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MODIFICATION REPORT

Application under Section 4.55(1A) of the
Environmental Planning and Assessment Act 1979
to modify Development Consent No. 10.2018.638.1
issued 4 March 2019 as previously modified by Section
96 Application No. 10.2018.638.3 made on
2 August 2019.

Original Consent:

Alterations and Additions to Existing Dwelling House

Proposed Modifications:

To modify Condition 1 relating to approved plans as part of the parameters of the development consent to include the existing verandah additions and construction of an elevator in the existing dwelling similar to that approved in the original development consent.

LOT: 8 SEC 3 DP: 5318
47 North Head Road, NEW BRIGHTON 2483

17 October 2022

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Annexure 2 – Elevator specification and information

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1.0 Details of Modification of Development Consent

In accordance with Division 5 - Part 5 Modification of development consent of the *Environmental Planning and Assessment Regulation 2021*, the following information is provided for the modification of the development consent:

(1) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:

(a) the name and address of the applicant,

Murray Bertrand
47 North Head Road,
NEW BRIGHTON 2483

(b) a description of the development that will be carried out under the development consent,

The original development consent described the proposal as:

- **Alterations and additions to existing dwelling house.**

(c) the address and folio identifier of the land on which the development will be carried out,

LOT 3 SEC 3 DP 5318 known as 47 North Head Road, NEW BRIGHTON 2483

(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,

It is proposed to make modifications to the development consent to modify Condition 1. Specific detail of the modifications are provided in Section 2 of this report however the modifications are to include details of the existing verandah additions and to reinstate the construction of an elevator in the existing dwelling.

(e) Whether the modification is intended to:

(i) Merely correct a minor error, misdescription or miscalculation, or

(ii) have another effect specified in the modification application,

The modifications are to the approved plans as part of the parameters of the development consent to include details of the existing verandah additions and to reinstate the construction of an elevator in the existing dwelling approved in the original development consent.

(f) a description of the expected impacts of the modification:

It is not anticipated that the modifications will not result in any adverse impacts on the natural or built environments. The proposal does not present any unacceptable environmental impacts for the surround residents.

(g) an undertaking that the modified development will remain substantially the same as the development originally approved:

The development, where approved, would remain substantially the same as that already approved under Development Consent No. 10.2018.638.1 with the modification reinstating the access lift approved in the original development application and corrects the size and shape of the existing verandah.

(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,

Not applicable.

(i) if the applicant is not the owner of the land, a statement that the owner consents to making of the modification application:

All landowners have provided consent to the lodgment of the Section 4.55 Application in this regard. See signed consent form.

(j) Whether the modification application is being made to

(i) the Court under the Act, section 4.55, or

(ii) the consent authority under the Act, section 4.56

The application is not being made to the Court (under section 4.55) nor to the consent authority (under section 4.56).

(2) Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.

Not applicable.

(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by:

(a) The BASIX certificate, or

(b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development:

The proposed development area is not BASIX effected.

(4) In this section— biodiversity credits information, in relation to a modification application, means the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under a biodiversity development assessment report if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016.

Not applicable.

In accordance with Clause 105 of the Environmental Planning and Assessment Regulation 2021, for *'Notice of modification applications involving minimal environmental impact'*:

(1) This section applies to—

(a) a modification application under the Act, section 4.55(1A), and

(b) a modification application under the Act, section 4.56, if the modification is, in the consent authority's opinion, of minimal environmental impact.

(2) If a modification application is required by a community participation plan to be notified or advertised and the development consent was granted by the Court on appeal, the modification application must be notified or advertised by the consent authority to which the original development application was made.

(3) The consent authority must, for a modification application referred to in subsection (1)(b), notify the Court of—

(a) the way in which the application was notified or advertised, and

(b) the period for submissions required by the community participation plan, and

(c) the period during which the application was notified or advertised.

(4) This section does not apply to State significant development.

The application for modification of a development consent is made under section 4.55(1A) and involves minimal environmental impact and should not require notification.

In accordance with Clause 110 of the Environmental Planning and Assessment Regulation 2021, for *'Fees payable for notice of modification applications'*:

(1) (The additional fee payable for a modification application in relation to which notice is required to be given under the Act, section 4.55(2) or 4.56(1) is specified in Schedule 4.

(2) The fee is not payable for notice given on the NSW planning portal.

The application for modification is made under Section 4.55(1A). Modification fee should be charged in accordance with Council's Fees and Charges.

2.0 Discussion of Modification of Development Consent

It is proposed to make modifications to the development consent to modify Condition 1 of DA 10.2018.638.1 relating to approved plans as part of the parameters of the development consent to include details of the existing verandah additions and to reinstate the construction of an elevator in the existing dwelling.

Existing condition requires:

1. **Development is to be in accordance with approved plans**
The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
1	Site Plan	Barefoot Building Design	15/7/2019
2	Floor Plan	Barefoot Building Design	15/7/2019
3	Sub Floor Plan	Barefoot Building Design	15/7/2019
4	Elevations N & E	Barefoot Building Design	15/7/2019
5	Elevations S & W	Barefoot Building Design	15/7/2019
6	Section	Barefoot Building Design	15/7/2019

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.
The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

It is proposed that the condition be modified as such:

1. Development is to be in accordance with approved plans.

The development is to be in accordance with plans listed below:

As modified by the following plans:

Plan No.	Description	Prepared by	Dated:
1	Site Plan	Barefoot Building Design	14/10/2022
2	Floor Plan	Barefoot Building Design	14/10/2022
3	Subfloor Plan	Barefoot Building Design	14/10/2022
4	Elevations N & E	Barefoot Building Design	14/10/2022
5	Elevations S & W	Barefoot Building Design	14/10/2022
6	Section 1	Barefoot Building Design	14/10/2022
7	Section 2	Barefoot Building Design	14/10/2022

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

3.0 Conclusion

This report summarises the proposed modifications to the approved development consent Condition 1 only. The modifications are to include details of the existing verandah additions and to reinstate the construction of an elevator in the existing dwelling.

The bulk and scale of the approved development will generally remain unchanged.

The proposed modifications result in a development that is generally the same as that has already approved within the site.

It is considered that adequate information has been provided to assess the proposal as a modification to a development consent, however, please advise the applicant should further information be required to address any issues that may arise during assessment.

Annexures

Annexure 1 – Proposed Addition and alteration, prepared by Barefoot Building Design, Job No. 1826, Sheets 1 to 7, dated 14/10/2022

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