

26 February 2018

Northern Beaches Council - Warringah
725 Pittwater Road
DEE WHY NSW 2099
Att: Adam Mitchell

Dear Adam,

SECTION 96(1a) APPLICATION

Premises:	Lot 29 in DP 12072, No. 31 Robert Street, Freshwater
Amendments:	Amend plans – Dwelling Alterations/Additions
Development Application:	DA 2017/1150
Date Determination:	22 December 2017

INTRODUCTION

On behalf of Mr McDonald I seek Council consent pursuant to Section 96(1a) of the *Environmental Planning & Assessment Act* 1979 to amend the plans of Development Application No. DA2017/1150 relating to the construction of alterations and additions to an existing dwelling at No. 31 Robert Street, Freshwater.

PROPOSED MODIFICATION

This proposal seeks to amend the approved plans as detailed in the architectural plans prepared by Action Plans, Drawing No. 96-00 to 96-14, Rev B and dated 26 February 2018 and as summarised below:

- Reconfigure the existing front entry by enclosing part of the existing patio and providing entry door on southern (front) elevation.
- New privacy screen to eastern elevation of existing front deck on ground floor level.
- Head height of southern elevation ground floor sliding doors to be increased.
- Relevel existing hard stand parking space.
- Provide new masonry wall to northern (rear) elevation of parking space.
- Reconfigure first floor level to provide additional storage space.
- Provide new frosted window to first floor western elevation serving ensuite.

- Level existing masonry wall on eastern side of pool.

The following information also accompanies the Section 96 Application:

- BASIX Certificate A298115_03 and issued 26 February 2018.

LEGISLATION

Section 96(1a) of the Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: The Consent granted approval for the construction of alterations and additions to an existing dwelling. The proposal provides minor alterations which are amendments are considered to be of minimal impact.

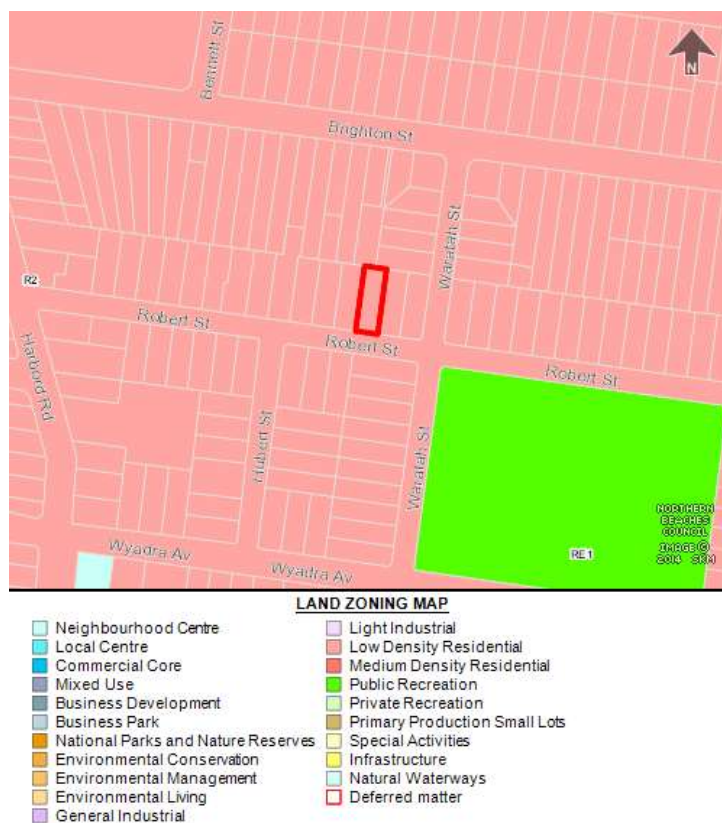
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The original consent granted approval to the construction of alterations and additions to the existing dwelling. The amendments provide for minor alterations which are generally contained within the existing footprint and envelope. The amendments are considered to be substantially the same development.

- (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 that requires the notification or advertising of applications for modification of a development consent, and*
- (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.*

Comment: The application will be notified in accordance with Council guidelines.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2012



Extract of Zoning Map

The site is zoned R2 Low Density Residential under the provisions of the Warringah Local Environmental Plan. Development for the purpose of a dwelling house is permissible with Consent in this zone.

The following provisions of the LEP apply to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	8.5m – no change to approved height	Yes

Clause 6.4 Development on Sloping Land

The site is identified as part Landslip Area B on Council's Landslip Map. The proposed amendments are relatively minor and therefore the Preliminary Landslip Risk Assessment prepared by Crozier Geotechnical Consultants and dated 7 June 2017 is relied upon above.

JUSTIFICATION

The proposed amendments to the plans are considered justified for the following reasons:

- The proposed amendments do not reduce the existing boundary setbacks.
- The proposed amendments do not increase the approved overall building height, wall height nor alter the approved building envelope.
- The proposal does not reduce the approved landscaped area.
- The proposed amendments do not diminish the privacy of the adjoining properties. It is our opinion that in fact the amendments will improve amenity to the adjoining properties, by re-orientating the front entry on the southern elevation, provision of privacy screens and leveling of the masonry wall/fence enclosing the eastern elevation of the pool area.
- The new window to the upper level western elevation is proposed to be frosted and serves an ensuite. This will not result in any loss of privacy to the adjoining property.
- The proposed amendments do not result in any additional shadowing to the adjoining properties.
- The amendments are minimal and will not have any detrimental impact on the streetscape.

It is therefore considered appropriate that the amendments to amend the plans should be supported.

CONCLUSION

For the reasons stated above it is considered that this application to amend the plans as detailed in the plans submitted should be supported. Should you require any further information please do not hesitate to contact me.

Yours faithfully,



Natalie Nolan