

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0567
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Responsible Officer:	Kelsey Wilkes
Land to be developed (Address):	Lot 24 DP 7686, 13 Quinlan Parade MANLY VALE NSW 2093
Proposed Development:	Modification of Development Consent 2020/0570 granted for alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Nicola Catherine Butt Tristan John Butt
Applicant:	YBC One

Application Lodged:	28/10/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	05/11/2020 to 19/11/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This applications seeks consent to modify DA2020/0570 which was approved on 22 July 2020 for alterations and additions to an existing dwelling house. The proposed modifications to this consent include:

- Modify roof over living, kitchen and dining areas to become a skillion design with a 20 degree pitch

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.

SITE DESCRIPTION

Property Description:	Lot 24 DP 7686 , 13 Quinlan Parade MANLY VALE NSW 2093
Detailed Site Description:	<p>The subject site consists of one (1) allotment identified as Lot 24, Section D in DP 7686 and is located on the southern side of Quinlan Parade, Manly Vale.</p> <p>The site is regular in shape with a frontage of 15.24m along Quinlan Parade and a depth of 49.3m. The site has a surveyed area of 752.5m². The site is located within the R2 Low Density Residential zone and accommodates an existing single storey dwelling, attached single garage, detached single carport and outbuilding at the rear of the site.</p> <p>The slope of the site is a cross-fall from west to east at an average gradient of 10 degrees. The site's rear boundary adjoins land zoned for public recreation known as King Street Reserve. The site is located within area's A and B on the WLEP 2011 landslip risk map.</p> <p>Landscaping on site is characterised by both native and non-native canopy trees, small to medium shrubs, areas of lawn and rock outcrops.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one and two storey residential dwellings of varying ages, sizes and architectural styles. The allotment pattern within the surrounding vicinity also varies in size and regularity.</p>

Map:



SITE HISTORY

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

Mod2020/0406

Modification of development consent DA2020/0570 granted for alterations and additions to a dwelling house

Approved 30 September 2020

DA2020/0570

Alterations and additions to a dwelling house

Approved 22 July 2020

DA2019/1098

Alterations and additions to a dwelling house including swimming pool and cabin

Approved 8 February 2020

DA2001/1533

Carport Freestanding

Approved 18 December 2001

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Background

The abovementioned development consent was granted by Council on 22 July 2020 for alterations and additions to a dwelling house.

A application to modify this consent (Mod2020/0406) was approved on 30 September 2020. An error

however was made on Council's behalf during the lodgement and allocation process which did not identify the correctly proposed set of plans. As a result, the incorrect set of plans were assessed and approved under this application. Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. In order to correct the error made on Council's behalf, Council discretion has allowed for the subject application to be lodged as a 4.55(1). The application however has still undergone the 14 day notification process as required under the Northern Beaches Community Participation Plan due to the minor height increase to the dwelling than that approved under DA2020/0570 and Mod2020/0406. An assessment has also been made to account for the additional built form. This application will allow for the error to be corrected through the stamping of architectural plans which were intended for assessment under Mod2020/0406.

For completeness and to account for the additional built form and notification process, the below assessment has also been made:

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

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2020/0570, in full, with amendments detailed and assessed as follows:

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

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <p><i>The proposed modification results in a minor increase to the height of the dwelling due to the proposed modification to roof form over the southern portion of the dwelling. Notwithstanding this, the minor extent of this change which ensures the development remains single storey and does not involve any additional environmental, streetscape or amenity impacts than that already approved is considered to be of minimal environmental impact.</i></p>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the	<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 DA2020/0570 for the following reasons:</p>

Section 4.55(1A) - Other Modifications	Comments
development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<i>The proposed modification involves a changed roof design over the rear, southern portion of the dwelling. The new roof design is slightly higher than that already approved however will ensure the dwelling remains single storey in height and results in minimal visual impact when viewed from adjoining properties. The changes will have negligible visual impact when viewed from the streetscape and will retain an appropriate level of amenity, privacy and solar access which is consistent with that already approved. As such, it is considered the proposal is substantially the same development as that already approved.</i>
(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, Warringah/Manly/Pittwater Local Environment Plan 2011 and Warringah/Manly/Pittwater 21 Development Control 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	See discussion on “Environmental Planning Instruments” in this report.

Section 4.15 'Matters for Consideration'	Comments
instrument	
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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 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 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</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 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 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><u>Clause 143A</u> of the EP&A Regulation 2000 requires the</p>

Section 4.15 'Matters for Consideration'	Comments
	submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	4.6m	5.7m	Yes
B3 Side Boundary Envelope	4m (West)	Within	Within	Yes
	4m (East)	Within	Within	Yes
B5 Side Boundary Setbacks	0.9m (West)	1m	Unchanged	Yes
	0.9m (East)	1.7m	Unchanged	Yes
B7 Front Boundary Setbacks	6.5m	15.3m	Unchanged	Yes
B9 Rear Boundary Setbacks	6m	13.9m	Unchanged	Yes
D1 Landscaped Open Space and Bushland Setting	40%	36%	Unchanged	No (Approved under DA2020/0570)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D1 Landscaped Open Space and Bushland Setting

This clause requires the subject site to provide 40% of the site area as landscaped open space. The proposed landscaped open space on site is calculated as a non-compliant 36%. This is unchanged from what was supported on merit under the DA2020/0570. As the proposed modification does not alter the calculation from that already approved, the non-compliance is supported in this 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 2019

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. Mod2020/0567 for Modification of Development Consent 2020/0570 granted for alterations and additions to a dwelling house on land at Lot 24 DP 7686, 13 Quinlan Parade, MANLY VALE, 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

MD-7 Roof Plans	31 August 2020	YBC ONE
MD-8 Proposed Elevations	31 August 2020	YBC ONE
MD-9 Proposed Elevations	31 August 2020	YBC ONE
MD-10 Section AA	31 August 2020	YBC ONE
MD-11 Section BB	31 August 2020	YBC ONE
MD-12 Section CC	31 August 2020	YBC ONE

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate no. A375954_03	10 November 2020	Asma Ali

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.

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

Signed



Kelsey Wilkes, Planner

The application is determined on 23/11/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments