

## Statement of Environmental Effects

---

Section 4.55 (2) Modification for architectural design changes to the approved ground, and first floor improvement works to an existing dwelling house at 38 Delaigh Avenue, North Curl Curl 2099

*6 December 2021*

***COPYRIGHT***

*Romic Planning reserves all copyright of intellectual property in any or all of the documents issued by Romic Planning. No consent, permission, licence or authority is granted by Romic Planning to any person(s) or organisation(s) to apply any of Romic Planning documents for any purpose(s) without the prior written and formal consent of Romic Planning.*

***REPORT and accompanying detail(s) DISCLAIMER***

*The content and findings in this report and accompanying detail(s) has been prepared for the client(s) acknowledged and cannot be relied upon or used by any third party.*

*Any formal representation, statement, opinion or advice, expressed or implied in the content and findings in this report and accompanying detail(s) is made in good faith only but on the basis that Romic Planning is not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss at all which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in any respect of any formal representation, statement, opinion or advice referred to above.*

***Momcilo Romic***  
***Town Planning Consultant***

***Postal Address: PO Box W85, Fairfield West NSW 2165***

***Mob: 0404 841 933***

***Email: momcilo@romicplanning.com***

***Web: www.romicplanning.com***

## Table of Contents

<b>1. Introduction .....</b>	<b>4</b>
<b>2. Site Details .....</b>	<b>4</b>
2.1. Location.....	4
<b>3. Modification proposal .....</b>	<b>6</b>
<b>4. Threshold Test.....</b>	<b>6</b>
<b>5. Merits Assessment .....</b>	<b>6</b>
<b>6. Matters of Consideration .....</b>	<b>7</b>
6.1. Section 4.15(1)(A)(I) – any environmental planning instruments.....	7
6.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s).....	7
6.3. Section 4.15(1)(A)(iii) – any development control plan(s).....	7
6.4. Section 4.15(1)(A)(iia) – any planning agreement or draft planning agreement.....	8
6.5. Section 4.15(1)(B) - the likely impacts of the development.....	8
6.6. Section 4.15(1)(C) - the suitability of the site .....	8
6.7. Section 4.15(1)(D) - any submission made .....	8
6.8. Section 4.15(1)(e) - the public interest .....	8
<b>7. Conclusion and Recommendation .....</b>	<b>9</b>

## **1. Introduction**

Council issued a development consent for ground, and first floor improvement works to an existing dwelling house at 38 Delaigh Avenue, North Curl Curl 2099 (Lot 4 in DP 17125).

The purpose of this Modification Application is to allow for architectural changes to the initial building design approved by Council and includes:

- Change roof design from hip to gable roof.
- New flat roof above the deck.
- Removal of approved balcony.
- Amend window sizes as shown.
- New sky lights.
- Extend existing deck.
- Retain existing windows.
- Replace window door.
- New window to ensuite.

The main body of this report reviews key planning considerations for Council as a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

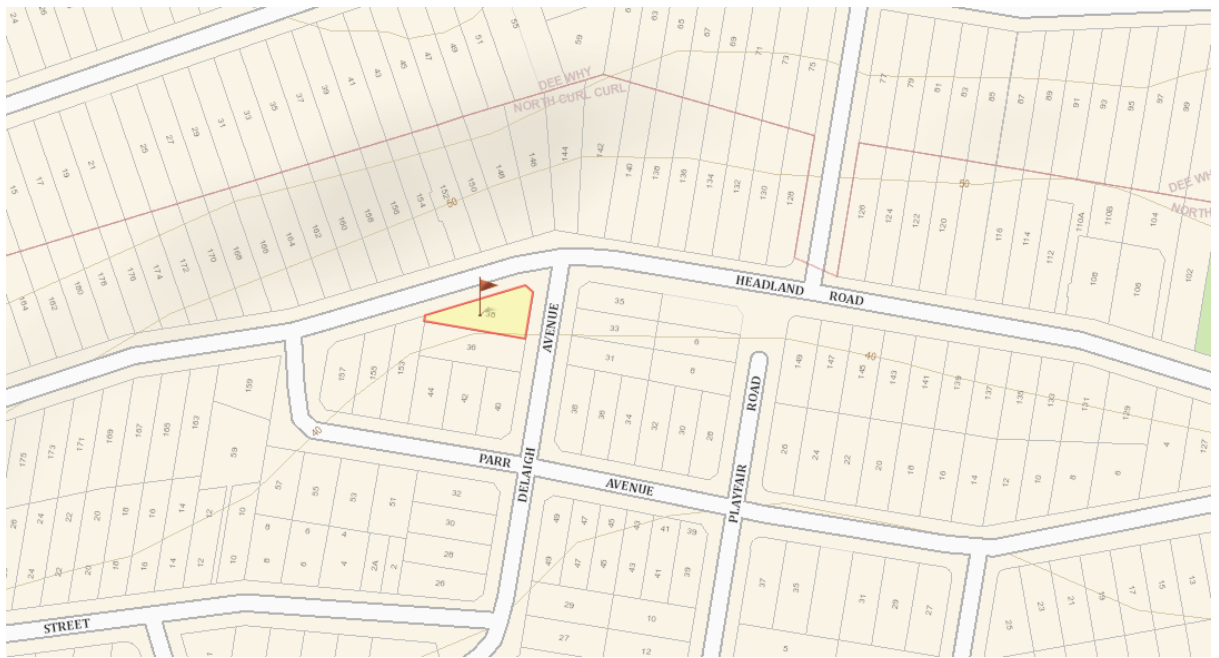
## **2. Site Details**

### **2.1. Location**

The subject site is an irregular corner allotment on the south western corner of Delaigh Avenue and Headland Road.

The site is known as 38 Delaigh Avenue, North Curl Curl 2099 and is legally identified as Lot 4 in DP 17125.

A location plan of the site is provided below and along with an aerial photo of the subject premises.



*Location Plan*



*Aerial photo*

### **3. Modification proposal**

The Section 4.55 (2) Modification application submitted to Council seeks housekeeping amendments to the approved building design concept and is unpacked as follows:

- Change roof design from hip to gable roof.
- New flat roof above the deck.
- Removal of approved balcony.
- Amend window sizes as shown.
- New sky lights.
- Extend existing deck.
- Retain existing windows.
- Replace window door.
- New window to ensuite.

#### Other

- Architectural drawings updated to reflect the changes above.
- Updated BASIX Certificate.

The amendments are shown on the architectural drawings which accompany the Modification Application.

### **4. Threshold Test**

The development as proposed to be modified is considered to be substantially the same as that originally approved as the changes are categorised as incidental amendments to improve the architectural quality and amenity of the dwelling house.

### **5. Merits Assessment**

The Modification has merit for the following reasons:

Explanation for changes

- The architectural design changes (housekeeping amendments) are in response to client's personal tastes/needs and to improve amenity.
- The BASIX Certificate is updated to reflect changes to window openings.
- Meet the demand of the local housing market.
- Respond to economic factors.

## **6. Matters of Consideration**

### **6.1. Section 4.15(1)(A)(I) – any environmental planning instruments**

#### **Warringah Local Environmental Plan 2011**

The proposal does not change the approved land use as a dwelling house.

There are no changes to the approved height of building control or other development standards.

The proposed amendment does not result in an unacceptable intensification of the approved use.

### **6.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)**

There are no known draft environmental planning instruments which affect the site.

### **6.3. Section 4.15(1)(A)(iii) – any development control plan(s)**

The proposal does not warrant a change to the:

- drainage considerations,
- height of the overall building,
- wall heights,
- front setback,
- side setbacks,
- rear setbacks,
- landscape areas, or
- privacy/amenity considerations for adjoining owners.

There are no known non-compliances with the development control plan.

**6.4. Section 4.15(1)(A)(iiia) – any planning agreement or draft planning agreement**

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the modification.

**6.5. Section 4.15(1)(B) - the likely impacts of the development**

The proposal remains compatible with other residential properties.

The proposal is not an overdevelopment of the site and the changes do not result in a bulkier building.

The architectural changes to the floor plates and elevations do not impact or compromise the level of enjoyment of neighbouring landholdings.

There are no undesirable socio-economic impacts that will result from the changes.

**6.6. Section 4.15(1)(C) - the suitability of the site**

The proposal will not increase the demand for public services or facilities as the subject land is an existing residential land holding and the carrying capacity remains 1 dwelling and consistent with the surrounding low-density residential character.

**6.7. Section 4.15(1)(D) - any submission made**

Council will review any submissions made during the exhibition process and we welcome the opportunity to review and respond to any submissions.

**6.8. Section 4.15(1)(e) - the public interest**

The proposal is not contrary to the public interest.



## **7. Conclusion and Recommendation**

The main body of this report reviewed key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed amendment is not viewed to have any adverse impacts on the surrounding area or impact on the amenity of neighbours.

The development as proposed to be modified is substantially the same as that originally approved.

Having regard to all of the above matters, it is considered that the modification generally, satisfies the relevant strategy, objectives and provisions of the LEP and DCP and is acceptable and should be approved by Council.

**Momcilo (Momo) Romic**  
Town Planning Consultant  
*BTP (UNSW), MEM (UNSW)*  
*NSW Builder Licence No. 252856C*