



**46 DAINTREY STREET,
FAIRLIGHT**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
SECTION 4.55 (1A) MODIFICATION TO VARY DEVELOPMENT CONSENT DA2020/1177**



Report prepared for
Katarina Kevicka and Adam Bullpitt
May 2023

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 an existing dwelling"* at 46 Daintrey Street, Fairlight.

Development Application DA2020/1177 was granted consent by Northern Beaches Council by Notice dated 8 December 2020.

1.2 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
- Manly Local Environmental Plan 2013
- Manly Development Control Plan
- the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

1.3 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

1.4 It is proposed that the existing consent be modified to refer to the revised plans dated 4 April 2023.

The proposed development will allow for a minor alteration of the approved development to allow for the extension of the lower ground floor (garage) to allow for a plant/services/bin storage area and bike storage as well as a pedestrian door into garage; reorganisation of the home office with associated changes to doors and windows.

2.0 The site and its locality

- 2.1 The site is a corner lot, located on the eastern side of Daintrey Street and southern side of Arthur Lane, approximately 100 metres south of the intersection with Balgowlah Road. It is legally described as Lot 25 Section D DP 4449 and is known as 46 Daintrey Street.
- 2.2 The lot is an irregular shape with a 7.62 metre primary street frontage to Daintrey Street, a 33.345 metre secondary street frontage to Arthur Lane and side boundaries of 13.08 metres (east) and 33.58 metres (south). As the site is a corner lot, it does not have a rear boundary.
- 2.3 The site has an area of 344.7m² and has been terraced with stone walls to level and retain the site. The locality slopes from south to north, towards Arthur Lane).
- 2.4 The site is surrounded by detached and semi-detached residential dwellings and residential flat buildings in all directions. It is in close proximity to the Manly Golf Club, Manly Beach. Public transport and shops are available along Pittwater Road.

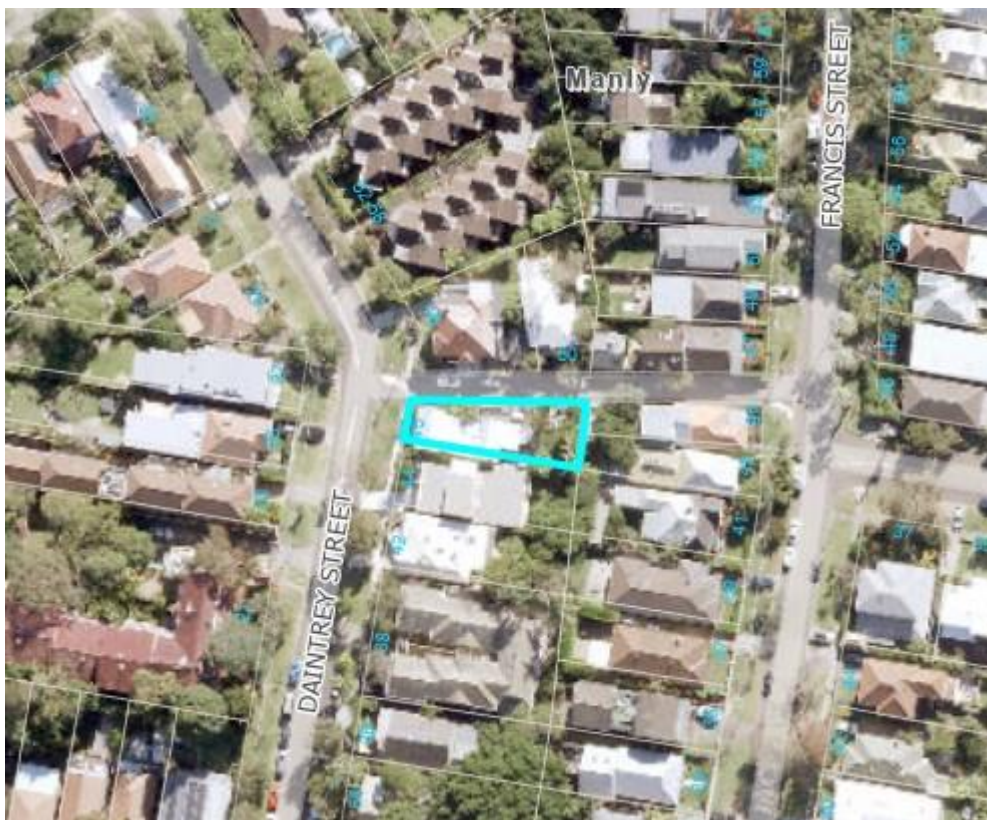


Figure 1. Aerial photograph of the site

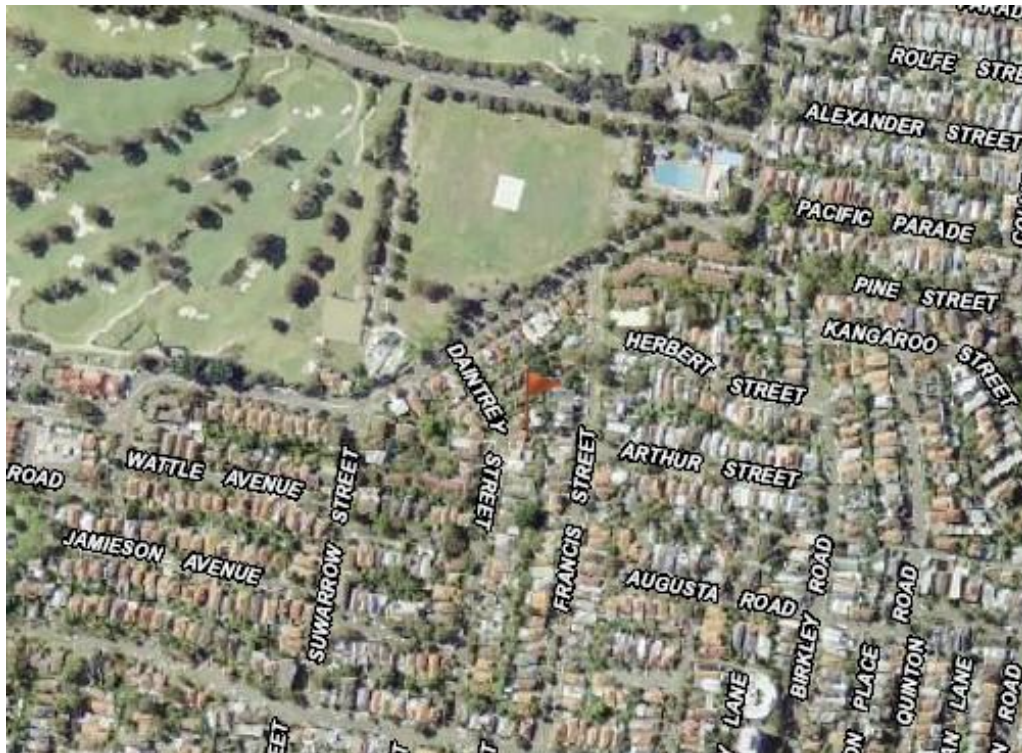


Figure 2. The site and its locality

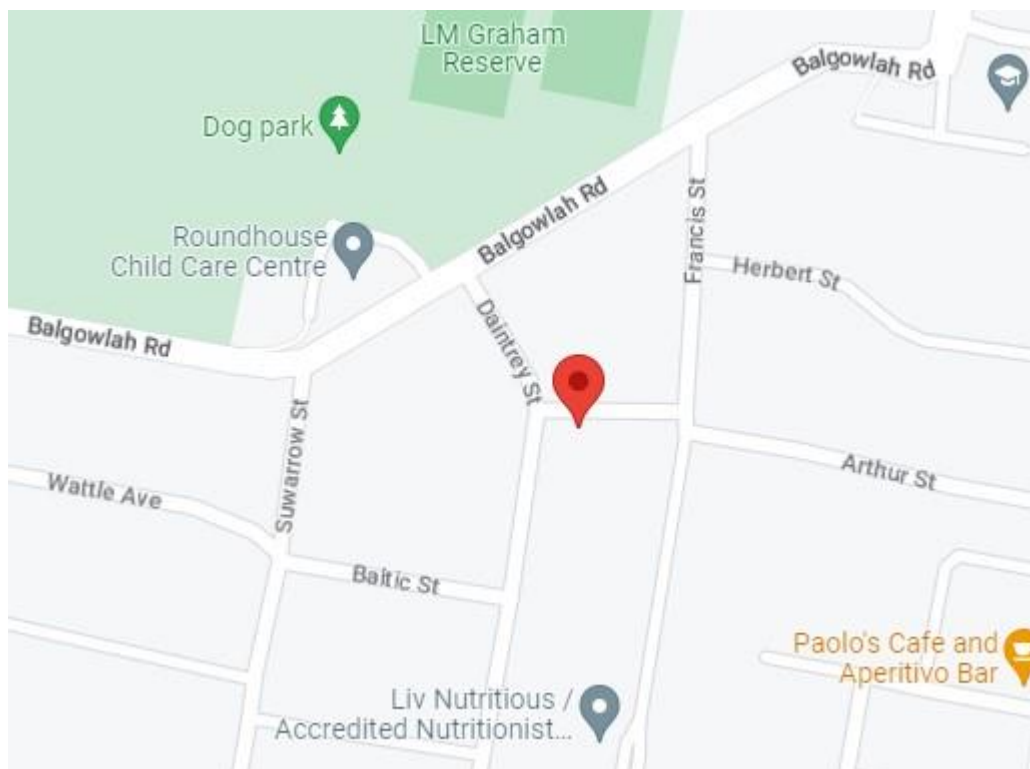
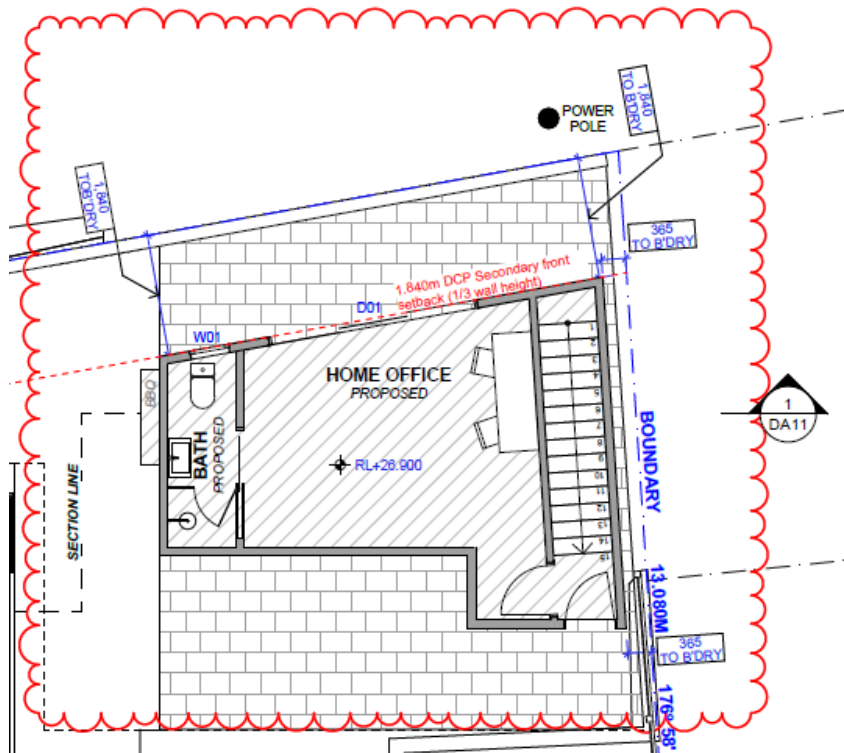
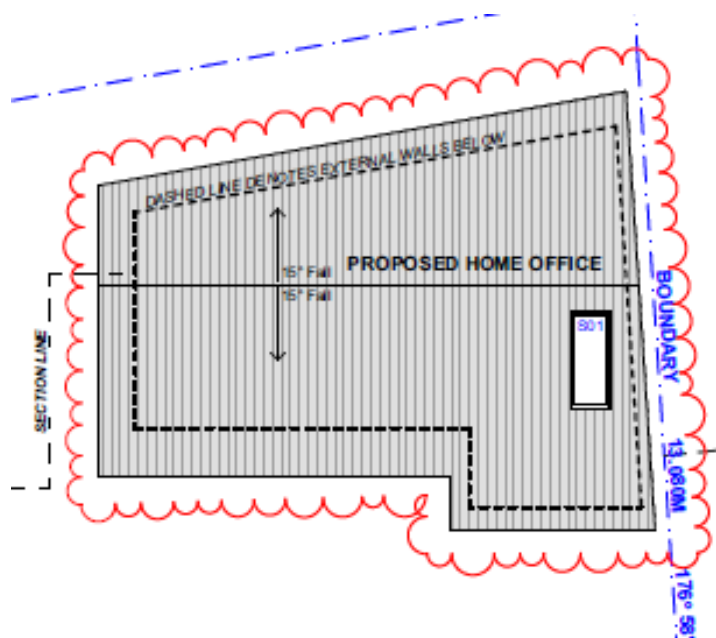


Figure 3. The site and its locality



Roof

- Adjusted in line with ground and lower ground changes



3.2

The minor alterations have been designed in a manner which will have minimal and appropriate impact on the bulk of the building with no view, or overlooking or solar access impacts for neighbours.

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 development to which the consent as modified relates is of minimal 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, of 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 DA2020/1177, 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 State Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this modification application.

4.3 Manly Local Environmental Plan 2013

The proposed development is a permissible use in the R1 zone, which permits residential dwelling with development consent.

No provisions of the LEP will be impacted by the minor modifications proposed as detailed below.

Demolition

Consent remains for demolition works as detailed on the attached DA plans.

Minimum Lot Size

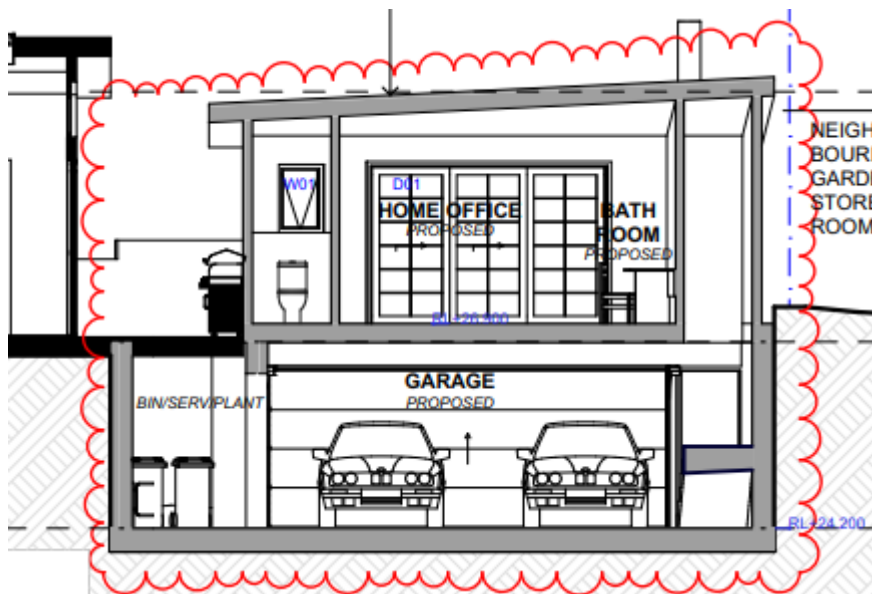
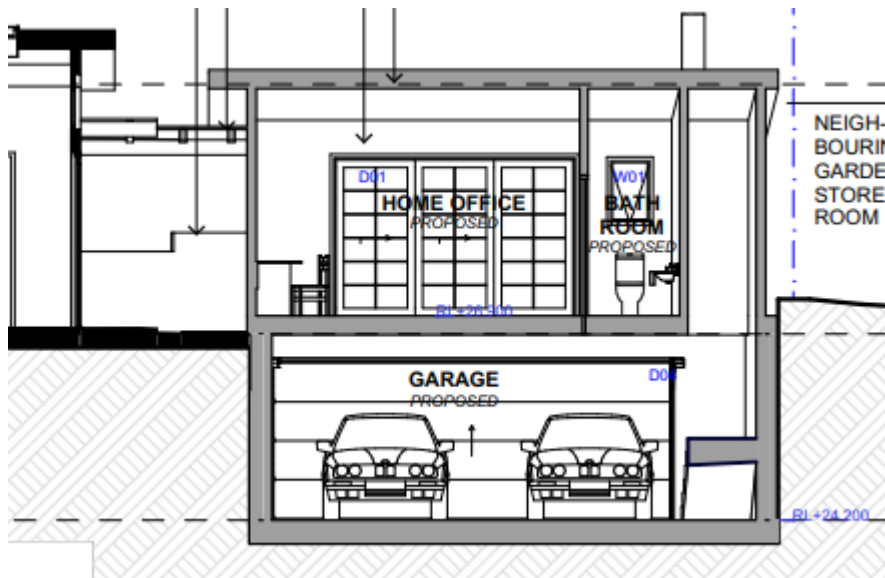
The site is mapped with a minimum subdivision lot size of 250m². The subject site comprises an area of 344.7m² and no subdivision is proposed.

Height

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres.

The existing building has a compliant maximum building height of 8.15 metres and no change is proposed.

The approved home office retains a compliant height with maximum RL unchanged.



Floor Space Ratio

The site is mapped with a maximum FSR of 0.6:1. This equates to a maximum floor area of 206.82m² for the site area of 344.7m².

The approved FSR on is 188.2m² or 0.55:1. The minimal additional works result in a total GFA of 187m² or an FSR of 0.54:1. We note that the plant and storage at basement level are excluded.

Heritage

The site is not a heritage item, located within a heritage conservation area or located in proximity to heritage item.

Acid Sulfate Soils

The site is mapped with class 5 acid sulfate soils. The proposed works are minor and are not likely to lower the watertable below 1 metre AHD on adjacent class 1,2,3 or 4 land.

Earthworks

Earthworks and excavation are proposed to allow for the construction of the proposed double garage and are marginally extended to allow for the plant and store. This is a reasonable solution for the R1 zoned site.

All works will be undertaken in accordance with engineering specifications, Councils controls and any consent conditions.

Stormwater Management

Stormwater will be unchanged.

Essential Services

All essential services are existing and unchanged on the site.

5.3 Manly Development Control Plan 2013

The sections of the DCP relevant to the modification are addressed below.

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3. General Principles of Development

3.1 Streetscapes and Townscapes

The proposed changes to the garage and home office have been designed to be consistent with the design of the dwelling and will be located on the secondary street frontage. The proposal allows for an additional setback and is to the benefit of the streetscape.

3.1.1 Streetscape (Residential Areas)

The subject site has frontage to and is visible from Daintrey Street and Arthur Lane.

Complementary Design and Visual Improvement

The proposed development remains consistent with the character and streetscape in the locality. The proposed works will be constructed of materials consistent with the existing dwelling and are of an appropriate scale for the locality. The replacement retaining wall will enhance structural stability and present as a positive and complementary element to the streetscape.

Roofs and Dormer Windows

The revised roof on the home office proposes a 15° pitch. Colorbond is proposed in a colour to match the existing roof. No dormer windows are proposed.

Garages, Carports and Hardstand Areas

The double garage is retained as approved.

Garage Areas

The existing garbage storage area located at the rear of the dwelling will be retained.

3.2 Heritage Considerations

The subject site is not a heritage item, located in a heritage conservation area and is not located in proximity to a heritage item.

3.3 Landscaping

Landscaping will be unchanged.

3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

3.4.1 Sunlight Access and Overshadowing

Solar access will remain compliant.

All external material and finishes will be constructed of non-reflective materials in keeping with this clause.

3.4.2 Privacy and Security

Privacy will be retained for neighbours with no direct overlooking to neighbouring properties.

3.4.2.3 Acoustical Privacy (Noise Nuisance)

No additional noise will result from the minor amendments.

3.4.3 Maintenance of Views

There will be no impact on views.

3.5 Sustainability

An updated BASIX Certificate is provided with the attached plan set.

3.7 Stormwater Management

Stormwater from the additions will continue to drain to Arthur Lane and connect to Councils existing stormwater network as approved.

3.8 Waste Management

The existing bin storage area located at the rear of the dwelling will be relocated to the garage area and accessible from Arthur Lane.

Part 4 Development Controls and Development Types

4.1 Residential Development Controls

No change is proposed to the existing residential density which comprises of a single dwelling house.

4.1.2 Height of Buildings (incorporating wall height, number of storeys and roof height)

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The existing building has a compliant maximum building height of 8.15 metres and no change is proposed.

The DCP permits a maximum of 2 stories plus basement on the subject site. The development proposes 2 levels, incorporating a basement garage and home office. The new roof proposes a compliant 15° pitch.

4.1.3 Floor Space Ratio (FSR)

The site is mapped with a maximum FSR of 0.6:1. This equates to a maximum floor area of 206.82m² for the site area of 344.7m². The existing FSR on the site is 0.46:1 or 158.04m². The approved FSR was 188.2m² or 0.55:1. This is proposed to be reduced to 187m² or 0.54:1.

4.1.4 Setback (front, side and rear) and Building Separation

4.1.4.1 Street Front setbacks

No changes are proposed on Daintrey Street.

4.1.4.2 Side setbacks and secondary street frontages

Side setbacks are unchanged.

A secondary street frontage setback is increased for the home office to a minimum of 1.8 metres.

A nil setback for the plant which is located at a basement level to Arthur Lane is provided. This will have a nil impact as it is not visible to the street.

4.1.4.4 Rear Setback

As the subject site is a corner lot, it does not have a rear boundary.

4.1.5 Open Space and Landscaping

4.1.5.1 Minimum Residential Total Open Space Requirements

Landscaped area and total open space are unchanged and remain appropriate.

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

The approved double garage is accessed from the secondary street, Arthur Lane. The addition of bicycle storage in this area is to the benefit of the site and of no impact on the streetscape.

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 minor changes 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 amenity for the occupants of the site, 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 DA2020/1177. 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. Manly Local Environmental Plan 2013
2. Manly Development Control Plan
3. The heads of consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979.