

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application Number:</b>                | Mod2023/0526   |
| <b>Responsible Officer:</b>               | Maxwell Duncan   |
| <b>Land to be developed (Address):</b>    | Lot 1 DP 1294911, 48 Lawrence Street FRESHWATER NSW 2096   |
| <b>Proposed Development:</b>              | Modification of Development Consent DA2021/0744 granted for Demolition works and construction of shop top housing. |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned E1 Local Centre   |
| <b>Development Permissible:</b>           | Yes  |
| <b>Existing Use Rights:</b>               | No   |
| <b>Consent Authority:</b>                 | Northern Beaches Council   |
| <b>Land and Environment Court Action:</b> | No   |
| <b>Owner:</b>                             | Lawrence Street Nominees Pty Ltd   |
| <b>Applicant:</b>                         | The Trustee For Lawrence Street Trust  |
| <b>Application Lodged:</b>                | 03/10/2023   |
| <b>Integrated Development:</b>            | No   |
| <b>Designated Development:</b>            | No   |
| <b>State Reporting Category:</b>          | Refer to Development Application   |
| <b>Notified:</b>                          | 10/10/2023 to 24/10/2023   |
| <b>Advertised:</b>                        | Not Advertised   |
| <b>Submissions Received:</b>              | 1  |
| <b>Clause 4.6 Variation:</b>              | Nil  |
| <b>Recommendation:</b>                    | Approval   |

### PROPOSED DEVELOPMENT IN DETAIL

This modification application lodged pursuant to Section 4.55(1A) of the EP&A Act seeks to modify the approval issued under development consent DA2021/0744.

The modifications proposed include:

- Deletion of the ground floor internal stairs; and
- Glazing alterations to the ground floor windows.

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

## SITE DESCRIPTION

|                                   |   |
|-----------------------------------|---|
| <b>Property Description:</b>      | Lot 1 DP 1294911 , 48 Lawrence Street FRESHWATER NSW 2096   |
| <b>Detailed Site Description:</b> | <p>The site is an irregular shape, with a 10.365m wide frontage to Lawrence Street (north), a 43.285m wide frontage to Oliver Street (west), a 45.75m wide frontage to Dowling Street (east) and a total area of 590m<sup>2</sup>. The northern half of the site currently contains a two storey commercial building, with the southern portion of the site containing an informal parking area accessed via Oliver Street and a single storey garage accessed from Dowling Street. The site does not feature any significant landscaping or natural features.</p> <p>The site experience a fall of approximately 5.13m from the south-western corner of the site (RL32.82m AHD) down towards the north-eastern corner of the site (RL 27.69m AHD), with a maximum gradient of approximately 11%.</p> <p>Lawrence Street is a two-four lane local road. The portion of the public road reserve immediately adjoining the site is paved with no overhead infrastructure or street trees.</p> <p>Oliver Street is four lane regional road. The portion of the public road reserve immediately adjoining the site contains a footpath and street trees. A portion of the public road reserve immediately adjacent to the existing building has</p> |

been excavated and is supported by a retaining wall.

Dowling Street is a two lane local road. The portion of the public road reserve immediately adjacent to the site is partially paved, with a footpath extending half way along the length of the site, overhead infrastructure and street trees. A bus stop/bus zone is located in front of the existing building.

The site is zoned B2 Local Centre and is located at the western end of the Freshwater Village. Whilst the B2 zoning extends to the east and north-east, the site is predominately surrounding by land zoned R2 Low Density Residential (to the north-west, west, south and south-east) The land to the opposite side of Lawrence Street is zoned RE1 Public Recreation and contains community facilities.

Despite the low density zoning of surrounding and nearby land, the site is surrounded by development of varied density and scale, with three storey residential flat buildings to the west, a two storey church building to the north-west and two-storey dwellings to the south and south-east.

The site is located in the vicinity of two items of local heritage significance, being the Harbord Literacy Institute (directly opposite to the north) and the Harbord Early Childhood Health Centre (to the north-east).

Map:



## SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

**DA2021/0744 - Approved 1 December 2021 - Demolition works and construction of shop top housing.**

The construction of a shop top housing development at the subject site. Specifically, the application proposes:

- demolition of all existing site improvements,
- the construction of a three-four storey shop top housing development comprising:
  - 11 residential apartments (2 x studio, 4 x 1 bedroom and 5 x 2 bedroom)
  - Two retail/business tenancies with a total GFA of 77.82m<sup>2</sup>
  - Off-street parking for 18 cars, inclusive of 1 service vehicle space
- landscaping, and
- associated infrastructure.

**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 DA2021/0744, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

| <b>Section 4.55(1A) - Other Modifications</b>   | <b>Comments</b>   |
|---|---|
| A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if: |   |
| (a) it is satisfied that the proposed modification is of minimal environmental impact, and  | <p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed modification is for alterations to the approved ground floor glazing only. The proposed works</li> </ul> |

| Section 4.55(1A) - Other Modifications  | Comments   |
|---|--|
|   | will not introduce any substantial amenity issues to adjoining properties.   |
| (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and   | <p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under</p> <p>In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for for the following reasons:</p> <ul style="list-style-type: none"> <li>• The modified development remains consistent with the original approval in terms of use and density of development.</li> <li>• The proposed is maintained within the footprint of the original consent.</li> </ul> |
| (c) it has notified the application in accordance with:<br><br>(i) the regulations, if the regulations so require,<br><br>or<br><br>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.   |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.  | See discussion on “Notification & Submissions Received” in this report.  |

### Section 4.15 Assessment

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

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



| Section 4.15 'Matters for Consideration'  | Comments   |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument   | See discussion on “Environmental Planning Instruments” in this report.   |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument  | There are no current draft environmental planning instruments.   |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan  | Warringah Development Control Plan applies to this proposal.   |
| Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement  | None applicable.   |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)                     | <p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. A No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This clause is not relevant to this modification application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this modification application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b></p>  |

| Section 4.15 'Matters for Consideration'   | Comments  |
|--|---|
| and economic impacts in the locality   | <p>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development                 | The site is considered suitable for the proposed development.   |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report.   |
| Section 4.15 (1) (e) – the public interest   | No matters have arisen in this assessment that would justify the refusal of the application in the public interest.   |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 10/10/2023 to 24/10/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

| Name:                           | Address:                                     |
|---------------------------------|--|
| Ms Nina Mackenzie Olivia Gerace | 5 / 17 Bolingbroke Parade FAIRLIGHT NSW 2094 |

The following issues were raised in the submissions:

- **Scale of the development**

The above issues are addressed as follows:

- **Scale of the development**

The submissions raised concerns that the scale of the development and its impact on the streetscape.

Comment:

This modification application is limited to the changes to glazing at ground floor level of the approved development. The issue of bulk and scale and impact on the streetscape of the development as a whole was considered as part of the original (parent) application.

**REFERRALS**

| Internal Referral Body                             | Comments   |
|--|--|
| Building Assessment - Fire and Disability upgrades | <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>  |
| Environmental Health (Industrial)                  | <p><b>General Comments</b></p> <p>This application is seeking consent to modify the consent for DA2021/0744. Specifically, the modifications propose the deletion of the approved internal stair and secondary external door from the western retail tenancy and the and an increase in the extent of glazing to the retail facades including the replacement of the operable bifold window glazing with fixed glazing elements.</p> <p>The proposed modifications have no negative impact to Environmental Health considerations (noise, pollution) therefore Environmental health recommends approval.</p> |
| NECC (Flooding)                                    | <p>The proposal seeks consent for modifications to the approved DA2021/0744.</p> <p>The property is not affected by the identified flood extents.</p> <p>There are no flood related objections to the proposed development.</p>  |
| Road Reserve                                       | The modifications do not impact assets in the public road reserve.   |
| Strategic and Place Planning (Heritage Officer)    | <b>HERITAGE COMMENTS</b>   |
|  | Discussion of reason for referral  |
|  | <p>The proposal has been referred to Heritage as the subject site is within proximity to two heritage items, listed in Schedule 5 of Warringah LEP 2011:</p>   |



| Internal Referral Body | Comments  |           |  |
|------------------------|---|-----------|--|
|                        | <p><b>Item I71 - Building known as 'Harbord Literary Institute' -</b><br/>Corner Lawrence and Oliver Street</p> <p><b>Item I72 - Building known as 'Early Childhood Health Centre' -</b><br/>29 Lawrence Street</p>   |           |  |
|                        | <p>Details of heritage items affected</p>   |           |  |
|                        | <p>Details of the items as contained within the Northern Beaches Heritage Inventory are as follows:</p>   |           |  |
|                        | <p><b>Building known as 'Harbord Literary Institute'</b><br/><u>Statement of significance</u><br/>"Harbord Literary Institute" has great social &amp; historical significance for the community, having been part of community life since early 1900's. Historically the buildings indicate the growing need for facilities for the increasing permanent community.</p> <p><u>Physical description</u><br/>Essentially two buildings with original building at rear which is a single storey brick building with 2 stringcourses of darker brick in line with top &amp; bottom of windows. Gabled corrugated iron roof. Brick flat roofed addition on eastern side. Building on corner-single storey brick with hipped tiled roof. Brick gable located over entrance with arched opening &amp; semi-circular plain leadlight. Timber weatherboards under eaves. Flag poles.</p>     |           |  |
|                        | <p><b>Building known as 'Early Childhood Health Centre'</b><br/><u>Statement of significance</u><br/>A representative example of inter-war fire station architecture displaying high integrity of fabric. Strong social significance as the 1st permanent fire station building in Freshwater &amp; in its continual use for the provision of community services.</p> <p><u>Physical description</u><br/>Single storey brick building with multi-gabled roof and detailed parapet on front facade. Roof of slate with terracotta capping &amp; finials. Timber louvres to small gable ends. Facade partly rendered. Changes to entrance when changed to baby health centre. Canopy over entrance door. Brick course around door. Public toilets have been added to rear of building. Tree still exists to east of building adjacent to public pathway. Timber flag pole on top.</p> |           |  |
|                        | <p>Other relevant heritage listings</p>   |           |  |
|                        | <p>SEPP (Biodiversity and Conservation) 2021</p>  | <p>No</p> |  |
|                        | <p>Australian Heritage Register</p>   | <p>No</p> |  |
|                        | <p>NSW State Heritage Register</p>  | <p>No</p> |  |

| Internal Referral Body   | Comments  |    |  |
|--|---|----|--|
|  | National Trust of Aust (NSW) Register                   | No |  |
|  | RAIA Register of 20th Century Buildings of Significance | No |  |
|  | Other   | No |  |
|  | <b>Consideration of Application</b>                     |    |  |
| <p>The proposal seeks consent modifications to the approved DA2021/0744, including the deletion of the approved internal stair and secondary external door from the western retail tenancy and an increase in the extent of glazing to the retail facades including the replacement of the operable bifold window glazing with fixed glazing elements on the northern facade opposite the heritage listed property with local significance. The schedule of materials and finishes is also updated reflecting the modified glazing treatments.</p> <p>The subject property is not heritage listed or located within a heritage conservation area however is located within the vicinity of two heritage items. Although the proposed modifications do not involve any changes to the approved building envelope, such as the building height, bulk, scale, footprint or setbacks, the increased glazing and reduced solidity to the ground floor retail facades is considered to impact the significance of the heritage items across the road as this will not be compatible with the proportions of the existing character of the area. The approved facade is considered to be more compatible with the surrounding buildings and the proportions of the solidity and glazing in the approved facade is considered to respond better to the heritage buildings. Given the approved bulk and scale remains unchanged the impact of the proposed modifications is considered manageable.</p> <p><b>Revised comments - 29 January 2024</b></p> <p>Amended drawings, submitted on 25 January 2024, provide a minimum of 150mm additional plinth height to the eastern and northern elevations. The nominated plinth height for the front elevation is required to extend around to the western elevation, to ensure the proposed modifications are compatible with the surrounding buildings.</p> <p><b>Revised comments - 29 February 2024</b></p> <p>The applicant has provided amended drawings on 28 February 2024 to satisfy the heritage concerns regarding the proposed retail facades.</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> |   |    |  |

| Internal Referral Body                             | Comments  |
|--|---|
|  | <p>Consider against the provisions of CL5.10 of WLEP 2011.</p> <p>Is a Conservation Management Plan (CMP) Required? No<br/>           Has a CMP been provided? No</p> <p>Is a Heritage Impact Statement required? Yes<br/>           Has a Heritage Impact Statement been provided? Addressed in SEE.</p>   |
| <p>Strategic and Place Planning (Urban Design)</p> | <p>This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.</p> <p>The Modification Application Mod2023/0526 seeks consent for alterations and additions at 48 Lawrence Street FRESHWATER NSW 2096.</p> <p>The applicant seeks consent for modifications that relate primarily to demolition, internal and layout changes, in part resulting from changes to NCC/BCA provisions. The proposed modifications include:</p> <ul style="list-style-type: none"> <li>• deletion of the approved internal stair and secondary external door from the western retail tenancy</li> <li>• increasing the extent of glazing to the retail facades</li> <li>• replacement of the operable bi-fold window glazing with fixed glazing</li> </ul> <p>Urban Design raise no objection to the proposed development.</p> <hr/> <p><b>Please note:</b> Regarding any view impacts and any impacts on solar amenity and overshadowing these matters will be dealt with under the evaluation of Councils Planning Officer. Any impacts of non-compliances regarding heritage will be dealt with under the evaluation of Councils Heritage Officers, and any Landscape non-compliances will be dealt with under the evaluation of Councils Landscape Officers.</p> |

| Internal Referral Body | Comments  |
|------------------------|---|
| Waste Officer          | Waste Management Assessment Supported, subject to conditions. No changes to waste management facilities/procedures as part of this proposal. Existing approved waste conditions of consent to remain. |

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

Nil

### 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?   |     |
| zone objectives of the LEP?  | Yes |

### Principal Development Standards

| Development Standard | Requirement | Approved | Proposed                                | % Variation | Complies |
|----------------------|-------------|----------|---|-------------|----------|
| Height of Buildings: | 11m         | 11.3m    | 11.3m - Glazing changes at Ground level | -           | Yes      |

### Compliance Assessment

| Clause                        | Compliance with Requirements |
|-------------------------------|------------------------------|
| 4.3 Height of buildings       | Yes                          |
| 5.8 Conversion of fire alarms | Yes                          |
| 6.2 Earthworks                | Yes                          |

| Clause                          | Compliance with Requirements |
|---------------------------------|------------------------------|
| 6.4 Development on sloping land | Yes                          |

## Warringah Development Control Plan

### Built Form Controls

| Standard                                 | Requirement  | Approved  | Proposed  | Complies |
|--|--------------|-----------|-----------|----------|
| G5.2 Number of storeys                   | 3            | 3         | No change | N/A      |
| G5.4 Street facades and shopfront design | 10m          | 7.8m      | No change | N/A      |
| G5.10 Front Setback                      | Ground - Nil | Nil       | No change | N/A      |
| G5.11 Side and rear setbacks             | 2m           | 3m - 6m   | No change | N/A      |
| C3 Parking facilities                    | 17.8 spaces  | 18 spaces | No change | N/A      |

### Compliance Assessment

| Clause   | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| B2 Number of Storeys   | 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                         |
| D2 Private Open Space  | Yes                          | Yes                         |
| D3 Noise   | Yes                          | Yes                         |
| D6 Access to Sunlight  | Yes                          | Yes                         |
| D8 Privacy   | Yes                          | Yes                         |
| D9 Building Bulk   | Yes                          | Yes                         |
| D10 Building Colours and Materials                                     | Yes                          | Yes                         |
| D12 Glare and Reflection   | Yes                          | Yes                         |
| D14 Site Facilities  | Yes                          | Yes                         |
| D20 Safety and Security  | Yes                          | Yes                         |
| 1. Built form in Freshwater  | Yes                          | Yes                         |
| 2. Number of storeys   | Yes                          | Yes                         |
| 3. Street activation   | Yes                          | Yes                         |
| 4. Street facades and shopfront design                                 | Yes                          | Yes                         |
| 5. Access and loading  | Yes                          | Yes                         |

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| 6. Lighting                                       | Yes                          | Yes                         |
| 7. Safety and security                            | Yes                          | Yes                         |
| 8. Signage  | Yes                          | Yes                         |
| 10. Front setback                                 | Yes                          | Yes                         |
| 11. Side and rear setbacks                        | Yes                          | Yes                         |
| 13. Roofs and building form                       | Yes                          | Yes                         |
| 14. Building massing                              | Yes                          | Yes                         |
| 15. Building sustainability                       | Yes                          | Yes                         |
| 16. Materials and colours                         | Yes                          | Yes                         |
| 18. Development in the vicinity of heritage items | Yes                          | Yes                         |

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

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

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

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

### **POLICY CONTROLS**

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

Section 7.12 contributions were levied on the Development Application.

### **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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



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

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

## RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0526 for Modification of Development Consent DA2021/0744 granted for Demolition works and construction of shop top housing. on land at Lot 1 DP 1294911,48 Lawrence Street, FRESHWATER, subject to the conditions printed below:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

| Application Number        | Determination Date                       | Modification description  |
|---------------------------|--|---|
| PAN374606<br>MOD2023/0526 | The date of this notice of determination | Modification of Development Consent DA2021/0744 granted for Demolition works and construction of shop top housing.<br><br>Add condition 1A - Modification of Consent - Approved Plans and supporting documentation<br>Add condition 35A - Ground floor retail facades |

### Modified conditions

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

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

| Approved Plans |                 |            |          |              |
|----------------|-----------------|------------|----------|--------------|
| Plan Number    | Revision Number | Plan Title | Drawn By | Date of Plan |
|                |                 |            |          |              |

|         |   |                        |                   |                  |
|---------|---|------------------------|-------------------|------------------|
| DA-1101 | F | Ground Floor Plan      | CKDS Architecture | 28 February 2024 |
| DA-2001 | E | North/ South Elevation | CKDS Architecture | 28 February 2024 |
| DA-2002 | E | East/ West Elevation   | CKDS Architecture | 28 February 2024 |

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

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

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

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

**Signed**



**Maxwell Duncan, Principal Planner**

The application is determined on 04/03/2024, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**