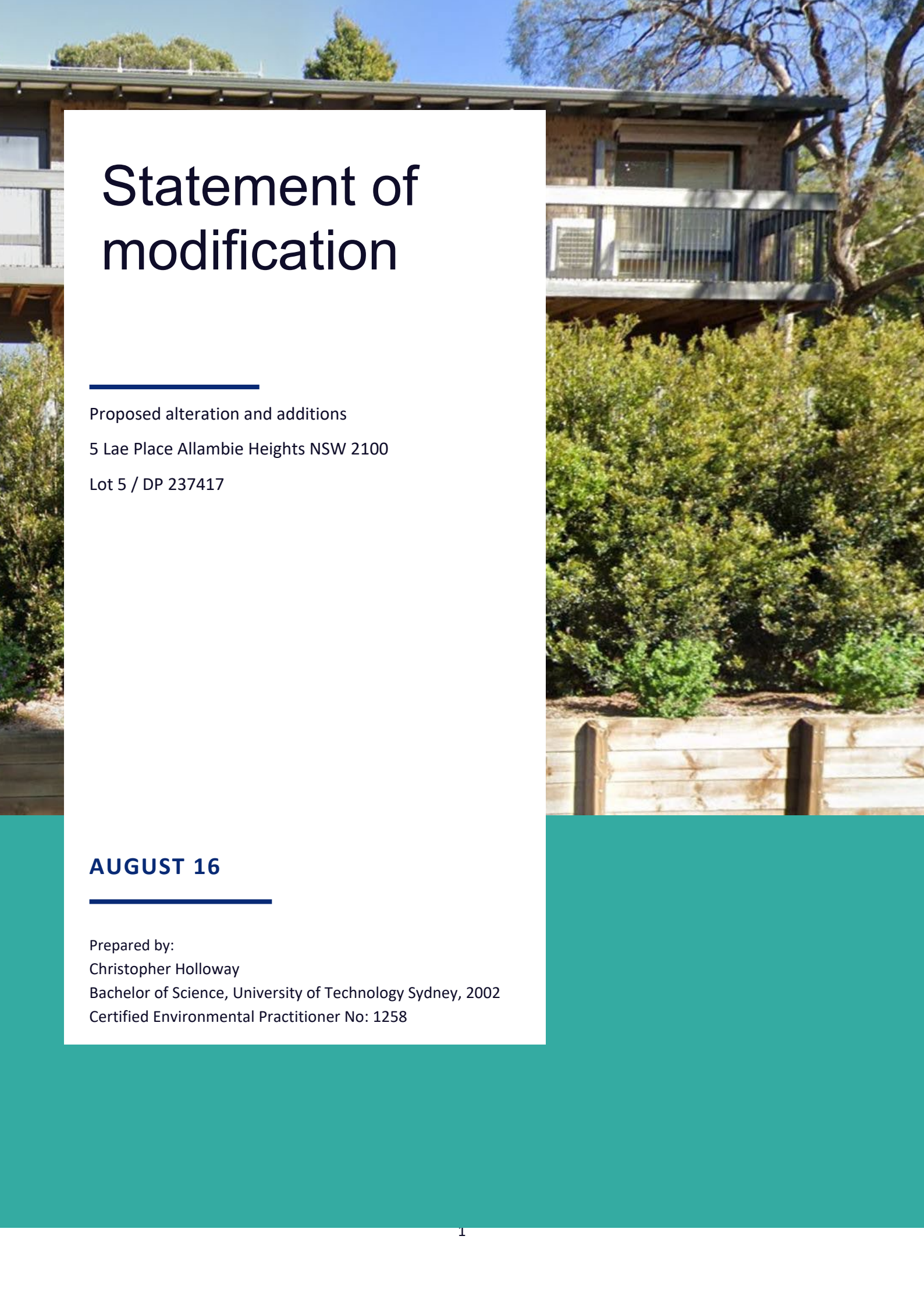




Statement of modification

Proposed alteration and additions

5 Lae Place Allambie Heights NSW 2100

Lot 5 / DP 237417

AUGUST 16

Prepared by:

Christopher Holloway

Bachelor of Science, University of Technology Sydney, 2002

Certified Environmental Practitioner No: 1258

1 Introduction

This statement of modification has been prepared in support of an application to modify DA2021/2269 (approved on 7 January 2022) in accordance with section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

No works have commenced in relation to the original consent. The scope of the modification (refer Section 2) works are minor in nature and are largely confined to a reduction in the extent of the approved works, with some further minor alternations to the existing dwelling. Based on the evaluation of the modification works against relevant planning instruments and controls (refer Section 3) and consideration of the environmental impacts (Section 4), it is considered that the proposal meets the objectives of relevant instruments and controls and will have negligible impact on the environment. As such, the modified development is considered to be substantially the same development as the development for which the consent was originally granted and as such should be granted conditional approval.

2 Proposed modification

Detailed drawings have been prepared by Envirotecture Projects Pty Ltd and are provided as part of the modification application.

A summary of the proposed modifications is provided in Table 1-1.

Table 1-1: Summary of proposed modification

Item	Proposed modification
Lower ground floor (refer drawing # A3 21.01)	• Deletion of approved pool and associated excavation from proposed works • Deletion of approved post and wire structure from proposed works • Addition of new porch, handrail and awning (within footprint of existing balcony, approved for removal) • Minor internal alterations to existing dwelling
Ground floor (refer drawing # A3 21.02)	• Deletion of approved roof and planter boxes on new outdoor paved area • Revision of proposed outdoor paved area floor level and addition of new step to allow for deletion of excavation of garage floor level • Addition of new privacy screen (extending existing privacy screen) • Minor alterations to existing dwelling
First floor (refer drawing # A3 21.03)	• Minor internal alterations to existing dwelling
Excavation	• Due to the deletion of the approval pool and revised garage floor level from the proposed scope of works, no significant excavation is required and as such all conditions associated with these works (e.g. geotechnical conditions) are no longer applicable to the works as modified.

3 Planning considerations

3.1 SEPP (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Sustainable Buildings) 2022 applies and requires that a BASIX certificate is prepared. The modification application is accompanied by an updated BASIX certificate.

Due to the deletion of the approved pool from the proposed works, a rainwater tank is no longer required / proposed.

3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires contamination and remediation to be considered by the consent authority in determining the development application.

The long-term historical use of the site is residential and as such is unlikely to contain any contaminants of potential concern (CoPC). The modification has removed the need for major excavation (due to the removal of the pool and lowering of the garage from the proposed works) and as such there is a negligible risk of encountering any CoPC.

3.3 Warringah Local Environmental Plan 2011

The following discusses compliance with relevant parts and clauses of the Warringah Local Environmental Plan 2011 (WLEP 2011).

The site is located within the R2 Low Density Residential zone as mapped in accordance with clause 1.7 of the WLEP 2011 (Figure 3-1). The objectives of zone R2, as described in the WLEP 2011, are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

The modification as described in Section 2 is consistent with the above objectives.

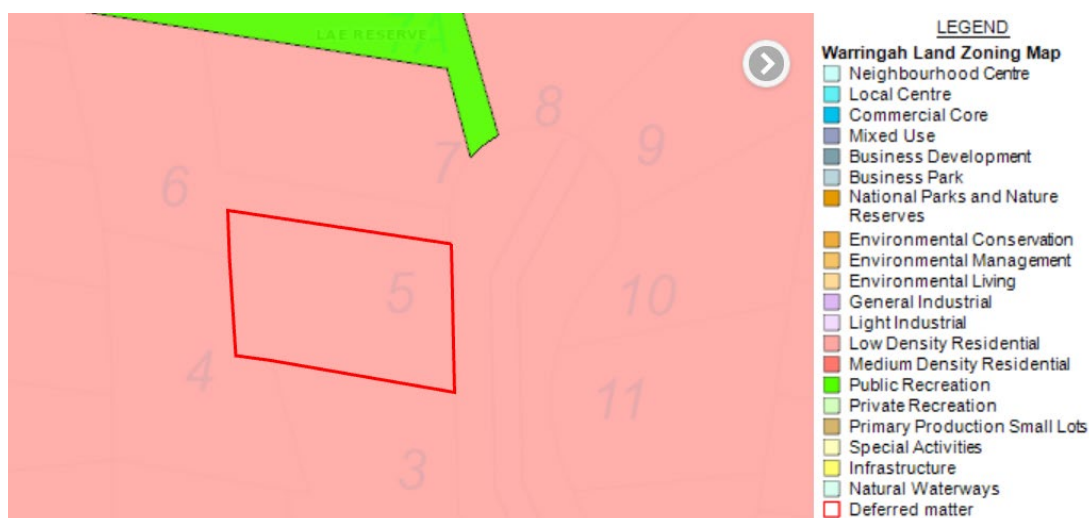


Figure 3-1 Zoning

An assessment of the modification against the relevant clauses of the WLEP 2011 is provided in Table 3-1.

Table 3-1 Relevant clauses of WLEP 2011

Item	Requirements	Proposal	Compliant with requirements
Clause 4.3 Height of buildings	The site is located within an area of maximum building heights of 8.5 m as shown on the Warringah Height of Building Map in accordance with clause 4.3 of the WLEP 20211.	The modification does not increase the maximum building height, and is less than 8.5 m and is therefore compliant with this development standard.	Yes
Clause 4.4 Floor space ration	There is no floor space ratio development standard applicable to the site.	N/A	N/A
Clause 5.10 Heritage conservation	The consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item or HCA, require the submission of a heritage management document.	The property is not listed as having any heritage significance and there are no known items of heritage significance identified in the immediate vicinity as shown on the Warringah Heritage Map, or listed in Schedule 5 of the WLEP 2011. The modification will not impact on the historic or Aboriginal heritage values of the site and as such is considered to meet the requirements of clause 5.10 of the WLEP 2011.	Yes
Clause 6.1 Acid sulphate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is not identified as containing acid sulphate soils by the Warringah Acid Sulfate Soils Map. The modification deletes excavation from the scope and as such the proposal is considered to meet the requirements of clause 6.1 of the WLEP 2011.	Yes
Clause 6.2 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	The modification as described in Section 2, includes deletion of earthworks from the scope as a pool and a lowered extended garage area is no longer proposed. As such, Clause 6.2 of the WLEP 2011 is no longer considered applicable to the modified development.	Yes
Clause 6.4 Development on sloping land	That the application for development has been assessed for the risk associated with landslides in relation to both property and life The development will not cause significant detrimental impacts because of stormwater discharge from the development site The development will not impact on or affect the existing subsurface flow conditions.	The proposal as described in Section 2, includes deletion of earthworks from the scope as a pool and a lowered extended garage area is no longer proposed. As such, Clause 6.4 of the WLEP 2011 is no longer considered applicable to the modified development.	Yes

3.4 Warringah Development Control Plan 2011

3.4.1 Part B – Built form controls

An assessment of the proposal against the relevant Part B Built form controls identified in the Warringah Development Control Plan 2011 (WDCP 2011) is provided in Table 3-2. Further justification for on merit consideration is provided in the following sections.

Table 3-2 Relevant built form control compliance summary

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
B1 – Wall heights	8.5m maximum height of building	No change is proposed to the maximum height of the existing dwelling which complies with the development control	Yes	Yes
B3 – Side boundary envelope	Building must be sited within a building envelope determined by projecting planes at 45 degrees from 4 m above ground level (existing) at the side boundaries	The modification removes the approved roof over the new outdoor paved area and as such improves the compliance with this requirement. Refer Section 3.4.1.1	On merit	Yes
B5 - Side boundary setbacks	Minimum setback from side boundaries of 900 mm	Refer Section 3.4.1.2	On merit	Yes
B7 – Front boundary setbacks	Minimum setback to road frontage of 6.5 m	Refer Section 3.4.1.3	On merit	Yes
B9 – Rear boundary setbacks	Minimum setback to rear boundary of 6 m	No change is proposed to the rear setback of the existing dwelling which complies with the development control	Yes	Yes

3.4.1.1 B3 - Side boundary envelope

Description of partial compliance

Part B3 of the WDCP 2011 prescribes that the proposal must be sited within a building envelope determined by projecting planes at 45 degrees from 4 m above ground level (existing) at the side boundaries.

The approved project includes a new roof over the new outdoor paved area. The approved new roof encroached within the side boundary envelope (refer Figure 3-2 showing approved project). This variation to Item B3 'Side boundary envelope' was approved.

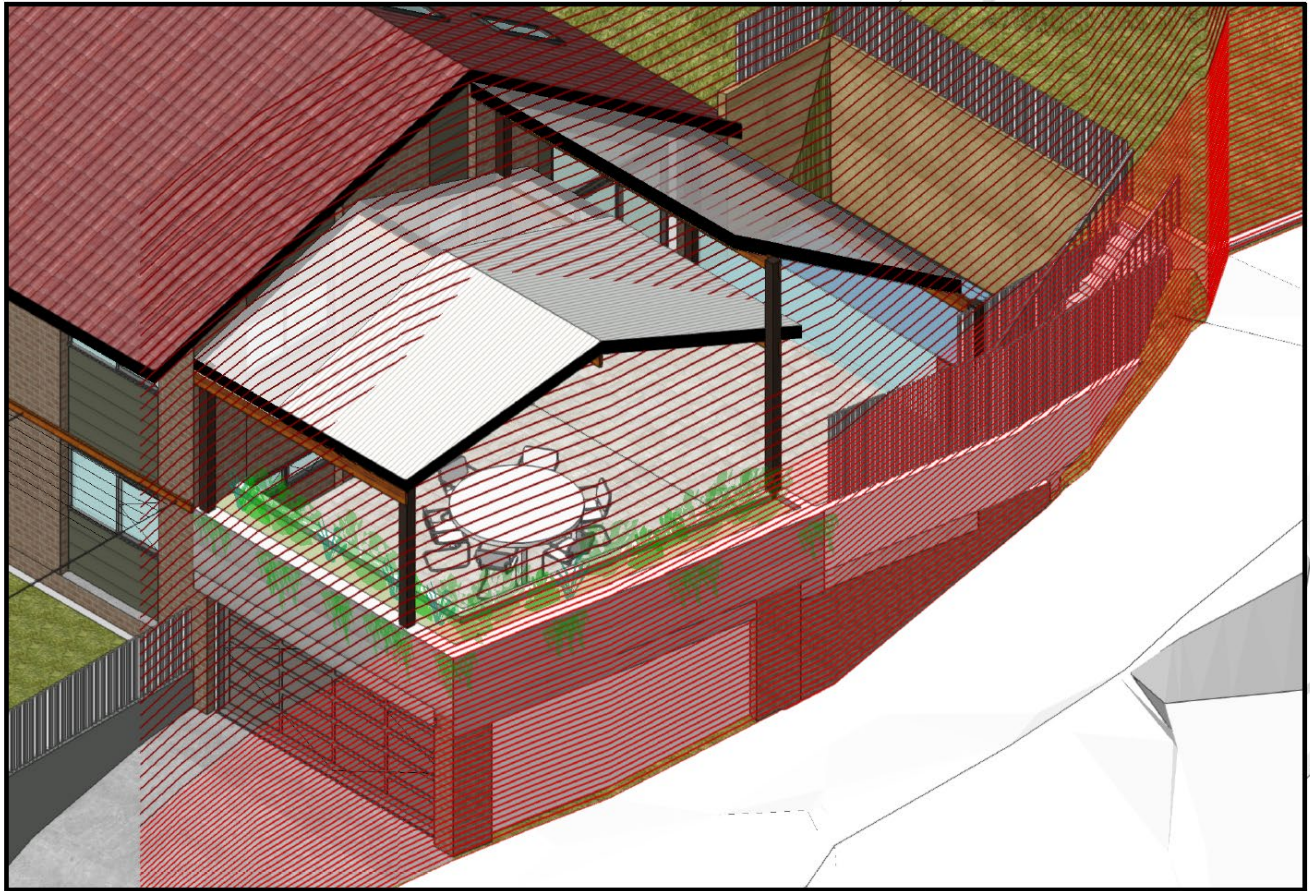


Figure 3-2 Side boundary envelope: Approved project

The modification deletes the proposed roof over the new outdoor paved area of the proposed scope and replaced the planter boxes with an extension to the existing approved privacy screen (refer Figure 3-3 showing modified project). As such the proposed modification significantly improves compliance with Item B3 'Side boundary envelope' when compared to the approved project.

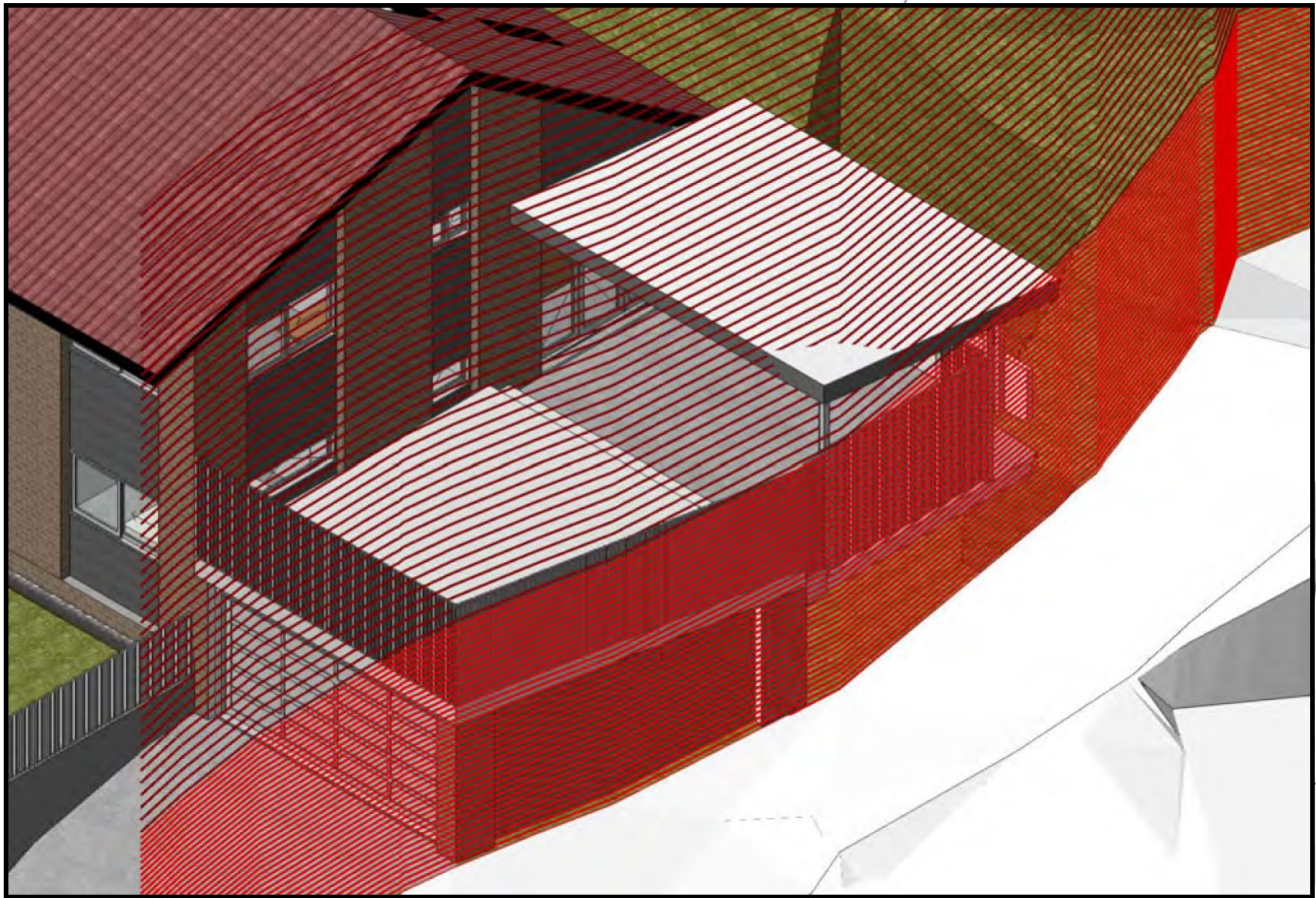


Figure 3-3 Side boundary envelope: Modified project

Merit consideration of request for variation

The modification is largely compliant with the requirements of Item B3 'Side boundary envelope', with the exception of a small section of the new privacy screen. The modification improves compliance with Item B3 'Side boundary envelope', and associated objectives, when compared to the approved project.

3.4.1.2 B5 - Side boundary setbacks

Description of partial compliance

Part B5 of the WDCP 2011 prescribes that the proposal should maintain a minimum setback from side boundaries of 900 mm. Both the existing garage and deck are sited with the northern side boundary setback. The approved new outdoor paved area required a variation as part of the approval.

The modification works do not change the proposed encroachment within the side boundary setbacks when compared to the approved project.

Merit consideration of request for variation

As the modification works do not change the proposed encroachment within the side boundary setbacks when compared to the approved project, no change to the approved variation is required for the encroachment within the northern side boundary setback.

3.4.1.3 B7 – Front boundary setbacks

Description of partial compliance

Part B5 of the WDCP 2011 prescribes that the proposal should maintain a minimum setback to the road frontage of 6.5 m. Due to the significant siting constraints of the site both the existing garage and existing dwelling encroach within the front boundary setback. The approved project includes an approved variation for the proposed new outdoor paved area (above the existing garage) within the front boundary setback. In relation to the new outdoor paved area, the modification works do not change the proposed encroachment within the front boundary setbacks when compared to the approved project and as such no change to the approved variation is required.

The modification works also include the addition of a new porch, posts, handrail and awning roof within the front setback area (refer Figure 3-4). This addition is within the footprint of the existing balcony (proposed for removal) and does not increase works within this area.

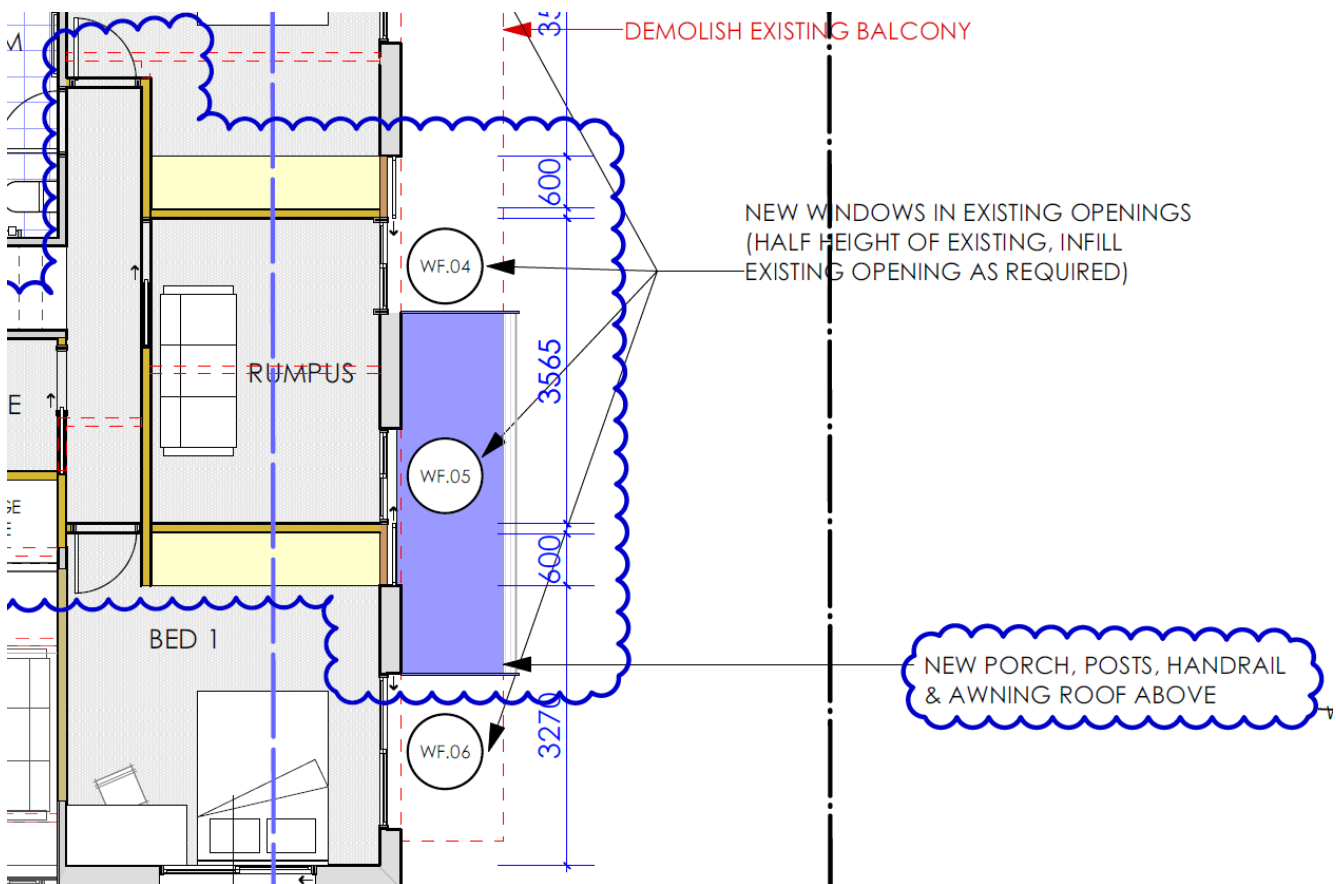


Figure 3-4 Front boundary setback: Modified project (extract from drawing # A3 21.03)

Merit consideration of request for variation

In relation to the new outdoor paved area, the modification works do not change the proposed encroachment within the front boundary setbacks when compared to the approved project and as such no change to the approved variation is required. In relation to the proposed new porch /awning, a variation is requested for the encroachment within the front boundary setback and is justified against the objectives of the control:

Objective: To create a sense of openness; To maintain the visual continuity and pattern of buildings and landscape elements; To protect and enhance the visual quality of streetscapes and public spaces.

The existing dwelling includes a first-floor balcony that stretches the entire width of the dwelling and is entirely within the front setback. The proposal removes this balcony and replaces it with a new porch / awning within the same footprint (refer dashed red line on Figure 3-4). The removal of the first-floor balcony will reduce the bulk of the existing dwelling. The proposed new porch / awning would have limited visibility from the street or adjoining properties due to existing landscape elements.

Overall the modification significantly improves the visual continuity, landscape elements and visual quality of the dwelling and as such is considered to meet these objectives.

Objective: To achieve reasonable view sharing.

The modification does not impact on the views to and from public properties of any adjoining private dwellings, or other dwellings in the locality. The lots to the rear (Lot 4 and Lot 6) are approximately 12m height difference from the subject site due to the sloping nature of the site. As such, the views for these properties to the rear look over the top of the existing dwelling and the proposal and are not impeded in any way.

The northern boundary of Lot 7 adjoins the public open space of Lae Reserve and as such this is the primary view direction. Any views to the south from Lot 7 are currently impeded by the existing dwelling of the subject site and as such are not further impeded or impacted by the modification.

As such, it is considered that the proposal satisfies this objective.

3.4.2 Part C – Siting factors

An assessment of the proposal against the relevant Part C Siting factor controls identified in the WDCP 2011 is provided in Table 4-3.

Table 4-3 Relevant siting factor control compliance summary

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
C2 – Traffic, access and safety	Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives. Vehicle access is to be obtained from minor streets and lanes where available and practical. Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.	The modification does not change the location of vehicular or pedestrian access to the existing dwelling which complies with the controls.	Yes	Yes
C3 – Parking facilities	Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located so that views of the street from front windows are not obscured. Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.	The existing dwelling includes a two-car garage, which is currently not deep enough to accommodate the length of a vehicle longer than a small SUV. As per the approved development, the works will increase the depth of the existing garage to allow a larger range of vehicles to be accommodated and as such will ensure the continued provision of off-street parking. The modification does not alter the width of the existing garage which does not exceed 6 m or 50% of the building width.	Yes	Yes
C4 - Stormwater	Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The modification does not increase the hard surface / roofed area of the existing dwelling and will be connected to the existing stormwater. As such, the proposal will not impact on downstream flooding and will not increase the existing negligible environmental impact. The stormwater drainage associated with the proposal has been designed in accordance with Council's Water Management for Development Policy.	Yes	Yes

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
C7 – Excavation and landfill	All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation. Excavation and landfill works must not result in any adverse impact on adjoining land. Excavated and landfill areas shall be constructed to ensure the geological stability of the work. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	No landfill is proposed. The proposal as described in Section 2, includes removal of earthworks from the scope as a pool and a lowered extended garage area is no longer proposed.	Yes	Yes
C8 - Demolition and Construction	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	Construction waste would be guided by the waste management plan attached to the approved development application.	Yes	Yes
C9 – Waste management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The existing on site waste management is not impacted by the modification.	Yes	Yes

3.4.3 Part D – Design

An assessment of the proposal against the relevant Part D Design controls identified in the WDCP 2011 is provided in Table 4-4.

Table 4-4 Relevant design control compliance summary

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
D1 - Landscaped Open Space and Bushland Setting	Meet the minimum area of landscaped open space of 40%	The modification does not impact on the approved project in relation to landscape open space and bushland setting criteria.	Yes	Yes
D2 - Private Open Space	Residential development is to include private open space with the minimum area of 60 m² Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development. Private open space shall not be located in the primary front building setback. Private open space is to be located to maximise solar access.	The existing site is not compliant with this requirement, with the area of private open space on 24.6 m². The proposal increases the area of private open space to 56.2m². Further discussion is provided in relation to the objectives of the control as the establishment of an area of private open space is a key objective of the proposal. Refer Section 3.4.3.1	On merit	Yes
D3 - Noise	Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	No mechanical plant or equipment forms part of the modification. The existing dwelling complies with the objectives of this control and this will not change.	Yes	Yes
D6 - Access to Sunlight	Development should avoid unreasonable overshadowing any public open space. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The majority of the modification is located on the northern side of the existing dwelling and as such does not create any overshadowing of public open space. The modification includes removal of the roof over the proposed area of private open space and as such will increase the sunlight to this area.	Yes	Yes

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
D7 - Views	Development shall provide for the reasonable sharing of views.	The modification does not impact on the views of any adjoining dwellings, or other dwellings in the locality.	Yes	Yes
D8 - Privacy	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	Whilst it is believed that adequate privacy is provided by the spatial separation achieved by the presence of the access handle to Lot 6, the modification seeks to incorporate privacy screens to ensure any potential privacy impact of Lot 7 are minimised. The private open spaces of Lot 7 are located on the northern side, with the proposal facing the southern side (predominantly the driveway to Lot 7 and the front setback area) of the Lot 7 dwelling, and as such the proposal does not have any privacy impact on the privacy or private open space of Lot 7.	Yes	Yes
D9 – Building bulk	Side and rear setbacks are to be progressively increased as wall height increases. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. Building height and scale needs to relate to topography and site conditions. Orientate development to address the street. Use colour, materials and surface treatment to reduce building bulk. Landscape plantings are to be provided to reduce the visual bulk of new building and works. Articulate walls to reduce building mass.	On the northern side of the property, the roof of the existing garage is the dominant structure. The proposal converts the tiled roof of the existing garage to a private outdoor paved area with privacy screen. The modification removes the approved roof over this structure and constitutes a reduction in the visual bulk of the dwelling compared to the approved project and the existing tiled garage roof structure.	Yes	Yes
D10 – Building colours and materials	In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized	External finishes selected are to be compatible with the existing dwelling and with external materials present in the locality. The colour scheme of the	Yes	Yes

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
	through the use of appropriate colours and materials and landscaping. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	proposed alternations and additions will be in sympathy with the existing dwelling. The development will make a positive visual contribution to the streetscape.		
D11 - Roofs	Roofs should complement the roof pitch and forms of the existing buildings in the streetscape. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas. Roofs shall incorporate eaves for shading. Roofing materials should not cause excessive glare and reflection.	The roof of the existing dwelling has a relatively flat pitch facing the street and steeper pitch to the rear. The modification removes the roof over the proposed deck from the scope of works.	Yes	Yes
D12 – Glare and reflection	The overspill from artificial illumination or sun reflection is to be minimised Any glare from artificial illumination is to be minimised Sunlight reflectivity that may impact on surrounding properties is to be minimised	The proposal does not result in an increase in artificial illumination. The proposal provides a slight reduction in the dimensions of the existing windows to improve thermal efficiency and as such will also result in a reduction in the potential for glare and sun reflection from the windows.	Yes	Yes
D13 – front fences and front walls	Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character. Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence. Fences located within the front building setback area are to complement the existing streetscape character. Fences are to be constructed to allow casual surveillance, except where there is excessive noise. Gates are not to encroach over the property boundary when opening or closing.	No changes to existing fences or front walls form part of the modification	Yes	Yes

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
	Fences should complement the architectural period of the building.			
D14 – Site facilities	Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.	No changes to site facilities form part of this proposal.	Yes	Yes
D15 – Side and rear fences	Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.	No changes to existing fences form part of the proposal	Yes	Yes
D16 – Swimming pools and spa pools	Pools are not to be located in the front building setback. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.	The modification removes the pool from the proposed scope of works.	Yes	Yes
D20 – Safety and security	Buildings are to overlook streets as well as public and communal places to allow casual surveillance.	The existing dwelling provides good line of sight to the proposed private open space of the deck. The existing dwelling is also located on the high side of the street and as such allows for the street to be overlooked for casual surveillance.	Yes	Yes
D22 - Conservation of Energy and Water	The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy. Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties. Buildings are to be designed to minimize energy and water consumption.	A key aspect of the proposal is the replacement of the existing windows with double glazed windows. Insulation will also be installed into the wall cavities and under the sub-floor of the existing dwelling. These changes will provide a significant improvement in the thermal efficiency of the existing dwelling and subsequent reduction in energy usage. The proposal does not impact on solar access to adjoining properties.	Yes	Yes

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
	Landscape design is to assist in the conservation of energy and water. All development must comply with Council's Water Management Policy.	No changes to the water consumption of the existing dwelling is proposed, which already utilises water conserving fittings in all bathrooms, and operates water efficient cleaning appliances.		

3.4.3.1 D2 - Private open space

The existing dwelling does not meet the requirements of Part D2, with an area of only 24.6 m² of private open space provided. This equates to only 41 % of the required 60 m². As such, the existing dwelling also does not meet the objectives of Part D2.

The approved project / modification increases the area of private open space to 56.2 m² (refer drawing # A3 91.01) or ~94% of the required area and as such is considered to meet the objectives of Part D2 of the WDCP 2011. Further discussion is provided in relation to the objectives of the control as the establishment of an area of private open space is a key objective of the proposal.

The modification works to not substantially differ from the approved project in relation to private open space and as such no change to the approved variation is required

3.4.4 Part E – The natural environment

An assessment of the proposal against the relevant Part E The natural environmental controls identified in the WDCP 2011 is provided in Table 5-4.

Table 5-4 Relevant natural environment control compliance summary

Item	Development Control	Proposal	Compliant with requirements	Consistent with aims/objectives
E1 - Preservation of Trees or Bushland Vegetation	Authority to clear a tree or other vegetation is required. A person shall not ringbark, cut down, top, lop, remove, poison, injure, or wilfully destroy any tree or bushland vegetation that requires a Vegetation Clearing Permit	No clearing of trees or bushland vegetation is required as part of this modification	Yes	Yes
E2 - Prescribed Vegetation	Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.	The site does not include any Threatened and High Conservation Habitat or Native Vegetation and is not within the Wildlife Corridor as mapped under the WDCP 2011. The modification does not include removal of any vegetation.	Yes	Yes
E6 – Retaining unique environmental features	Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land. Development should respond to these features through location of structures, outlook, design and materials.	The site is characterised almost entirely by steep sloping rock outcrops. As such, the proposed area of private open space has been sited on the northern side of the existing dwelling. This design responds to the dominate features of the site and maximises the retention of the natural rock features of the site.	Yes	Yes
E10 – Landslip risk	The proposed development is justified in terms of geotechnical stability and will be carried out in accordance with good engineering practice. Development must not cause detrimental impacts because of stormwater discharge from the land. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties. A preliminary assessment of site conditions must be prepared by a suitably qualified geotechnical engineer/ engineering geologist.	The modification removes the need for excavation from the scope of works and as such does not have an impact on landslip related risks.	Yes	Yes

4 Assessment of impacts

4.1 Natural environment impacts

4.1.1 Aboriginal heritage

The disturbance area of the modification, as described in Section 2, is entirely within the footprint of the existing dwelling and associated landscaped areas. The modification removes the need for significant excavation. As such, the proposed construction activities will not impact on any cultural material or the cultural values of the site and adjoining areas.

4.1.2 Biodiversity

The site does not include any Threatened and High Conservation Habitat or Native Vegetation and is not within the Wildlife Corridor as mapped under the WDCP 2011. As outlined above, the disturbance area of the proposal is entirely within the footprint of the existing dwelling and associated landscaped areas..

The modification does not include removal of any native vegetation.

As such, the modification will have no impact on the biodiversity of the site and adjoining areas.

4.1.3 Land and water

The modification removes the need for excavation. Any minor risks to land and water would be managed through standard erosion and sediment controls (ESC). The long term historical use of the site is residential and as such is unlikely to contain any Contaminants of potential concern (CoPC). As such, the modification will have negligible to no impact on the land and water of the site and adjoining areas.

4.2 Built environment impacts

Assessment of potential impacts on the built environment are considered against the relevant requirements of the WLEP 2011 and WDCP 2011 as described in Section 3. Consideration of the proposal has determined the works are entirely consistent with objectives of the relevant environmental planning instruments and are generally consistent with all controls, with the exception of minor and justifiable exceptions. Clear justification, considered against the objectives of the relevant controls, is provided in Section 3 where a variation is requested on merit. The modifications are sited and designed to respond to the constraints of the site whilst maximizing the amenity of the site and mitigating any potential adverse impact on amenity of adjoining dwellings.

The proposal results in positive built environment outcomes and as such is considered to have negligible impacts on the built environment.

5 Conclusion

This statement of modification has been prepared in support of in support of an application to modify DA2021/2269 (approved on 7 January 2022) in accordance with section 4.55(1A) of the EP&A Act.

The objectives of the proposal are to:

- To improve the thermal / energy efficiency of the existing dwelling and subsequent enhancement of amenity.
- To establish a functional and integrated private open space

Consideration of the modification has determined the works are entirely consistent with the objectives of the relevant environmental planning instruments and are generally consistent with all controls, with the exception of minor and justifiable exceptions. Clear justification, including considered against the objectives of the relevant controls, is provided where a variation is requested on merit.

Based on the evaluation of the modification (Section 2) against relevant planning instruments and controls (Section 3) and consideration of the environmental impacts (Section 4), it is considered that the modification meets the objectives of relevant instruments and controls and will have negligible impact on the environment.

As such, the modified development is considered to be substantially the same development as the development for which the consent was originally granted and as such should be granted conditional approval.