

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2025/0138
Responsible Officer:	Charlotte Asbridge
Land to be developed (Address):	Lot 49 DP 11449, 55 Kangaroo Road COLLAROY PLATEAU NSW 2097
Proposed Development:	Modification of Development Consent DA2021/2270 granted for Demolition works and construction of a dwelling house including a secondary dwelling
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Suzie Smith
Application Lodged:	31/03/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	09/04/2025 to 23/04/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent to modify DA2021/2270 in the following way:

- Add a 4m x 4m roof top terrace to the roof of the secondary dwelling which is accessible from the rear yard through a spiral staircase.
- Add a privacy screen to the upper floor front facing balcony which is accessible from Bed 1
- Add timber cladding to the front curved facade off Bed 1
- Reduce footprint of rear pergola
- New 1.5-1.8m boundary fence along the secondary street frontage and front splay.

RFI and Amended Plans

Please note that following an RFI the plans were amended which resulted in a reduced roof top terrace foot print, increased the amount of roof top planting and, changed access to the roof top terrace to an external staircase as opposed to the elevated bridge between the primary dwelling and secondary dwelling. The proposal, as amended ensures that the bridge between the two dwellings is strictly for non-trafficable use.

Notification

As the amended plans result in a reduced environmental impact, an informal notification was carried out, and no further submissions were made. This satisfies the requirements of the Community Participation Plan.

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

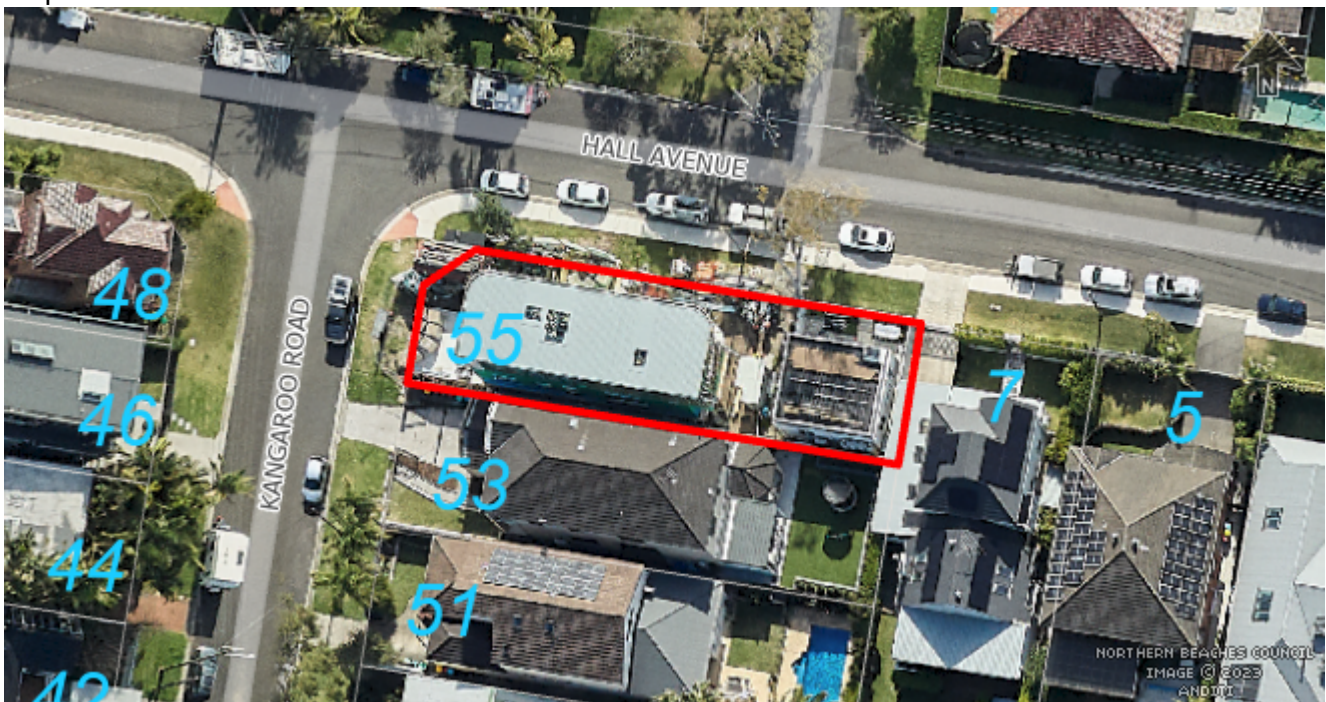
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - B7 Front Boundary Setbacks
Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
Warringah Development Control Plan - D3 Noise
Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 49 DP 11449 , 55 Kangaroo Road COLLAROY PLATEAU NSW 2097
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Detailed Site Description:	The subject site consists of 1 allotment located on the eastern side of Kangaroo Road and southern side of Hall Avenue. The site is irregular in shape with a frontage of 13.705m along Kangaroo Road and 38.54m along Hall Avenue. The site has a surveyed area of 507.7m². The site is located within the R2 - Low Density Residential zone and accommodates a partially built primary dwelling and secondary dwelling (currently under construction). The site slopes approx. 1.5m from north to south. The site contains minimal vegetation as of Mid 2025. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by low density residential houses.
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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:

- In March 2022, DA2021/2270 was approved development consent for 'demolition works and construction of a dwelling house including a secondary dwelling'.

- In June 2022, MOD2022/0288 was approved development consent for a section 4.55 (1) misdescription modification to the above consent. This modified the wording of 10 conditions.
- In June 2022, MOD2022/0290 was also approved for a section 4.55 (1) misdescription modification to DA2021/2270. This modified an additional 2 conditions, added 1 condition and removed 1 condition.
- In July 2022, CC2022/0778 was granted to allow the construction of the primary dwelling and secondary dwelling.
- In June 2024, MOD2024/0133 was withdrawn. Records indicate that the proposal was to modify the plans to include a large roof top terrace to the roof of the secondary dwelling and, to provide access to this roof top terrace via the concrete bridge between the two dwelling by formalising this as a 'walkway'. Due to Council not supporting this design, the modification was withdrawn.

Additionally, MOD2022/0479, MOD2023/0333 and, MOD2023/0437 were all submitted to council between 2022 and 2023 which were all either returned or cancelled.

As of Mid 2025, there is no occupation certificate issued for either the primary dwelling or secondary dwelling as approved in 2022 and these are still under construction. Multiple unauthorised works have been undertaken since construction commenced which the Building Compliance team are investigating including significant unapproved works to the approved landscaping plans.

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 DA2021/2270, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - 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 development to which the	The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as

Section 4.55 (2) - Other Modifications	Comments
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	the development for which the consent was originally granted under DA2021/2270 for the following reasons: • There is no proposed change to the built form controls • There is no proposed change of use • No further non-compliances are proposed • The proposal is minor in nature and mainly results in a changed landscape design • No further gross floor area is proposed
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2021/2270 did not require concurrence from the relevant Minister, public authority or approval body.
(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 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 (2) 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 consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Section 4.15(1) is addressed in the table below.

The reasons given by the consent authority for the grant of the consent that is sought to be modified is discussed as follows:

Comment on reasons for determination of DA2021/2270

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

The reasons for the granting of the original consent have been considered in the assessment of this modification application. The proposed changes will result in a modified development that will not conflict with the original reasons for the granting of consent.

It is noted that in the original assessment report, that the planting on the roof of the secondary dwelling was a reason to support the LOS variation. Although a modification was since approved which significantly reduced the planting on the secondary dwelling roof, this modification has increased the vegetation cover significantly to reflect the original assessment report.

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(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)	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 'Matters for Consideration'	Comments
	<u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to many areas of non-compliance with Warringah DCP controls. Amended plans were submitted on 30 June 2025 which addressed the concerns raised in the RFI letter. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 62 and/or 64</u> of the EP&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. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	(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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
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.

Section 4.15 'Matters for Consideration'	Comments

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 09/04/2025 to 23/04/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Ms Kelly Mcfadyen	7 Hall Avenue COLLAROY PLATEAU NSW 2097

The following issues were raised in the submission:

- Noise
- Privacy

The above issues are addressed as follows:

- **Noise**

The submission raised concerns that unreasonable noise will be experienced by neighbours.

Comment:

Following a request for further information (RFI) , the plans were amended which reduced the size of the roof top terrace to 4m x 4m in dimension. This small dimension will significantly reduce the capacity of people that can be on the roof top terrace at any one time which therefore will reduce any potential noise output. The roof top terrace has also been located to the far corner of the secondary dwelling roof closest to the primary dwelling and Hall Avenue so that it is as far from neighbouring properties as possible.

- **Privacy**

The submission raised concerns that the roof top terrace will have direct views into the bathroom window of 7 Hall Avenue.

Comment:

Following the RFI, the plans were amended to have a greater setback from the shared boundary with 7 Hall Avenue. The proposed roof top terrace is now located 5m from the shared boundary. Additionally, the bathroom of 7 Hall Avenue is located approx. 3m from the shared boundary with 55 Kangaroo Road giving a total approx. distance of 8m between the bathroom and the edge of the proposed roof top terrace. There is also additional planter boxes proposed in between this space for further privacy measures.

REFERRALS

No referrals were sent in relation to this application

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 (Housing) 2021

Part 1 – Secondary Dwellings

Clause 52 – Development may be carried out with consent	
Standard	Compliance/Comment
(2) Development consent must not be granted for development to which this Part applies unless— (a) No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and (b) The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and (c) The total floor area of the secondary dwelling is:	The proposed development would result in there being a principal dwelling and a secondary dwelling on the subject site. No maximum FSR exists for the site. The proposed secondary dwelling has a total floor space of 58.8sqm.

(i) no more than 60m ² , or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument - the greater floor area.	
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Clause 53 – Non-discretionary development standards—the Act, s 4.15	
Standard	Compliance/Comment
(a) For a detached secondary dwelling - a minimum site area of 450m ² .	The site area is 507.7sqm.
(b) The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	No additional parking is provided.

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.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.3m	No proposed change.	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	6.4m	No proposed change	Yes
B3 Side Boundary Envelope	East - 5m	Secondary dwelling : Within envelope	No proposed change	Yes
	South - 5m	Primary dwelling : 1m outside envelope	No proposed change	As approved (16.95% variation)
		Secondary dwelling : Within envelope	No proposed change	Yes
B5 Side Boundary Setbacks	East - 0.9m	Secondary dwelling : 0.9m	No proposed change	Yes
	South - 0.9m	Dwelling : 0.9m	No proposed change	Yes
		Secondary dwelling : 0.9m	No proposed change	Yes
B7 Front Boundary Setbacks	Primary frontage 6.5m	Carport : 1m Primary dwelling : 6.5m	No proposed change	As approved (84.61% variation)
	Secondary frontage 3.5m	Primary dwelling : 3.5m Secondary dwelling : 3.5m	No proposed change	Yes
D1 Landscaped Open Space and Bushland Setting	40%	34.8%	No proposed change	As approved (13.04% variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	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
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

The proposal does not seek to change the existing approved non-compliant side boundary envelope. As the proposal is not seeking to alter this approved non compliance, it is assessed that the proposal meets the objectives of this clause.

B7 Front Boundary Setbacks

The proposal does not seek to change the existing approved non-compliant front boundary setback. As the proposal is not seeking to alter this approved non compliance, it is assessed that the proposal meets the objectives of this clause.

D1 Landscaped Open Space and Bushland Setting

The proposal does not seek to change the existing approved non-compliant landscaped open space (LOS). As the proposal is not seeking to alter this approved non compliance, it is assessed that the proposal meets the objectives of this clause. The proposal also includes additional planting to the roof

of the secondary dwelling. Whilst this isn't calculated towards LOS, additional roof top planting was a reason to vary the LOS control within the original development consent. Therefore, this modification seeks to add additional roof top planting which was reduced during another modification which is overall a better outcome.

D3 Noise

Merit consideration

The proposal seeks consent for a roof top terrace on the secondary dwelling roof measuring approximately 4m x 4m in dimension within a residential setting. Whilst an acoustic report is not provided, the proposal is assessed against the below objectives.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposal is designed to situate the roof top terrace as far from other neighbours as possible. The roof top terrace is therefore orientated towards Hall Avenue and the primary dwelling. The roof top terrace is located 4.1m from the southern neighbour and, 5m from the eastern neighbour. Further design solutions such as having plants covering the rest of the non trafficable roof space will further soften any noise emitted from the proposed roof top terrace.

- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

Due to the small size of the roof top terrace measuring 4m x 4m, it is unlikely that large gatherings would take place which would have the capacity to generate large levels of noise. Also, due to the positioning and location of plants, it is unlikely that any noise produced from the roof top terrace would cause unreasonable impacts to neighbouring properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D8 Privacy

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

As the roof top terrace is located 4.1m away from the southern neighbour and, 5m from the eastern neighbour with roof top plants inbetween this space, it is determined that acoustic and visual privacy will be provided.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The design is situated as far from the adjoining properties as possible and is orientated toward the primary dwelling and Hall Avenue with planters covering the additional non-trafficable roof space.

- *To provide personal and property security for occupants and visitors.*

Comment:

The proposal will not cause security concerns for occupants and visitors.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 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 2024

Section 7.12 contributions were levied on the Development Application.

The owner has undertaken substantial unauthorised works since gaining the construction certificate to commence the construction of the primary dwelling and secondary dwelling. Any and all unauthorised works are to be assessed by Councils building compliance team. No unauthorised works will be approved as part of this modification application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2025/0138 for Modification of Development Consent DA2021/2270 granted for Demolition works and construction of a dwelling house including a secondary dwelling on land at Lot 49 DP 11449,55 Kangaroo Road, COLLAROY PLATEAU, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
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PAN-522007 MOD2025/0138	The date of this notice of determination.	Section 4.55 (2) Environmental Impact - Modification of Development Consent DA2021/2270 granted for Demolition works and construction of a dwelling house including a secondary dwelling Add Condition 1A Add Condition 25A Add Condition 25B
PAN-227689 MOD2022/0290	15/06/2022	Section 4.55 (1) Misdescription - Modification of Development Consent DA2021/2270 granted for Demolition works and construction of a dwelling house including a secondary dwelling Modified Condition 1 Deleted Condition 8 Added Condition 14A Modified Condition 22
PAN-226290 MOD2022/0288	09/06/2022	Section 4.55 (1) Misdescription - Modification of Development Consent DA2021/2270 granted for Demolition works and construction of a dwelling house including a secondary dwelling Modified Condition 6 Modified Condition 8 Modified Condition 9 Modified Condition 10 Modified Condition 11 Modified Condition 12 Modified Condition 13 Modified Condition 14 Modified Condition 22 Modified Condition 23

Modified conditions

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

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
AP02B	B	First Floor Plan	Tierra Landscape Design	27.05.25
AP03B	B	Elevations 1	Tierra Landscape Design	27.05.25
AP04B	B	Elevations 2	Tierra Landscape Design	27.05.25
AP05B	B	Elevations 3	Tierra Landscape Design	27.05.25

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Landscape DA Modification Plan	Issue B	Tierra Landscape Design	28/5/25
Waste Management Plan	-	Submitted by Applicant	Lodged 25/03/25

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

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

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

B. Add Condition No.25A - 'Amendments to the approved plans' to read as follows:

The following amendments are to be made to the approved plans:

- 'W24' is to be fixed glass only. No consent is granted for this window to be operable / ventilated.
- The portion of carport roof where the skylight is proposed for deletion must form part of the green roof.
- All roof space besides the 4m x 4m roof top terrace on the secondary dwelling roof must be labeled on the plans as being 'non-trafficable roof space'. Consent is not granted for any other roof space nor bridge between the primary and secondary dwelling to be used for trafficable use.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the occupation certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

C. Add Condition No.25B - 'Amended landscape plan' to read as follows:

The following amendments are to be made to the landscape plan:

- No consent is granted for the cobble stone within the front setback of the secondary dwelling besides for the approved 900mm wide entry path. The area of cobblestone not consented to must be either be lawn or low height shrubs.
- No consent is granted for a 2000mm wide concrete path parallel to the carport. This area must contain deep soil permeable surfaces such as stepping stones over lawn.
- No consent is granted to remove the green roof from the carport. This area must continue to serve as a green roof.

- No consent is granted for decking along the east and south border of the property. This area must continue to be deep soil landscaped surface.
- No consent is granted for the shed. This area must continue to be deep soil landscaped surface.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the occupation certificate.

Reason: Landscape amenity.

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

Signed



Charlotte Asbridge, Planner

The application is determined on 10/07/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments