

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2022/0620
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<b>Responsible Officer:</b>	Grace Facer
<b>Land to be developed (Address):</b>	Lot 1 DP 64165, 21 White Street BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Alterations and additions to a dwelling house including the construction of a garage.
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<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>	Elizabeth Mary Eastwood Paul Michael Eastwood
<b>Applicant:</b>	Paul Robert Lucas

<b>Application Lodged:</b>	16/11/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	23/11/2022 to 07/12/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	4.4 Floor space ratio: %
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for modifications to the development application approved under DA2021/2081.

Specifically, the proposed development comprises of the following works:

- New WC/Powder room to the lower ground floor laundry
- New external stair from the ground-floor balcony (south) to the first-floor balcony (south). The stair will be positioned over the new DA approved access stair from the new garage
- Extension of the ground-floor south balcony to accommodate the proposed stair
- Reconfiguration of the south facing ground floor windows. Minor demolition under a small section of the window to accommodate the new full height sliding doors
- Changes to the approved entry configuration to retain the existing rumpus/living room wall. Existing WC to be remodelled and a new coat cupboard adjacent to the entry door

- Existing under-stair window to be repositioned to provide a window to the WC
- Demolition of entire existing driveway to Condamine Street. Delete provisions for a new pedestrian pathway
- New entry awning/canopy to west elevation. Existing awning to be demolished
- Existing west facing masonry boundary garden wall to be extended towards the rear garden. Wall to be re-clad and infill panels changed to timber batten style.
- External wall weatherboard cladding extended to include the ground-floor

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.4 Floor space ratio

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 4.1.3 Floor Space Ratio (FSR)

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

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 64165 , 21 White Street BALGOWLAH NSW 2093
<b>Detailed Site Description:</b>	<p>The subject site is commonly known as 21 White Street, Balgowlah and legally known as Lot 1 in DP 64165. The site is located on a corner allotment, on the southern side of White Street, eastern side of Condamine Street and northern side of Burton Street. The property is rectangular in shape and has a frontage of approximately 10m to White Street, an approximate depth of 36m and an overall site area of 371.5m<sup>2</sup>.</p> <p>The site currently contains a three storey dwelling with</p>

vehicular access via an existing driveway from Condamine Street to an existing garage to the side of the existing dwelling.

The site slopes from the front of the site to the rear and includes an approximate crossfall of approximately 4m.

The surrounding area includes residential development and North Harbour Reserve which is in close vicinity to the south-east.

Map:



## SITE HISTORY

### DA445/2004

Alts and Adds to dwelling including new rear deck and alts and adds to windows and doors  
Approved by DAU on 4 November 2004.

### DA83/2016

Alterations and additions to an existing dwelling house including a new first floor roofed deck at the rear of the property  
Approved by DAU on 18 May 2016

### Mod2018/0431

Modification of Development Consent DA83/2016 granted for alterations and additions to an existing dwelling house including a new first floor roofed deck at the rear of the property  
Approved under delegation by Council staff on 07 November 2018.

### DA2021/2081

Alterations and additions to a dwelling house, including construction of a garage  
Approved by DDP on 8 June 2022

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/2081, in full, with amendments detailed and assessed as follows:

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

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p><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 works are relatively minor and will maintain a compliant landscaped open space area on the subject site</li> <li>• The proposal will not result in any adverse amenity impacts to adjoining or surrounding properties</li> </ul>
(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 DA2021/2081 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed development will present as generally the same as that approved under DA2021/2081 with no significant impacts to the streetscape</li> </ul>

Section 4.55(1A) - Other Modifications	Comments
	<ul style="list-style-type: none"> <li>The minor works will not result in any increase to the bulk or scale of the previously approved development</li> </ul>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(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</p>	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.	No submissions were received in relation to this application.

#### Section 4.15 Assessment

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the</p>



Section 4.15 'Matters for Consideration'	Comments
	<p>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. 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 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 62</u> and/or 64 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 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 matter has been addressed via a condition in the original consent.</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 in the original consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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

Section 4.15 'Matters for Consideration'	Comments
	justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 23/11/2022 to 07/12/2022 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:
Kate Hartcher	167 Condamine Street BALGOWLAH NSW 2093

The following issues were raised in the submission:

- Construction Noise Levels and Timeframe of the Work

The above issues are addressed as follows:

- Construction Noise Levels and Timeframe of the Work

The submission raised concerns in relation to construction noise over an extended period of time.

### Comment:

As addressed in the original development application, It is inevitable that construction will result in some impacts on neighbours during works. However, subject to conditions in the original consent, the impacts will be reasonably minimised.

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	The proposed modifications do not alter the original assessment by Development Engineering.  Development Engineering support the proposed modifications with no

Internal Referral Body	Comments
	additional or modified conditions of consent recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A435798\_03 dated 3 November 2022).

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

### SEPP (Resilience and Hazards) 2021

#### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

### Manly Local Environmental Plan 2013

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

#### Principal Development Standards

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.5m (New Works)	Unaltered	-	Yes



Floor Space Ratio	FSR:0.5:1 (183.95m <sup>2</sup> )	FSR: 0.7:1 (256.5m <sup>2</sup> )	Unaltered	29%	As approved
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#### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	No
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes

#### Detailed Assessment

#### **4.4 Floor space ratio**

The proposed modification works do not alter the previously approved floor space ratio under DA2021/2081. Therefore, the outcomes of the original consent are maintained a detailed merit assessment is not required in this instance.

#### **Manly Development Control Plan**

#### Built Form Controls

Built Form Controls - Site Area: 367.9m <sup>2</sup>	Requirement	Approved	Proposed	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 1 dwelling per 300m <sup>2</sup>	1 dwelling	Unaltered	Yes
4.1.2.1 Wall Height	E: 7.35m (based on gradient 1:7)	5.5m	Unaltered	Yes
	W: 7.35m (based on gradient 1:7)	As existing	Unaltered	Yes
4.1.2.2 Number of Storeys	2	As existing	Unaltered	Yes
4.1.2.3 Roof Height	Height: 2.5m	As existing	Unaltered	Yes
	Pitch: maximum 35 degrees	As existing	Unaltered	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	South Nil, other front setbacks to west and north unaltered	Nil (New awning to entry & Extended masonry boundary wall)	<b>No</b>
4.1.4.2 Side Setbacks and Secondary Street Frontages	E: 1.83m (based on wall height)	900mm	Unaltered	As approved
	Windows: 3m	900mm	Unaltered	As approved
4.1.4.4 Rear Setbacks*	8m	N/A	N/A	N/A

4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% of site area	64.2% (236.5m <sup>2</sup> )	Unaltered	Yes
	Open space above ground 25% of total open space	15.4% (36.5m <sup>2</sup> )	16.11% (38.2m <sup>2</sup> )	
4.1.5.2 Landscaped Area	Landscaped area 35% of open space	51.5% (121.9m <sup>2</sup> )	Unaltered	Yes
4.1.5.3 Private Open Space	18m / 12sqm per dwelling	> 18m <sup>2</sup>	> 18m <sup>2</sup>	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	<50%, 3m	Unaltered	Yes
Schedule 3 Parking and Access	Dwelling 2 spaces	1 spaces	Unaltered	As approved

\*The subject site has no rear boundary in this instance.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	No	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.3 Floor Space Ratio (FSR)	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

### Detailed Assessment

#### **3.4.2 Privacy and Security**

##### Description of non-compliance

Clause 3.4.2.2 of the DCP stipulates that architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties, and architectural screens must be fixed in position and suitably angled to protect visual privacy. The proposed new stair from the ground floor balcony to the first floor balcony is an elevated structure that could result in potential overlooking and loss of privacy for the occupants of No.19 White Street.

No submissions in relation to visual privacy have been received from adjoining neighbours, nevertheless the development's impact on potential privacy loss has been considered against the underlying Objectives of the Control as follows:

##### Merit consideration

#### ***Objective 1) To minimise loss of privacy to adjacent and nearby development by:***

- ***appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; and***
- ***mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.***

##### Comment:

The new proposed stair is of a considerable height and is located in close proximity to the eastern boundary, resulting in a greater potential for overlooking between dwellings. Furthermore, due to the steep topography of the site, privacy concerns in relation to an elevated structure of this height are exacerbated. Therefore, it is considered appropriate to impose a condition of consent requiring a privacy screen to be erected along the outermost eastern edge of the proposed new stairs and landings. Subject to the inclusion of this condition, the proposed development will provide a suitable level of privacy for occupants and neighbours.

It is also important to note that there is an existing side boundary fence separating the subject site and No.19 White Street. In this regard, the existing privacy measures were deemed suitable for the

previously approved new stair from subterranean garage to lower ground floor to ground floor.

***Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.***

Comment:

As amended via the recommended condition, the proposal will provide appropriate privacy measures without compromising access to light and air. Furthermore, the proposal will balance outlook and views from the subject site's private open space.

***Objective 3) To encourage awareness of neighbourhood security.***

Comment:

The proposal will not impact upon the site's ability to provide personal and property security for occupants, nor will it compromise casual surveillance of the neighbourhood.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported / is not supported, in this particular circumstance.

#### **4.1.3 Floor Space Ratio (FSR)**

The proposed modification works do not alter the previously approved floor space ratio under DA2021/2081. Therefore, the outcomes of the original consent are maintained a detailed merit assessment is not required in this instance.

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

Description of non-compliance

The MDCP 2013 requires a 6m setback from the front boundary line, or consistency with the prevailing building lines in the immediate vicinity. The proposed new entry awning along the west elevation presents a nil setback to the secondary frontage. There is also an existing masonry boundary wall along the northern boundary, which presents a nil setback to the Condamine Street frontage. The proposed extension of the masonry wall follows this existing nil setback.

No changes are proposed to the non-compliant side setback to the eastern boundary, or White Street and Burton Street frontages approved under DA2021/2081.

Merit consideration:

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

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

Comment:

The lightweight, open style structure of the new awning ensures that the proposed development will not

result in excessive bulk or scale when viewed from the public domain. Based on where the existing dwelling house sits in relation to the boundary and the generous spatial separation and landscaping between the front boundary line and Condamine Street, the proposal will not result in any unreasonable impacts to the landscape character or desired spatial proportions of the locality. Furthermore, the proposed extension of the masonry boundary wall is anticipated to enhance the existing streetscape.

***Objective 2) To ensure and enhance local amenity by:***

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

Comment:

The proposed modification works are relatively minor additions to the built form previously approved under DA2021/2081 and therefore will not give rise to any unreasonable amenity impacts upon the adjoining and surrounding properties.

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

Comment:

Clause 4.1.4.1 of the DCP stipulates that projections into the front setback may be accepted for unenclosed balconies, where no adverse impact on the streetscape or adjoining properties is demonstrated. Moreover, given the existing masonry wall's nil setback to the front boundary, the nil setback along the proposed extension of this wall is appropriate. Additionally, as the subject site is a corner allotment with three street frontages, flexibility in siting of buildings is considered reasonable in this instance.

***Objective 4) To enhance and maintain natural features by:***

- ***accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;***
- ***ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and***
- ***ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.***

Comment:

The proposal will maintain compliant landscaped areas which will maintain the natural features of the subject site. The retention of the existing plantings and vegetation along the front boundary line will also continue to provide visual relief and screening of the built form, ensuring the development does not unduly detract from the landscape character of Condamine Street.

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

Comment:

The subject site is not located in a bush fire zone, therefore this objective is not relevant for this application.

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

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

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

Section 7.12 contributions were levied on the Development Application.

## **CONCLUSION**

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

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

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

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

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



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

## RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2022/0620 for Alterations and additions to a dwelling house including the construction of a garage. on land at Lot 1 DP 64165,21 White Street, BALGOWLAH, subject to the conditions printed below:

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

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

#### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Proposed Lower Ground Floor Plan - Drawing No.DA12 Issue D	4 November 2022	Cradle Design
Proposed Ground Floor Plan - Drawing No.DA13 Issue C	4 November 2022	Cradle Design
Proposed First Floor Plan - Drawing No.DA14 Issue C	4 November 2022	Cradle Design
Proposed North & South Elevations - Drawing No.DA15 Issue D	4 November 2022	Cradle Design
Proposed West & East Elevations - Drawing No.DA16 Issue D	4 November 2022	Cradle Design
Proposed Roof Plan - Drawing No.DA17 Issue C	4 November 2022	Cradle Design
Section A-A - Drawing No.DA18 Issue D	4 November 2022	Cradle Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No.A435798_03	3 November 2022	Cradle Design

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

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

**B. Add Condition No.8A - Privacy Screen to read as follows:**

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost eastern edge of the proposed new stair from the ground floor balcony to first floor balcony, as well as along the eastern landings as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

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

**Signed**



**Grace Facer, Planner**

The application is determined on 12/12/2022, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**