

STATEMENT OF MODIFICATION

PROPERTY : 24 Fromelles Ave, Seaforth 2092

APPLICANT :  UPSTAIRS DESIGN & BUILDING CO.

SECTION 4.55 (1A) APPLICATION

25 November 2022

Northern Beaches Council
PO Box 82 MANLY NSW
1655

To whom it may concern,

SECTION 4.55 (1A) APPLICATION

Application Number: DA2021/2479

Date of Determination: 10/02/2022

Address: Lot 21 DP 35319 , 24 Fromelles Avenue SEAFORTH NSW 2092

Proposed Development: Alterations and additions to a dwelling house



INTRODUCTION:

On behalf of Richard & Tara Egger we seek Council consent pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 to amend Development Consent DA2021/2479 relating to alterations and additions to a dwelling house.

BACKGROUND:

Development Consent for the construction of alterations and additions to the existing dwelling on the subject site was approved by Council on 10/02/2022.

DESIGN MODIFICATION

It is proposed for alterations & additions, including modifications to First Floor Rumpus room & New Deck off Master Bedroom.

A modification Section 4.55(1A) application is sought for proposed modifications, which are of minimal environmental impact, to the approved design for the proposed alterations and additions to a dwelling house including

- removal of western side of Rumpus room including roof over driveway
- the inclusion of re-using existing window 8 in Rumpus room (EXW8)
- the inclusion of additional sliding door (W1) off of Master Bed
- the inclusion of additional Deck off of Master Bed

The design elements are sympathetic to surrounding development and make allowances for environmental objectives (i.e. solar penetration, privacy, minimizing of shadows etc).. There are no solar issues in this regard.

In support of the application, the following documents are also submitted –

- modifications to the approved plans which are depicted in the architectural plans prepared by  UPSTAIRS DESIGN & BUILDING CO.
- BASIX Certificate A407581_06

Environmental Planning and Assessment Act 1979 Legislation

(1A) **Modifications involving minimal environmental impact** 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
- (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.
Subsections (1), (2) and (5) do not apply to such a modification.

Comment

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.

JUSTIFICATION

Project aims and objectives

-To integrate the alterations & additions, including a new First Floor Rumpus room & Deck with the existing building the surrounds and the desired future character of the locality.

-To achieve a development that enhances not only the existing building but hence the visual amenity of the area, whilst integrating into the local street-scape.

-To create a more livable space and amenity for the occupants, while creating additional elements which meets or exceeds the architectural standard of the area.

Design/Streetscape Statement:

The design aims to achieve a positive architectural and aesthetic contribution to the character of the area.

The design of the additional elements are sympathetic to surrounding development and make allowances for environmental objectives (i.e. solar penetration, privacy, minimising of shadows etc).

Proposed finishes are varied between aluminium, Colorbond to reduce the bulk and more clearly articulate the architectural forms. This, coupled with existing structures and decks are of appropriate scale and architectural relief so as to be readily absorbed into the context.

The proposed building elements integrate within the established pattern of the local context by maintaining the predominant scale and bulk of surrounding building elements. Thus, the development is in keeping with the surrounding scale of developments.

The land is zoned R2 Low Density Residential. The proposed construction is to comply with the BCA (NCC).

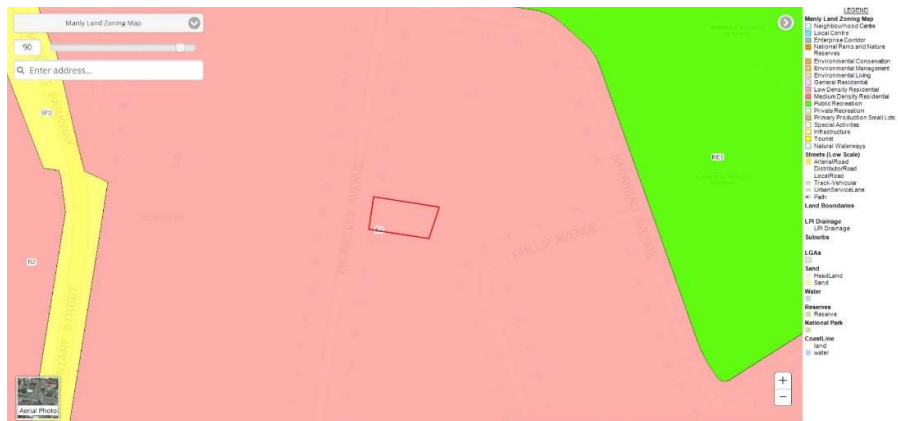
The design has minimised the bulk and scale by way of keeping within existing structural footprint. There are no solar issues in this regard.

The materials are to match existing or similar in keeping with existing streetscape to produce an acceptable elevation to Arabanoo St to compliment the established character of the area and in keeping with the future desired characteristic of the area.



MLEP Maps

R2 – Low Density Residential



The screenshot displays the Manly Floor Space Ratio Map. The map area is predominantly light blue, representing water, with some green areas representing land. A red rectangle highlights a specific lot on the shoreline. The map is overlaid with a grid of streets, including T. BARKIN, T. BARKIN, FROMELLES AVENUE, PHILLIP AVENUE, and BACARBAL AVENUE. The interface includes a search bar at the top left, a legend on the right, and a scale bar at the bottom left.

Legend:

- Manly Floor Space Ratio Map
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[illegible]

Heritage Map = N/A immediately to site – no impact to heritage items in vicinity



Acid Sulfate = N/A – No Acid Sulfate



Landslip Map = N/A – No Landslip



Foreshore Scenic Protection Area Map = N/A



Biodiversity = N/A



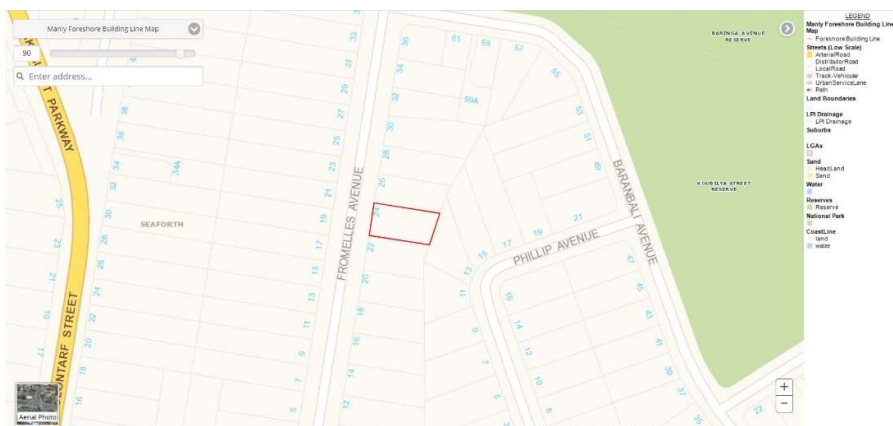
Wetlands Map = N/A



Active Street Frontage Map = N/A



Foreshore Building Line Map = N/A



The screenshot displays the 'My Key Site' web application interface. The main map area shows a residential neighborhood with streets such as Marly Key Sites, Seaforth, Phillip Avenue, and Baranbul Avenue. A red rectangle highlights a specific site. The interface includes a search bar at the top left, a legend on the right side with various map layers like 'My Key Site Map', 'Boundaries', 'Land Use', and 'Topography', and a scale bar at the bottom. The map also shows property boundaries, lot numbers, and street names.

LOCALITY SEAFORTH

Summary of Development Standards

Site Area – 560m²

Controls - In relation to sunlight to private open space of adjacent properties:
a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) ;

3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties

Outcomes – Complies with this control

3.4.2 Privacy and Security

Controls - To minimise loss of privacy to adjacent and nearby development by:

appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.

Outcomes – Complies with this control

3.8 Waste Management

Control - All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the [Waste](#) Management Guidelines and all relevant Development Applications must be accompanied by a [Waste Management Plan](#).

Outcomes – Complies with this control - see Site Analysis Plan

4.1.2 Height of Buildings

LEP2013 4.3 Height of Buildings from HOB Map

Control - HOB Map – I = Max. height 8.5m

Outcomes – Complies with this control

4.1.2.1 Wall height

Control – Figure 28 Max. wall height determined by slope

Outcomes – Complies with this control

4.1.2.2 Number of Storeys

Control – a) Building must not exceed 2 storeys.....

Outcomes – Complies with this control

4.1.2.3 Roof height

Control – Pitched roof structures must be no higher than 2.5m above the actual wall height.

Outcomes – Complies with this control

4.1.3 Floor Space Ratio

Control - **Note:** FSR is a development standard contained in the LEP and LEP objectives at clause 4.4(1) apply. FSR - 0.45:1

Outcomes – Complies with this control

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor

excluding

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement:

(i) storage,

4.1.4 Setbacks Front, Side, Rear

4.1.4.1 Front Setbacks

Control – a) Front setbacks must relate to the front of the building line of neighbouring properties and the prevailing building line in the immediate vicinity.

Outcomes – Complies with this control

4.1.4.2 Side setbacks and secondary street frontages

Control – a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.

Outcomes – a) Outcomes – Complies with this control

4.1.4.4 Rear Setback - a) The distance between any part of a building and the rear boundary must not be less than 8m.

b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained.

Outcomes – Outcomes – Complies with this control

4.1.4.5 Foreshore Building Lines and Foreshore Area - N/A

4.1.5 Open Space and Landscaping – N/A - No change to Landscaping / Open Space

4.1.5.3 Private Open Space - a) Principal private open space is to be provided in accordance with the following minimum specifications:

i) Minimum area of principal private open space for a dwelling house is 18sqm;

Outcomes – Complies with this control

4.1.7.1 First Floor Additions

Control - a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.

b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of Manly. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.

Outcomes – complies with this control.

CONCLUSION

In conclusion, we believe that the proposed modifications including –

- removal of western side of Rumpus room including roof over driveway
- the inclusion of re-using existing window 8 in Rumpus room (EXW8)
- the inclusion of additional sliding door (W1) off of Master Bed
- the inclusion of additional Deck off of Master Bed

have minimal environmental impacts and is in keeping with the aims and objectives of council policies. The design has produced an outcome, which attempts to maintain the natural and built characteristics of the area and in keeping with the future desired characteristics of the area.

Yours sincerely,



UPSTAIRS DESIGN & BUILDING CO.