



32A OXFORD FALLS ROAD BEACON HILL

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
SECTION 4.55 (1A) MODIFICATION TO VARY DEVELOPMENT CONSENT 2020/0059**



Report prepared for
Lena and Craig Lowe
October 2020

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(1A) of the Environmental Planning and Assessment Act 1979, to modify an existing development consent for “*Alterations and additions to an existing dwelling and the addition of an attached secondary dwelling at 32A Oxford Falls Road, Beacon Hill*”.

1.2 Development Application DA2020/0059 was granted consent by Northern Beaches Council by Notice dated 11 March 2020.

1.3 It is now proposed that the existing consent be modified to as follows:

Condition 1:

Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

<i>Architectural Plans – Endorsed with Council’s Stamp</i>		
<i>Drawing No.</i>	<i>Dated</i>	<i>Prepared by</i>
<i>DA02 Revision E</i>	<i>19 December 2019</i>	<i>Action Plans</i>
<i>DA05 Revision E</i>	<i>19 December 2019</i>	<i>Action Plans</i>
<i>DA06 Revision E</i>	<i>19 December 2019</i>	<i>Action Plans</i>
<i>DA07 Revision E</i>	<i>19 December 2019</i>	<i>Action Plans</i>
<i>DA08 Revision E</i>	<i>19 December 2019</i>	<i>Action Plans</i>
<i>DA09 Revision E</i>	<i>19 December 2019</i>	<i>Action Plans</i>

<i>Reports/ Documentation – All recommendations and requirements contained within</i>		
<i>Report No./Page No./ Section No.</i>	<i>Dated</i>	<i>Prepared by</i>
<i>Preliminary Geotechnical Assessment</i>	<i>13 December 2019</i>	<i>Ascent Geotechnical Consulting</i>
<i>BASIX Certificate No: 1066565S</i>	<i>13 December 2019</i>	<i>Action Plans</i>

- b) Any plans and/or documentation submitted to satisfy the Conditions of this consent
- c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No./Title	Dated	Prepared by
Waste Management Plan	Not dated	Lena Lowe

In the event of any inconsistency between conditions of this consent and the drawings/ documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work carried out in accordance with the determination of Council and approved plans.

Is to be replaced with

1) Approved Plans and Supporting Documentation to read as follows:

The development must be carried out in compliance with (except as amended by any other condition of consent) with the following:

- a) Approved Plans

Architectural Plans – Endorsed with Council’s Stamp		
Drawing No.	Dated	Prepared by
<i>Mod1</i>	<i>25 September 2020</i>	Action Plans
<i>Mod2</i>	<i>25 September 2020</i>	Action Plans
<i>Mod3</i>	<i>25 September 2020</i>	Action Plans
<i>Mod4</i>	<i>25 September 2020</i>	Action Plans
<i>Mod5</i>	<i>25 September 2020</i>	Action Plans
<i>Mod6</i>	<i>25 September 2020</i>	Action Plans

Reports/ Documentation – All recommendations and requirements contained within		
Report No./Page No./ Section No.	Dated	Prepared by
<i>BASIX Certificate No: 1066565S_02</i>	<i>25 September 2020</i>	Action Plans

In the event of any inconsistency between conditions of this consent and the drawings/ documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work carried out in accordance with the determination of Council and approved plans.

1.4 In preparation of this submission, consideration has been given to the following documents:

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

1.5 This statement of environmental effects has been prepared with reference to the following:

- Site visit
- Review of the original development consent
- Review of original development assessment report and accompanying documentation
- Development Plans

1.6 The modified development application provides for some altered floor and roof levels and an enlarged rear deck.

2.0 The site and its locality

- 2.1 The site is a corner lot with two street frontages, both on Oxford Falls Road. The primary street frontage is on the western frontage. The site is located at the intersection of Oxford Falls Road and Ellis Road.
- 2.2 It is an irregular shaped lot with frontage of 26.822metres (western frontage on Oxford Falls Rd), with 6.93 metres on the corner of the site connecting to the southern and secondary street boundary along Oxford Falls Road with a frontage of 18.593 metres. The northern side boundary is 21.946 metres and eastern side boundary is 30.493 metres. The site has an area of 594.38m².
- 2.3 The site is currently occupied by a one - two storey brick dwelling with a tile roof and attached double garage at the front of the site. The property has vehicle and pedestrian access from the western boundary to Oxford Falls Road.
- 2.4 The site is surrounded by detached residential dwellings in all directions with Tristram Road Reserve located nearby. The site is also in close proximity to the retail and public transport services on Warringah Road.



Figure 1. The site and it's immediate surrounds



Figure 2. Aerial photograph of the site prior to construction works commencing

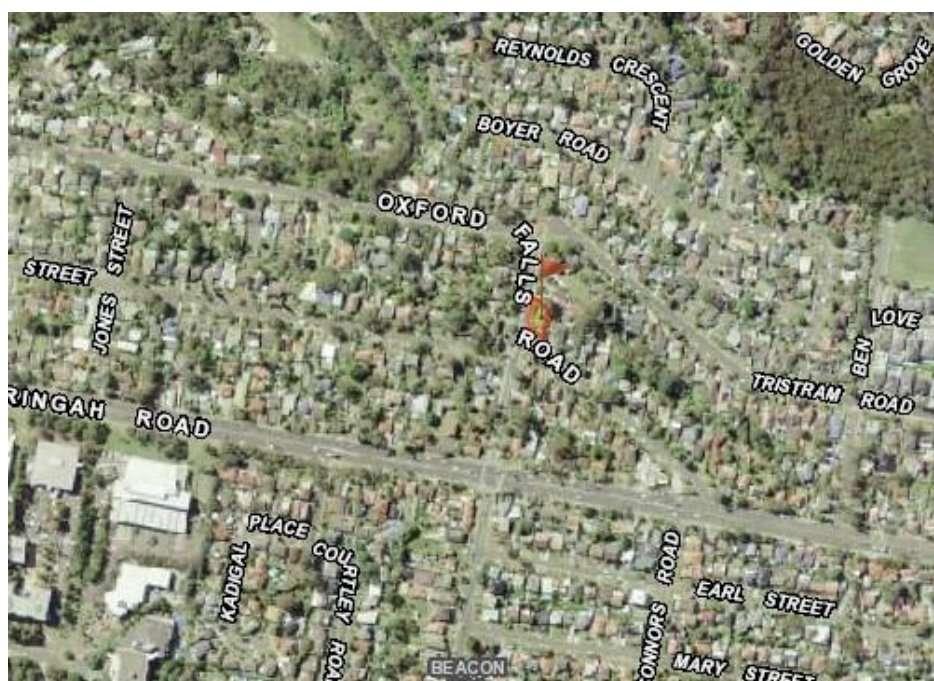


Figure 3. Aerial photograph of the site and its surrounds

3. Proposed Development

3.1 It is proposed to amend the approved development as shown on the plans with the key changes summarised below.

1. Ground Floor
 - a. Revised existing garage finished floor level (123.1)
 - b. External stair access increased eastern setback
 - c. Laundry wall (north) to be constructed with additional width
2. First Floor
 - a. External stair access increased eastern setback
 - b. Revised secondary dwelling finished floor level (125.83)
 - c. Rear (northern) deck extended in size to wrap around and join with western deck
3. Modification to roof
 - a. Variation to allow for roof over deck extension
 - b. Revised maximum RL of 130.023
 - c. Modified northern roof to remove gable and install solar panels

3.2 The changes have been created to resolve an error in the original levels and to enhance the upper level deck and create a more usable outdoor space which is directly accessible from the living area of the principle dwelling.

4. Statutory Framework

4.1 Section 4.55 of Environmental Planning and Assessment Act 1979

4.1.1 Section 4.55(1A) 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 the 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, 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.*

4.1.2 The proposed modifications will have minimal environmental impact as demonstrated in this document. The development to which the consent, as modified, applies is substantially the same development, as the development granted consent in Development Consent DA2020/0059, notwithstanding the proposed modifications.

4.1.3 S96(3) of the Act requires Council to consider those matters referred to in Section 4.15(1) of the Act that are of relevance to the development the subject of the application. It is not believed that the minor modifications proposed will alter the favourable assessment provided to the original Development Consent. In particular, the site and surrounding built and natural environments will remain the same and the amenity for the local residents will be maintained.

4.2 Warringah Local Environmental Plan 2011

The sections of the LEP impacted by the proposed modification are addressed below.

Zoning

The site is zoned R2 pursuant to the provisions of the Warringah Local Environment Plan 2011. The modified development remains a permissible use in the R2 zone which permits residential dwellings and secondary dwellings with development consent.

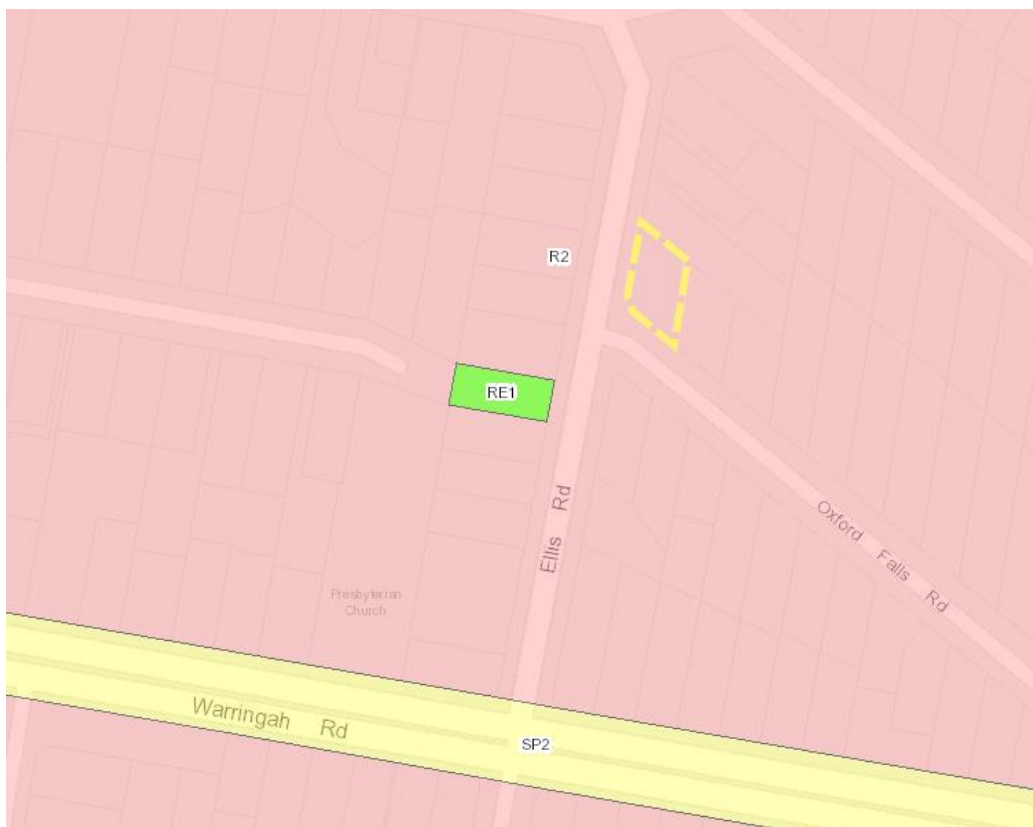


Figure 8. Extract from Warringah LEP zoning map

Height

The LEP restricts the height of any development on the subject site to 8.5 metres. The proposed development complies with this requirement with the proposed roof height increasing from the approved 7.35 metres to 7.5 metres.

Development on Sloping Land

The site is located in the area nominated the LEP maps as Area B – Flanking Slopes 5 to 25. Accordingly, a geotechnical report has been provided by Ascent Geotechnical Consultant with the original application, confirming that the development is appropriate as proposed.

4.3 Warringah Development Control Plan 2011.

The sections of the DCP which are impacted by the minor modifications are addressed below.

The relevant sections of the DCP are addressed below.

5.2.1 Part B General Controls

Wall Heights

Wall heights will be unchanged by the proposed modification.

Side Building Envelope

The building envelope will be unchanged by the proposed development, with the only alteration being the extended deck to the east which is compliant.

Side Setback

Side boundaries are unchanged, with the only change being the rear deck being extended in length, but maintaining a compliant setback.

Front Setback

The front setback is unchanged.

5.2.3 Part D Design

Landscaping and Open space and bush land setting

The compliant landscaped area is maintained with the additional deck area built over areas already excluded from landscaping calculations.

Access to sunlight

At least 50% of the private open space of the subject site and the adjoining dwellings are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by this clause DCP. The revised shadow diagrams provided with the application demonstrate that the neighbour to the east remains only impacted only at 3pm, with no loss of sunlight in the earlier diagrams.

Privacy

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas. The siting of the dwelling additions aids in ensuring that privacy is maximised and the alterations to the existing dwelling are not to the detriment of privacy.

The orientation of the proposed balconies of the primary and secondary dwelling and their setbacks ensure that it will not overlook neighbours.

Building Bulk

The building will remain consistent with the streetscape and surrounding dwellings. The overall impact of the additions to the existing dwelling and the secondary dwelling is aesthetically pleasing and a complimentary addition to Oxford Falls Road.

Roofs

The revisions to the existing dwelling roof will provide for roofing designed to ensure continuity with the existing dwelling, complement the locality and best suited for solar collection.

Conservation of Energy and Water

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

5.0 Section 4.15 considerations

- 5.1 The minor 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 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 impacts of the proposed modifications will have a negligible impact on the subject site, the neighbouring site and the streetscape with regards to all relevant factors including design, amenity, landscaping and privacy.

6.0 Expected impacts of the proposed modifications

- 6.1 The revisions will have a positive impact on the streetscape without being to the detriment of neighbours or the environment.

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.

9.0 Conclusion

- 9.1 The development, as modified, represents substantially the same development as was approved by Council in Development Consent DA2020/0059. 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:

1. Warringah Local Environmental Plan 2011
2. Warringah Development Control Plan
3. The heads of consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979.