

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

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| Application Number: | Mod2024/0570 |
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| Responsible Officer: | Reeve Cocks |
| Land to be developed (Address): | Lot 30 DP 25654, 57 Cutler Road CLONTARF NSW 2093 |
| Proposed Development: | Modification of Development Consent DA2022/1675 for Alterations and additions to a dwelling house |
| Zoning: | Manly LEP2013 - 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: | Luka Popovac |

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| Application Lodged: | 17/10/2024 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Refer to Development Application |
| Notified: | 24/10/2024 to 07/11/2024 |
| Advertised: | Not Advertised |
| Submissions Received: | 1 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

PROPOSED DEVELOPMENT IN DETAIL

The development seeks consent for Modification of Development Consent DA2022/1675 for Alterations and additions to a dwelling house.

Specifically the following works:

External Works

- Remove existing Tree within rear yard.
- Delete approved swimming pool and replace with deck/ terrace extension.
- Delete approved garden bed within rear yard.
- Alterations to approved staircase in rear yard.
- New rainwater tank.
- Delete approved balcony planter within front setback.
- Delete rounded corner of northern elevation balcony.

- Increase size of approved street facing balcony.
- Extension of approved retaining wall through deleted pool.

Lower Ground Floor

- Delete Plant Room.
- Delete door and wall to laundry.
- New wall and cupboards to replace approved door and wall in laundry.

Ground Floor Level

- Internal alterations to living room.
- Alterations to windows W7, W6, W5.

First Floor Level

- Alterations to windows W25, W24a, W24b, W23, W22, W21, W20, W19, W18, W19, W17, W16, W15, W14, W13, W12.
- Raise first floor finish level by 100mm from RL 54.37 to RL 54.47.

Roof Level

- Reduction in roof overhang.
- Alterations to roof design including change to pitched roof.

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

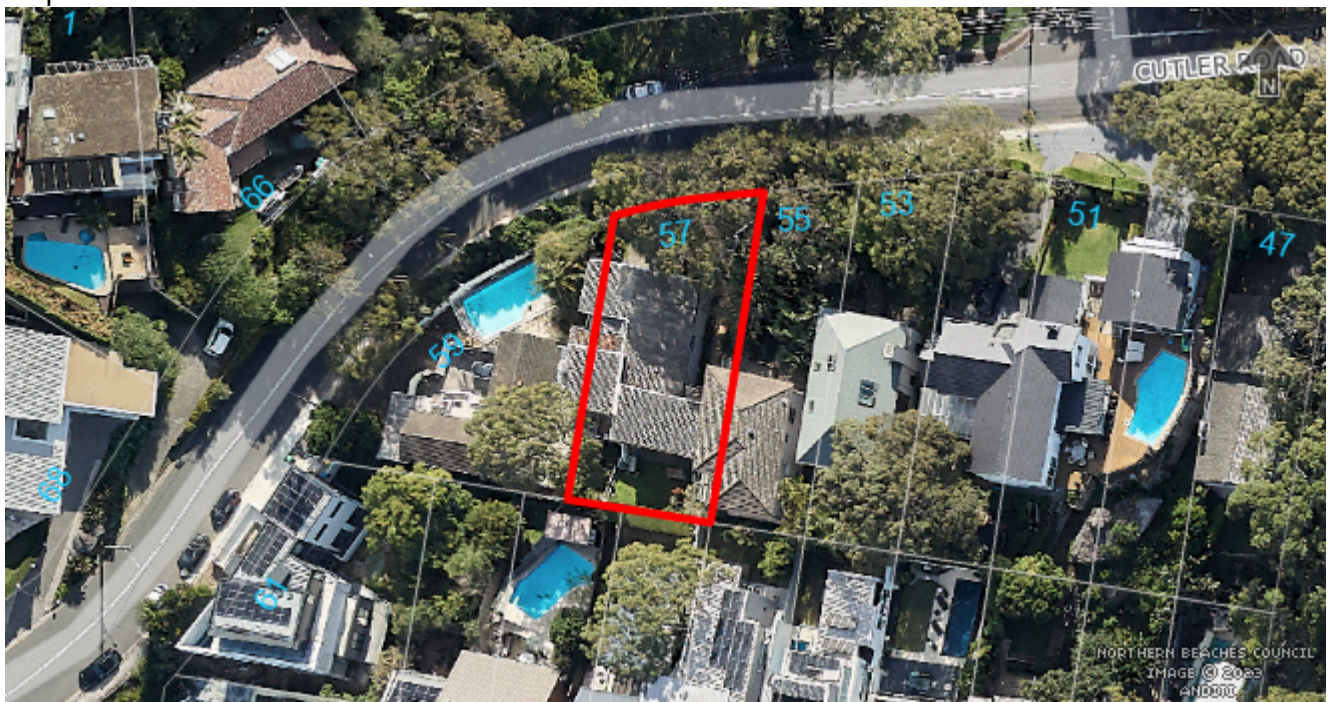
Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area
Manly Development Control Plan - 3.4.3 Maintenance of Views

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

SITE DESCRIPTION

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| Property Description: | Lot 30 DP 25654 , 57 Cutler Road CLONTARF NSW 2093 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the southern side of Cutler Crescent.</p> <p>The site is irregular in shape with a frontage of 16.925 metres along Cutler Crescent and a depth of 37.88 metres.</p> <p>The site has a surveyed area of 576.5m².</p> <p>The site is located within the R2 Low Density Residential zone within the Manly Local Environmental Plan 2013 (MLEP 2013) and accommodates a two (2) storey residential dwelling within a landscaped setting.</p> <p>The site has a northerly orientation and is located on a cross-fall, falling from the east to the west, of approximately 3.39 metres (or 21.16%).</p> <p>The site is not known to have any threatened species.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential development, ranging between two and three storeys.</p> |

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:

Development Application DA2022/1675

An application was submitted on the 11 October 2022 for the approval of Alterations and additions to a dwelling house including a swimming pool. Approval was granted by Councils Development Determination Panel on the 14 June 2023.

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 DA2022/1675, in full, with amendments detailed and assessed as follows:

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

| Section 4.55 (2) - Other Modifications | Comments |
|---|--|
| A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if: | |
| (a) it is satisfied that the development to which the 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 DA2022/1675 for the following reasons:</p> <ul style="list-style-type: none"> • The development does not propose to change the use of the site. • The development relates significantly to the dwelling house approved under DA2022/1675. • The development seeks to reduce the overall bulk and scale of what has been approved. |

| Section 4.55 (2) - Other Modifications | Comments |
|---|--|
| | |
| (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and | Development Application DA2022/1675 did not require concurrence from the relevant Minister, public authority or approval body. |
| (c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan. |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. | See discussion on "Notification & Submissions Received" in this report. |

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 (2) the consent authority must take

into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The 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 | Manly 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) | <p><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.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended architectural plans.</p> <p><u>Clause 61</u> of the EP&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 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><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.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent</p> |

| Section 4.15 'Matters for Consideration' | Comments |
|--|--|
| | 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 | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bushfire Planning & Design, dated 10 August 2022) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 24/10/2024 to 07/11/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

| Name: | Address: |
|---------------------|----------------------------------|
| Ms Sez Zahia Cardis | 55 Cutler Road CLONTARF NSW 2093 |

The following issues were raised in the submissions:

- Reduced Landscaped Area
- Acoustic Privacy Impacts
- Removal of Tree
- Roof Alterations
- Stormwater Tank & Barbeque (View Impacts)
- Windows
- Boundary Fencing
- Excavation Works
- Front Entrance Location
- Damage to existing Trees
- Private Electricity Pole

The above issues are addressed as follows:

- **Reduced Landscaped Area**

The submissions raised concerns that the proposed rear deck is not consistent with the objectives of the Manly Development Control Plan section 4.1.5.

Comment:

The amended design provides for a total of 176.1m² of landscaped area on-site with 67.6m² of that being located within the rear setback. The development is compliant with the minimum landscaped area required for the site and is therefore considered to meet the objectives of the control.

- **Acoustic Privacy Impacts**

The submission raised concerns that the location of the proposed rear terrace will result in acoustic privacy impacts on adjoining neighbours.

Comment:

The proposed barbeque is located approximately 2.3 metres away from the nearest boundary (eastern). It is additionally noted that there is an approximate height difference between No. 55's rear deck and No. 57 Culter Road rear yard of 7.3 metres (as taken from the provided survey plan). The terrace is located significantly off of the rear of the dwelling house and its main usable entertaining area is reasonably setback from adjoining properties. It is considered that the size and location of the rear terrace and barbeque will not result in unreasonable

acoustic impacts on adjoining neighbours.

- **Removal of Tree**

The submissions raised concerns that Council should not support the removal of the Sydney Red Gum within the rear setback.

Comment:

The development seeks the removal of one (1) *Angophora costata* commonly known as the Sydney Red Gum. Council has been satisfied that the reason for the removal of this tree is to allow for adequate sewerage piping on-site and is satisfied that every reasonable alternative measure has been explored. The potential impacts of improper sewerage disposal on the biophysical, hydrological and ecological integrity of the adjacent littoral rainforest outweigh the impacts of removing this one tree. Council has included a condition of consent requiring the replacement of a similar tree elsewhere on site to mitigate the loss of the tree (see condition No. 33A in the notice of determination).

For specific comments see Council's Landscape referral response.

- **Roof Alterations**

The submissions raised concerns that the amended roof design may result in bushfire issues, view loss concerns and a greater variation from the development standard.

Comment:

The proposed skillion roof results in minor changes to the roof form. The maximum roof height will remain the same as what has been approved under DA2022/1675. The bushfire report submitted and approved under DA2022/1675 requires all new works to comply with Australian Standard AS3959-2018 "Construction of buildings in bush fire-prone areas". The timber framed roof is required to comply with this standard as well as the other recommendations made in the report. The submission raises concerns regarding the removal of the roof and potential asbestos impacts. It should be noted that under Council's 'General Requirements' condition (b) *"Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards."* Council also applied conditions 23 and 25 to DA2022/1675. These conditions are not proposed to be changed and apply to all relevant works under Mod2024/0570. The conditions read as follows;

Condition 23

Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

Work Health and Safety Act;

- Work Health and Safety Regulation;

- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];

- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)];

- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005;
and

- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

Condition 25

Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

- **Stormwater Tank and Barbeque (View Impacts)**

The submissions raised concerns that the proposed location of the stormwater tank and barbeque would result in a loss of views.

Comment:

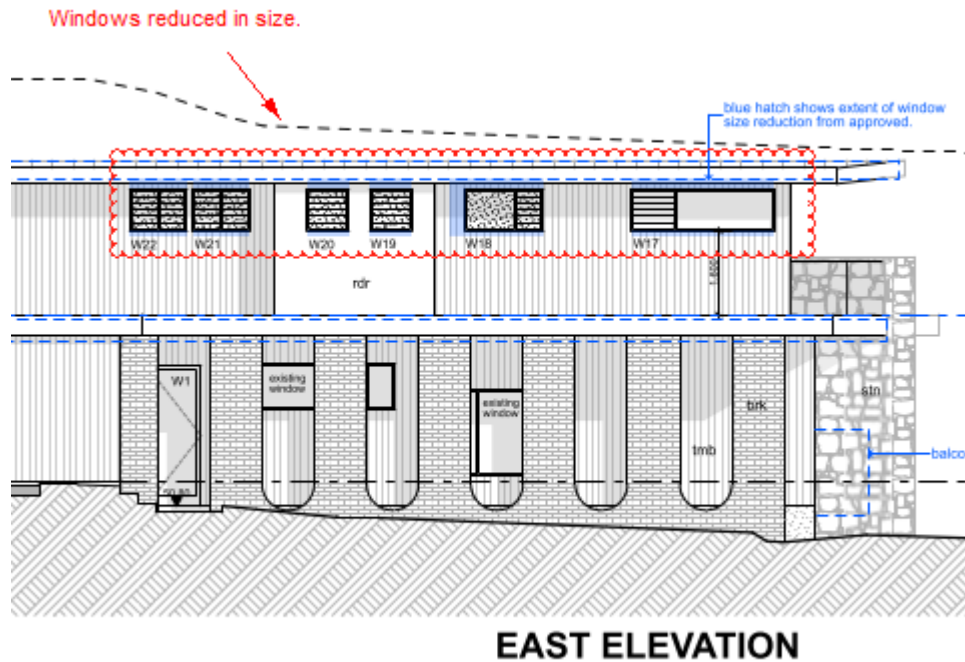
See section 3.4.3 of this assessment report for the detailed assessment. It is considered that the potential view loss is less than what has been approved and does not warrant an amended design or view loss assessment.

- **Windows**

The submissions raised concerns that the potential amendments to window design may have an adverse impact on privacy for No. 55 Cutler Road.

Comment:

The development proposes to reduce the size of windows on the eastern elevation as can be seen below (Windows No. 22, 21, 20, 19, 18, and 17). It is considered that the reduced window size will provide for additional visual privacy for the site owners and adjoining properties to the east.



- **Boundary Fencing**

The submissions raised concerns that there is no boundary fencing between the sites and alleges that the applicants have not provided adequate construction fencing in accordance with the conditions of consent.

Comment:

Resolving permanent fencing between private properties is a civil matter and not relevant to the assessment of this application. Fencing during construction works, as required by condition 5 - K(v) of DA2022/1675. *"The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days."* The principal certifying authority should be contacted if there have been any breaches to the conditions of consent (and where unavailable or otherwise indisposed Councils compliance team should be notified).

- **Excavation Works**

The submissions raised concerns that the excavation works are not consistent with the approval, and questioned the legitimacy of the alterations and additions.

Comment:

As stated above, if an objector has concerns during the construction process the principal certifying authority should be contacted. Alterations and additions as opposed to new development is covered under the planning principle set out in *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187. In this circumstance Council is satisfied that the development is

alterations and additions and not a new development.

- **Front Entrance Location**

The submissions raised concerns that the location of the front entrance results in visual privacy impacts.

Comment:

The front entrance location is existing and is not proposed to be changed under this modification application.

- **Private Power (electricity) Pole**

The submissions raised concerns that the private power pole was installed in the Critical Tree Stability Zone of 57 tree 1 and 55's Tree A and Tree B the two nearby trees on the NW boundary edge of No. 55 Cutler Street. During installation, it is alleged that the tree roots were cut deeply and excavated into, causing damage to the tree.

Comment:

Part 5(36 and 37) of the *Electricity Supply (Safety and Network Management Regulation 2014)* details a distributors responsibilities regarding the preservation of trees. Ausgrid, provided concurrence (subject to conditions) to the development approved under DA2022/1675 and no amendments are proposed under this modification application. Any damage caused due to a breach of consent should be raised with the principal certifying authority and Councils compliance department.

- **Damage to Existing Trees**

The submissions raised concerns that the development has caused damage to trees on adjoining sites and trees within the front setback of the site.

Comment:

In accordance with condition 1 of Development Application DA2022/1675, all recommendations and requirements contained within the Arboricultural Impact Assessment Report must be complied with except where amended by this modification application. In relation to Tree 1 identified within the raintree consulting arborists report dated 13 September 2022, the following recommendations were made:

- a) To allow for construction tree protection fencing is recommended to be installed and secured to ground at a 6m radius from the tree. The inner fenced area is to remain a tree protection area (TPA) to be managed as a tree protection zone in accordance with Section 2.3.*
- b) Should excavation be required within the 12.6 tree protection zone (TPZ), on site arborist supervision is recommended to appropriately manage any encountered tree roots. Specific site management should include excavation for driveway widening and any proposed pathway access in landscape design.*
- c) Where proposed paths encroach within the 6m tree protection area (TPA) pathways are recommended to be constructed utilising tree sensitive design.*

All recommendations outlined in section 2.3 of the raintree consulting arborists report are also

required to be complied with. It should be noted that the modification application does not seek to remove or make changes to 'tree 1' as identified in the raintree consulting arborists report.

In accordance with condition 21 of development application DA2022/1675 existing trees and vegetation including those located on adjoining properties shall be retained and protected (as seen below). It is the responsibility of the principal certifier to ensure that arboricultural works listed in c) (the raintree consulting arborists report) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment. As previously stated any damage caused due to a breach of consent should be raised with the principal certifying authority and Councils compliance department.

"Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,*
- ii) all trees and vegetation located on adjoining properties,*
- iii) all road reserve trees and vegetation."*

REFERRALS

| Internal Referral Body | Comments |
|------------------------|--|
| Landscape Officer | <p>The application is for modification of development consent DA2022/1675 as described in reports and as illustrated on plans, including a reduction in the scope of approved works; the deletion of the approved swimming pool, and the removal of a tree.</p> <p>Updated comment: As outlined in the Arborist Report prepared by Arbor Express and dated 7/11/2024, the reason for tree removal of the existing Angophora identified as tree is that the "development includes the installation of a new sewer line connecting to the main sewer, which is necessary to address existing major sewer issues, as the gully is higher than the internal floor level. Excavation to a depth of 1.2m is required for the sewer works to locate and install the new sewer line. Hand digging was attempted to route the sewer line beneath the existing root system, but this was unsuccessful due to the substantial amount of rock that needed to be removed. This rock cannot be removed without the use of an excavator which would impact the root system of Tree 1. Every attempt has been made to avoid the impact to the tree but it is unachievable. As such removal of Tree 1 is required to install the new sewer line connecting to the main sewer".</p> <p>Landscape Referral raise no concerns as the removal is justified as described above, and a native tree replacement shall be installed within the property as imposed by conditions.</p> <p>Previous comment 23.10.2024: <i>The existing Angophora, identified as tree 1, was reported under</i></p> |

| Internal Referral Body | Comments |
|--------------------------------|--|
| | <p><i>development application DA2022/1675 with a minor encroachment and able to be managed and retained, and additionally the tree exhibited good vigour and only in fair condition.</i></p> <p><i>The Arborist Report submitted with the modification application provides no arboricultural justification for tree removal, and rather indicates that "under the 10/50 entitlement Tree 1 can be removed without a permit from Council". This is incorrect and justification for removal is required that determines reasons why the tree is unable to be retained.</i></p> <p><i>It is noted that the 10/50 Code of Practice provides protection of trees that are approved for retention under a development consent under clause 7.8 Protection of vegetation to which a legal obligation exists to preserve that vegetation by agreement or otherwise, as follows:</i></p> <p><i>› Clearing under this 10/50 Code cannot be inconsistent with any of the following: any condition of development consent or approval under the Environmental Planning and Assessment Act 1979 that identifies and requires the retention and management of vegetation for conservation purposes.</i></p> <p><i>To continue the assessment, an Arborist Report with justifiable reasons for tree removal is required. Furthermore it is advised that tree replacement will be required and this should be indicated on Plans.</i></p> |
| NECC (Development Engineering) | <p>The proposed modifications to the building do not alter the original assessment of the application by Development Engineering. The stormwater plans have been amended and as such condition 1a) of consent DA2022/1675 is to be amended to reflect the amended plans. Also condition 12 is to be amended as follows:</p> <p>On-site Stormwater Detention Details</p> <p>The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Barrenjoey Consulting Engineers Pty Ltd, drawing number 220802 SW1CCA and SW2CCA, dated 21/08/2024. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.</p> <p>Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.</p> |

| External Referral Body | Comments |
|---|--|
| Rural Fire Service - Local Branch - EP&A Act, s4.14 | The proposal was referred to the NSW Rural Fire Service who provided a response stating that the proposal is acceptable subject to compliance with the relevant Asset Protection Zones, Construction Standards and Water and Utility Services. These recommendations will be included as a condition of consent. |

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 (see Certificate No. A1759533 dated 12 August 2024).

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 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 1 Coastal Wetlands and littoral rainforest area

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

- b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment:

The development seeks the removal of one (1) *Angophora costata* commonly known as the Sydney Red Gum. Council has been satisfied that the reason for the removal of this tree is to allow for adequate sewerage piping on-site and is satisfied that every reasonable alternative measure has been explored. The potential impacts of improper sewerage disposal on the biophysical, hydrological and ecological integrity of the adjacent littoral rainforest outweigh the impacts of removing this one tree. Council has included a condition of consent requiring the replacement of a similar tree elsewhere on site to mitigate the loss of the tree and ensure the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest are reasonably maintained.

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

It is considered by Council that the proposed development is not likely to have an adverse impact on any items raised in subsection (1) above. The development represents a reasonable and orderly development of the site which has taken into consideration potential impacts on environmental factors.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Council is satisfied that the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1).

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an
 - ii) adverse impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

It is considered by Council that the development is not likely to result in an adverse impact on items raised in paragraph (a). Council is satisfied that the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a).

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The development is located approximately 130 metres away from the foreshore and does not propose to remove, alter or impact threatened flora or unique environmental features. Council is satisfied that the development is not likely to increase risk of coastal hazards on the land or other land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The Northern Beaches Council as of writing this report has two (2) active Coastal Zone Management Plans (CZMP's), CZMP for Bilgola Beach (Mona Vale) and CZMP for Collaroy-Narrabeen Beach and Fishermans Beach 2016. No CZMP's relate to the subject site.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (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 / industrial / commercial land use.

Manly Local Environmental Plan 2013

| | |
|--|-----|
| 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

| Standard | Requirement | Approved | Proposed | % Variation | Complies |
|----------------------|-------------|--------------|-------------|-------------|-------------|
| Height of Buildings: | 8.5m | 9.14m | 9.14m | 7.52% | as approved |
| Floor Space Ratio | FSR: 0.4:1 | FSR: 0.517:1 | as approved | - | as approved |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 4.3 Height of buildings | Yes |
| 4.4 Floor space ratio | Yes |
| 4.5 Calculation of floor space ratio and site area | Yes |
| 5.8 Conversion of fire alarms | Yes |
| 6.1 Acid sulfate soils | Yes |

| Clause | Compliance with Requirements |
|--|------------------------------|
| 6.2 Earthworks | Yes |
| 6.4 Stormwater management | Yes |
| 6.8 Landslide risk | Yes |
| 6.9 Foreshore scenic protection area | Yes |
| 6.10 Limited development on foreshore area | Yes |
| 6.12 Essential services | Yes |

Detailed Assessment

6.9 Foreshore scenic protection area

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) *impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- (b) *measures to protect and improve scenic qualities of the coastline,*
- (c) *suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) *measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment:

The subject site is within the foreshore scenic protection area and is foreshore land. The proposed development:

- does not unreasonably impact upon the visual amenity of the foreshore and surrounds, and does not result in view loss from a public place to the foreshore,
- is not closely visible from the coastline, so does not impact upon its scenic quality,
- is suitable in its site context, and
- does not result in conflict between land-based and water-based coastal activities.

Manly Development Control Plan

Built Form Controls

| Built Form Controls - Site Area: 576.5m ² | Requirement | Approved | Proposed | Complies |
|--|----------------------------------|--------------|--|-------------|
| 4.1.2.1 Wall Height | E: 6.6m (based on gradient 1:60) | 5.82m - 6.9m | - | as approved |
| | W: 6.6m (based on gradient 1:60) | 8.7m | - | as approved |
| 4.1.2.3 Roof Height | Height: 2.5m | 0.36m | 0.3m | Yes |
| | Pitch: maximum 35 degrees | 0 degrees | 1.7 degrees | Yes |
| 4.1.4.1 Street Front Setbacks | 6m | Ground Floor | Ground Floor Dwelling: 8.67m - | Yes |

| | | | | |
|---|--|--|--|-----|
| | | Dwelling: 6.3m - 10.59m | 11.07m Balcony: 6.5m - 8.75m | |
| | | First Floor Dwelling: 8.61m - 15.36m Terrace: 14.2m - 15.3m | First Floor Dwelling: 10.3m - 15.36m Balcony: 8.6m - 10.6m Terrace: 14.2m - 15.3m | Yes |
| 4.1.4.2 Side Setbacks and Secondary Street Frontages | Eastern Boundary 2.3m (based on one third of proposed max. wall height) | Ground Floor Dwelling: 1.4m & 4.6m Rear terrace: 1.47m Front Balcony: 4.8m First Floor Dwelling: 3.05m & 3.7m Rear balcony: 3.7m Front balcony: 4.2m | Ground Floor Dwelling: 1.4m & 4.6m (existing) Rear terrace: 0.3m (proposed) Front Balcony: 4.8m (existing) First Floor Dwelling: 3.05m & 3.7m (existing) Rear balcony: 3.7m (existing) Front balcony: 4.2m (existing) | No |
| | Western Boundary 2.9m (based on one third of proposed max. wall height) | Lower Ground Floor Dwelling: 0.96m & 1.4m Ground Floor Dwelling: 1.06m & 2.1m Rear balcony: 1.4m Front balcony: 1.35m First Floor Terrace: | Lower Ground Floor Dwelling: 0.96m & 1.4m (existing) Ground Floor Dwelling: 1.06m & 2.1m (existing) Rear balcony: 1.4m (existing) Front balcony: 0.9m (proposed) First Floor Terrace: 2.4m (existing) Dwelling: 5.4m, 6.95m & 7.16m (existing) Rear balcony: 7.0m (existing) | No |

| | | | | |
|---|--|---|--|-------------|
| | | 2.4m Dwelling: 5.4m, 6.95m & 7.16m Rear balcony: 7.0m | | |
| | Windows: 3m | Eastern Elevation Lower Ground Floor: <3.0m Ground Floor: <3.0m First Floor: >3.0m | - | as approved |
| | | Western Elevation Ground Floor: >3.0m First Floor: <3.0m | - | as approved |
| 4.1.4.4 Rear Setbacks | 8m | Lower Ground Floor Dwelling: 7.3m | Lower Ground Floor Dwelling: 7.3m (existing) | Yes |
| | | Ground Floor Dwelling: 7.5m & 10.4m Terrace: 3.5m - 5.1m Balcony: 7.3m | Ground Floor Dwelling: 7.5m & 10.4m (existing) Terrace: 3.3m (proposed) Balcony: 7.3m (existing) | No |
| | | First floor Dwelling: 8.0m Terrace: 10.4m Balcony: 6.8m | First floor Dwelling: 8.0m (existing) Terrace: 10.4m (existing) Balcony: 6.8m (existing) | Yes |
| 4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS ⁴ | Open space 60% of site area (345.9m ²) | 54.7% (315.6m ²) | 54.7% (315.6m ²) | as approved |
| | Open space above ground 25% of total open space | 17.3% (54.7m ²) | 14.5% (45.9m ²) | Yes |

| | | | | |
|---|--|------------------------------|------------------------------|-------------------|
| 4.1.5.2 Landscaped Area | Landscaped area 40% of open space | 32.2% (101.7m ²) | 55.7% (176.1m ²) | Yes |
| | 3 native trees | 3 trees | 3 trees | to be conditioned |
| 4.1.5.3 Private Open Space | 18m per dwelling | >18m ² | >18m ² | Yes |
| 4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas | Maximum 50% of frontage up to maximum 6.2m | 3.73m (22% of frontage) | - | as approved |
| Schedule 3 Parking and Access | Dwelling 2 spaces | 1 space | - | as approved |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 3.1 Streetscapes and Townscapes | Yes | Yes |
| 3.1.1 Streetscape (Residential areas) | Yes | Yes |
| 3.3.1 Landscaping Design | Yes | Yes |
| 3.3.2 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| 3.3.3 Footpath Tree Planting | Yes | Yes |
| 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) | Yes | Yes |
| 3.4.1 Sunlight Access and Overshadowing | Yes | Yes |
| 3.4.2 Privacy and Security | Yes | Yes |
| 3.4.3 Maintenance of Views | Yes | Yes |
| 3.4.4 Other Nuisance (Odour, Fumes etc.) | Yes | Yes |
| 3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design) | Yes | Yes |
| 3.5.1 Solar Access | Yes | Yes |
| 3.5.3 Ventilation | Yes | Yes |
| 3.5.5 Landscaping | Yes | Yes |
| 3.5.7 Building Construction and Design | Yes | Yes |
| 3.6 Accessibility | Yes | Yes |
| 3.7 Stormwater Management | Yes | Yes |
| 3.8 Waste Management | Yes | Yes |
| 3.9 Mechanical Plant Equipment | Yes | Yes |
| 3.10 Safety and Security | Yes | Yes |
| 4.1 Residential Development Controls | Yes | Yes |
| 4.1.1 Dwelling Density, Dwelling Size and Subdivision | Yes | Yes |
| 4.1.1.1 Residential Density and Dwelling Size | Yes | Yes |
| 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) | Yes | Yes |
| 4.1.3 Floor Space Ratio (FSR) | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| 4.1.4 Setbacks (front, side and rear) and Building Separation | No | Yes |
| 4.1.5 Open Space and Landscaping | Yes | Yes |
| 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) | Yes | Yes |
| 4.1.7 First Floor and Roof Additions | Yes | Yes |
| 4.1.8 Development on Sloping Sites | Yes | Yes |
| 4.4.1 Demolition | Yes | Yes |
| 4.4.2 Alterations and Additions | Yes | Yes |
| 4.4.5 Earthworks (Excavation and Filling) | Yes | Yes |
| 5 Special Character Areas and Sites | Yes | Yes |
| 5.4.1 Foreshore Scenic Protection Area | Yes | Yes |
| Schedule 1 – Maps accompanying the DCP | Yes | Yes |

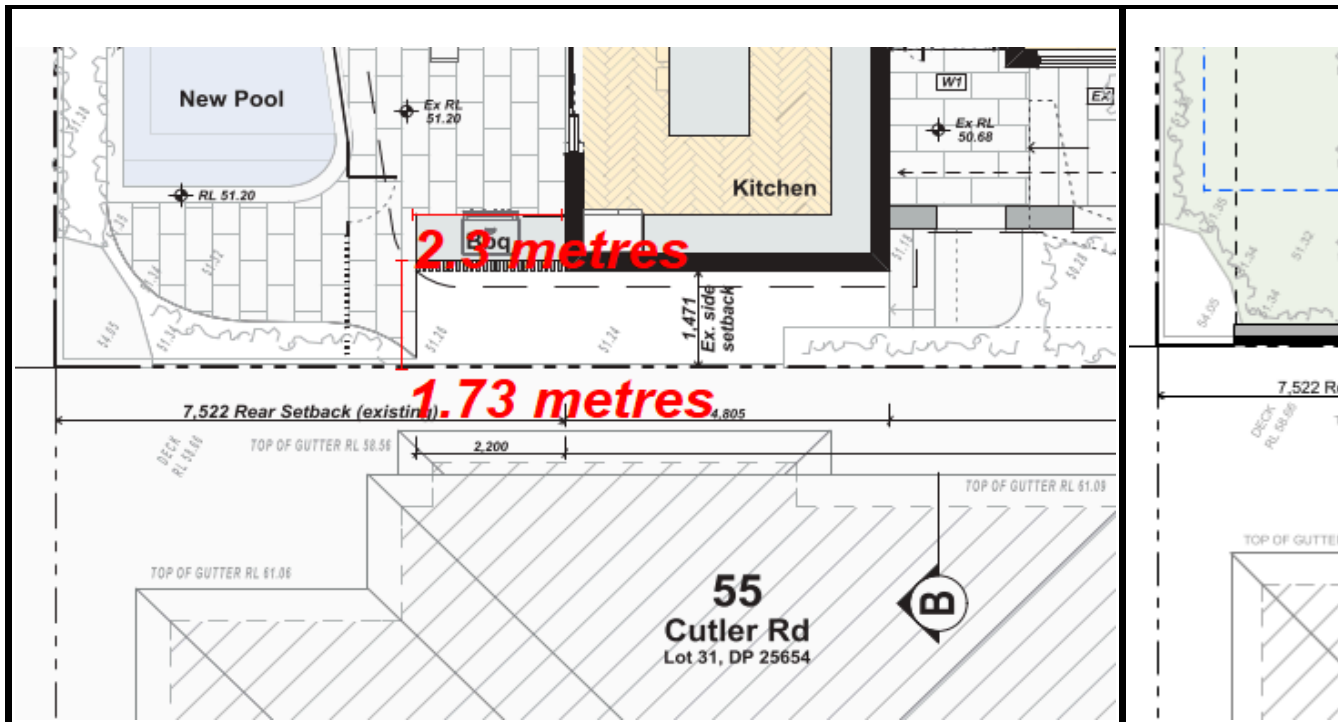
Detailed Assessment

3.4.3 Maintenance of Views

Merit consideration:

The development proposes to make alterations to the approved barbeque location and seeks the addition of a rainwater tank in its place. The altered design results in the barbeque being located further towards the west of the site by approximately 500mm. The barbeque and rainwater tank will also be reduced in length from 2.3m to 1.85m (as shown below). It is considered that the amended design will increase views obtained from No. 55 Cutler Road by reducing the depth of the barbeque, privacy screen, and rainwater tank. No further action is required by Council.

| | |
|----------------|----------------|
| Approved Plans | Proposed Plans |
|----------------|----------------|



4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

The development proposes a non-compliant rear setback of 3.3 metres to the amended terrace and a non-compliant side setback to the proposed front balcony of 0.9 metres. It should be noted that the front balcony setback is consistent with the approved front balcony setback, however increases the trafficable area. The rear swimming pool has been removed from the application and replaced with landscaped area. The rear terrace has been increased in size to accommodate the removal of the swimming pool. It is considered that the proposed modifications are generally consistent with the objectives of the control as demonstrated below.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The modification application makes minor changes to the front façade of the development. It is considered that these changes will maintain the existing streetscape character.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*

- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment:

The modifications proposed will provide greater privacy for the subject site and adjoining sites by reducing the size of multiple windows. The modifications increase the landscaped area on-site and provide for reasonable building separation. The development will have minimal impact on the streetscape character and traffic conditions of the site and street.

Objective 3) To promote flexibility in the siting of buildings.

Comment:

The modification does not unreasonably limit flexibility in the siting of buildings.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The development provides for additional landscaped area which is considered to enhance and maintain the natural features on-site.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

The development does not impact bushfire asset protection zones.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

Section 7.12 contributions were levied on the Development Application.

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;
- Manly Local Environment Plan;
- Manly 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. Mod2024/0570 for Modification of Development Consent DA2022/1675 for Alterations and additions to a dwelling house on land at Lot 30 DP 25654,57 Cutler Road, CLONTARF, 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-478104 Council Mod2024/0570 | The date of this notice of determination | Modification of Development Consent DA2022/1675 for Alterations and additions to a dwelling house. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Add Condition No. 20A - Tree Removal Within the Property Add Condition No. 33A - Required Tree Replacement Delete Condition No. 34 - Swimming Pool Requirements Delete Condition No. 36 - Swimming Pool/Spa Motor Noise |

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 |
| A.01 | A | Site plan + site analysis | gartnertrovato Architects | 4 December 2024 |
| A.02 | A | plan - lower ground floor | gartnertrovato Architects | 5 December 2024 |
| A.03 | A | plan - ground floor | gartnertrovato Architects | 4 December 2024 |
| A.04 | A | plan - first floor | gartnertrovato Architects | 4 December 2024 |
| A.05 | A | elevation - north, east | gartnertrovato Architects | 17 December 2024 |
| A.06 | A | elevation - south, west | gartnertrovato Architects | 17 December 2024 |
| A.07 | B | section A. B | gartnertrovato Architects | 17 December 2024 |

| Approved Reports and Documentation | | | |
|------------------------------------|----------------|-----------------|--|
| Document Title | Version Number | Prepared By | Date of Document |
| Arboricultural Impact Assessment | - | Arbor Express | 7 November 2024 |
| Sewer Report | - | Tier 1 Plumbing | Received by Council 7 November 2024 |

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

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

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

B. Add Condition No. 20A - Tree Removal Within the Property to read as follows:

This consent approves the removal of the existing prescribed tree on the subject site as identified in the Arboricultural Impact Assessment prepared by Arbor Express, approved Plans, or as listed below:

- a) tree 1
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

C. Add Condition No. 33A Required Tree Replacement to read as follows:

- a) one locally native tree shall be planted within the property to achieve at least 10.0 metres height at maturity, and in accordance with Manly DCP Schedule 4 - Part B - Native Tree Selection, and as listed:
 - i) tree planting shall be a minimum pre-ordered planting size of 75 litres; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
 - ii) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

D. Delete Condition No. 34 Swimming Pool Requirements

Reason: To ensure consistency with approval (no swimming pool is proposed).

E. Delete Condition No. 36 Swimming Pool/Spa Motor Noise:

Reason: To ensure consistency with approval (no swimming pool is proposed).

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

Signed



Reeve Cocks, Planner

The application is determined on 17/12/2024, under the delegated authority of:



Rodney Piggott, Manager Development Assessments