

# Memo

## Environment

|                               |                                                                                                           |
|-------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>To:</b>                    | Phil Lane , Acting Development Assessment Manager                                                         |
| <b>From:</b>                  | Ramona Smith, Planner                                                                                     |
| <b>Date:</b>                  | 10 November 2017                                                                                          |
| <b>Application Number:</b>    | Mod2017/0284                                                                                              |
| <b>Address:</b>               | Lot 28 DP 223046 , 14 Pusan Place BELROSE NSW 2085                                                        |
| <b>Proposed Modification:</b> | Modification of Development Consent DA2017/0810 granted for Alterations and Additions to a dwelling house |

### Background

The above mentioned development consent was granted by Council on 27 October,2017 for Alterations and additions to a dwelling house;

### Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. Warringah DCP (A7 Notification) does not require the notification of Section 96(1) modification applications as they are considered to be for minor changes that do not affect the development or the amenity of adjoining properties.

The application seeks to modify development consent DA2017/0810 involving the modification to window W1 located on the eastern elevation at the Primary frontage at Pusan Place.

The proposed W3 window located on the western elevation associated with DA2017/0810 raised concern relating to an unreasonable impact upon the level of privacy into the private open space of the adjoining property and thus, a condition was included in the approval for W3 window to have a minimum sill height of 1.5m when measured from the finished floor level.

Concern was raised by the applicant regarding the proposed condition and as a result the applicant chose to amend the plans to include W6 window on the eastern upper level facing Pusan Place to allow for additional sunlight to the upper level.

Amended plans were provided on 26 October 2017 which included W6 window on the eastern upper level facing Pusan Place. However, a minor error occurred in the plans indicating W1 window as a high light window and thus, the applicant has applied to modify consent DA2017/0810 to re instated the original window design.

The proposed W1 window is located on the eastern elevation facing Pusin Place and meets the requirements of the Warringah Development Control Plan 2011 (WDCP 2011) - D8 privacy.

### Consideration of error or mis-description

It is considered the modification is a minor error and the proposal is substantially the same and does not increase or decrease the environmental impact as per the requirements of the WDCP.

## Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 96 (1) of the EPA Act 1979 and is therefore recommended for approval.

## Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2017/0284 for Modification of Development Consent DA2017/0810 granted for Alterations and Additions to a dwelling house on land at Lot 28 DP 223046, 14 Pusan Place, BELROSE, as follows:

### 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                         |
| Sheet 7 of 9 - Issue C                              | 1 November, 2017 | Sydney Design & Development Pty Ltd |

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. (DACPLB01)."

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

## Signed

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**Ramona Smith, Planner**

The application is determined under the delegated authority of:

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**Phil Lane, Acting Development Assessment Manager**

## **ATTACHMENT A**

No notification plan recorded.

## **ATTACHMENT B**

No notification map.

## ATTACHMENT C

| Reference Number                                                                               | Document                                                                                   | Date       |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------|
|  MOD2017/0284 | 14 Pusan Place BELROSE NSW 2085 - Section 96 Modifications - Section 96 (1) Misdescription | 02/11/2017 |
|  2017/432219  | DA Acknowledgement Letter - Raise The Roof                                                 | 02/11/2017 |
|  2017/432274  | Modification of Consent Form                                                               | 02/11/2017 |
|  2017/432280  | Modification of Consent Applicant Details                                                  | 02/11/2017 |
|  2017/432401  | Plans - Master Set                                                                         | 02/11/2017 |
|  2017/432399  | delete                                                                                     | 02/11/2017 |
|  2017/432398  | delete                                                                                     | 02/11/2017 |
|  2017/441835  | Email - Revised Plan                                                                       | 08/11/2017 |
|  2017/441841  | Revised - Plan                                                                             | 08/11/2017 |