

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | Mod2025/0218 |
|----------------------------|--------------|

|   |   |
|---|---|
| <b>Responsible Officer:</b>               | Simon Ferguson Tuor   |
| <b>Land to be developed (Address):</b>    | Lot 25 DP 253629, 49 Norfolk Avenue COLLAROY NSW 2097   |
| <b>Proposed Development:</b>              | Modification of Development Consent DA2024/1673 granted for Alterations and additions to a dwelling house |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned R2 Low Density Residential   |
| <b>Development Permissible:</b>           | Yes   |
| <b>Existing Use Rights:</b>               | No  |
| <b>Consent Authority:</b>                 | Northern Beaches Council  |
| <b>Land and Environment Court Action:</b> | No  |
| <b>Applicant:</b>                         | SKL Planning Pty Ltd  |

|                                  |                                  |
|----------------------------------|----------------------------------|
| <b>Application Lodged:</b>       | 09/05/2025                       |
| <b>Integrated Development:</b>   | No                               |
| <b>Designated Development:</b>   | No                               |
| <b>State Reporting Category:</b> | Refer to Development Application |
| <b>Notified:</b>                 | 20/05/2025 to 03/06/2025         |
| <b>Advertised:</b>               | Not Advertised                   |
| <b>Submissions Received:</b>     | 1                                |
| <b>Clause 4.6 Variation:</b>     | Nil                              |
| <b>Recommendation:</b>           | Approval                         |

### PROPOSED DEVELOPMENT IN DETAIL

The s4.55(1a) modification application seeks to modify Development Application No DA2024/1673 granted for 'Alterations and additions to a dwelling house' in the following way:

- Lower ground floor plan reconfigured with respect to powder room and storage area.
- Provision of internal lift access with a forward located lift providing access between ground and first floor levels of the dwelling and separate to the rear to accessing the ground and lower ground.
- External glazing updated to the rear (southern) elevation and specifically to the lower ground floor plan and first floor. An additional window (W23) is also provided to western (side) elevation.

There are no changes proposed to the approved built form except for the inclusion of the lift overrun. However, this does not increase the approved height of building or change any other built form assessment including wall heights, setbacks, building envelope or landscaped open space.

## 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

|                                   |  |
|-----------------------------------|--|
| <b>Property Description:</b>      | Lot 25 DP 253629 , 49 Norfolk Avenue COLLAROY NSW 2097   |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one allotment located on the southern side of Norfolk Avenue.</p> <p>The site is regular in shape with a frontage of 18.29m along Norfolk Avenue and a depth of 36.87m. The site has a surveyed area of 674.4m<sup>2</sup> .</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two-storey dwelling with a pitched tile roof and swimming pool at the rear.</p> <p>The site experiences a fall of approximately 5.4m to the rear.</p> <p>The front and rear yards of the site provide consolidated deep soil, with several retaining walls and scattered</p> |

vegetation with maintained lawn and limited vegetation in the form of scattered shrubs and palms.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is predominately characterised by two storey dwellings of varying architectural styles. Many of the nearby residences have expansive views of the coastline to the east, especially when viewed from upper levels in two storey dwellings.

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:

- **DA2024/1673**  
Alterations and additions to a dwelling house  
Approved on 13/03/2025

#### **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 DA2024/1673, 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  | <p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> <li>• The built form, building footprint, setbacks and landscaping remain virtually unchanged</li> <li>• It does not result in any new or intensified impacts in relation to solar access, privacy or view loss</li> <li>• There are no additional impacts on the built or natural environment</li> </ul>   |
| (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 | <p>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 DA2024/1673 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The description of the development remains unchanged</li> <li>• The built form, building footprint, setbacks and landscaping remain virtually unchanged</li> <li>• It does not result in any new or intensified impacts in relation to solar access, privacy or view loss</li> <li>• The impacts are unchanged</li> </ul> |
| (c) it has notified the application in accordance with:<br><br>(i) the regulations, if the regulations so require,<br><br>or  | 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  |
|---|---|
| (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 |   |
| (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, 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.

### Comment on reasons for consent of DA2024/1673

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.

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 'Matters for Consideration'   | Comments   |
|--|--|
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)  | <p>Part 4, <u>Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62</u> and/or 64 of the EP&amp;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.</p> <p><u>Clause 69</u> of the EP&amp;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.</p> <p><u>Clause 69</u> of the EP&amp;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.</p> |
| 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 | <p>(i) <b>Environmental Impact</b><br/>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.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>   |
| 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 process council is in receipt of 1 submission/s from:

| Name:                 | Address:                            |
|-----------------------|-------------------------------------|
| Mario Gerald Graziano | 32 Norfolk Avenue COLLAROY NSW 2097 |

The following issues were raised in the submissions:

- Construction Traffic impacts**

The submission raised concerns about potential traffic disruption, driveway blockages, and impacts from construction vehicles during the works at 49 Norfolk Avenue, Collaroy. While no objections were raised to the plans themselves, the submitter expressed concern about broader impacts on the street and asked how such issues could be managed or reported.

Comment:

The original development consent approved the proposed works and imposed appropriate conditions relating to construction impacts, including compliance with working hours, site management, and traffic control where relevant. These conditions aim to minimise impacts on the surrounding area during construction.

If issues arise once construction commences and the works are not being undertaken in accordance with the conditions of consent, residents may contact Council's Compliance Team to investigate and, if necessary, take enforcement action. Contact details for Council's Compliance Team are available on Council's website or through Customer Service.

## REFERRALS

| Internal Referral Body           | Comments  |
|----------------------------------|---|
| NECC (Bushland and Biodiversity) | The proposed modification will not result in an increase in impacts to the local biodiversity values. |

## 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.

The embodied emissions have been quantified in the above BASIX Certificate.

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

### 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        | 9.1m     | 9.1 (unaltered) | N/A         | Yes      |



#### Compliance Assessment

| Clause                          | Compliance with Requirements |
|---------------------------------|------------------------------|
| 4.3 Height of buildings         | Yes                          |
| 6.2 Earthworks                  | Yes                          |
| 6.4 Development on sloping land | Yes                          |

### **Warringah Development Control Plan**

#### Built Form Controls

There are no changes proposed to the approved built form except for the inclusion of the lift overrun. However, this does not increase the approved height of building or change any other built form assessment including wall heights, setbacks, building envelope or landscaped open space.

Hence, the built form assessment undertaken for DA2024/1673 remains applicable.

#### Compliance Assessment

| Clause   | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| A.5 Objectives   | Yes                          | Yes                         |
| B1 Wall Heights  | Yes                          | Yes                         |
| B3 Side Boundary Envelope  | Yes                          | Yes                         |
| B5 Side Boundary Setbacks  | Yes                          | Yes                         |
| B7 Front Boundary Setbacks   | Yes                          | Yes                         |
| B9 Rear Boundary Setbacks  | 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                         |
| D9 Building Bulk   | Yes                          | Yes                         |
| D10 Building Colours and Materials                                     | Yes                          | Yes                         |
| D11 Roofs  | Yes                          | Yes                         |

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D12 Glare and Reflection                        | Yes                          | Yes                         |
| D14 Site Facilities                             | Yes                          | Yes                         |
| D20 Safety and Security                         | Yes                          | Yes                         |
| D21 Provision and Location of Utility Services  | Yes                          | Yes                         |
| D22 Conservation of Energy and Water            | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation | Yes                          | Yes                         |
| E2 Prescribed Vegetation                        | Yes                          | Yes                         |
| E4 Wildlife Corridors                           | Yes                          | Yes                         |
| E6 Retaining unique environmental features      | 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. Mod2025/0218 for Modification of Development Consent DA2024/1673 granted for Alterations and additions to a dwelling house on land at Lot 25 DP 253629,49 Norfolk Avenue, COLLAROY, 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 532886<br>Mod2025/021 | The date of this notice of determination | Modification of Development Consent DA2024/1673 granted for Alterations and additions to a dwelling house<br><br>Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation |

### 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 |
| DA06           | ISSUE AO        | SITE & CONCEPT STORMWATER PLAN | Fyffe Design | 02/05/2025   |

|      |          |                                  |              |            |
|------|----------|----------------------------------|--------------|------------|
| DA09 | ISSUE AO | DEMOLITION FLOOR PLANS           | Fyffe Design | 02/05/2025 |
| DA10 | ISSUE AO | LOWER GROUND FLOOR PLAN          | Fyffe Design | 02/05/2025 |
| DA11 | ISSUE AO | GROUND FLOOR PLAN                | Fyffe Design | 02/05/2025 |
| DA12 | ISSUE AO | FIRST FLOOR PLAN                 | Fyffe Design | 02/05/2025 |
| DA13 | ISSUE AO | ROOF PLAN & WINDOW/DOOR SCHEDULE | Fyffe Design | 02/05/2025 |
| DA14 | ISSUE AO | SOUTH & NORTH ELEVATIONS         | Fyffe Design | 02/05/2025 |
| DA15 | ISSUE AO | WEST & EAST ELEVATIONS           | Fyffe Design | 02/05/2025 |
| DA16 | ISSUE AO | SECTIONS                         | Fyffe Design | 02/05/2025 |

| Approved Reports and Documentation |                |                                      |                  |
|------------------------------------|----------------|--------------------------------------|------------------|
| Document Title                     | Version Number | Prepared By                          | Date of Document |
| Basix Certificate                  | A1765643_02    | PEREZ ARCHITECTURAL SERVICES PTY LTD | 24.04.2025       |

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.

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**