

March 2023

Alterations and additions to a dual occupancy and strata subdivision

79b Lauderdale Avenue, Fairlight

Environmental Planning & Assessment Act 1979

Section 4.55 Application to Modify Consent

DA No. 2020/0470 & MOD2021/0515

Details of Proposed Modifications and Environmental Effects

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1. INTRODUCTION

This document sets out the details of the proposed modifications to development consent No. 2020/0470 determined on 02/09/2020 as modified by Mod2021/0515 determined 18/10/2021 as depicted in the architectural plans master drawing set DA00-C to DA13-C.

This statement is intended to be read in conjunction with all documentation submitted to and/or approved by Council for Development Application No. 2020/0470 as modified by Mod2021/0515.

In particular, this document is to be read in conjunction with the Statement of Environmental Effects (SoEE) prepared by Cradle Design dated April 2020 and submitted with DA 2020/0470 and the statement 'Details of Proposed Modifications and Environmental Effects' dated June 2021 also prepared by Cradle Design and submitted with the Section 4.55 application Mod2021/0515. This document addresses the effects of proposed modifications to the development consent and as such modifies but does not supersede the considerations in the original SoEE nor the previous 'Details of Proposed Modifications & Environmental Effects'.

Accordingly, whilst consideration has been given to the statutory framework set out in the following planning instruments for each of the proposed design modifications, analysis is included in this document only where the impact of a proposed modification is regarded to depart from that of the previous assessment of the item being modified.

Planning instruments considered:

- ☐ *The Environmental Planning and Assessment Act, 1979 as amended*
- ☐ *The Environmental Planning and Assessment Regulation 2000*
- ☐ *Manly Local Environmental Plan 2013*
- ☐ *Manly Development Control Plan 2013*

The following drawings by Cradle Design included in this application detail the design and scope amendments set out in this document:

- DA-00, Issue C (Cover Sheet & Location Plan) May 2021
- DA-01, Issue C (Site Analysis Plan) May 2021
- DA-02, Issue C (Ground Floor Plan – Demolition) May 2021
- DA-03, Issue C (Ground Floor Proposed) May 2021
- DA-04, Issue C (Upper Floor Plan - Proposed) May 2021
- DA-05, Issue C (Roof Plan, Drainage, Site Management & Erosion Control Strategy) May 2021
- DA-06, Issue C (North & South Elevations - Existing & Proposed) May 2021
- DA-07, Issue C (East Elevation – Existing & Proposed) May 2021
- DA-08, Issue C (West Elevation – Existing & Proposed) May 2021
- DA-09, Issue C (Proposed Finishes Schedule) May 2021
- DA-10, Issue B (Proposed Strata Plans) May 2021

2. THE SITE

The subject site is identified as Lot 12 in DP 867302.

Refer to the Statement of Environmental Effects dated April 2020 by Cradle Design for detailed description.

3. PROPOSED MODIFICATIONS

This modification application consists predominantly of deletions intended to reduce the scope of the Development Consent by removing several previously approved components.

These proposed deletions are detailed as follows:

a. Proposed Amendment – Delete new entry pergola and new stair to upper dwelling.

It is proposed that the erection of the entry pergola to the northwest corner of the building and the removal and replacement of the stair to the upper dwelling in the same location be abandoned. The existing stair is to remain unaltered.

This modification is shown primarily on architectural drawings DA-01-C, D-02-C, DA-03-C, DA-04-C, DA-05-C, DA-06-C & DA-08-C.

This modification has the effect of deleting proposed changes to the existing building and as such an assessment against planning controls is not required.

b. Proposed Amendment - Delete removal and replacement of existing paving beneath the abandoned entry pergola & stair.

It is proposed that the removal and replacement of the existing concrete paving beneath the entry pergola be abandoned and that the existing pavement remains unaltered.

This modification is shown primarily on architectural drawing DA-02-C & DA-03-C.

This modification has the effect of deleting a proposed change to the existing development and as such an assessment against planning controls is not required.

c. Proposed Amendment - Delete proposed pergola to south garden.

It is proposed that the erection of the new pergola over the existing paved and stone-walled sitting terrace to the south side of the dwellings and approved under Mod2021/0515 be abandoned. The existing sitting terrace is to remain unaltered.

This modification is shown primarily on architectural drawings DA-01-C, D-02-C, DA-03-C, DA-04-C, DA-05-C, DA-06-C, DA-07-C & DA-08-C.

This modification has the effect of deleting a proposed change to the existing development and as such an assessment against planning controls is not required.

d. Proposed Amendment – Delete proposed alteration to existing window opening Ground Floor Bedroom 1

It is proposed that the enlargement of the existing window opening in the northern wall of Bedroom 1 on the ground floor which was approved in the Development Consent be abandoned and that the existing window & opening remain unaltered.

This modification is shown primarily on architectural drawings DA-02-C, DA-03-C & DA-06-C.

This modification has the effect of deleting a proposed change to the existing building and as such an assessment against planning controls is not required.

e. Proposed Amendment – Delete replacement of existing paving to the Garage Apron & Turning Area

It is proposed that the removal and replacement of the existing concrete paving to the garage apron and vehicle turning area and associated additional stormwater drains & pits be abandoned. The existing pavement is to remain unaltered.

This modification is shown primarily on architectural drawings DA-02-C & DA-03-C.

This modification has the effect of deleting a proposed change to the existing development and as such an assessment against planning controls is not required.

f. Proposed Amendment – Delete redundant finishes from the Finishes Schedule

It is proposed that the finishes number 2, 3 & 4 shown on the approved drawing number DA-09 and made redundant as a result of the deletions elsewhere in this application, be removed from the schedule.

This modification is shown on architectural drawing DA-09-C.

This modification has the effect of deleting a proposed change to the existing development and as such an assessment against planning controls is not required.

g. Proposed Amendment – Adjust Strata Plan to correlate with deletions.

It is proposed that the approved strata plan shown on approved drawing number DA-10 be adjusted to correlate with the deletions elsewhere in this application. The abandonment of the entry pergola and reconfigured stair to the upper dwelling requires adjustment of the strata boundaries to account for the existing stair remaining unaltered.

This modification is shown on architectural drawing DA-10-C.

This modification is a minor adjustment that has no effect on compliance with the relevant planning controls.

h. Proposed Amendment – Delete BASIX Certificate and related components of Conditions of Consent 1Aa) & 4(b).

It is proposed that the following modifications be made to conditions of Consent:

a. Condition 1Aa) of Mod2021/0515 ‘Modification Approved Plans’

That the reference to BASIX Certificate No. A374830_02 under the second table ‘Reports / Documentation – All recommendations and requirements contained within.’ be deleted.

b. Condition 4(b) of DA 2020/0470 ‘Prescribed Conditions’

That sub-clause 4(b) be deleted in its entirety.

4(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

Under clause 3 of the Environmental Planning and Assessment Regulation 2000 BASIX excluded development includes:

(c) alterations, enlargements or extensions that result in a space that cannot be fully enclosed (for example, a verandah that is open or enclosed by screens, mesh or other materials that permit the free and uncontrolled flow of air), other than a space can be fully enclosed but for a vent needed for the safe operation of a gas appliance,

By virtue of the deletions included in this modification application the project now proposes only spaces and works on spaces that cannot be fully enclosed and hence is entirely BASIX excluded development.

Accordingly, a BASIX Certificate is not required.

i. Development Consent Condition 15 – Stormwater Disposal

15. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

It is proposed that Condition number 15 be deleted from the consent.

The proposed deletion of all new paving works from the scope of the development under this modification application results in no new stormwater drainage works being required within the scope of the Consent.

Consequently, as there are to be no stormwater drainage works carried out, it is considered that the compliance and documentation required by Condition 15 are no longer relevant and the condition should be removed from the Consent.

4. CONCLUSION

It is considered that the modifications proposed under this application, being deletions of items previously assessed as appropriate under the relevant planning controls, will result in the development having overall less impact on the surrounding environment than the current amended Development Consent.

Accordingly, it is considered that the proposed modifications are appropriate for consent to be granted.

CRADLE DESIGN