

30 October 2018

Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Sir/Madam,

## **SECTION 4.55(1a) APPLICATION**

<b>Premises:</b>	<b>Lot 1 in DP 900658, No. 7 Pavilion Street, Queenscliff</b>
<b>Amendments:</b>	<b>Amend Plans</b>
<b>Development Application:</b>	<b>DA 2018/0612</b>
<b>Date of Determination:</b>	<b>23/08/2018</b>

## **INTRODUCTION**

On behalf of SketchArc I seek Council consent pursuant to Section 4.55 of the *Environmental Planning & Assessment Act* 1979 to amend the approved plans specified in Development Application No. DA2018/0612 relating to the construction of dwelling alterations and additions.

## **BACKGROUND**

Development Consent for the construction of additions to an existing dwelling including a new upper level (DA2018/0612) on the subject site was approved by Council on 23 August 2018.

## **PROPOSED MODIFICATION**

This proposal seeks to amend the approved plans as detailed in the plans prepared by SketchArc, Project No. 1611 and dated 09/10/18. The proposed amendments include the following:

### Ground Floor

- Reconfigure rumpus/laundry (southern corner of dwelling) to create an ensuite for the adjoining guest room and a utility room. This requires 'blocking' existing external door to laundry and providing a new external door on southern elevation of the proposed utility room.
- Extend dining/kitchen (northeast corner of dwelling) towards the east in line with the balcony above. Astroturf will be provided on roof, though this area is inaccessible.

The addition does not extend beyond the coastal cliff setback. Provide new bi-fold windows and doors on eastern elevation.

#### First Floor

- Amend Bed 4 (southeast corner of dwelling) to create an ensuite. Extend width of bifold doors and provide new window on eastern elevation.

### **LEGISLATION**

Section 4.55(1a) of the Act states:

*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 proposed modification is of minimal environmental impact, and*

Comment: The Consent granted approval for the construction of alterations and additions to an existing dwelling to provide for a new upper floor. This application proposes some minor amendments to the plans including internal reconfiguration and a minor addition to the northeast corner at ground level. The proposed amendments have minimal environmental impact, if any.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The original consent granted approval to the construction alterations and additions to an existing dwelling including a new upper level. The proposed amendments do not extend above the approved height and providing complying boundary setbacks and as such is considered to result in a development that is substantially the same.

- (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 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.*

Comment: The application will be notified in accordance with Council guidelines.

## LEGISLATION

### Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone vegetation buffer on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

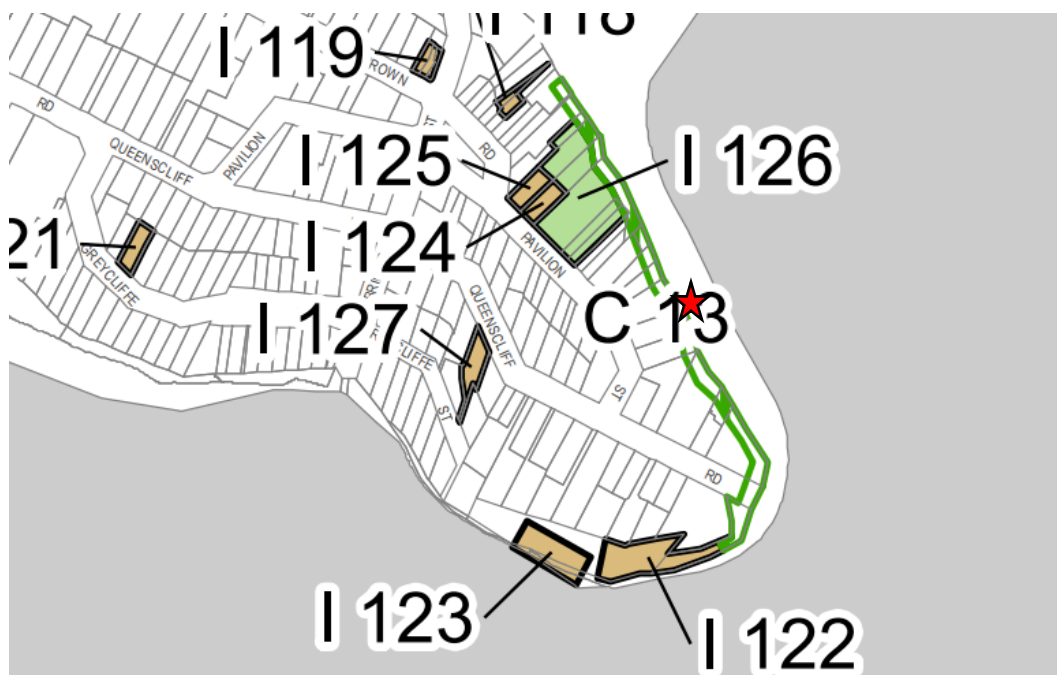
### Warringah Local Environmental Plan 2012

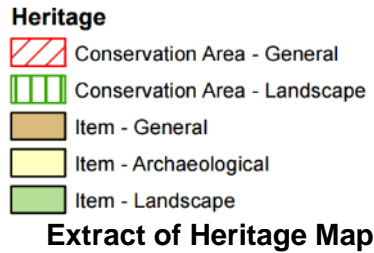
The site is zoned R2 Low Density Residential under the provisions of the Warringah Local Environmental Plan. Development for the purpose of alterations to an existing dwelling house are permissible with Consent in this zone.

The following provisions of the LEP apply to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	No change to approved height – addition is at ground level and complies with the height controls	Yes

### Clause 5.10 - Heritage Conservation

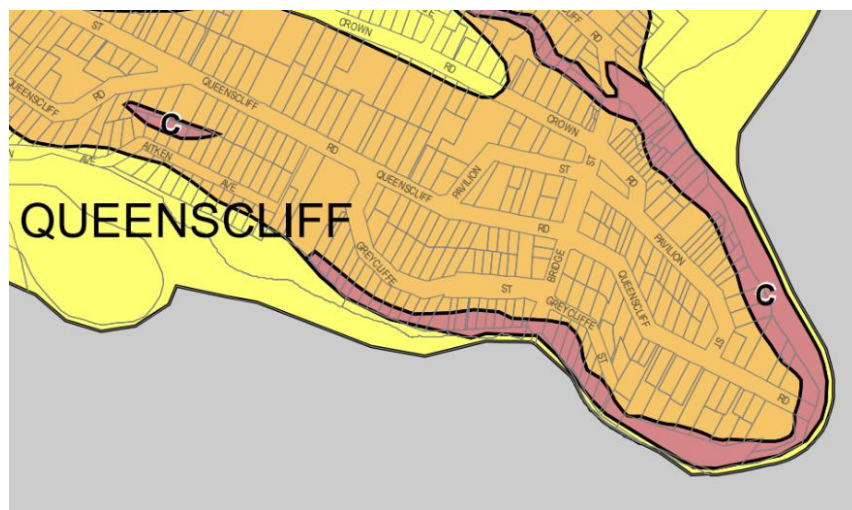




The rear eastern portion of the site is identified as being within the C13 Queenscliff Coastal Cliffs Conservation Area. It is noted that the proposed works do not extend into that portion of the site that is located within the conservation area, nor beyond the approved rear setback. It is considered that the proposed works will not have any detrimental impact on the significance of the conservation area for the following reasons:

- The proposed amendments are well setback from the coastal cliffs and embankment.
- The proposed amendments are located within the existing building footprint.
- The proposed amendments are modest and do not result in unreasonable bulk or scale when viewed from the conservation area.

#### Clause 6.4 – Development on Sloping Land




**Extract of Landslip Map**

The site is identified as being partly within Category B and Category C of the Landslip Risk Map. A Geotechnical Report has been prepared by JK Geotechnics and is submitted with the application.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

**Warringah Development Control Plan**

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
B1 – Wall heights	7.2m	Yes Proposed works do not increase approved wall height.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	Yes Proposed works do not encroach the building envelope.
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Proposed works comply with this clause.
B7 – Front Boundary Setbacks	Minimum 6.5m	Yes Proposed works are located behind the established building line.
B9- Rear Boundary Setbacks& B10 Merit Assessment of Rear Setbacks	6m rear setback required  The rear boundary setback may be encroached by swimming pools and outbuildings which, in total, do not exceed 50% of the rear setback area	Yes Ample setback provided to rear boundary. Proposed amendments do not extend beyond the existing rear setback.

Clause	Requirement	Compliance
B13 – Coastal Cliffs Setback	<p>The site is identified as C – Coastal Cliff Setback requiring all works to be within a setback measured 25m from the street frontage.</p> 	<p>Yes</p> <p>All proposed works comply with this requirement. (refer to architectural plans)</p>
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	<p>Yes</p> <p>All collected stormwater will drain to the existing system. It is noted that there is no increase in hard surface area as a result of this proposal.</p>
C7 - Excavation and Landfill	Site stability to be maintained	<p>Yes</p> <p>The proposed amendments do not require any excessive fill or excavation.</p>
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal does not reduce the area of landscaping currently provided on site and therefore strict compliance with this clause is unreasonable.
D2 - Private Open Space	<p>Dwelling houses with three or more bedrooms</p> <p>Min 60m<sup>2</sup> with min dimension 5m</p>	<p>Yes</p> <p>The proposed works do not reduce the area of private open space currently provided.</p>

Clause	Requirement	Compliance
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes Proposed works are at ground level and do not require shadow diagrams
D7 - Views	View sharing to be maintained	Yes The subject and surrounding properties enjoy views of Freshwater Beach and the northern headland of Freshwater. The proposed amendments are at ground level and will not obstruct any existing views.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The proposed amendments are relatively minor and do not result in the loss of privacy.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The proposed amendments are very minor and do not result in any unreasonable bulk or scale. The small addition to the northeast corner is at ground level and will not result in undue bulk or scale.

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to be match with the approved additions.
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Retain and enhance native vegetation and the ecological functions of wildlife corridors.	Yes The proposed works are located over the existing footprint and do not impact on the wildlife corridors.
E5 – Native Vegetation	Provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.	Yes The proposed works are located over the existing footprint and do not impact on native vegetation.
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Yes The proposed works are located within the existing footprint and do not impact on any environmental features of the site.
E7 – Development on land adjoining public open space	To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.	Yes The proposed works are located within the existing footprint and do not impact on the adjoining public open space.  The additions overlook the open space and provide for appropriate bulk and scale.
E10 – Landslip Risk	Identified on map as B and C	A Preliminary Geotechnical Report is provided.



## **JUSTIFICATION**

The proposed amendments to the approved plans are considered to be justified for the following reasons:

- The proposed amendments are relatively minor and contained within the approved building footprint.
- The proposed reconfiguration on the existing approval does not have any impact on the public domain or the adjoining properties.
- The addition to the northeast corner is at ground level and will not result in any unreasonable bulk nor loss of amenity to the adjoining properties.
- The new windows/doors do not provide opportunity for additional overlooking.

It is therefore considered appropriate that the amendments to the plans should be supported.

## **CONCLUSION**

For the reasons stated above it is considered that this application to amend the plans as detailed. Should you require any further information please do not hesitate to contact me.

Yours faithfully,



**Natalie Nolan**