

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2025/0175
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Responsible Officer:	Simon Ferguson Tuor
Land to be developed (Address):	Lot 6 DP 4888, 185 Ocean Street NARRABEEN NSW 2101
Proposed Development:	Modification of Development Consent DA2023/1621 granted for Alterations and additions to a dwelling house including a swimming pool
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:	Samuel George

Application Lodged:	09/05/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	20/05/2025 to 03/06/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The s4.55(1a) modification application seeks to modify Development Application No DA2023/1621 granted for 'Alterations and additions to a dwelling house including a swimming pool' in the following way:

- Relocate pool
- Shallower pool (1.2m) and coping at same level as deck
- Change of skylight locations
- Study window style: change to a Pop-Out window
- Relocate Outdoor kitchen/BBQ, privacy screen and Pool plant
- Deletion of Pop out roof to east
- Internal planning changes to master ensuite and robe

- Relocate retractable awning and deck area
- Window types changes from Aneeta to Louvre
- Update Internal finish floor Levels
- Rear patio raised to match internal FFL RL 11.04.

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

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 6 DP 4888 , 185 Ocean Street NARRABEEN NSW 2101
Detailed Site Description:	The subject site consists of one (1) allotment located on the eastern side of Ocean Street. The site is regular in shape with a frontage of 15.24m along Ocean Street and a depth of 66.75m. The site has a surveyed area of 1012m². The site is located within the R2 Low Density Residential zone and accommodates a dwelling house. The site is mostly flat, with a fall of approximately 1m from the rear of the dwelling to the rear boundary. The site contains some shrubs and low-lying trees by the boundaries, with extensive lawn at the front and rear of the

site. The rear of the site adjoins Narabeen beach.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by multi-storey houses and apartment blocks.

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:

- **DA2023/1621**
Alterations and additions to a dwelling house including a swimming pool
Approved 02/02/2024

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 DA2023/1621, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - 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 proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons: • The built form, building footprint, setbacks and landscaping remain virtually unchanged • It does not result in any new or intensified impacts in relation to solar access, privacy or view loss • There are no additional impacts on the built or natural environment
(b) it is satisfied that the development to which the 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 consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2023/1621 for the following reasons: • The description of the development remains unchanged • The built form, building footprint, setbacks and landscaping remain virtually unchanged • It does not result in any new or intensified impacts in relation to solar access, privacy or view loss • The impacts are unchanged
(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	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.

Section 4.55(1A) - Other Modifications	Comments
development control plan under section 72 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.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 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 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)(iiia) – 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)	<u>Part 4, Division 2</u> 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. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures.

Section 4.15 'Matters for Consideration'	Comments
	This matter has been addressed via a condition of consent. <u>Clauses 62</u> and/or 64 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 matter has been addressed via a condition of consent. <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.

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 20/05/2025 to 03/06/2025 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	General Comments The proposal seeks a number of amendments to the original consent including the relocation of the swimming pool .The relocation will result in a reduction of the amount of excavation required. The proposal is supported by a geotechnical report with no changes recommended. The proposal is supported with a recommended condition to notify should evidence of acid sulphate soils become apparent during the course of works. Recommendation APPROVAL - subject to conditions
NECC (Bushland and Biodiversity)	The proposed development will not impact native vegetation or fauna habitats, and meets the aims and objectives of the relevant biodiversity planning controls.
NECC (Development Engineering)	The applicant is seeking approval to modify an existing Development Application (DA), specifically for the relocation of the pool and internal building alterations. Development Engineering has no objections, and no new conditions are applicable.
Parks, reserves, beaches, foreshore	Parks, Reserves and Foreshores raise no concerns.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Aboriginal Heritage Office	The Aboriginal Heritage Office provided the following comment: No sites are recorded in the current development area and the area of works has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. Whilst the area of works does not contain Aboriginal sites or

External Referral Body	Comments
	Aboriginal heritage sensitivity other portions of the DA area do. According to the Due Diligence Code of Practice, any land within 200m of water or 20m of or in a rock shelter is considered to have Aboriginal heritage sensitivity and the potential to contain Aboriginal sites. Given the presence of these landscape features in the proposal area there is potential that the works may harm unrecorded Aboriginal sites which are protected under the NPW Act 1974. The Aboriginal Heritage Office recommends that the development conditions should provide for stop work provisions (unexpected discovery protocol) should human remains be uncovered. In the event that human remains are uncovered, works should cease and the NSW Police must be contacted. Harm to these landscape features should therefore be avoided during the construction phase of the works. Inadvertent impacts is considered harm under the NPW Act (1974). During construction all workers and contractors should be made aware of their obligations to avoid harm to Aboriginal sites and areas of Aboriginal sensitivity. If inadvertent impacts do occur works, works should cease and Council, the Department of Planning, Industry and Environment (DPIE) and the Metropolitan Local Aboriginal Land Council should be contacted.

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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application.

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions that are unchanged from DA2023/1621.

SEPP (Resilience and Hazards) 2021

The assessment against SEPP (Resilience and Hazards) 2021 within the assessment report for DA2023/1621 remains applicable to this modification application.

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

The proposal does not comprise of any works to the building that require an assessment of the principal development standards. The assessment undertaken for DA2023/1621 remains applicable and unaltered.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes

Clause	Compliance with Requirements
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

Warringah Development Control Plan

Built Form Controls

The proposal does not comprise of any works to the building that require an assessment of the built form controls. Whilst the pool location is being swapped from the south to the north and there are other minor changes proposed, there are no changes sought to the approved building footprint

The assessment undertaken for DA2023/1621 remains applicable and unaltered.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	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
D10 Building Colours and Materials	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

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.

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. Mod2025/0175 for Modification of Development Consent DA2023/1621 granted for Alterations and additions to a dwelling house including a swimming pool on land at Lot 6 DP 4888, 185 Ocean Street, NARRABEEN, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN 527682 MOD2025/0175	The date of this notice of determination	Modification of Development Consent DA2023/1621 granted for Alterations and additions to a dwelling house including a swimming pool Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Add 23A - Requirement to notify about new Acid Sulfate Soils evidence

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
A102	C	SITE PLAN AND COMPLIANCE TABLE	House Plan Design and Drafting	08/04/2025
A103	C	PROPOSED GROUND FLOOR PLAN	House Plan Design and Drafting	08/04/2025
A104	C	PROPOSED FIRST FLOOR PLAN	House Plan Design and Drafting	08/04/2025
A105	C	ELEVATIONS (1)	House Plan Design and Drafting	08/04/2025
A106	C	ELEVATIONS (2)	House Plan Design and Drafting	08/04/2025
A107	C	SECTIONS	House Plan Design and Drafting	08/04/2025
A108	C	POOL PLAN	House Plan Design and Drafting	08/04/2025
A204	C	ROOF PLAN	House Plan Design and Drafting	08/04/2025

Approved Reports and Documentation	
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Document Title	Version Number	Prepared By	Date of Document
Basix Certificate	A1794250	Ms Victoria Dennis	6.05.2025
LANDSCAPING CONCEPT PLAN	REV C	House Plan Design and Drafting	08/04/2025

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 23A Requirement to notify about new Acid Sulfate Soils evidence, to read as follows:

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

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

Signed



Simon Ferguson Tuor, Planner

The application is determined on 18/06/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments