



39 PRINCE EDWARD ROAD SEAFORTH

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR A
SECTION 4.55(1A) MODIFICATION TO VARY
DEVELOPMENT CONSENT 2020/1201**



Report prepared for
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August 2022

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 of the Environmental Planning and Assessment Act 1979, to modify existing development consent DA2020/1201 at 39 Prince Edward Road, Seaforth.

Development Application 2020/1201 was determined on 23 November 2020 and modification Mod2021/0682 was determined on 8 October 2021.

This modification application seeks to modify DA2020/1201 for ‘Alterations and additions to a dwelling house’. The changes proposed will allow for minor alterations to the approval.

It is proposed that the consent conditions be altered as follows, replacing the listed conditions with those in **red italics**.

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*

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
<i>S4.55-00 Cover</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-01 Notation</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-02 Site Analysis</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-03 Site/Roof/Sediment Erosion/Waste management/ Stormwater Concept Plan</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-07 Proposed Garage Floor Plan</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-08 Proposed Ground Floor Plan</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-09 Proposed First Floor</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-10 North/East Elevation</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-11 South/West Elevation</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-12 Long Section</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-13 Area Calculations</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-14 Winter Solstice 9AM</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-15 Winter Solstice 12PM</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-16 Winter Solstice 3PM</i>	<i>25 July 2022</i>	<i>Action Plans</i>
<i>S4.55-17 Basix Commitments</i>	<i>25 July 2022</i>	<i>Action Plans</i>

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
<i>BASIX Certificate No. A373780_04</i>	<i>22 July 2022</i>	<i>Action Plans</i>

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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 is carried out in accordance with the determination of Council and approved plans.

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

- Section 4.55 of the Environmental Planning and Assessment Act, 1979 as amended
- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013
- 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 application, and
- Review of original development consent and assessment report.

2.0 The site and its locality

- 2.1 The site is located at 39 Prince Edward Road and is legally described as Lot 141/-/DP11162. It is located on the eastern side of Prince Edward Road in Seaforth, approximately 80 metres south of its intersection with Alto Avenue.
- 2.2 The lot is rectangular in shape with an area of 518.50m². It has a width of 12.19 metres and a depth of 42.67 metres, with frontage to Prince Edward Road. The site slopes to from the street frontage to the rear.
- 2.3 The site is currently occupied by a two storey weatherboard dwelling with a tile roof set within landscaped gardens.
- 2.4 The site is surrounded by detached residential dwellings in all directions, with North Balgowlah shops to the east and the Seaforth Public School to the south.

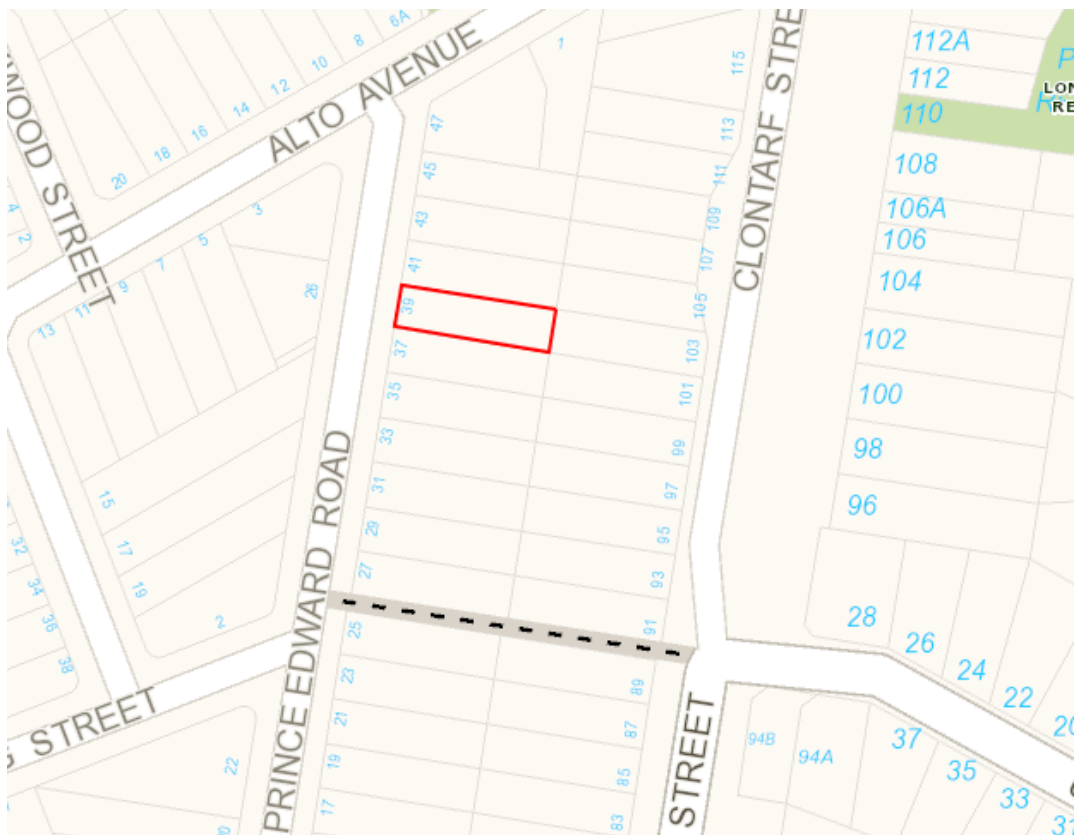


Figure 1. The site and its immediate surrounds

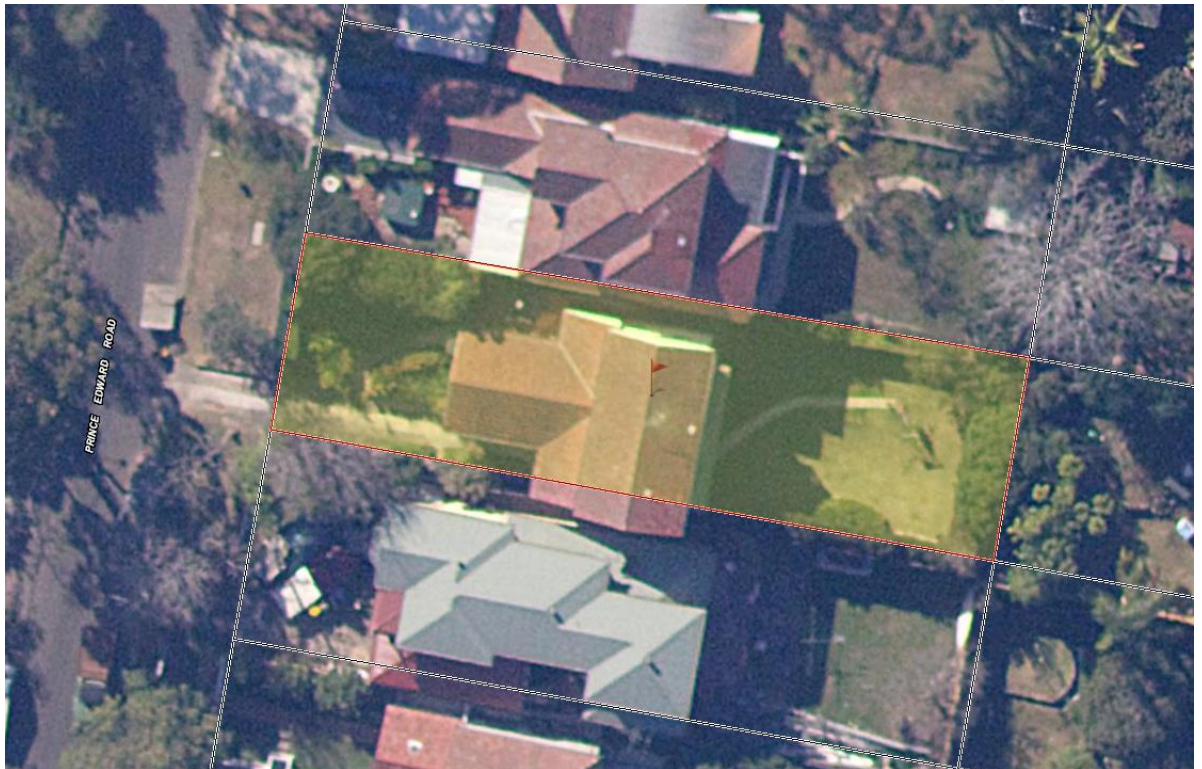


Figure 2. Aerial photograph of the site

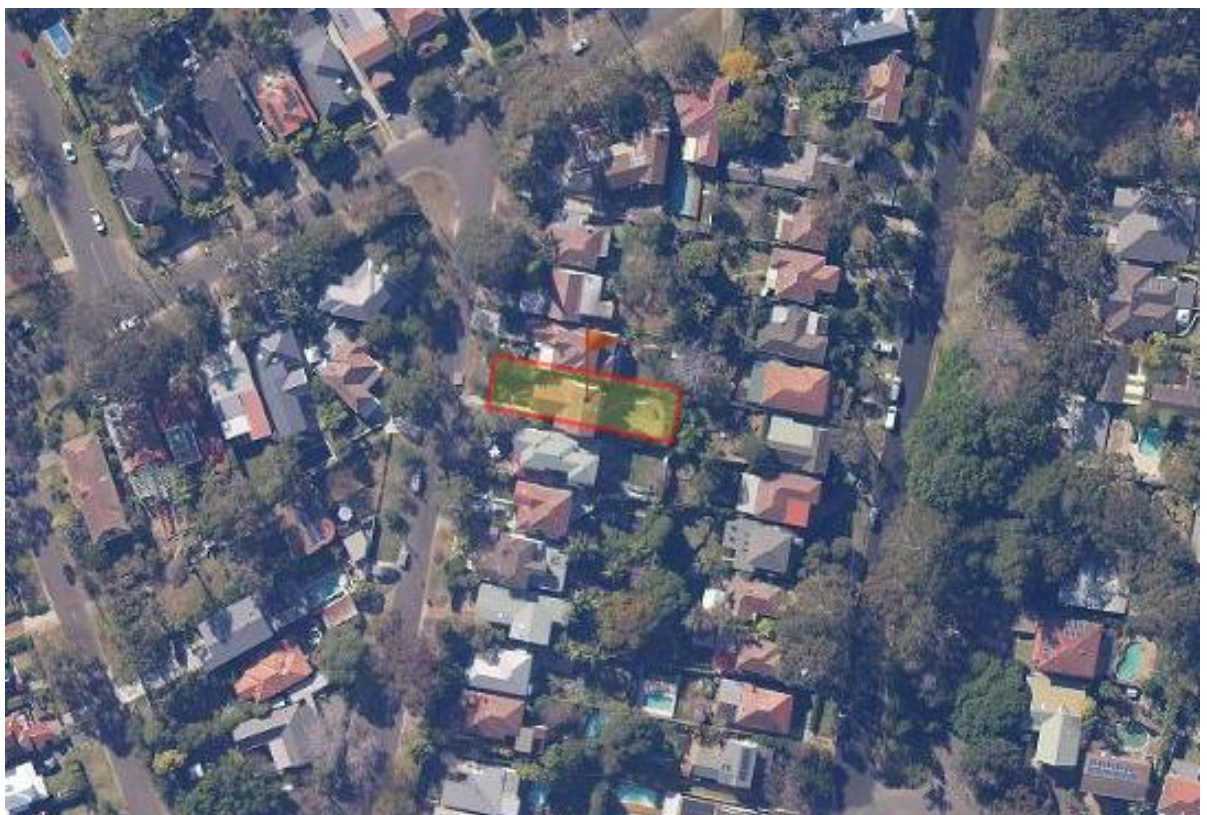


Figure 3. Aerial photograph of the site and its surrounds

3.0 Proposed Development

- 3.1 It is proposed to alter the approved development to delete the approved carport, revise ground level floor plan to keep internal rooms within existing footprint and extend rear deck as detailed below:

Garage Floor

- Remove the approved internal staircase from the ground floor to the garage level.
- Remove the approved hallway and retain the existing structure.
- Retain the existing south facing window in the garage

Ground floor

- Remove the approved new covered entry porch.
- Remove approved kitchen window (W01) and retain existing window (north facing).

First floor

No changes proposed

Roof

- Remove the existing roof tiles and replace with metal roof sheeting.

- 3.2 The amendments are minor and will not increase the bulk or impact of the dwelling.

4.0 Statutory Framework

4.1 Section 4.55 of Environmental Planning and Assessment Act 1979

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 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.*

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, notwithstanding the proposed modifications.

The proposal remains for alterations and additions to a dwelling and the implications are primarily cosmetic.

S4.55(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.

The minor changes will have a positive impact on the functionality and appearance of the dwelling.

4.2 Manly Local Environment Plan 2013

The relevant clauses of the Manly Local Environmental Plan 2013 are addressed below.

Zoning

The site is zoned R2 pursuant to the provisions of the Manly Local Environmental Plan 2013.

The proposed development remains for alterations and additions to the existing dwelling house including a carport. Dwelling houses and ancillary development are permissible with Development Consent in the R2 zone.

Height

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The maximum height of the approved roof will be unchanged with the first floor unaltered.

Floor Space Ratio

The site is mapped with a maximum FSR of 0.45:1. This equates to a maximum floor area of 223.325m² for the site area of 518.5 m². The approved FSR of 0.34:1 is proposed to be reduced to 0.32:1 with a gross floor area of 167.09m².

4.3 Manly Development Control Plan 2013

The relevant sections of the DCP are addressed below.

3. General Principles of Development

3.1 Streetscapes and Townscapes

The proposal remains consistent with the Prince Edward Road streetscape with lesser impact through the deletion of the entry porch from the approved plans.

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

The proposed development retains compliant solar access to the private open space of adjoining properties from 9am to 3pm on 21 June as illustrated on the attached shadow diagrams. The proposed modification results in a slight reduction in shadow.

The proposed development retains existing solar access to the living rooms of adjoining properties on 21 June as illustrated on the attached shadow diagrams.

3.4.2 Privacy and Security

Privacy will be retained for neighbours with setback remaining as existing and privacy screens provided on the rear deck.

The development remains appropriate and will not result in noise levels inappropriate to a residential area.

3.4.2.3 Acoustical Privacy (Noise Nuisance)

No acoustic issues will arise.

3.5 Sustainability

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

3.7 Stormwater Management

Stormwater will be unchanged for the approval.

Part 4 Development Controls and Development Types

4.1 Residential Development Controls

4.1.2 Height of Building (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 proposed works are easily compliant with the maximum 8.5 metre height control as illustrated on the attached plan set.

4.1.3 Floor Space Ratio (FSR)

The site is mapped with a maximum FSR of 0.45:1. The amended FSR is 0.32:1, fully compliant with Councils controls.

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

4.1.4.1 Street Front setbacks

The front setback of the dwelling is retained at 10.9 metres. The front porch has been deleted.

4.1.4.2 Side setbacks and secondary street frontages

Side setbacks are unchanged.

4.1.4.4 Rear Setback

The rear setback is unchanged.

4.1.5 Open Space and Landscaping

4.1.5.1 Minimum Residential Total Open Space Requirements

The DCP requires a total of 55% of the site to be open space with a minimum 35% of that open space to be landscaped area. This equates to 285.175m² of open space for the site area of 518.5m² and 99.81m² landscaped area.

The calculations are unchanged with a total open space area is 320.98m², landscape area of 259.01m² and open space above ground of 50.47m². All of these calculations comply with the DCP controls.

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

No changes are proposed.

5.0 Section 4.15 Considerations

- 5.1 The 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 modifications 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 alterations will be negligible for the subject site, the neighbouring site, and the streetscape with regards to all relevant factors including scale, design, amenity, and privacy.

6.0 Suitability of the site

- 6.1 The proposed modifications do not raise any additional issues relating to the suitability of the site.

7.0 Development substantially the same

- 7.1 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.

8. Conclusion

- 8.1 The development, as modified, represents substantially the same development as was approved by Council in Development Consent DA2020/1201 and modification Mod2021/0682. 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:

- Section 4.55 of the Environmental Planning and Assessment Act, 1979 as amended
- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013
- The heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).