

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-314
DA Number	Mod2022/0204
LGA	Northern Beaches
Proposed Development	Modification of Development Consent DA2020/0272 granted for Demolition and construction of a mixed use building (shop-top boarding house)
Street Address	Lot 1 DP 166322, 691 Pittwater Road DEE WHY NSW 2099
Applicant/Owner	Denwol Dee Why Pty Ltd A.C.N. 605 170 358 Pty Ltd Denwol Dee Why Pty Ltd
Date of DA lodgement	23/05/2022
Number of Submissions	2
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Section 4.55(2) Modification of the Development Consent granted by the Sydney North Planning Panel (SNPP).
List of all relevant s4.15(1) (a) matters	
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Attachment 1 – Architectural Plans (as amended) Attachment 2 – SNPP reviews decision and statement of reasons, dated 4 December 2020 Attachment 3- Draft Modification Conditions
Clause 4.6 requests	
Summary of key submissions	
Report prepared by	Maxwell Duncan, Planner
Responsible Officer	Maxwell Duncan, Planner
Report date	

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **YES**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **YES**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: **N/A**

Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

YES

EXECUTIVE SUMMARY

This Section 4.55(2) Modification Application is referred to the Sydney North Planning Panel ('SNPP') for determination as it is a modification to a regionally significant development pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 formally Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

The application is subsequent to the approved Development Consent DA2020/0272 granted by the SNPP for Demolition and construction of a mixed-use building (shop-top boarding house).

The modifications proposed under this application generally pertain to minor alterations to the exterior the building and internal external changes to the boarding rooms including new balconies and new manager's room.

The exhibition of the proposal attracted two (2) submissions from neighbouring properties, the content of which has been considered in this assessment report. Generally, the submissions object to the principle of the parent development application and not to the content of the modification application.

This report demonstrates that the changes sought are substantially the same as the approved development and that the modifications do not materially impact on surrounding properties, the environment, or the quality of accommodation afforded to future occupants.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be approved subject to conditions attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

This modification application lodged pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 seeks to modify the built form approved under Development Consent DA2020/0272.

The modifications propose the following changes proposed:

- Balconies added within approved front and rear setbacks and 300mm articulation zone.
- Open atrium width reduced by 1m, 500mm each side.
- Boarding room areas increased but remain under 25m² limit in SEPP ARH (excluding bath and kitchen).
- Studies added next to the north and south side walls.
- Bathroom pods shifted to project slightly into approved corridor areas.
- Air conditioning added.
- Roof top plant / urban farm – locations altered.

- Roof over fire stair added to address NCC compliance – within height limit.
- Discrepancy identified in previous gross floor area calculations. Notwithstanding, the approved and proposed modification plans are under the maximum FSR. The GFA approved and proposed is profiled within the tables at Annexure 2 from the architectural plan set. Overall, it shows a 67m² reduction in the approved building GFA.
- Changes to communal room – kitchen added.
- Worker's washroom / WC added to level 7.
- Southern boundary weather wall – presents appropriately inclusive of study additions.
- Site manager's office added to the ground floor plan (in place of one of the approved accessible bathrooms).
- One accessible washroom from the Ground Floor is relocated to Level 1.
- Shared Laundries are proposed on Levels 3 & 4.
- Level 7 Floor Plan has been reconfigured to include a worker's WC.
- Cladding / material changes.
- Pre-laneway activation Ground Floor Plan. A Ground Floor plan demonstrating how the rear of the site is to be utilised prior to activation of the laneway is included in the modification plan set at drawing number DA 105.

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

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Local Environmental Plan 2011 - 5.10 Heritage conservation
 Warringah Local Environmental Plan 2011 - Part 7 Dee Why Town Centre
 Warringah Development Control Plan - Part G Special Area Controls

SITE DESCRIPTION

Property Description:	Lot 1 DP 166322, 691 Pittwater Road DEE WHY NSW 2099
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Detailed Site Description:

The property is located at 691 Pittwater Road, Dee Why. The property is legally described as Lot 1 within DP166322. The subject site is located on the western side of Pittwater Road, has a land area of 650m² and is rectangular in shape. The site's dimensions are as follows:

- South-east, front boundary of 15.24m (fronting Pittwater Road)
- North-east/South-west side boundaries of 42.655m
- North-west, rear boundary of 15.24m

The site has a public frontage to Pittwater Road, however there is no existing vehicular access to the property from Pittwater Road. No other means of vehicular access is available to the site. The property is zoned B4 Mixed Use under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

Adjoining and Surrounding Development

The subject site is just south of the Dee Why Town Centre, which is undergoing significant urban renewal and revitalisation. The site is centrally located within the Dee Why Town Centre as defined in the Dee Why Town Centre Masterplan 2013 (DYTC Masterplan).

The existing character of the local area, including the immediate visual catchment (generally within 100m of the site) is characterised by older style commercial developments, generally two to three storeys in height, with retail uses at ground level and office or residential development on the floors above. Newer developments within the Dee Why Town Centre have generally been on larger amalgamated sites and achieve seven to nine storeys with a greater mix of land uses.

Map:



SITE HISTORY

On 17 March 2020, Gannet Developments ("Applicant") lodged Development Application No. DA2020/0272 ("DA") with Northern Beaches Council ("Council").

The DA seeks substantial demolition and alterations to the existing building (involves retention of the heritage listed Pittwater Road façade and entry only) and development of an 8-storey, mixed-use building, comprising retail, office, and a boarding house, which is being characterised unofficially as a *"shop-top boarding house"*.

The Development Application was considered at the SNPP on 19 August 2020 and then again on 4 December 2020. In the Assessment Report forwarded to the Panel, Council made a recommendation for refusal due to several key issues associated with parking and access requirement.

Despite Council's recommendation, the Panel approved the application on 4 December 2020 subject to conditions.

MODIFICATION APPLICATION HISTORY

The current application was lodged with Council on 23 May 2022.

The assessment of the proposal and briefing with Sydney North Planning Panel (SNPP) resulted in a request for additional information from the applicant.

The Panel requested the following information being incorporated into the architectural plans following a briefing on 24 August 2022:

- Clearly identifiable and described changes on architectural plans.
- Security measures incorporated into proposed balcony designs – revised plans to incorporate a lockable screening element to ensure security of occupants whilst not compromising ventilation.

An opportunity was presented to the applicant to provide the additional information by letter dated 24 August 2022. The applicant provided the following additional information on 6 September 2022

- Access Deed Agreement.
- Revised Architectural plans clearly comparing Section 4.55 plans against the approved plans, clouding and describing all changes.
- Noted security measures on the drawings to ensure ventilation and security for occupants.

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 DA2020/0272, 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 development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2020/0272 for the following reasons:</p> <ul style="list-style-type: none"> • The approved Land use remains unaltered; • The proposed modifications are internal layout which does not alter

Section 4.55 (2) - Other Modifications	Comments
	<p>the numerical compliance with the applicable controls. The changes result in a better amenity for the users of the boarding house;</p> <ul style="list-style-type: none"> The proposed changes do not significant change the approved building height, form, bulk, traffic generation, overshadowing, view sharing, or privacy impacts and are aimed at improving the overall amenity of the building
(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 DA2020/0272 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 2000, 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 a modification application made under Section 96 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
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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 is 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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	All relevant provisions of the EP&A Regulation 2000 have been taken into consideration during the assessment of the development application and this modification application.
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 Warringah 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 proposed modification does not alter the suitability of the site.
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 development application has been publicly exhibited from 06/06/2022 to 27/06/2022 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 2 submission/s from:

Name:	Address:
Anthony Bridgemore	2 / 8 Francis Street DEE WHY NSW 2099
Mr Brian Scott	724 Pittwater Road BROOKVALE NSW 2100

The following issues were raised in the submissions:

- **Size of apartments**
- **Parking**
- **Overdevelopment/Streetscape**

The above issues are addressed as follows:

- **Size of apartments**

The submissions raised concern with the suitability of a boarding house, and the size of the boarding rooms in general.

Comment:

Boarding houses are a permissible use in B4 Mixed Use Zone. *State Environmental Planning Policy (Affordable Rental Housing) 2009* limits the gross floor area of boarding room to 25sqm. The modified application generally improves the amenity for the occupants of the rooms.

- **Parking**

The submissions raised concerns with the lack of off-street parking on the site

Comment:

As noted by Council's traffic engineer, this modification application does not propose or alter the level of parking on site, therefore there is no change to the parking requirements of traffic generation.

- **Overdevelopment**

The submissions raised concerns that proposed development is an overdevelopment of the site and inconsistent with neighbouring development.

Comment:

While there are areas of non-compliance with regard to built form controls under the WDCP 2011, these breaches are minor and acceptable on merit when considered against the underlying objectives of each individual control. The proposed modification does not increase discernibly the bulk and scale of the approved scheme.

REFERRALS

Internal Referral Body	Comments																		
Environmental Health (Industrial)	Supported (subject to conditions) Changes made to the design of the development include the addition of rooftop air conditioning plant. Being located above all surrounding residential premises within 'earshot', this is not likely to have any noise amenity impacts. However, we noticed that the design specifications recommended in the acoustic report did not form part of the original consent, and thus offer the below conditions -that the development be certified as built with acoustic control measures.																		
Strategic and Place Planning (Heritage Officer)	Supported																		
	Discussion of reason for referral																		
	The proposal has been referred to Heritage as the subject site contains a heritage item																		
	I48 - Commonwealth Bank - 691 Pittwater Road, Dee Why																		
	Details of heritage items affected																		
	Details of the item as contained within the Warringah inventory is as follows:																		
	<u>Statement of Significance</u> A representative example of a suburban bank in the inter-war art deco style. Historically, provides evidence of the development of business infrastructure during this period to serve growth of the area. Displays good integrity, retaining much original fabric																		
	<u>Physical Description</u> Two storey commercial building with straight-edged parapet. Symmetrical front elevation. Central recess. Timber sash windows. Alterations at ground level to entry etc.																		
	Other relevant heritage listings																		
	<table><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td></td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td></td><td></td></tr><tr><td>Other</td><td>N/A</td><td></td></tr></table>	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register			RAIA Register of 20th Century Buildings of Significance			Other	N/A	
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No																	
	Australian Heritage Register	No																	
NSW State Heritage Register	No																		
National Trust of Aust (NSW) Register																			
RAIA Register of 20th Century Buildings of Significance																			
Other	N/A																		
Consideration of Application																			
The proposal seeks consent for modifications to an approved																			

Internal Referral Body	Comments
	<p>mixed use development of commercial spaces and a boarding house with the retention of the facade of the former Commonwealth Bank building on site. There are a number of modifications proposed, however a number relate to the internal reconfiguration of spaces, the rooftop terrace and stairwell enclosure. The vast majority of these changes are acceptable to Heritage without comment.</p> <p>The only real change of note for Heritage is the minor changes to the Pittwater Road frontage of the building with the creation of balconies with glass balustrades and slight amendment of the privacy blade walls between the boarding house rooms. The addition of the balconies is supportable as their inclusion is only a minor change and the glass balustrades are a lightweight material and the changes to the blade walls are also minor and tolerable. It is also noted that no Heritage conditions from the original application are proposed for amendment.</p> <p>Therefore, Heritage raises no objections and requires no further conditions beyond those in the original consent.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? An updated HIS has been provided by Heritage 21 which has considered the amended proposal.</p>
Strategic and Place Planning (Urban Design)	<p>Supported</p> <p>Urban Design raises no objection to the proposed modification.</p>
Traffic Engineer	<p>The changes proposed under the modification will not impact upon parking or access and do not change the parking requirements or traffic generation of the proposal. There are therefore no traffic engineering reasons not to approve the modification.</p>
Strategic and Place Planning – Development Contributions	<p>DA2020/0272 was approved by the SNPP on 25 November 2022 for demolition and construction of a mixed use building (shop-top boarding housing). The subject property is 691 Pittwater Road, Dee Why.</p> <p>The Dee Why Town Centre Contributions Plan 2019 (the 'Contributions Plan') applies to the land and the development. The Contributions Plan levies contributions for addition non-residential GFA and additional dwellings (including boarding house rooms). Condition 8 of the Notice of Determination requires the payment of a development contribution pursuant to the Contributions Plan.</p>

	<p>MOD2022/0204 seeks minor amendments to the built form approved under DA2020/0272. These changes result in a 48m² reduction in additional non-residential GFA (645m² – 597m²). The modification application does not result in a change to the approved number of boarding house rooms.</p> <p>On 29 March 2022, Council received payment of \$422,532.95, being the indexed development contribution amount in accordance with condition 8 of the consent for DA2020/0272. As condition 8 was satisfied on 29 March 2022, there is no power to amend a contribution condition in circumstances where the contributions required by that condition has been paid (Ku-ring-gai Council v Buyozo Pty Ltd [2021] NSWCA177).</p>
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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.

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 3: Boarding houses

Clause 25: Definition

For the purposes of this Division, the Standard Instrument defines a 'boarding house' as a building that:

- "(a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment".

In this Division 'communal living room' means "a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room".

Clause 26: Land to which this Division applies

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone B1 Neighbourhood Centre, or (f) Zone B2 Local Centre, or (g) Zone B4 Mixed Use.	Consistent The site is located within B4 Mixed and the proposed use is permissible with consent under WLEP 2011 and SEPP (ARH) 2009.

Clause 27: Development to which this Division applies

(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.

Requirement	Comment
<p>(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</p> <p>Note: Accessible area means land that is within:</p> <p>(c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p>	<p>Consistent</p> <p>The definition only requires the development to be within 400m of a regularly serviced bus stop. In the case of the proposed development, the subject site is located within 400m of a bus stop that is serviced by a north and south bound bus service that complies with the time requirements. The site is located within B4 Mixed and the proposed use is permissible with consent under WLEP 2011 and SEPP (ARH) 2009</p>
<p>(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</p>	<p>Not applicable.</p> <p>The site is located within the Sydney region.</p>

Clause 28: Development may be carried out with consent

Requirement	Comment
<p>Development to which this Division applies may be carried out with consent.</p>	<p>The development constitutes the construction of a boarding house, as defined by the Standard Instrument. Therefore, the development may be considered under this Division of the SEPP as development which may be carried out with consent.</p>

Clause 29: Standards that cannot be used to refuse consent

Unchanged

Standard	Requirement	Proposed	Compliant/Comment
<p>(1) Density and scale</p> <p>A consent authority must not refuse consent to development to which this Division applies on</p>	<p>(a) the existing maximum floor space ratio for any form of residential accommodation</p>	<p>There's a minor increase in GFA to improve the amenity of the boarding rooms and the amenity</p>	<p>Yes</p>

the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:	permitted on the land, or WLEP 2011 requires FSR of 4:1	of common areas with the floor space ratio in compliance at 3.62:1.	
	(b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or	Not Applicable	Not Applicable
	(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.	The subject site contains a heritage item, therefore this Clause as relates to additional FSR is not applicable to the subject site.	Not Applicable
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:			
(a) building height	if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	The maximum building height is 27m and it remains changed	Yes

(b) landscaped area	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	Landscaped area 141.6m ² ; modified slightly and increased from 138.5m ² .	Yes
(c) solar access	where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Compliance with solar access is maintained to the communal area.	Yes
(d) private open space	<p>if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20m² with a minimum dimension of 3.0m is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8.0m² with a minimum dimension of 2.5m is provided adjacent to that accommodation,</p>	<p>The proposal provides for a communal private open space / terrace at the upper level. The terrace is accompanied by a communal room which comprises an area of 484.9m².</p>	Yes
(e) parking	<p>if:</p> <p>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development carried out by or on behalf of a social housing provider</p>	<p>No change proposed. It is noted that the proposed GFA increase within the approved 63 boarding rooms does not impact on parking generation because boarding rooms generate the need for parking on a per room (not GFA) basis at the following rates:</p>	Remains unchanged

	<p>not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	<ul style="list-style-type: none"> cars - 0.5 spaces per room motorcycles - 1 space per 5 rooms bicycles - 1 space per 5 rooms. 	
(f) accommodation size	<p>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	The size of rooms meet and exceed the minimum standards for single and double rooms.	Yes
	(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	All rooms have a private kitchen and bathroom facilities.	Unchanged
	(4) A consent authority may consent to development to which this Division applies whether or not the	remains unchanged	

	development complies with the standards set out in subclause (1) or (2).		
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Clause 30: Standards for boarding houses

Standard requirement	Proposed	Compliant/Comment
(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	The approved communal living room is maintained on Level 7 of the approved building and will receive appropriate solar access in compliance with the standard.	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m ² ,	Room areas have been modified slightly and range from: <ul style="list-style-type: none"> • Single room - 12.8m² • Double room - approx. 16m² to 21.8m² in accordance with the standard. • Accessible: 23.8m². 	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers,	Compliance is maintained with the standard.	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Each room will be fully furnished and include private kitchen and bathroom in compliance with the standard.	Yes
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	Each room will be fully furnished and include private kitchen and bathroom in compliance with the standard.	Yes
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	Compliance is maintained with the standard.	Yes
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding	Compliance is maintained with the standard/approval under DA2020/0272.	Yes

rooms.		
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	Not Applicable	Yes

Clause 30A: Character of the local area

The proposed modification is seeking minor changes to the already approved development. The proposed changes do not affect the building height, form, bulk, traffic generation, overshadowing, view sharing, or privacy impacts and are aimed at improving the overall amenity of the building.

Given the above, it is considered that the proposal remains consistent with the character test.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1083495_04). The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	46
Thermal Comfort	Pass	Pass
Energy	34	25

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

SEPP (Housing) 2021

State Environmental Planning Policy (Housing) 2021 commenced on 26 November 2021, and in doing so, repealed *State Environmental Planning Policy (Affordable Rental Housing) 2009*. However, in the circumstances, the former provisions of the policy apply by virtue of 'Schedule 7A - Savings and transitional provisions', Section 2, 'General savings provision', which states:

'The former provisions of a repealed instrument continue to apply to the following—

(d) a development consent granted on or before the commencement date,'

Modification of a development consent granted on or before the commencement date is therefore to be assessed under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

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 which have been included in the recommendation of this report.

Roads and Maritime Service (RMS)

Section 2.118 - Development with frontage to classified road states:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment:

The application was referred to the Transport for NSW (TfNSW) for comment, given the development frontage to Pittwater Road. The TfNSW has provided their response which raises no objection to the proposed development, subject to conditions.

Section 2.119 - Impact of road noise or vibration on non-road development states:

- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Comment:

The proposed land use is residential accommodation. As such, and due to the proposed facade modifications, the proposal is accompanied and supported by an updated acoustic assessment report.

Based on the acoustic report, the proposal satisfies the requirement of the SEPP subject to condition adopting the recommendation of the acoustic report.

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?	

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	27m	27m	27m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.3 Development near zone boundaries	N/A
5.8 Conversion of fire alarms	N/A
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.6 Height of buildings	N/A
7.7 Site A Oaks Avenue above podium elements	N/A
7.8 Site B Oaks Avenue above podium elements	N/A
7.9 Site A Proposed New Road above podium elements	N/A

Clause	Compliance with Requirements
7.10 Allowance for external ancillary plant and roof access	N/A
7.11 Town Square and pedestrian connections	N/A
7.12 Provisions promoting retail activity	N/A
7.13 Mobility, traffic management and parking	N/A
Schedule 5 Environmental heritage	Yes

Detailed Assessment

4.3 Height of buildings

The height control of WLEP is 27 metres. The proposed modifications involve minor additions to the height, including a roof over the centrally positioned fire stair at the upper level which maintains compliance with the development standard.

5.10 Heritage conservation

The existing building on the site is listed as a local heritage item in the LEP. The building is a two storey Art Deco style building, built around 1941 and continuously used as premises for a branch of the Commonwealth Bank until 2018. Council's Heritage officer has raised no objection to the proposed modified scheme fronting Pittwater Road.

Part 7 Dee Why Town Centre

Part 7 contains local provisions that relate to the Dee Why Town Centre, as the site is located within Dee Why Town Centre. The specific controls relating to the proposed development have been considered and the assessment has concluded that the proposed modified is consistent with the requirement of Clause 7 of WLEP 2011.

Warringah Development Control Plan

Built Form Controls

The built form controls do not apply to the proposed development, as the site falls under Part G1 - Dee Why Town Centre.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
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
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
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
Part G Special Area Controls	Yes	Yes

Detailed Assessment

Part G Special Area Controls

Part G1 Dee Why Town Centre

The site is located within Dee Why Town Centre within B4 Mixed use zone under the WDCP 2011.

Note: Clause A.6 of the WDCP 2011 stipulates that, in the event of any inconsistency between Part G and Parts C, D and E, the requirements of Part G will prevail. The following table provides an assessment of the development against the controls of Part G1 as it specifically relates to the modified scheme:

Requirement	Comment	Compliance
3. Desired Character for the Dee Why Town Centre	The proposed modified is found to be consistent with Desired Character statement for Dee Why Town Centre as	Yes

Requirement	Comment	Compliance
<p>The vision for Dee Why Town Centre identified in the 2013 Masterplan is as follows:</p> <p><i>“Dee Why will be home to a thriving cosmopolitan community who cherish their past, celebrate its unique and engaging vibe and embrace its bold commitment to urban sustainability. It will be a place of both energy and refuge, a city at the beach, with a distinctive modern urban identity.”</i></p> <p>The North District Plan 2018 identifies Dee Why Town Centre as a mixed-use area that offers a vibrant local night-time economy. It outlines actions that are interpreted as objectives within this section of the DCP.</p> <p>The desired character for the Dee Why Town Centre is further defined by objectives within this Development Control Plan.</p>	<p>the modified scheme is consistent with the objective of the WDCP 2011 given the minimal changes proposed to the overall design and height of the building.</p>	
<p>4. Streetscape and Public Domain</p> <p>This section details design requirements for places accessible to the public, being either on public land or as part publicly accessible areas of a private development. This includes building frontages addressing the street, awnings over footpaths, pedestrian access ways and open spaces.</p> <p>It also includes requirements for the provision of new public infrastructure on Key Sites shown in Figure 2, including:</p> <ul style="list-style-type: none"> - Key Site E – New Shared Pathway and Pedestrian Accessway <p>Figure 6- Key Sites Map indicating public domain upgrades.</p>	<p>The proposed development is acceptable with regards to the requirement of this Clause.</p> <p>The site is identified as the key site E, however this development relates to developed in isolation.</p>	<p>Yes</p>
<p>5. Design and Architectural Diversity</p> <p>1. New developments must be designed to</p>	<p>As advised with SEPP (ARH) section of this report, the proposed development is found to be acceptable in terms of its</p>	<p>Yes</p>

Requirement	Comment	Compliance
<p>avoid the use of blank walls fronting streets and the public domain. In circumstances where blank walls are unavoidable, they are to be designed in a manner that is consistent with the overall building form that contributes to the public domain and create visual interest.</p> <p>2. Corner sites must:</p> <p>a. Adequately address both street frontages.</p> <p>b. Combine architectural features, materials, and landscape design to define corners</p>	<p>design.</p>	
<p>6. Site Amalgamation</p> <p>Development should not result in the isolation of land adjacent to the development site, preventing the reasonable development of that land.</p> <p>2. Development that would result in an isolated lot must be supported by documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated lot adjacent to the development site, based on a fair market value. This is to include at least one recent independent valuation by a licensed valuer and a written offer to cover reasonable expenses likely to be incurred by the owner of the isolated lot during the sale of the property.</p> <p>3. Where amalgamation of an isolated lot adjacent to the development site is not feasible, applicants will be required to:</p> <p>a. Demonstrate that an orderly and economic use and development of the separate sites can be achieved.</p> <p>b. Provide a building envelope for the adjacent isolated lot, indicating height, setbacks, resultant site coverage (building and basement), sufficient to understand the relationship between the application and the adjacent isolated lot.</p>	<p>The issue of isolation was investigated during the assessment of the original application and found to be acceptable.</p>	<p>Yes</p>

Requirement	Comment	Compliance
c.Detail the likely impacts of development on the adjacent isolated lot in terms of solar access, visual privacy, building separation, streetscape, and vehicular access.		
7. Traffic and Parking 1.Site amalgamation is encouraged to enable integrated car parking and service provision using shared driveways where possible. 2.New developments are to be accompanied by a service delivery and loading dock plan. 3.Car parking and vehicle access points shall incorporate the following design elements: a.Recessed car park entries from the main building facade alignment. b.Avoidance of large voids in the facade by providing security doors or decorative grills to car park entry. c.Returning the facade finishes into the car park entry recess for the extent visible from the street. d.Concealing all services, pipes, and ducts.	The site does not include site amalgamation.	N/A
1. Car Share 1.For properties with more than 25 dwellings, one (1) car share space must be provided per 25 dwellings with each car share space replacing one (1) regular car parking space. 2.Where the proposed number of car share spaces exceed the above minimum, Council may consider reduced private parking, where suitable evidence and justification is provided to Council of the benefits to the road network.	No changes are proposed to the approved car parking arrangement.	N/A
2. Sustainability	The proposed development has been designed to meet BCA energy efficiency requirements through the deemed-to-	Yes

Requirement	Comment	Compliance
<p>New development with a cost of works equal to or greater than \$5 Million must achieve a minimum 4 Star, Green Star – Design and As Built rating in the Green Building Council of Australia rating system.</p> <p>2.Compliance with another rating tool may be considered by Council, so long as it can be demonstrated this tool:</p> <p>a.Is a holistic third party certifying green building rating system covering at least energy, indoor environmental quality, water, transport andwaste:</p> <p>b.Awards ratings following a review by impartial third-party certifying bodies that meet the ‘Principles for Inspiring Confidence’ outlined in the international standard ISO/IEC 17021.</p>	<p>satisfy or Alternative Solutions Approach provisions of the BCA. The National Construction Code (NCC) BCA section J sets minimum energy performance requirements of all new development and covers building fabric and glazing thermal performance, air-conditioning, ventilation, lighting, power, and hot water.</p>	
<p>3. Water Sensitive Urban Design</p> <p>A water sensitive urban design (WSUD) Strategy shall be prepared for all new buildings. The Strategy shall demonstrate compliance with WSUD objectives of this DCP and with Council’s Water Management Policy (PL 850). The Strategy must be prepared by a Civil Engineer, who has membership to the Institution of Engineers Australia (NPER-3). The Strategy shall include the following:</p> <p>a.Proposed development – Describe the proposed development at the site, including site boundaries and proposed land uses.</p> <p>b.Catchmentanalysis plan – Clearly showing the surface type (roof, road, landscape, forest etc.) and the total areas. This must be consistent with the land use nodes within the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Model.</p> <p>c.Stormwater quality requirements – Demonstrate how Stormwater Quality</p>	<p>This requirement has been imposed as condition of consent in the original DA.</p>	<p>Yes</p> <p>(subject to condition)</p>

Requirement	Comment	Compliance
<p>Requirements of the Water Management Policy will be met, including the location, size and configuration of stormwater treatment measures proposed for the development.</p> <p>d.MUSIC model - Prepared in accordance with the draft NSW MUSIC Modelling Guidelines unless alternative modelling parameters are justified based on local studies. Details of the modelling of those elements, parameters and assumptions used. All MUSIC data files must be provided to Council. Two models are required to be submitted – the existing site, and the proposed development. The modelling should demonstrate a neutral or beneficial effect over the existing scenario.</p> <p>e.Integration with the urban design – Identify how the treatment measures will integrate with the development layout and the surrounding area. Proprietary devices in isolation to WSUD features are unlikely to be approved.</p>		
<p>11 Landscaping</p> <p>1.Where possible, existing trees should be retained, particularly where they are adjacent to the public domain.</p> <p>2.A minimum of 20% of the site area is to be provided as landscaped area, which may be located on balconies, ground, podium and roof top levels or green walls of buildings.</p> <p>3.Facades at the street level may incorporate planting on structures to enhance views from the public domain.</p> <p>4. Where green walls are provided, they must be via a cladding structure with growing medium to facilitate extensive plant growth.</p>	<p>No significant changes are proposed to the Landscape areas of the approved development.</p>	<p>Yes</p>

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

SECTION 7.11 DEVELOPMENT CONTRIBUTIONS

DA2020/0272 was approved by the SNPP on 25 November 2022 for demolition and construction of a mixed use building (shop-top boarding housing). The subject property is 691 Pittwater Road, Dee Why.

The Dee Why Town Centre Contributions Plan 2019 (the 'Contributions Plan') applies to the land and the development. The Contributions Plan levies contributions for addition non-residential GFA and additional dwellings (including boarding house rooms). Condition 8 of the Notice of Determination requires the payment of a development contribution pursuant to the Contributions Plan.

MOD2022/0204 seeks minor amendments to the built form approved under DA2020/0272. These changes result in a 48m² reduction in additional non-residential GFA (645m² – 597m²). The modification application does not result in a change to the approved number of boarding house rooms.

On 29 March 2022, Council received payment of \$422,532.95, being the indexed development contribution amount in accordance with condition 8 of the consent for DA2020/0272. As condition 8 was satisfied on 29 March 2022, there is no power to amend a contribution condition in circumstances where the contributions required by that condition has been paid (*Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA177).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

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

The assessment concludes that the works sought under the modification application can suitably be described as being substantially the same development as the parent development consent, and that the magnitude of works sought do not materially result in any impacts to adjoining properties or the environment.

The modifications generally seek to enhance the amenity and livability of the boarding rooms for future occupants without compromising the integrity or quality of the design.

On balance, this report concludes with the recommendation that the SNPP, as the consent authority, should **APPROVE** the modification application.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Sydney North Planning Panel as the consent authority grant approval to Modification Application No. Mod2022/0204 for Modification of Development Consent DA2020/0272 granted for Demolition and construction of a mixed-use building (shop-top boarding house) on land at Lot 1 DP 166322,691 Pittwater Road, DEE WHY, subject to the conditions outlined in Attachment 1.

ATTACHMENT 1

A. Add Condition No.2A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 800/ Revision C	5 September 2022	BKA Architecture
DA 801/ Revision B	5 September 2022	BKA Architecture
DA 802/ Revision B	5 September 2022	BKA Architecture
DA 803/ Revision B	5 September 2022	BKA Architecture
DA 804/ Revision B	5 September 2022	BKA Architecture
DA 805/ Revision B	5 September 2022	BKA Architecture
DA 806/ Revision B	5 September 2022	BKA Architecture
DA 807/ Revision C	5 September 2022	BKA Architecture
DA 808. Revision B	5 September 2022	BKA Architecture
DA 809/ Revision A	5 September 2022	BKA Architecture
DA 810/ Revision A	5 September 2022	BKA Architecture
DA 811/ Revision A	5 September 2022	BKA Architecture
DA 812/ Revision A	5 September 2022	BKA Architecture
DA 813/ Revision A	5 September 2022	BKA Architecture
DA 814/ Revision P	5 September 2022	BKA Architecture
DA 815/ Revision A	5 September 2022	BKA Architecture
DA 816/ Revision A	5 September 2022	BKA Architecture
DA 816/ Revision B	5 September 2022	BKA Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1083496M_04	12 April 2022	EPS
Acoustic Report	1 April 2022	Acoustic Logic
BCA Assessment Report	29 March 2022	BCA Logic
Statement of Heritage Impact	April 2022	Heritage 21

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 27A - Acoustic Report Recommendations - to read as follows:

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that recommendations within the Acoustic Report by Acoustic Logic dated 1 April 2022 (reference: 20200007.1/0104A/R3/KB) have been implemented/incorporated into the design of the premises.

Reason: To protect acoustic amenity of surrounding premises.