

Statement of Environmental Effects

Section 4.55 (2) Modification for architectural design changes to the approved alterations and additions to an existing dwelling house at 84 Lincoln Avenue, Collaroy NSW 2097

*Rev 2
22 April 2022*

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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

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1. Introduction

Council issued a development consent for alterations and additions to an existing 2 storey dwelling house with ancillary works at 84 Lincoln Avenue, Collaroy NSW 2097 (Lot 4 in DP 242932).

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

- Modernise the main façade.
- Removal of the conventional roofline.
- New entrance path and steps.
- Proposed extension to upper floors (new master bedroom, new bedroom 4, and front balcony).
- Ground floor plate- remove door, new path, new front steps, new metal posts to support above walls (front) and new concrete block columns to support walls above (rear).
- First floor plate- extension to master bedroom, extension to front balcony, replace windows to dining, replace door with window to living room, removal of approved wall, new bed 3, extension to create new bedroom 4, removal of window to bed 2, new window to bed 2, replace and centre window to bedroom 3, larger kitchen, new sliding door to study, new double linen cupboards.
- New concrete roof instead of conventional roof.
- Widen garage door.
- Remove walls.
- Close up openings.
- Remove concrete path for landscaping.
- External finishes updated.
- New decorative elements.

- Amend window sizes as shown to elevations.
- Changes to the ground and floor plates as shown.
- Show the secondary dwelling approval (via a CDC pathway) at the ground floor.

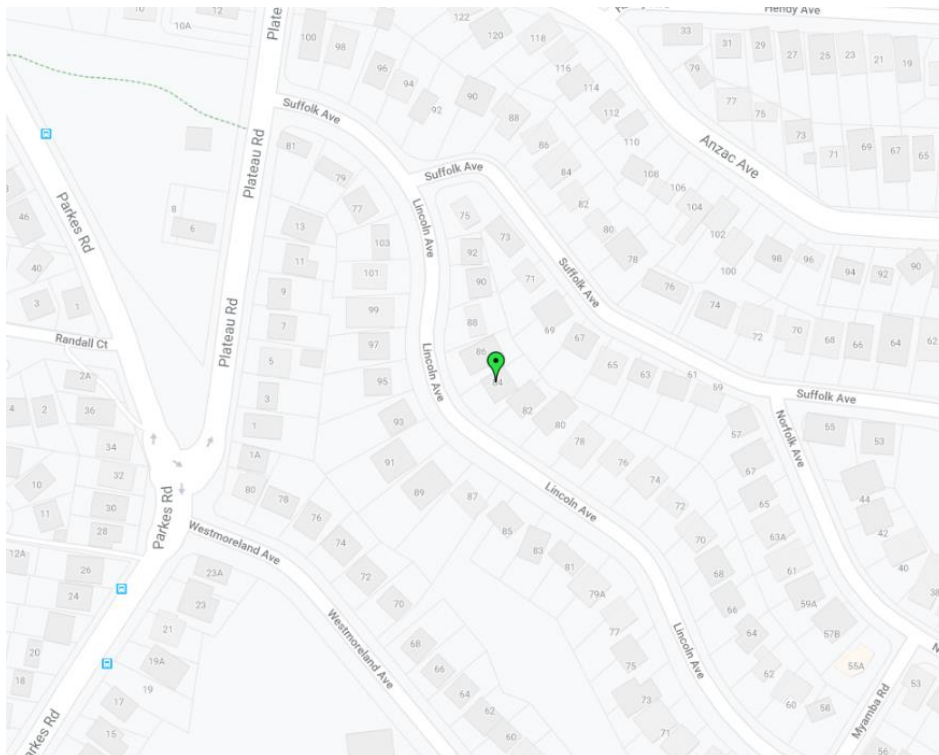
The main body of this report reviews key planning considerations for Council as a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

2. Site Details

2.1. Location

The subject site is a conventional residential land holding on the eastern side of Lincoln Avenue and is legally identified as Lot 4 in DP 242932, known as 84 Lincoln Avenue, Collaroy NSW 2097.

A location plan of the site is provided below.



Location Plan

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:





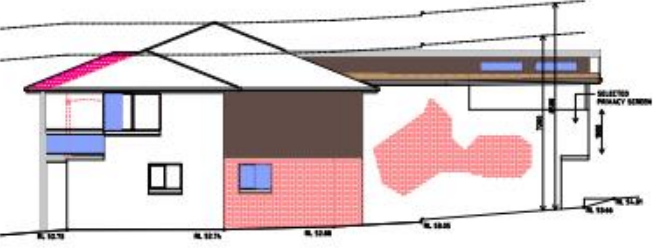

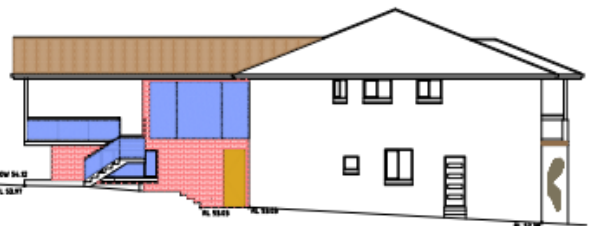

- Modernise the main façade.
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- New concrete roof instead of conventional roof.
- Widen garage door.
- Remove walls.
- Close up openings.
- Remove concrete path for landscaping.
- External finishes updated.
- New decorative elements (support posts).
- Amend window sizes as shown to elevations.
- Changes to the ground and floor plates as shown.

- Show the secondary dwelling approval (via a CDC pathway) and previously shown as rumpus and kids' area).

Other

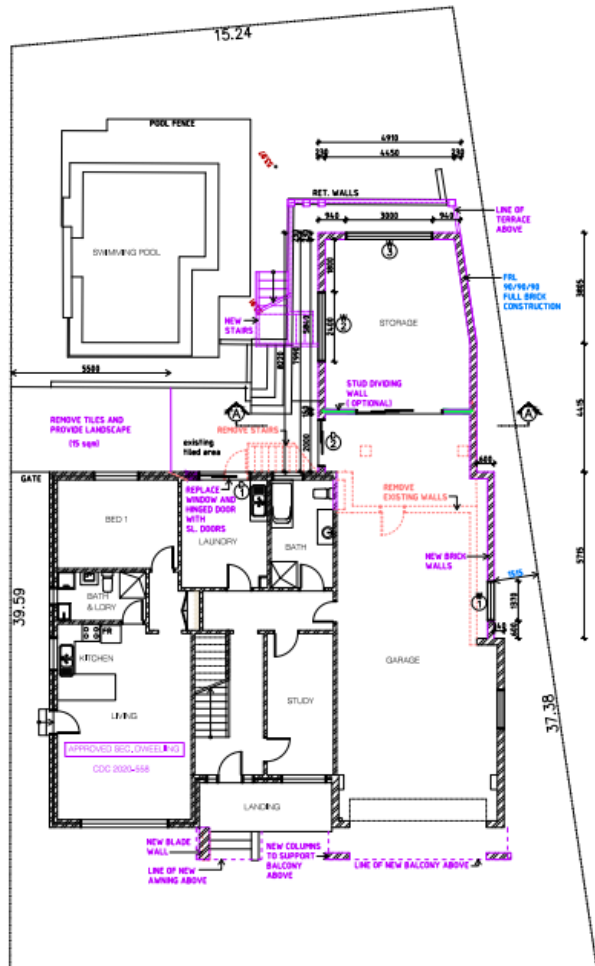
- Architectural drawings updated to reflect the changes above.

Below, we have compared the DA Approved Elevations versus the MA Elevations.

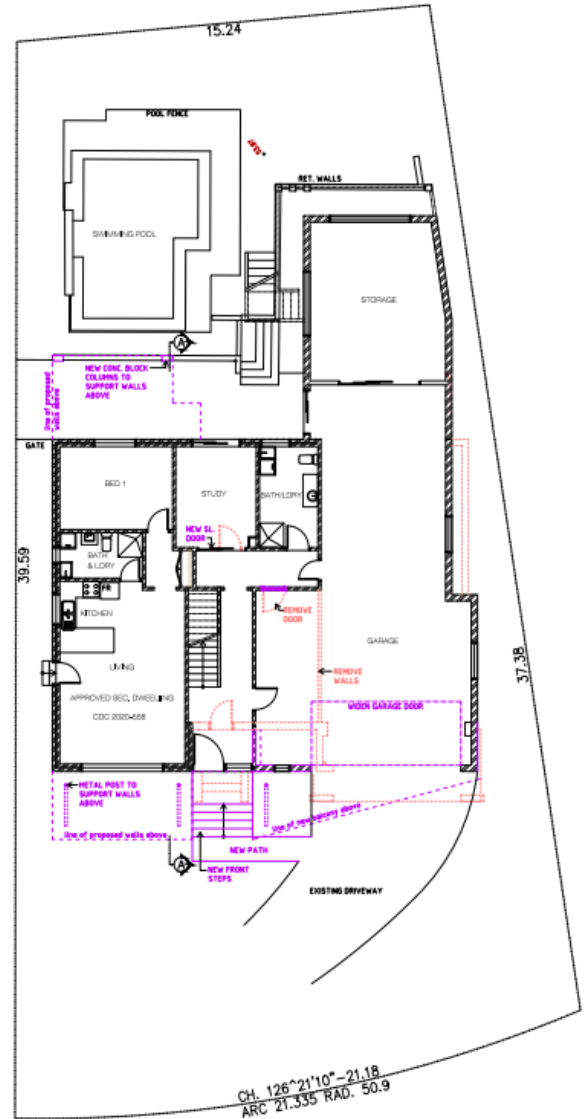
DA Approved Elevations	MA Elevations
 <p>SOUTH WEST ELEVATION SCALE 1:100</p>	 <p>NORTH EAST ELEVATION SCALE 1:100</p>
 <p>NORTH EAST ELEVATION SCALE 1:100</p>	 <p>NORTH EAST ELEVATION SCALE 1:100</p>
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The amendments to the floor plates now depicted below.

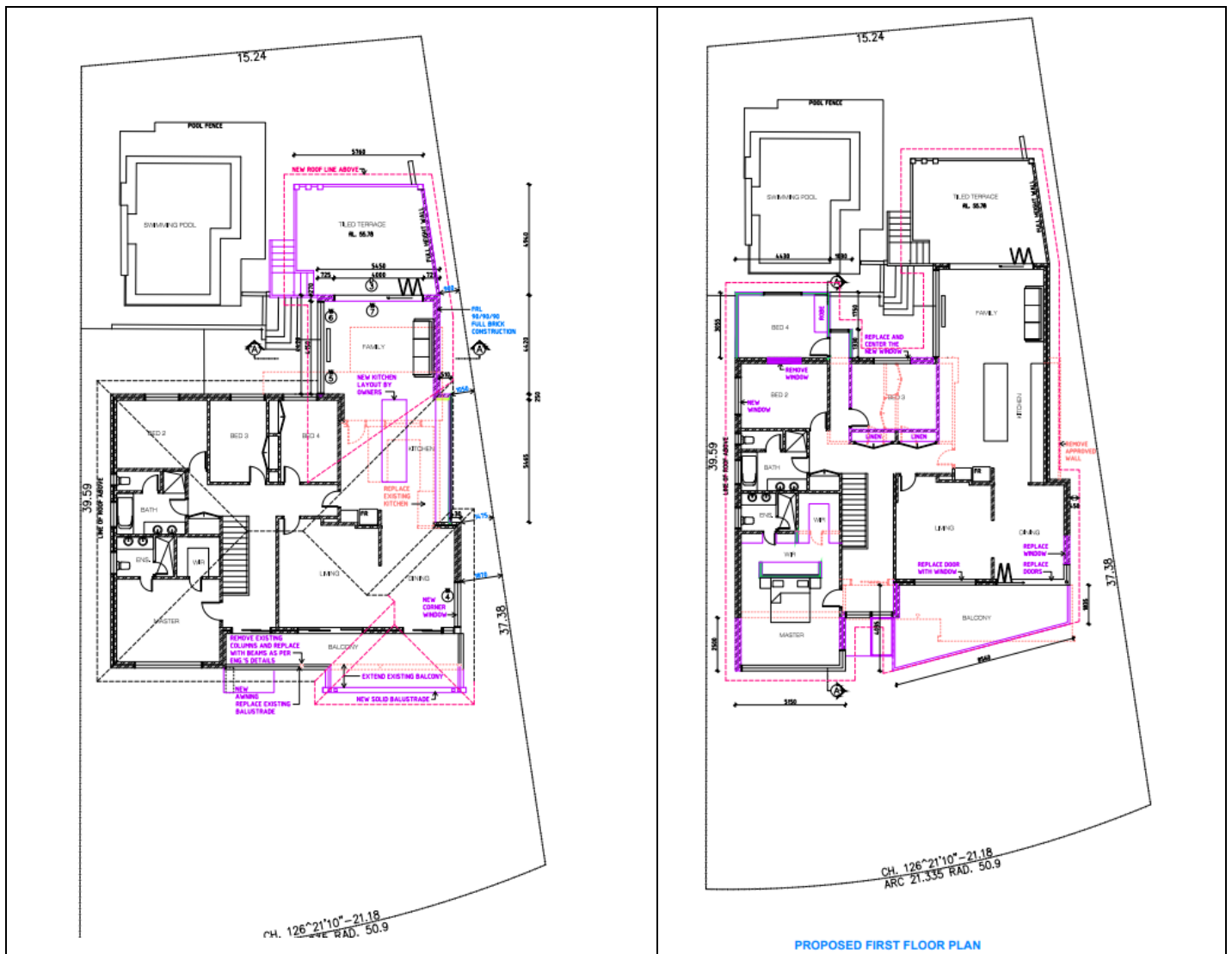
DA Approved Floor Plates



MA Floor Plate



PROPOSED GROUND FLOOR PLAN
C/A 1:100



The complete detail and specification are illustrated 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.
- Meet the demand of the local housing market.
- Respond to economic factors.
- Produce consistent set of construction drawings and to incorporate the CDC approved secondary dwelling.

6. Conditions to be amended

We anticipate the following conditions are to be amended:

Condition 1a and 1c

Reason: to reference the new documentation filed as part of this MA.

7. Matters of Consideration

7.1. 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 and rather a decrease to the overall height of the building and or other development standards.

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

7.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

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

7.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The MA changes as depicted on the drawings in our view do not compromise the core objectives of Warringah Development Control Plan and we offer our assessment below.

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	N/A	Yes
B3 Side Boundary Envelope	Slight encroachment however, viewed acceptable.	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	<p>Yes</p> <p>Ground floor 1355mm - 1370mm (north).</p> <p>Ground floor 900mm - 1515mm (south)</p> <p>First Floor- 1355mm - 1370mm (north).</p> <p>Ground floor</p>	Yes

	900mm - 1870mm (south)	
B7 Front Boundary Setbacks	Yes Shown as 9555mm and consistent with adjoining properties.	Yes
R2 - All other land in R2 Zone	Yes	N/A
Front Boundary Exceptions - R2	Yes	N/A
All other land under R2	Yes	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes Shadows fall towards the public road/front setbacks.	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes

D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Further discussion



The proposal does not warrant a change to the:

- drainage considerations (connection to existing drainage system found onsite),
- height of the overall building reduced now RL 59.35 (reduced impact due to the flat roof substitution where the original roof line was shown as a conventional roof at RL 61.30),
- wall heights (slight envelope impediment, however, this is acceptable since the property to the north is burdened via an easement- 1.8 metre wide and by default a greater separation is achieved.

The overhang of the concrete roof is no different to an eave and is generally permitted for energy efficiency reasons).

The illustration showing the comparison below results in a less bulkier building and is not as top heavy given the reduction to the height.

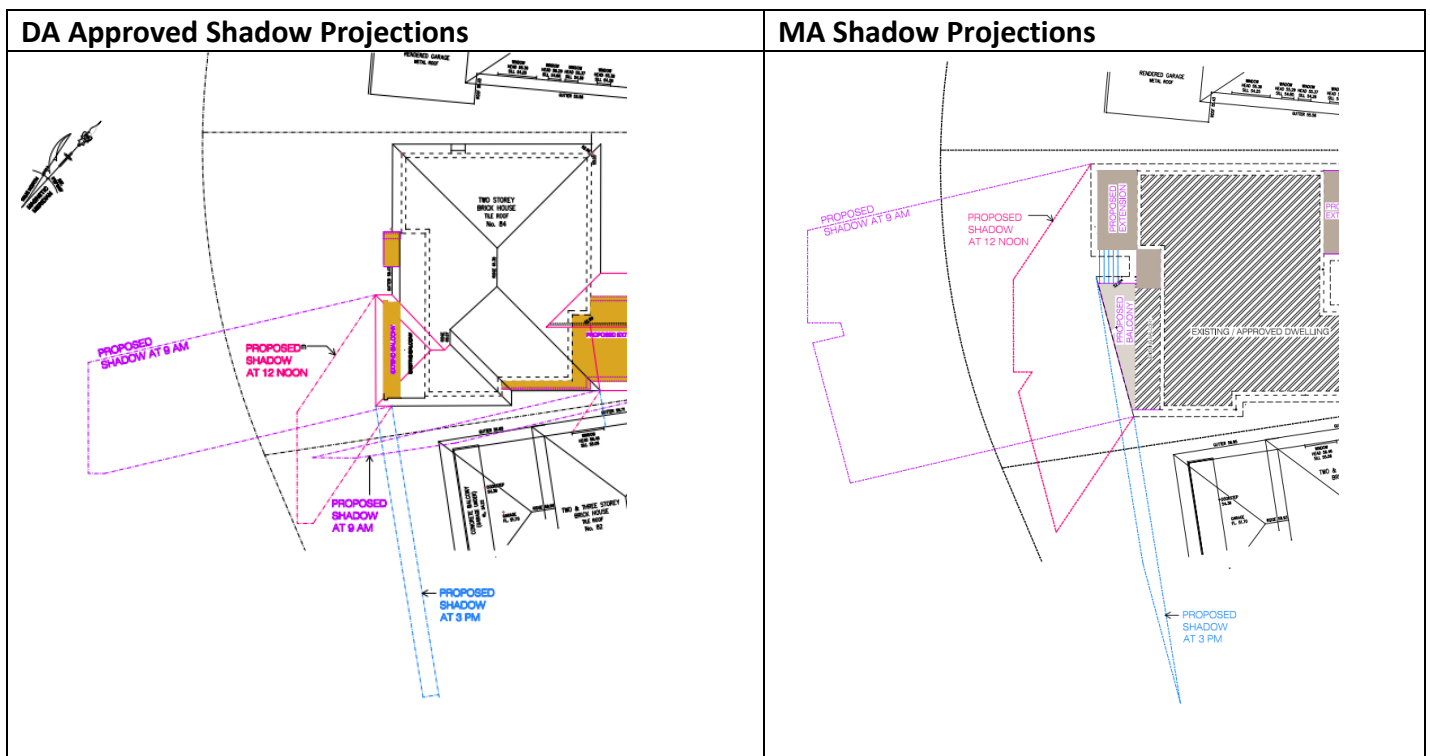
The scale and appearance is viewed to be appropriate and of a modern treatment,

DA Approved Elevations	MA Elevations
 <p>SOUTH WEST ELEVATION SCALE 1:100</p>	



- front setback (consistent with the neighbouring property to the north and viewed consistent with the streetscape),
- side setbacks (1.355 metres to northern side boundary and to the south previous approval wall location removed),
- rear setbacks (consistent with the property to the northern side boundary),
- landscape areas (40% is achieved or 286sq.m),
- external material finishes (remain acceptable),
- privacy/amenity considerations for adjoining owners (glazing enhanced to the streetscape or glazing minimised to meet the NCC guidelines), or
- Shadowing (solar access acceptable for neighbouring property to the south).

A comparison is provided below which shows a lesser projection due to the reduced building height.



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

7.4. 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.

7.5. 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 despite the increases to the first-floor plate.

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.

7.6. 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.

The proposal remains consistent with the surrounding low-density residential character.

7.7. 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.

7.8. Section 4.15(1)(e) - the public interest

The proposal is not contrary to the public interest.

8. Assessment of whether the proposal is substantially the same

In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (*Vacik Pty Ltd v Penrith City Council*, unreported, 24 February 1992).

In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, as amended would be the same use and therefore substantially the same development.

Stein J goes on to say that it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved.

These comments are reiterated in *Trinvass Pty Ltd v The Council of the City of Sydney* [2018] NSWLEC 77.

Bignold J in his decision in *Moto Projects No 2 Pty Limited v North Sydney Council* [1999] 106 LGERA 298, states that:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted)."

As such, an assessment of the proposed modified development to determine if substantially the same as the original development requires an assessment of the quantitative and qualitative impacts of the modified proposal.

Quantitative Assessment

At Section 3 and 7.3 of the Report, we discussed quantity changes or measurements of the design elements regarding compliance with key DCP numerical components such as the height of building, shadowing, landscaping areas and setbacks.

It is acknowledged there is a slight encroachment to the envelope control and despite this, the proposal is viewed acceptable as the proposal remains for improvements and revamp of a dwelling house which was always the original intent of the Development Application.

Another feature of the proposal from day one was to improve the living standards of the multi-generational family residing from their residential place and this has not changed.

In our view, it would be counterproductive to assess the proposal for something else other than alterations and additions to a residential property or to have a new Development Application to undress a revised scheme to fit some other land use purpose as there is no other purpose and that would not be the intent of the Planning legislation.

Based on our assessment, there will be no major impact on the locality of the site from a quantitative assessment.

Qualitative Assessment

At Section 3 and 7.3 of the Report, we discussed the descriptive nature of the changes and compare the visual changes with a before and after approach.

The architectural language adopted within the revised scheme does not create any additional environmental impacts for the adjoining owners or the locality.

The revised scheme from a building design point of view provides for a better and more visually pleasing façade.

The bulk and scale of the dwelling is lessened, and the choice of materials and finishes would remain acceptable, and the end result of the dwelling house would not be out of character.

The changes do not cause any greater overlooking issues for adjoining occupiers and the window openings and revised floor plates, and use of space is for low density purposes.

The intensity of the proposal remains in a low density housing form and the secondary dwelling component being absorbed into the documentation does not change the purpose or use of the residential space.

The purpose here remains to accommodate a multi-generational family under one space or one roof. Whether a roofline is pitched or flat, the use does not change and visually speaking, the flat roofline would be visually less intrusive and falls within the intent of the proposal for alterations and additions.

Based on the above assessment, the modified development is substantially the same as the original approved development as the development is essentially or materially the same in terms of use, intensity and environmental impacts from a qualitative and quantitative point of view.

9. 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 and except for depicting the secondary dwelling component which was approved via a CDC pathway and is now shown for consistency in producing current working drawings.

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