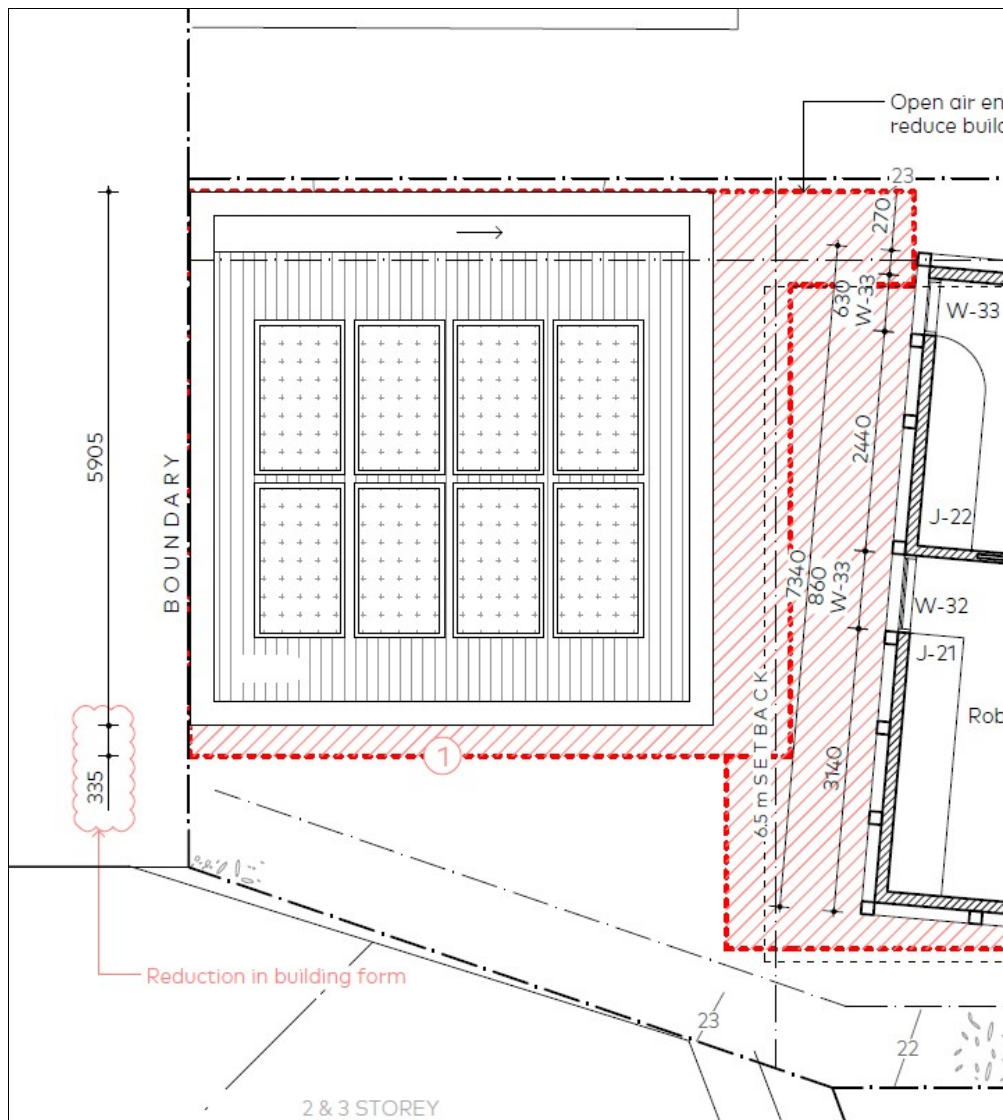


Image: Front setback encroachment changes.

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 carport structure (amended from a garage) assists to maintain a sense of openness and not repeat the occurrence of enclosed building structures within the front setback area. The carport is an open structure and in the selected forward location lessens the built form visual impact by creating a sense of openness around the carparking platform, rather than

enclosing that space with a walled-in building. The property has a steep and very narrow frontage and the forward location is consistent with the existing (original) garage) to be replaced. A low profile flat roof design is also assists with maintaining a sense of openness by minimizing visual bulk.

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

Comment:

The dominant continuity of Curl Curl Parade is that the majority of dwellings comply with carparking behind the front 6.5m boundary line, however on steeper sites in the vicinity of the proposal, carparking structures of garages and carports are commonly within the front setback. The modified proposal has sought to maintain the existing carparking arrangement at the front with some landscape elements in the side setbacks. The carport structure is open on 3 sides and enables compliance with Australian Standard 2890, and is consistent with the pattern of buildings in the vicinity, whereby vehicle access is steeper or there are some existing parking structures adjacent.

The use of a carport structure as modified will maintain consistency with this objective and limits the extension / continuation of the wall frontage created by other double garages adjacent.

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

Comment:

The use of a low profile carport allows a sense of openness with opportunities for landscaping to enhance the street setback area as viewed from the public domain.

- *To achieve reasonable view sharing.*

Comment:

The forward location of the carport as modified does not impact any coastal or district views across the front setback area as demonstrated in the original assessment.

Having regard to the above assessment, it is concluded that the proposed development subject to conditions is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the modified proposal is supported, in this particular circumstance subject to a carport structure used to ensure a sense of openness.

D7 Views

Merit consideration

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

- *To allow for the reasonable sharing of views.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd vs Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

The views potentially affected are water views of the coastal waters and coastal fringe toward North Curl Curl Beach and Curl Curl Lagoon, and are shared to principally affect properties to the west and south west of the site where the view is at a broad angle, but overlooking across a side or front boundary. Site inspection was previously conducted with internal visits to relevant adjacent properties. The DA assessment is consistent with the modification in that there has been no significant re-development of adjacent land since the assessment made. Removal / change in vegetation has been accounted for as part of the available views.

2. What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2:

The assessment of the modification with respect to views is consistent with the original Development Application assessment. No significant alterations or re-development has occurred on adjacent land that would substantively eliminate a main portion / quadrant of a view. Good views are obtained from the upper level (where higher topography permits) and the upper storey of surrounding dwellings. In general, some views are partly obscured due to existing development at ground level and from other structures such as fencing, telegraph poles, outbuildings and trees / vegetation. While views across the site, by others, are over side boundaries (side views), or the front boundary, due to the subdivision pattern, these are valuable views because the dwellings are configured to capitalise on the coastal north-easterly outlook, not necessarily a street outlook. Site inspection of the surrounding streetscape confirms the views are principally the same as per the original DA but with an adjacent (neighbours) palm tree no longer present.

3. Extent of impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is

20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment to Principle 3:

The subject modification proposal is to be built over the approved (and existing) building footprint and extends high up the site, toward the road and also expands further rearward (north) within some view lines. The applicant has agreed to a minor adjustment to alter and lower the shape of the parapet to ensure compliance with height and this maintains the essentially same view impact as per the original DA. Overall the view impact is still considered to be moderate from No. 5 Curl Curl. With regard to No.1 and No.6 Curl Curl Avenue, following site inspection the view loss is considered to be minor.

- **4. Reasonableness of the proposal that is causing the impact**

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4:

The non-compliance with the building envelope and wall height and front setback as part of the modification does not create unreasonable view impacts and retains substantially the same impact. The variation to the front setback by the carport has no impact on views due to the higher dwelling bulk behind it and neighbours garages either side.

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

Comment:

The proposed modified roof is of a contemporary flat style to assist in maintaining views for overlooking properties toward the south side of Curl Curl Avenue. Separation of the building into sections assists to modulate the building and lower the profile to assist in solutions to improve the urban environment in terms of view sharing. The kitchen/living/dining floor area will maintain view lines by maintaining a setback at the rear. This is consistent with adjacent land on No.5 Curl Curl Avenue (as approved) and maintaining an open style balcony (including using screens that are to be fitted to assist with privacy).

- *To ensure existing canopy trees have priority over views.*

Comment:

There are no trees causing any significant obstruction to views. The plant selection with the modification plans is appropriated for the location and other new (replacement) planting is generally 6.0m or less in mature height and therefore generally lower than the adjacent building heights.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the modified proposal is supported, subject to conditions, in this particular circumstance.

D8 Privacy

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The proposal includes some design elements that are considered in the context of privacy with regard to adjacent land, in particular No. 1 and No.5 Curl Curl Parade. Other adjacent dwellings of No.19 to No.25 Farnell Street have deep landscaped rear setback and no unreasonable privacy impacts are created by the proposed dwelling in the context of the surrounding pattern of residential development. The dwelling and garage of No.1 Curl Curl Parade is on an angled "L" shaped lot and its dwelling / garage is partly constructed within the front setback area with some side windows facing across the front and side setback of No.3 Curl Curl Parade (as per the submitted modification plans / screen details).

The submitted plans include the use of privacy screens across part of, or all of the selected windows toward the front of the dwelling to minimise overlooking between adjacent land. This includes the First Floor seeks to gain the amenity of morning light and views toward the coast for the proposal. The building to building spatial separation increases substantially once past the 6.5m front setback area. The lower ground is screened by side fencing and selected / custom fitted screens where appropriate at the upper floor levels. Areas along the side setback also include steps and landings up to 1.2m subject to BCA and Engineering details where the land slopes and is terraced toward the rear of the house. Overall, no unreasonable privacy or acoustic impacts are directed toward No.1 Curl Curl Avenue and the side terrace (sunroom) is also partly enclosed but separated by wide landscape setbacks (+10m) within adjacent rear yards of No.19 to No.25 Farnell Street.

Revised screens between 1.5m and 1.65m have been used for selected windows as prepared for the supplementary details drawn by *Trias Architects*. Therefore, no unreasonable privacy or acoustic impacts are directed toward No.5 Curl Curl Avenue and at the rear terrace / veranda privacy screens are fitted to the northern living room windows to maintain coastal views (from No.5 Curl Curl Parade) across the open balcony area while still providing internal privacy to the kitchen /living / dining room for the subject dwelling.

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

Comment:

The modified proposal includes a range of selected windows with standard sill heights and custom fitted privacy screens to maintain privacy. The floor arrangement for the living areas and 'low use rooms' (study / bedroom / bathroom) assist to ensure reasonable privacy to adjacent

land. At the rear terrace / balcony area an innovative design to use of privacy screens for the living room northern wall / door assists to maintain views across the site and allow for internal privacy between No.3 and No.5 Curl Curl Avenue. This includes the use of fitted privacy screens along the upper eastern elevation as per the details submitted by Trias Architects. The proposal is consistent with this objective.

- *To provide personal and property security for occupants and visitors.*

Comment:

The proposal maintains security of access to the dwelling with a clearly defined entry area and passive viewing of public space (entry area) by the use and entry passage way similar to that approved under the parent DA.

Having regard to the above assessment, it is concluded that the proposed modified development is consistent, subject to conditions, with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the modified proposal is supported, in this particular circumstance.

D9 Building Bulk

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The modified proposal has been subject to adjustments to change the internal layout (from the original DA approval) which includes changes to the external wall format and style. The overall wall area maintains elements and details including screens and windows for visual interest and to break up bulk. This includes the use of materials, windows, minor and cosmetic changes to selected wall plane elements. Overall the building addresses the non-compliant elements with the design response and landscaping to be consistent with the surrounding pattern of development for the future urban environment. The modified proposal is consistent with this objective.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposal is on a relatively narrow and steeply sloping site and therefore has adopted a low profile (flat style) roof to minimise visual impact is maintained and landscaping along sections of the side of the building and rear setback to maintain consistency with the pattern and scale of surrounding development that is consistent with other new dwellings in the surrounding area. The modified proposal does not create an unreasonable visual impact when viewed from adjoining properties, streets and public land.

Having regard to the above assessment, it is concluded that the proposed modified development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the

Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the modified 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 2021

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2022/0096 for Modification of Development Consent DA2020/1755 granted for demolition and construction of a

dwelling house. on land at Lot 82 DP 5539,3 Curl Curl Parade, CURL CURL, subject to the conditions printed below:

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

"1A - Modification of Consent - Approved Plans and supporting Documentation

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-10000 / D Cover Page Materials and Finishes	23.2.2022	Trias Pty Ltd
DA-1003 / D Site Plan	23.2.2022	Trias Pty Ltd
DA-1004 / D Demolition Plan	23.2.2022	Trias Pty Ltd
DA-1005 / D Excavation and Fill Plan	23.2.2022	Trias Pty Ltd
DA-2001 / D Lower Ground Floor Plan	23.2.2022	Trias Pty Ltd
DA-2002 / D Ground Floor Plan	23.2.2022	Trias Pty Ltd
DA-2003 / D First Floor Plan	23.2.2022	Trias Pty Ltd
DA-2004 / D Roof Plan	23.2.2022	Trias Pty Ltd
DA-DA3000 / D Sections 01	23.2.2022	Trias Pty Ltd
DA-DA3001 / D Sections	23.2.2022	Trias Pty Ltd
DA-DA3002 / E Sections	11.4.2022	Trias Pty Ltd
DA-DA4000 / D Elevations - North	23.2.2022	Trias Pty Ltd
DA-DA4001 / D Elevation - East	11.4.2022	Trias Pty Ltd
DA-DA4002 / D Elevations - South	23.2.2022	Trias Pty Ltd
DA-DA4003 / E Elevations - West	11.4.2022	Trias Pty Ltd
DA-DA4004 / F Door and Window Schedule (including fitted privacy screens)	11.4.2022	Trias Pty Ltd
DA-DA4005 / E Door and Window Schedule	11.4.2022	Trias Pty Ltd
DA-DA4006 / C Door and Window Schedule	23.2.2022	Trias Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate 1250401S	27.2.2022	Trias Pty Ltd
Geotechnical Assessment AG20215B (referencing AG20215 25.8.2020)	2.2.2022	Ascent Geotechnical Consultants

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-1008 / F Landscape Plan	11.4.2022	Trias Pty Ltd

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

B. Modify Condition 2 Compliance with Other Department, Authority or Service Requirements, to read as follows:

"2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	6.4.2022

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

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

C. Modify Condition 12 Privacy Screening, to read as follows:

"12. Privacy Screening

Privacy screening / louvres for windows and balconies are to be included for construction of the dwelling house as shown on the approved modification plans and drawings.

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

Reason: In order to maintain privacy to the adjoining/nearby property."

D. Add Condition 12A Roof Parapet Height to read as follows:

"12A Roof Parapet Height

The ridge / roof parapet height above the ensuite and master bedroom is to be reduced to RL 29.920 or

lower in order to maintain a compliant roof profile.

Reason: Amenity of building height for views and overshadowing."

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

Signed



Alex Keller, Planner

The application is determined on 23/05/2022, under the delegated authority of:



Rodney Piggott, Manager Development Assessments