



15 TANGO AVENUE DEE WHY

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR A
SECTION 4.55(2) MODIFICATION TO VARY
DEVELOPMENT CONSENT 2020/0886**



**Report prepared for
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July 2025**

1.0 Introduction

- 1.1 This statement has been prepared in order to provide information and a planning assessment, in relation to an application under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979, to modify existing development consent DA2020/0886 at 15 Tango Avenue, Dee Why.

Development Application 2020/0886 was granted consent on 2 November 2020.

This modification application seeks to modify DA2020/0886 *Alterations and additions to a dwelling house*. The changes proposed will allow for minor alterations to the garage, driveway and front steps and the rear addition.

It is proposed that the consent be altered, replacing the plans with those identified below.

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Cover	27.06.25	Action Plans
MOD01 Site Analysis	27.06.25	Action Plans
MOD02 Site/Roof/Sediment erosion/Waste management/Stormwater concept plan	27.06.25	Action Plans
MOD03 Existing Ground Floor Plan	27.06.25	Action Plans
MOD04 Existing First Floor Plan	27.06.25	Action Plans
MOD05 Proposed Garage Floor Plan	27.06.25	Action Plans
MOD06 Proposed Ground Floor Plan	27.06.25	Action Plans
MOD07 Proposed First Floor Level	27.06.25	Action Plans
MOD08 North/South Elevation	27.06.25	Action Plans
MOD09 East Elevation	27.06.25	Action Plans
MOD10 West Elevation	27.06.25	Action Plans
MOD11 Cross Section	27.06.25	Action Plans
MOD12 Long Section	27.06.25	Action Plans
MOD13 Driveway Plan/Long Section	27.06.25	Action Plans
MOD14 Area Calculations	27.06.25	Action Plans
MOD15 Sample Board	27.06.25	Action Plans
MOD16 Winter Solstice 9am	27.06.25	Action Plans
MOD17 Winter Solstice 12pm	27.06.25	Action Plans
MOD18 Winter Solstice 3pm	27.06.25	Action Plans
MOD19 BASIX Commitments	27.06.25	Action Plans

- 1.2 In preparation of this submission, consideration has been given to the following:
- Section 4.55 of the Environmental Planning and Assessment Act, 1979 as amended
 - Warringah Local Environmental Plan 2011
 - Warringah Development Control Plan 2000
 - The heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- Site visit,
 - Review of the original development application,
 - Review of original development consent and assessment report,
 - Updated Stormwater Report prepared by Tall Ideas
 - Updated geotechnical report prepared by Ascent Geotechnical Consulting
- 1.4 The works that are the subject of the modification have not commenced and are appropriate when considered in accordance with *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177.

2. The site and its locality

- 2.1 The subject site is located on the southern side of Tango Avenue, approximately 215 metres north east of its intersection with Quirk Street in Dee Why. The site is legally described as Lot 44 Section B DP8139 and is known as 15 Tango Avenue.
- 2.2 It is an irregular shaped lot with front boundary of 15.24 metres to Tango Avenue, rear boundary of 10.425 metres and side boundaries of 51.6 metres (north-east) and 51.19 metres (south-west).
- 2.3 The site has an area of 645m² and slopes from south to north (from the rear to the street frontage). It is currently occupied by a two-storey rendered dwelling with a metal roof.
- 2.4 The site is surrounded by detached residential dwellings in all directions and is in close proximity to the Delmar Private Hospital (approximately 100 metres to the east), St Luke's Grammar School (approximately 300 metres to the south west) and Stoney Range Botanic Gardens (approximately 250 metres to the west). The site is located in close proximity to retail and public transport services on Pittwater Road.



Figure 1. The site and its immediate surrounds



Figure 2. The site within the locality

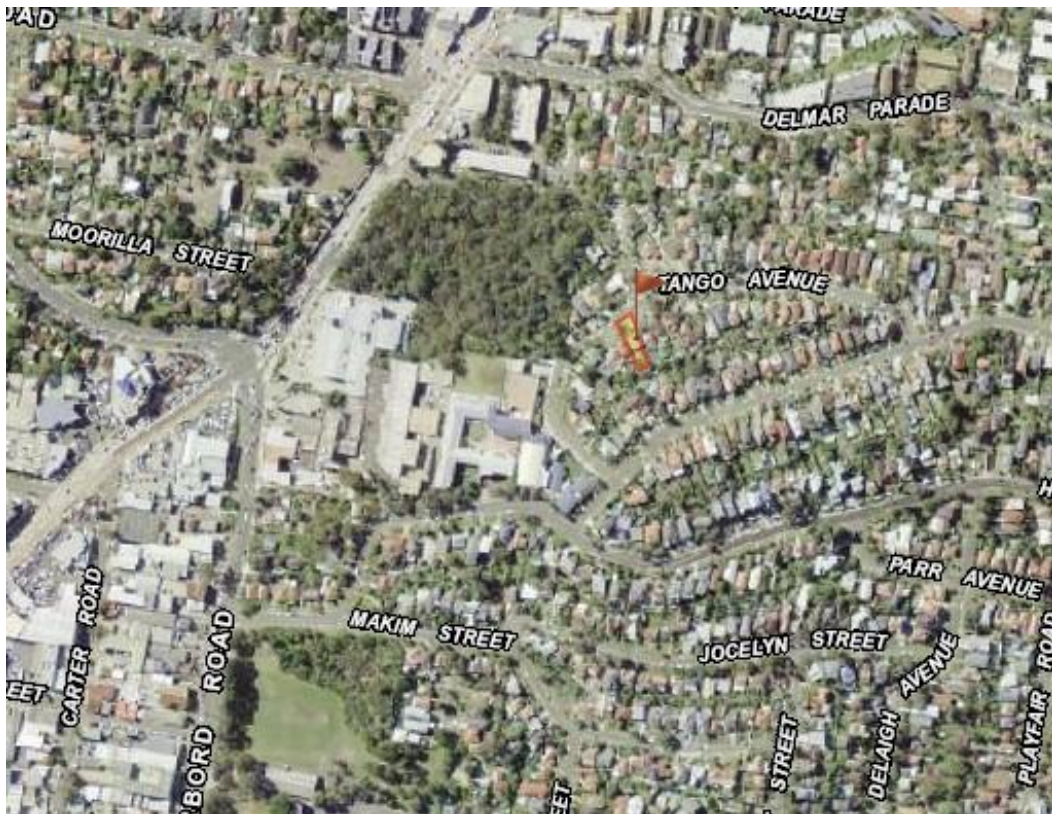


Figure 3. Aerial image of the site within the locality

3. Site Photos



Figure 4. The existing dwelling, looking south from Tango Avenue



Figure 5. The front façade of the existing dwelling, looking south



Figure 6. The rear of the existing dwelling, looking north towards Tango Avenue



Figure 7. The rear yard, looking south

4. Proposed Development

- 4.1 It is proposed to alter the approved development to minimally change the driveway and front steps, relocate the kitchen to the front of the dwelling, adjust the rear addition and add an awning to the first floor balcony.
- 4.2 Changes to the plans include:

Ground Floor:

- Kitchen to replace the Living area at the front of the dwelling including revised front window,
- The rear addition to be reduced to a rectangular shape and the kitchen is changed to a wet bar.
- Updated window and external door to rear addition.

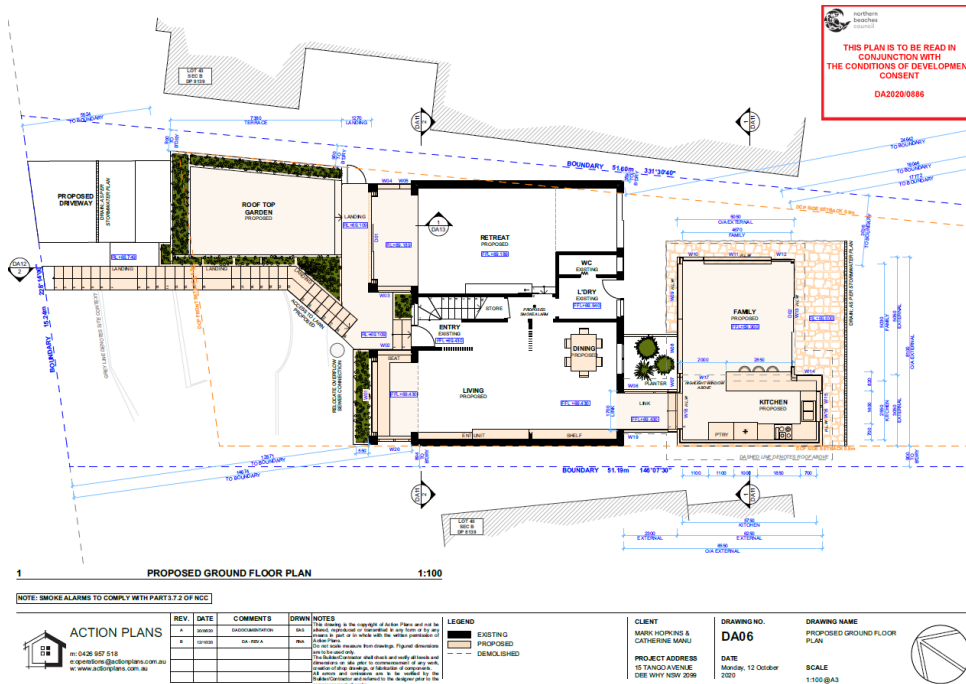


Figure 8: Approved Ground Floor

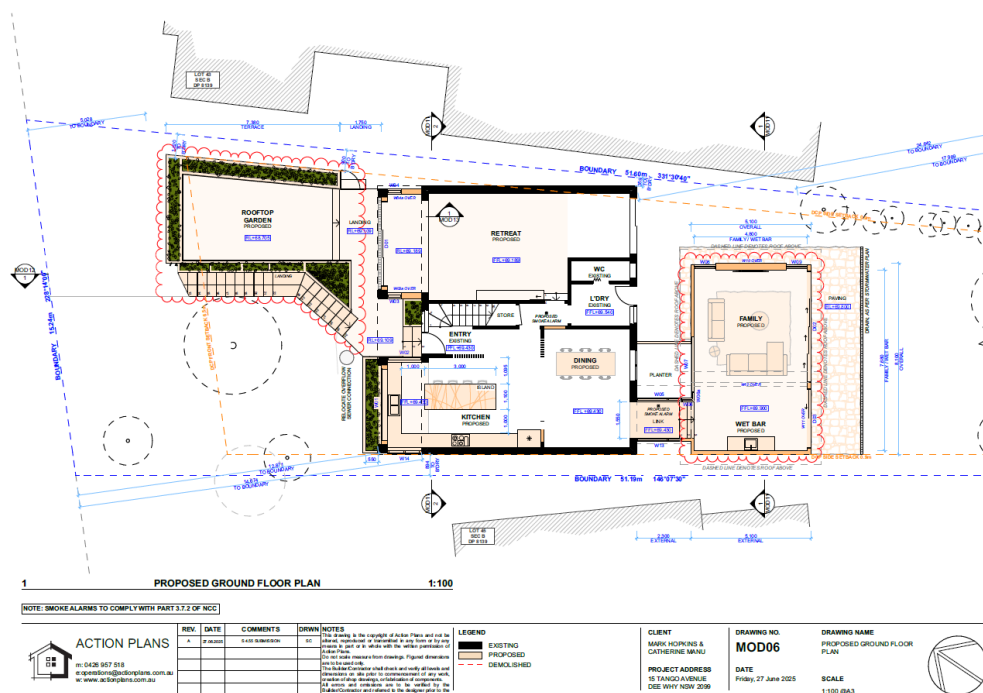


Figure 9: Proposed Ground Floor

First Floor:

- Addition of an awning to the first-floor balcony.

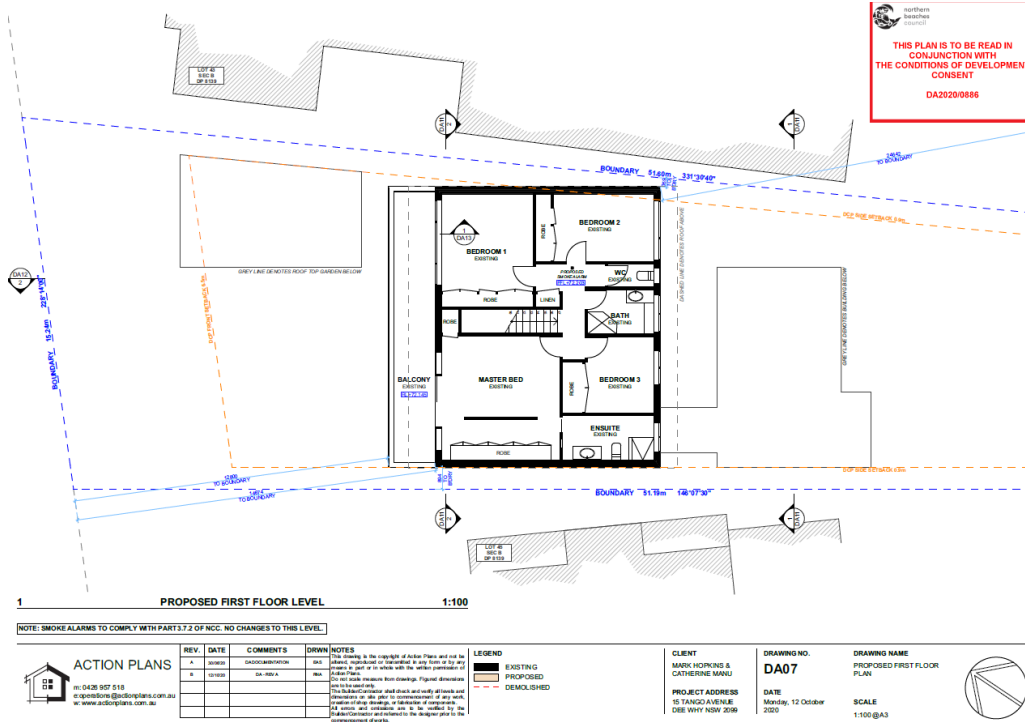


Figure 10: Approved first floor

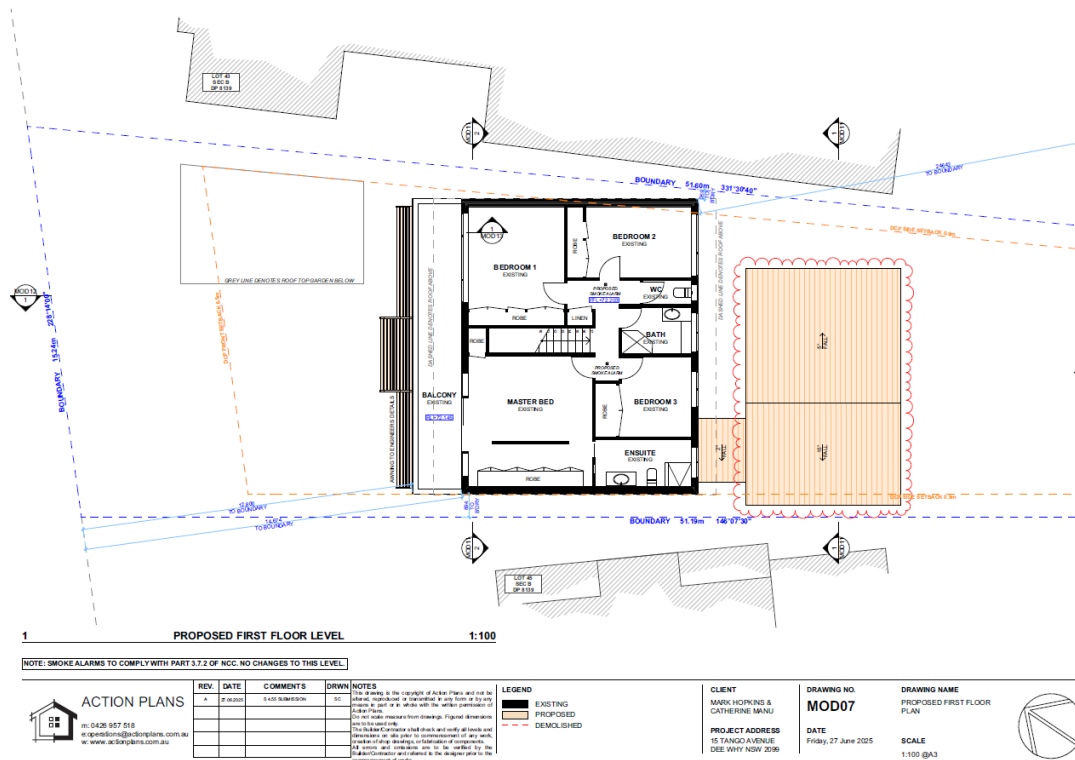


Figure 11: Proposed first floor plan

Garage:

- Remove one landing (3 to 2) from front steps and widen steps at the front of the garage,
- Revisions to garden beds adjacent the garage,
- Minimally alter driveway and dimensions of garage.

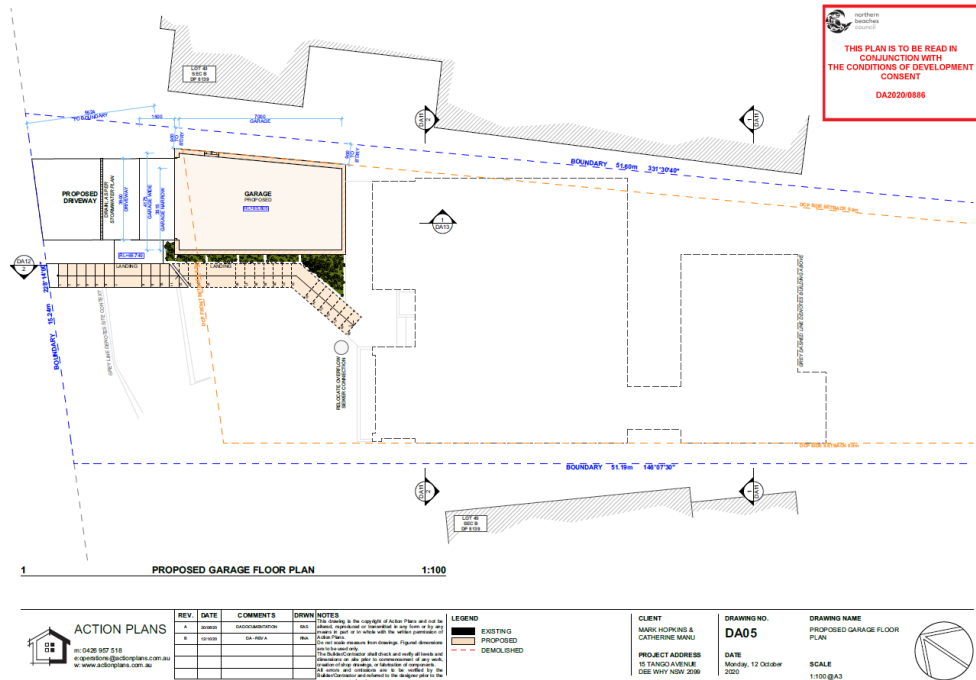


Figure 12: Approved Garage

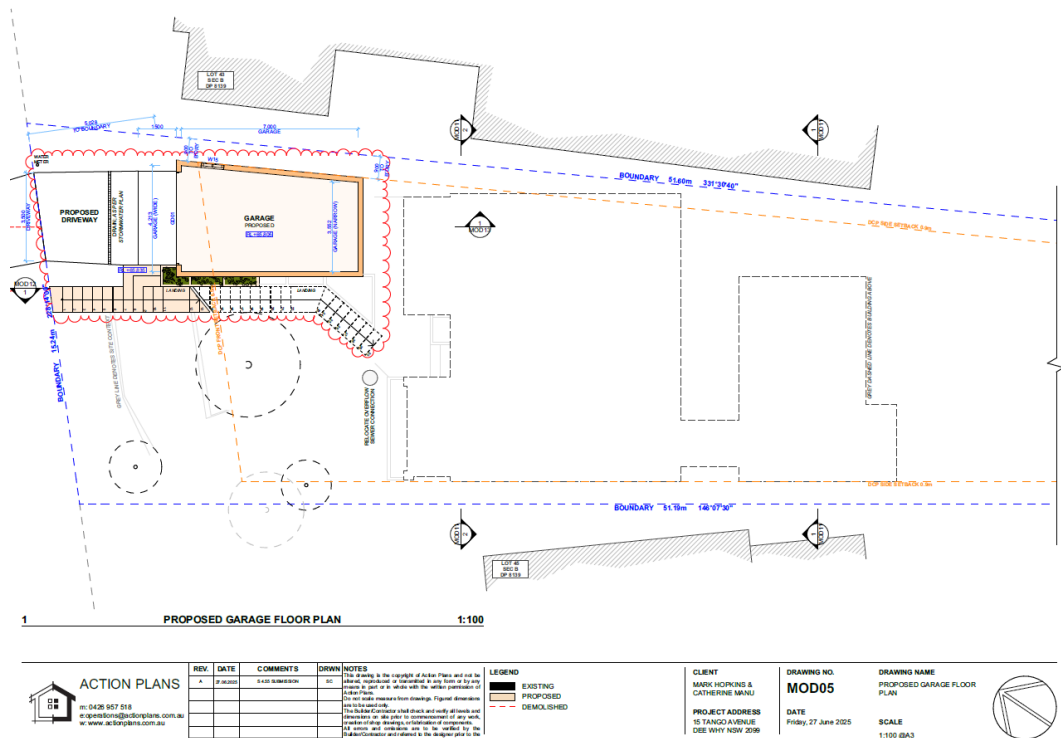


Figure 13: Proposed Garage

6. Statutory Framework

6.1 Section 4.55 of Environmental Planning and Assessment Act 1979

Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 (as amended) (the Act) provides that a consent authority may modify the consent if:

- (a) It is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) It has notified the application in accordance with:*
 - (i) The regulations, of the regulations so require, or*
 - (ii) A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Cl. 115 of the Environmental Planning and Assessment Regulation 2000 sets out the information required in a modification application being:

- *a description of the development to be carried out under the consent (as previously modified) - (provided above under Section 4 – Proposed Development)*
- *the address, and formal particulars of title, of the land on which the development is to be carried out - (provided above under Section 2 – The site and its locality)*
- *a description of the proposed modification to the development consent – (provided above under Section 4 – Proposed Development)*
- *a statement that indicates that the modification is intended to have some other effect, as specified in the statement – (provided above under Section 4 – Proposed Development).*
- *a description of the expected impacts of the modification – (provided below)*
- *an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved – (provided below).*

5.2 Expected impacts – minimal environmental impact

The assessment undertaken in this Statement of Environmental Effects considers that the modifications proposed, will not alter the favourable assessment provided by the original Development Consent, as the site and surrounding built and natural environments will remain the same and the amenity for the local residents will be maintained.

The proposed changes are primarily to enhance outdoor amenity for the principal dwelling. The impacts of this are positive, with regard to both internal amenity, streetscape appeal and environmental impacts.

The modified design has well considered impacts on neighbours and ensures separation, screening and appropriate privacy and visual impacts.

The consent authority can be satisfied that the modified development will have minimal environmental impact, as the revised design remains within the previously approved building footprint.

Substantially the same

In determining whether the development, to which the consent as modified relates, is substantially the same development as the development for which the consent was originally granted, the consent authority is required to consider both qualitative and quantitative aspects of the development, and to consider whether the development as modified is essentially or materially the same as the approved development.

The development to which the consent (as modified) applies is considered to be substantially the same development, notwithstanding the proposed modifications, as the dwelling footprint very similar, and amendments are small components to allow for improved vehicular and pedestrian access and small changes to internal amenity.

Qualitative

The minor revisions to the design are considered to be essentially or materially the same, as the style of the development remains as a 2-level dwelling.

The modified proposal incorporates minor alterations to provide a more usable living areas for the dwelling.

As such the qualitative assessment considers that the modified development is substantially the same as the approved development.

Quantitative

A quantitative assessment of the previous approval and the modified proposal results in the conclusion that for the majority of the development the building heights, setbacks, building envelopes are retained.

As such the quantitative assessment considers that the modified development is substantially the same as the approved development.

5.3 State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

An updated BASIX is provided with this application.

5.4 Warringah Local Environment Plan 2011

Zoning

The site is zoned R2 pursuant to the provisions of the Warringah Local Environment Plan 2011. The proposed development remains a permissible use in the R2 zone which permits dwelling houses with development consent.

Height

There will be no change to the approved height.

Heritage

The site is not a heritage item, located within a heritage conservation area or located in proximity to a heritage item.

Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

Earthworks

No additional earthworks will result from the minor modification.

Development on Sloping Land

The site is located in the area nominated the LEP maps as Area A – Slope < 5 and Area B – Flanking Slopes 5 to 25.

An updated geotechnical preliminary assessment demonstrates the proposal complies with Council controls.

5.5 Warringah Development Control Plan 2011

The relevant sections of the Warringah DCP 2011 are addressed below.

Part B General Controls

Wall Heights

A maximum wall height of 7.2 metres is permitted by the DCP.

No change is proposed to the compliant wall height additions as a result of the modification.

Side Building Envelope

The site requires a side boundary envelope of 5m/45°. The development proposes no change to the first floor and, therefore, no change to the existing side building envelope, with all new works single storey and compliant.

Side Boundary Setbacks

Side setbacks of 900mm are permitted on the subject site.

No change to the approved setback results from the minor modifications.

Front Setback

A front setback of 6.5 metres is required on the site.

No change is proposed to the existing, compliant 12.8 metre front setback to the dwelling.

A minor variation to the approved new garage front setback is proposed with the setback to be modified from 5.524 metres to 5.028 metres. This is considered reasonable as the setback will match that of the neighbour to the east and will allow for storage for bins etc within the space.

Additionally, there are many examples within Tango Avenue of other garages and parking structures close to the street frontage and it will not be to the detriment of the streetscape.

Rear Setback

A rear building setback of 6 metres is required on the site. The development proposes a modified increased rear setback of 17.989 metres, easily compliant with Councils control.

Part C Siting Factors

Traffic Access and safety

A modified and compliant driveway and vehicular access and crossover from Tango Avenue are proposed.

Parking

One parking space is approved and this will remain unchanged, although there is minor reconfiguration of the garage to allow for some storage.

Storm water

The modified development will remain connected to Council's existing drainage network. An updated stormwater plan is provided with the application.

Excavation and Landfill

The attached geotechnical report demonstrates the geological stability of the modified work. The cut proposed will be appropriately disposed of as detailed in the waste management plan, and drainage patterns will be unaffected by the works.

Demolition and Construction

The modified alterations and additions will involve demolition works as detailed above and in the attached plan set. All demolition and construction works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

Waste Management

This will be unchanged from the approved development.

Part D Design

Landscaping and Open space and bush land setting

The DCP requires 40% landscaping on the site which is equivalent to 258m² for the site area of 645m².

The approved development has a compliant landscaped area of 47% or 304.61m² which remains unchanged.

Private open space

The DCP requires a minimum private open space area of 60m² (with minimum dimensions of 5 metres) for the subject site. A compliant area of private open space is retained in the rear yard.

Noise

The modified development is consistent with the residential area and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

Access to sunlight

Solar access remains consistent with approved plans and compliant for the site and neighbouring properties.

Views

The modification will have no impact on views.

Privacy

Privacy will be retained with the modified plans having negligible impacts.

Building Bulk

Bulk and scale are retained at the same level as the approved development.

Building Colours and Materials

Colours and materials are appropriate as detailed on the sample board included with the modification set of plans.

Roofs

The modified design of the rear addition retains the approved 12 degree pitch, which will be a modern and complementary addition for the existing dwelling which has a flat roof.

Glare & Reflection

Materials have been chosen to ensure no glare or reflection issues.

Safety and Security

An ability to view the street frontage is retained allowing for casual surveillance which is to the benefit of the safety and security.

Conservation of Energy and Water

The design has achieved a BASIX Certificate which accompanies the application.

Part E Design

Preservation of Trees or Bushland Vegetation

No significant trees are proposed to be removed.

Retaining unique Environmental Factors

The site has some rock outcrop areas in the rear yard. The modifications continue to retain these spaces to the greatest extent possible, with the rock space a feature which can be viewed from the kids retreat and family rooms.

Wildlife Corridors

There will be no impact on any valued wildlife as a result of the proposed dwelling.

Landslip Risk

An updated geotechnical report has been prepared in support of the application in its current form.

6. Section 4.15 Considerations

- 6.1 The amendment to the approved development has been considered with reference to Section 4.15 of the Environmental Planning and Assessment Act 1979.

This assessment has found that the proposed modification will not alter the impacts of the proposed development from that which was originally deemed to be acceptable and worthy of approval in the original development.

The impact of the alterations will be negligible for the subject site, the neighbouring site and the streetscape with regard to all relevant factors including scale, design, amenity, and privacy.

The design can comply with the Building Code of Australia and further details of this can be provided at Construction Certificate stage.

7.0 Suitability of the site

- 7.1 The proposed modifications do not raise any additional issues relating to the suitability of the site.

8.0 Development substantially the same

- 8.1 The alterations proposed by virtue of the modification request do not render the development different in terms of its essential character.

In a comparison of the development as currently approved and as proposed to be modified, the development will remain essentially and materially the same, with only minimal changes proposed. As such the development will be substantially the same notwithstanding the modifications that are sought.

9. Conclusion

- 9.1 The development, as modified, represents substantially the same development as was approved by Council in Development Consent DA2020/0886. The proposed modifications will have no significant environmental impact.

The proposed modifications to the development do not raise any additional issues relating to the relevant provisions of:

- Section 4.55 of the Environmental Planning and Assessment Act, 1979 as amended
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2000
- The heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).