

20 December 2020

Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Sir/Madam,

## **SECTION 4.55(1a) APPLICATION**

<b>Premises:</b>	<b>Lot 1 in DP 900658, No. 7 Pavilion Street, Queenscliff</b>
<b>Amendments:</b>	<b>Amend Plans – Fascia/Gutter detail and new window on East Elevation</b>
<b>Development Application:</b>	<b>DA 2018/0612 (as modified)</b>
<b>Date of Determination:</b>	<b>23/08/2018</b>

## **INTRODUCTION**

On behalf of Ms Megan O’Leary I seek Council consent pursuant to Section 4.55(1a) of the *Environmental Planning & Assessment Act* 1979 to amend the approved plans specified in Development Application No. DA2018/0612 (as modified) relating to the construction of dwelling alterations and additions.

## **BACKGROUND**

Development Consent for the construction of additions to an existing dwelling including a new upper level (DA2018/0612) on the subject site was approved by Council on 23 August 2018.

This application seeks to amend the approved plans. The amendments proposed seek to address a number of inconsistencies which occurred during building including a new fascia detail on the eastern elevation and new window on the eastern elevation.

This Section 4.55(1a) application carries out a detailed assessment against the relevant provisions of the Warringah LEP and DCP. It is considered that the amendments are consistent with the relevant planning controls and is worthy of the approval.

## PROPOSED MODIFICATION

This proposal seeks to amend the approved plans as detailed in the plans prepared by Corben Architects, Job No. OPQ, DWG No, DA07, DA11 and DA22 as noted in red. In summary the amendments incorporate the following:

- New 1200mm x 500mm window to roof void/storage area on eastern elevation.
- New fascia detail to conceal gutter on eastern elevation.
- Fascia to balcony on eastern elevation extends 106mm further to the east.

## LEGISLATION

Section 4.55(1a) of the Act states:

*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*

Comment: The Consent granted approval for the construction of alterations and additions to an existing dwelling. This application proposes some minor amendments to the plans as detailed above. The amendments do not have any environmental impact. The amendments have minimal environmental impact, if any.

- (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*

Comment: The original consent granted approval to the construction alterations and additions to an existing dwelling including a new upper level. The amendments provide for minor amendments to provide for a window to a storage area and amend the fascia detail. The amendments are considered to result in substantially the same development.

- (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.*

Comment: The application will be notified in accordance with Council guidelines.

## LEGISLATION

### Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone vegetation buffer on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

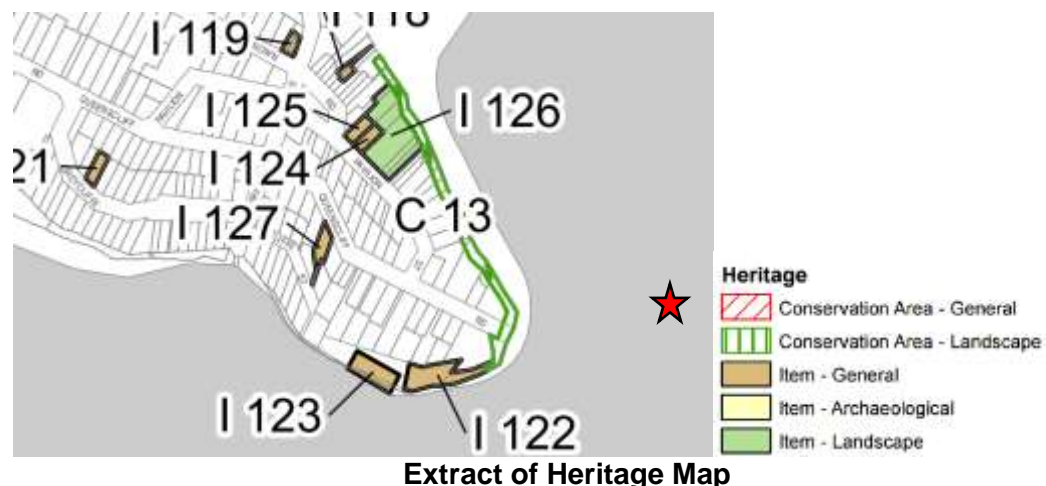
### Warringah Local Environmental Plan 2012

The site is zoned R2 Low Density Residential under the provisions of the Warringah Local Environmental Plan. Development for the purpose of alterations to an existing dwelling house are permissible with Consent in this zone.

The following provisions of the LEP apply to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	8.5m	Yes

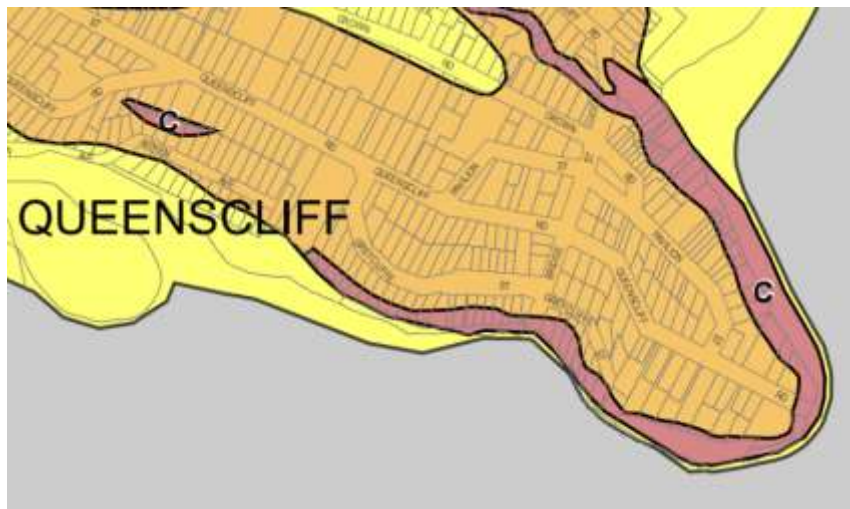
### Clause 5.10 - Heritage Conservation



The rear eastern portion of the site is identified as being within the C13 Queenscliff Coastal Cliffs Conservation Area. It is noted that the amendments do not extend into that portion of the site that is located within the conservation area, nor beyond the approved rear setback. It is considered that the works will not have any detrimental impact on the significance of the conservation area for the following reasons:

- The amendments are well setback from the coastal cliffs and embankment.
- The amendments are very minor and relate to providing a better fascia detail and new window to an existing roof/storage area.
- The amendments are modest and do not result in unreasonable bulk or scale when viewed from the conservation area.

#### Clause 6.4 – Development on Sloping Land




**Extract of Landslip Map**

The site is identified as being partly within Category B and Category C of the Landslip Risk Map. The amendments do not alter the approved footprint and are cosmetic only. As such an amended Geotechnical Assessment is not required. No further information is required.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

#### Warringah Development Control Plan

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	The amendments do not alter the approved building height.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	The amendments do not further encroach the building envelope.

Clause	Requirement	Compliance
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes There are no changes to the approved side boundary setbacks.
B7 – Front Boundary Setbacks	Minimum 6.5m	Yes There are no changes to the approved front boundary setback.
B9- Rear Boundary Setbacks& B10 Merit Assessment of Rear Setbacks	6m rear setback required  The rear boundary setback may be encroached by swimming pools and outbuildings which, in total, do not exceed 50% of the rear setback area	Yes Ample setback provided to rear boundary.
B13 – Coastal Cliffs Setback	The site is identified as C – Coastal Cliff Setback requiring all works to be within a setback measured 25m from the street frontage. 	Yes All works comply with this requirement. (refer to architectural plans)
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will drain to the approved stormwater system. It is noted that there is no increase in hard surface area as a result of these amendments.

Clause	Requirement	Compliance
C7 - Excavation and Landfill	Site stability to be maintained	Yes The amendments do not require any fill or excavation.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Yes The amendments do not alter the approved landscaped area.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m <sup>2</sup> with min dimension 5m	Not Applicable – no change
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes The minor amendments will not affect shadows.
D7 - Views	View sharing to be maintained	The amendments to the fascia on the balcony and upper level roof are so minor that there will be negligible impacts on view. The subject and surrounding properties enjoy direct views to the north and northeast of Freshwater Beach, Freshwater/Curl Curl headland and the water. These direct views are unaffected.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The amendments do not have any impacts on privacy of the adjoining properties.

Clause	Requirement	Compliance
		The new window on the rear elevation serves a roof space/storage area only.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The amendments are very minor and do not result in any discernible additional bulk or scale.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Not applicable – no change proposed
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Retain and enhance native vegetation and the ecological functions of wildlife corridors.	Yes The works described in this application are located over the existing hard paved areas and do not impact on the wildlife corridors.
E5 – Native Vegetation	Provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.	Yes The rear portion of the site is identified as 'native vegetation' on Council's map. However, the works are located over the existing footprint and do not impact on native vegetation.

Clause	Requirement	Compliance
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Yes The works are located within the existing footprint and do not impact on any environmental features of the site.
E7 – Development on land adjoining public open space	To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.	Yes  The site is identified on Council's map as adjoining public open space to the rear.  The proposed works are located over the existing footprint/hard surface area and do not impact on the adjoining public open space.  The dwelling continues to overlook the open space and provide for appropriate bulk and scale.
E10 – Landslip Risk	Identified on map as B and C	A geotechnical report is not considered necessary given that the works are on the external wall of the approved building and have no impact on ground levels.

## JUSTIFICATION

The proposed amendments to the approved plans are considered to be justified for the following reasons:

- The amendments are located over the existing footprint/hard surface area.
- The works are very minor and will have negligible impacts.



It is therefore considered appropriate that the amendments to the plans should be supported.

## **CONCLUSION**

For the reasons stated above it is considered that this application to amend the plans as detailed. Should you require any further information please do not hesitate to contact me.

Yours faithfully,



**Natalie Nolan**