



## SECTION 96(1A) MODIFICATION APPLICATION ASSESSMENT REPORT

**Assessment Officer:** Clint Mills  
**Address / Property Description:** Lot 4, DP 27932, 6 Princess Mary Street, BEACON HILL.

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**Proposal:** Section 96(1A) Modification to Consent 2006/0670 for alterations and additions including internal and external fit outs to the existing approved dwelling and deletion of condition No. 3 from Consent 2006/0670.

**Development Application No:** **MOD2009/0034, MOD2006/0670/1, DA2006/0670**

**Plans Reference:** DWG NO. 0506024, Sheets 1 of 2 & 2 of 2, Issue B.

**Applicant:** JOSEPH MAIOLO

**Owner:** JOSEPH & MARIA MAIOLO

**Application Lodged:** 17/02/09

**Amended Plans:** NO

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**Locality:** E2 DEE WHY Lagoon Suburbs

**Category:** Category 1 - Housing

**Clause 20 Variations:** NO

**Land and Environment Court Action:** NO

**Referred to WDAP:** NO

**Referred to ADP:** NO

### SUMMARY

**Submissions:** 24/02/2009 to 11/03/2009 (Notification Period) - 2  
Outside Notification Period(s) – Nil

**Submission Issues:**

- Issues and matters in relation to previously approved DA2006/0670
- Applicant may relocate his family business to home
- Discrepancy of the plans
- Side boundary fence
- Surface water drainage

**Assessment Issues:** NONE

**Recommendation:** Section 96(1A) Approval

**Attachments:** NO

## LOCALITY PLAN (not to scale)



**Subject Site:** Lot 4, DP 27932, 6 Princess Mary Street, BEACON HILL

**Notified Residences:** Under the provisions of the Warringah Development Control Plan, this application was notified by letter dated 24 February 2009 to 10 properties.

### SITE DESCRIPTION

The site is legally described as Lot 4, DP 27932, and is commonly known as 6 Princess Mary Street, BEACON HILL. The site is located to the western side off Princess Mary Street. The subject site is 919.80sqm in size and is of a rectangular shape allotment. The north and southern side boundaries are approximately 50.29 metres in length and the western and eastern boundary sides are 18.29 metres in width.

The site has an approximate overall fall of 6.25 metres from back (Biralee Crescent) to front (Princess Mary St) and is currently under demolition/construction with the site predominately vacant to the rear. Currently the site contains partial existing structures located behind the 6.5 metre setback.

### RELEVANT BACKGROUND

#### Development Assessment

DA2001/0401 – On 4<sup>th</sup> April 2001 an application was lodged for alterations and additions to the existing dwelling which included a new first floor addition and was approved under delegation on the 10 July 2001. Development did not commence.



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DA2006/0670 – On the 18<sup>th</sup> of July 2006 an application was lodged for an upper storey addition and alterations and additions to the existing dwelling and was approved under delegation on the 17<sup>th</sup> of November 2006.

Mod2006/0670/1 – On the 6<sup>th</sup> December 2006 an application was lodged to modify Consent 2006/0670 by deletion of condition number 4a in relation for the requirement of a full dilapidation survey to be undertaken and evidenced to Council as part of the overall project for the works approved within consent 2006/0670.

Mod2009/0034 – On the 17<sup>th</sup> February 2009 an application was lodged for the alteration and additions to modify the original consent 2006/0670 and the deletion of condition 3.

### **Development Compliance**

8<sup>th</sup> January 2009 – A letter was received at Council to concerns in relation to the consent 2006/0670. Concerns rose;

- Deviation to approved plans;
- Excess excavation below existing garage RL122.33.

14<sup>th</sup> January 2009 – Council responded to complainant, however as Council is not the nominated certifying authority, Council informed the complainant to forward any complaints onto the Private Principal Certifying Authority (PCA). Additional details were provided. Council also advised the PCA to address the above non-compliances as soon as practicable, so that the issues are not further exacerbated.

27<sup>th</sup> January 2009 – Council received a letter from PCA stating a notice of intention to serve an order under the Environmental Planning and Assessment Act 1979, Section 109L, Order No. 15 (development that has not been complied with) that the extent of the demolition to the existing dwelling exceeds that was stated on the approved plans and is not in accordance with the development consent. As a result the order was to lodge a Section 96 modification with Council to modify development consent.

16<sup>th</sup> February 2009 – Council issued a notice of intention to serve an order under the Environmental Planning and Assessment Act 1979 in relation to Lot 4 DP 27932, 6 Princess Mary Street, BEACON HILL NSW to which a site inspection on Friday 13<sup>th</sup> February 2009 revealed unauthorised development has occurred, being the excavation of a 20m (approx) trench on the southern side of the property. Council under an offence report issued a Penalty Infringement Notice – issued for “Development carried out without development consent”.

18<sup>th</sup> February 2009 – Council received a letter from PCA (dated the 12<sup>th</sup>) stating a notice of intention to serve an order under the Environmental Planning and Assessment Act 1979, Section 109L, Order No. 15 (development that has not been complied with) that the extent of the demolition to the existing dwelling exceeds that was stated on the approved plans and is not in accordance with the development consent. As a result the order was to cease all unauthorised works on site and seek consent from Council for any variation to the approved plans.

## **PROPOSAL IN DETAIL**

This Section 96(1A) Modification seeks to modify Consent 2006/0670 by alterations and additions and the deletion of condition number 3.

The applicant has requested the deletion of condition number 3 of the previous consent relating to the requirement for a 'new development application' to be submitted to Council if the applicant proposes changes to the previous consent 2006/0670 when demolition or construction has been undertaken. The proposed modification is minor in extent to the existing plans and is considered acceptable as it maintains the overall adequacy of plans submitted to Council.

The primary change to the original consent is the lowering of the garage and storage level by 330mm and changing the storage internal layout to include;

- Garden & trade tool store room;
- Home workshop;
- Gym Equipment room and storage area;
- Change room;
- Shower room;
- Cupboard &
- Corridor.

Additional works with relation to the modification include;

- the lowering of the side paths by 330mm;
- extending the front path to link up to the side path (North);
- relocation of driveway (in accordance with condition 6, consent 2006/0670);
- raising the family room and rumpus room external doors to a height of 2.4m instead of 2.1m;
- location of retaining walls on the North and South side boundary with a 1.8m high masonry fence located behind the front setback building line
- installation of Agricultural drainage pipes to the western and southern sides of the dwelling; and
- 1.2m high front fence.

The resulting changes have no affect on the existing approved ground floor or first floor reduced levels.

## **AMENDMENTS TO THE PLAN**

Council has not requested amended plans under this modification.

## **STATUTORY CONTROLS**

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) State Environmental Planning Policy No.55- Remediation of Land
- d) State Environmental Planning Policy- Infrastructure
- e) Warringah Local Environment Plan 2000
- f) Warringah Development Control Plan

## **REFERRALS**

This application did not require internal or external referrals.



## NOTIFICATION & SUBMISSIONS RECEIVED

The application was notified in accordance with the EPA Regulation 2000 and Warringah Development Control Plan, at the conclusion of the 14 day notification period (2) submission had been received from the same objector. Accordingly, a further assessment is required in this regard.

As a result of the public exhibition of the application Council received submissions from:

Name	Address
Donald John & Joan Amelia Stewart	4 Princess Mary Street, BEACON HILL

The following issues were raised in the submission:

Concerns, issues and matters in relation to previously approved DA2006/0670. Concerns are as outlined;

- Condition No.3 confines this consent to 'the existing building only', and the proposed modification should be redesigned as per the condition and the proposed modification is unrelated to the existing (original) consent.

**Response:** Under the previously approved consent condition No.3 stated...

### "3. New Development Application Required

*This consent is for alterations and additions to the existing building only. If during the course of certification, demolition or construction, the remaining fabric of the building is removed or demolished a new development application will be required and relevant planning controls including Basix will apply.*

**Reason:** To ensure compliance with the approved plans. [A5]"

On the 2<sup>nd</sup> of April, Council received a request to delete the above mentioned condition from the original consent 2006/0670. Deletion of this condition is to ensure the consistency of the plans and the allowance of the modification to proceed subjected to the compliance to EPA & Act 1979, EPA & Act Regulations and all other relevant legislation including WLEP 2000 and Warringah's DCP.

- The proposed modification may result in the applicant to undertake the family's kitchen suppliers business and provide activities to be constructed from the residential dwelling and accommodate commercial/industrial vehicles within the defined (Council's) resident area.

**Response:** The proposed modifications are for residential purposes and have been assessed under Category 1 – Housing. No works other than for residential purposes have been stated on the proposed plans, therefore dismissing any concerns of relocating the applicant kitchen suppliers business within the confines of the property. Carparking was addressed under previous consent 2006/0670 complying with the General Principles under the WLEP 2000.

- The submission raised concerns to the discrepancy of the plans to the current undertaken demolition works been the removing of concrete footings leading to the inadequate structural integrity to support the additional approved levels.

**Response:** Within consent 2006/0670 condition No. 4b and 8 require the structural integrity of the proposed building works and to ensure the structural integrity of the buildings is maintained, thus resolving any issues arising from this submission.

- The submission raised the suggestion that within accordance of condition number 3 under the approved consent 2006/0670 that a complete redesign be submitted to Council under a new development application.



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**Response:** To ensure consistency with the approved consent 2006/0670 and previous modification 2006/0670/1 and with the plans provided to Council for assessment, Council informed the applicant for removal of condition number 3 from consent 2006/0670. On the 2<sup>nd</sup> of April 2009 Council received an email requesting for the removal of condition number 3 from consent 2006/0670 under modification 2009/0034. Removal of condition 3 dismisses the suggestion for lodgement of a new development application.

- The submission raised concerns to the side boundary fence.

**Response:** All matters with regards to side boundary fences falls under the Dividing Fences Act 1991. Any issues with this matter should be mitigated between adjoining owners, thus resolving any concerns with this submission.

- The submission raised concerns with surface water drainage.

**Response:** The original consent 2006/0670 was assessed by Councils Engineers and considered satisfactory subject to conditions. A condition was placed requiring the compliance with the approved stormwater drainage plan submitted to Council. The proposed modification entails new Agricultural drainage pipes to the rear (western side) and along the southern side of the dwelling, draining to stormwater pits located within the confines of the 6 Princess Mary Street property. This addition will help to resolve any excess water runoff issues.

## MEDIATION

No Submissions.

Has mediation been requested by the objectors?

N/A

Has the applicant agreed to mediation?

N/A

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

The relevant matters for consideration under Section 96 (1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96 Modifications of Consent	Comments
<p><b>Section 96 (1A) - Modifications involving minimal environmental impact</b></p> <p>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:</p> <p><b>(a)</b> it is satisfied that the proposed modification is of minimal environmental impact, and</p> <p><b>(b)</b> it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for</p>	<p>The alterations and additions to the existing dwelling design are minor in work. It will essentially maintain the existing relationship with the adjacent public open space and the surrounding properties, and will not have a detrimental impact on their amenity, in views, sunlight access and privacy. Therefore, it will have minimal environmental impact.</p> <p>The proposal results in a minor increase in bulk, and will essentially continue its consistency with the relevant built form controls. It makes no</p>



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<p>which the consent was originally granted and before that consent as originally granted was modified (if at all), and</p> <p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p> <p>(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.</p>	<p>changes to building use. Therefore it is considered substantially the same development as the development for which the consent was originally granted.</p> <p>Section 98 of the Environmental Planning and Assessment Regulation requires the consent authority to consider the provisions of the Building Code of Australia. The conditions of Consent 2006/0670 adequately address the provisions.</p> <p>This application was notified and advertised in accordance with the Warringah Development Control Plan.</p> <p>Two submissions were received from the same objector in response to the notification of this application and have been adequately addressed under 'notification and submissions received' within this report.</p>
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The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	This application is consistent with the relevant environmental planning instrument. See "SEPP" and "WLEP 2000" in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	None applicable.
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	This application was notified and advertised in accordance with the Warringah Development Control Plan.
<b>Section 79C (1) (a)(iiia) - Provisions of any Planning Agreement or Draft Planning Agreement</b>	None applicable.
<b>Section 79C (1) (a)(iv) - Provisions of the regulations</b>	Clause 98 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. The conditions of Consent 2006/0760 adequately address the provisions
<b>Section 79C (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</b>	The proposal will result in a development substantially the same as the approved development. It will essentially maintain the existing relationship with the adjacent public open space and the surrounding properties, and will not have a detrimental impact on their amenity, in views, sunlight access and privacy. Therefore, it will have minimal impact on the natural and built environment.





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Section 79C 'Matters for Consideration'	Comments
	The proposal will continue the existing use of the site. Therefore, it will have minimal social and economic impacts in the locality.
<b>Section 79C (1) (c) – The suitability of the site for the development</b>	There are no physical constraints preventing the proposal from taking place at the site. Therefore, the site is suitable for the proposal.
<b>Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs</b>	Two submissions were received from the same objector in response to the notification of this application and have been adequately addressed under 'notification and submissions received' within this report.
<b>Section 79C (1) (e) – The public interest</b>	The wider public interest is served by ensuring that the proposal is consistent with the relevant planning controls. The proposal is consistent and is therefore in the public interest.

### State Environmental Planning Policies

#### State Environmental Planning Policy No.55- Remediation of Land

The site has been used and occupied by the existing residential dwelling for a period of time and there is no indication of land contamination. The proposal is for the alterations and additions to modify the existing approved dwelling involving lowering of the garage and storage level by 330mm and changing the storage internal layout, the lowering of the side paths by 330mm, extending the front path to link up to the side path on the northern side of the dwelling, relocation of driveway (in accordance with condition 6, consent 2006/0670), raising the family room and rumpus room external doors to a height of 2.4m instead of 2.1m, location of retaining walls on the North and South side boundary with a 1.8m high masonry fence located behind the front setback building line, installation of Agricultural drainage pipes to the western and southern sides of the dwelling, and 1.2m high front fence. The proposal is consistent with the existing land use of the site, therefore, no further consideration of this SEPP is required.

#### State Environmental Planning Policy- Infrastructure 2007

This application does not require a referral to the energy supply authority, as the proposed work does not consist of the following:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line,
- development involving or requiring the placement of power lines underground
- a new swimming pool.

### Warringah Local Environmental Plan 2000

#### Desired Future Character

The subject site is located in the E2 DEE WHY Lagoon Suburbs Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:





### **LOCALITY E2 DEE WHY Lagoon Suburbs**

*This locality will remain characterised by detached style housing and a small pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing within the locality will be confined to the “medium density areas” shown on the map. The land occupied by the Dee Why Bowling Club at Lot 32 DP 868310, land occupied by the Manly Warringah Soccer Club at Lot 9 DP 793604 and land occupied by the Evergreen Tennis Centre at Lot 61 DP 611195 will continue to be used only as recreation facilities.*

*Outside the “medium density areas”, future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will continue to be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.*

*The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops, remnant bushland and natural watercourses will be preserved. Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.*

*The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.*

The subject building is classified as Category 1 development in this locality, being housing. The consistency of the proposed alterations and additions to the Category 1 of the development with the Desired Future Character is to be addressed.

The proposed modifications to the consent granted for the construction of a two storey dwelling is minor and of minimal environmental impact. The proposal is for the lowering of the garage and storage level by 330mm and changing the storage internal layout, the lowering of the side paths by 330mm, extending the front path to link up to the side path on the northern side of the dwelling, relocation of driveway (in accordance with condition 6, consent 2006/0670), raising the family room and rumpus room external doors to a height of 2.4m instead of 2.1m, location of retaining walls on the North and South side boundary with a 1.8m high masonry fence located behind the front setback building line, installation of Agricultural drainage pipes to the western and southern sides of the dwelling, and 1.2m high front fence. The modifications will essentially maintain the approved pattern and scale of the building and will not have a substantial impact on the existing landform. Accordingly, the proposal will continue to be consistent with the Desired Future Character of the locality as approved.

The proposed development is considered to be consistent with the localities Desired Future Character for the following reasons: been

- The proposed development will maintain the residential nature of the locality;
- The proposed development provides a significant level of landscaping within the front setback maintaining the existing streetscape.
- Access to the site from Princess Mary Street will remain unchanged from the proposed modification; and
- The proposal will maintain an adequate level of off-street car parking which will not be a dominant feature from the streetscape.

The proposed modification to the consent granted for alterations and additions is minor in work. The works will essentially maintain the approved pattern and scale of the building. It will not have a substantial impact on the existing landform and remnant vegetation. Accordingly, the proposal will continue to be consistent with the Desired Future Character of the locality as approved.



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### Built Form Controls for Locality E2 DEE WHY Lagoon Suburbs

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Standard	Required	Approved-Existing	Proposed	Compliance
Maximum Building Height	8.5 metres	Approx 9.2 metres	The Proposed modification results in no change to the existing height as per assessment under previous consent 2006/0670.	N/A
Maximum Building Height: Natural ground to upper ceiling	7.2 metres	N/A	The Proposed modification results in no change to the existing height as per assessment under previous consent 2006/0670.	N/A
Minimum Front Setback	6.5 metres	6.5 metres	Existing maintained: 6.5m	N/A
Housing Density	1 dwelling per 600 square metres	1 dwelling per 919.8 square metres	Existing maintained: 1 dwelling per 919.8 square metres	N/A
Minimum Landscaping	40% of the site area	49.9% (458.75sqm) of the site area	48.5% (446.75sqm) of the site area	YES
Minimum Rear Setback	N/A	N/A	<p>The subject site has a frontage to both Princess Mary Street and Birralelee Crescent. Warringah LEP 2000 defines a rear setback as:</p> <p><i>"The rear building setback is the distance measured perpendicular to the boundary furthest from a public street up to any structure on the allotment."</i></p> <p>Accordingly, as the site's primary frontage is to Princess Mary Street, the frontage to Birralelee Crescent being a secondary street frontage is dealt with under the front building setback assessment.</p>	N/A
Maximum Side Boundary Envelope	45 degrees per 5 metres	North – complies South – up to 1.65m	Existing maintained: North – complies Existing maintained: South – up to 1.65m	N/A  N/A
Minimum Side Setbacks	0.9 metres	North – 1.25m South – 1.178m	Existing maintained: North – 1.25m Existing maintained: South – 1.178m	N/A  N/A



## **GENERAL PRINCIPLES OF DEVELOPMENT CONTROL**

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

### **Clause 51 Front Fences and Walls**

The proposed modification includes a 1.2m in height front fence and maintains the existing streetscape character. The works allows for the casual surveillance and has been designed to provide visual interest via its rendered finish. Retaining walls are to comply with the existing conditions of consent 2006/0670 under '4b structural details'.

### **Clause 57 Development on Sloping Land**

The proposed modification includes lowering the existing garage floor level by 330mm and extending the garage 1.9m in length to the existing northern proportion of the garage floor level. The required cuts are considered minimal and do not spread beyond the confines of the building footprint and the sub retaining wall is to met the requirements of the Building Code of Australia. Overall the proposal will have no detrimental impact on the surrounding area.

### **Clause 62 Access to Sunlight**

This application does not include shadow diagrams for the proposed modifications. The proposal is situated within the existing building footprint and is minor in bulk, such that it will have minimal impact on the sunlight access to the adjoining properties. Accordingly, the proposal is satisfactory in addressing this Clause.

### **Clause 65 Privacy**

The proposed modifications will essentially maintain the relationship with the adjoining properties as approved, in its sightlines to the windows and the principal private open spaces of other dwellings. Therefore, it will not create privacy issues and is satisfactory in addressing this Clause.

### **Clause 66 Building Bulk**

Considerations of this Clause are given to the following:

- The proposal will continue to comply with the side boundary envelope controls
- The modified building elevations are not large areas of continuous wall planes
- The enclosure to the approved balcony and patio is not unreasonable for their purposes and is not excessive in bulk and scale, such that no landscape plantings are required for the visual impact.

Accordingly, the proposal will not be visually prominent or dominating and is satisfactory in addressing this Clause.

### **Clause 74 Provision of Carparking**

Four (4) stacked car spaces will be provided in the proposed garage, satisfying the parking requirements of Schedule 17 of the Warringah LEP 2000.

## **SCHEDULES**

### **Schedule 8**

This application includes site analysis. The plans and Statement of Environmental Effects prepared for this application, given which is minor works, is considered adequate for the purpose of this Schedule.

### **Schedule 17 - Carparking Provision**

The proposed development increases the on site parking by providing 4 car spaces within the garage. This complies with the minimum requirements of Schedule 7 and is considered acceptable.

## **POLICY CONTROLS**

### **Warringah Section 94A Development Contribution Plan 2006**

Warringah Section 94A Development Contribution Plan 2006 is not applicable to Modification Applications. Therefore, this Modification Application is not subject to Development Contributions.



## MEDIATION

Mediation was not requested for this development application.

## CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C and 96(1A) of the Environmental Planning and Assessment Act, 1979, Warringah Local Environmental Plan 2000 and the relevant codes and policies of Council.

The proposal will result in a development substantially the same as the approved development. The modifications to the residential dwelling will continue to be consistent with the Desired Future Character of the locality as approved. The proposal complies with the relevant Built Form Controls and is consistent with the relevant General Principles of Development Controls. It will not have a substantial impact on the streetscape or the amenity of the surrounding residential dwellings. Accordingly, the proposal is recommended for approval.

Council has considered the request from the applicant in regards to the deletion of condition 3 from consent 2006/0670 and concluded that it supports the deletion of this condition as Council has found that the requirement for modification 2009/0034 to proceed the condition '*new development application required*' was excessive and that the extent of the proposed works do not warrant such a condition. Therefore, Council supports the deletion of condition 3 from the original consent 2006/0670.

The following outlines the requested deletion of the condition that is the subject of this Modification application-

Condition 3 currently reads as follows –

### **"3. New Development Application Required**

*This consent is for alterations and additions to the existing building only. If during the course of certification, demolition or construction, the remaining fabric of the building is removed or demolished a new development application will be required and relevant planning controls including Basix will apply.*

**Reason:** *To ensure compliance with the approved plans. [A5]"*

This Modification (1) application includes the deletion of this condition to read as follows:

### **3. DELETED**

The original existing conditions are to remain in force.

## **RECOMMENDATION (SECTION 96 (1A) APPROVAL)**

That Council the consent authority approve the Modification Application: MOD2009/0034 to modify Consent 2006/0760, granted for alterations and additions to modify the existing approved dwelling involving lowering of the garage and storage level by 330mm and changing the storage internal layout, the lowering of the side paths by 330mm, extending the front path to link up to the side path on the northern side of the dwelling, relocation of driveway (in accordance with condition 6, consent 2006/0670), raising the family room and rumpus room external doors to a height of 2.4m instead of 2.1m, location of retaining walls on the North and South side boundary with a 1.8m high masonry fence located behind the front setback building line, installation of Agricultural drainage pipes to the western and southern sides of the dwelling, and 1.2m high front fence at Lot 4, DP 27932, 6 Princess Mary Street, BEACON HILL, in the following manner:



# **1. Modify Condition No.1 to read as follows:**

## **1. Approved Plans And Supporting Documentation**

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing No.	Drawing Title	Revision Date	Prepared By
0506024 – Sheet 1 of 2	Site & Garage Floor Plan, Ground Floor Plan, First Floor Plan	June 2006	AW Design
0506024 – Sheet 2 of 2	North, South, East and West Elevations and Section A-A	June 2006	AW Design

As modified by the plans listed below that were submitted with the Section 96 (1A) Modification Application received by Council on 14 October 2008, and endorsed with Council's approval stamp, but only in so far as the plans reflect the involving lowering of the garage and storage level by 330mm and changing the storage internal layout, the lowering of the side paths by 330mm, extending the front path to link up to the side path on the northern side of the dwelling, relocation of driveway (in accordance with condition 6, consent 2006/0670), raising the family room and rumpus room external doors to a height of 2.4m instead of 2.1m, location of retaining walls on the North and South side boundary with a 1.8m high masonry fence located behind the front setback building line, installation of Agricultural drainage pipes to the western and southern sides of the dwelling, and 1.2m high front fence coloured on the plans;

Drawing No.	Drawing Title	Issue	Revision Date	Prepared By
0506024 – Sheet 1 of 2	Site & Garage Floor Plan, Ground Floor Plan, First Floor Plan	B	June 2006	AW Design
0506024 – Sheet 2 of 2	North, South, East and West Elevations and Section A-A, South Boundary Wall Elevation and Fence	B	June 2006	AW Design

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

**Note:** Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

**Reason:** To ensure the work is carried out in accordance with the determination of Council and approved plans. **[A1 (1)]**

THAT:

- A. The Development Application No.2006/0670 for modification 2009/0034, at Lot 4, DP 27932, 6 Princess Mary Street, BECON HILL, be approved subject to the following;

That the remaining conditions as previously determined remain in force and that the following Condition Number 3 is deleted and read as follows:

## **3. DELETED**



Clint Mills

Signed

Date

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**Student Development Assessment Officer**

Nick England

Signed

Date

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**Acting, Team Leader Development Assessment**