

1st June 2022

41 Sunshine St, Manly Vale 2093

Request for modification under Section 4.55 (2) to Development Consent DA2019/0075

1. Summary

Land to be developed (Address)	Lot 102 DP 11320 41 Sunshine St, Manly Vale
Proposed Development	Alteration & Addition to existing dwelling house including a swimming pool
Zoning	R2 – Low Density Residential
Development Permissible	Yes
Consent Authority	Northern Beaches Council
Development History	DA2019/0075 approved on 02/04/2019

2. Introduction

This Statement of Environment Effects has been prepared in order to provide information and an assessment in respect of an application for modification of consent under section 4.55 (2) of the EPAA , for the development application DA2019/0075. This Statement of Environmental Effects assesses against the applicable planning controls for the site , including the relevant provisions of:

- Environmental Planning and Assessment Act (EPAA) , 1979
- Warringah Local Environmental Plan
- Warringah Development Control Plan

in support of the development application for the proposed alteration & addition to an existing dwellinghouse at 41 Sunshine St, Manly Vale

3. Proposed modification in detail

Proposed modifications are shown in the architectural drawings prepared by Blue Sky Building Designs dated 3.05.2022 Issue 1 . Key aspects are summarized as follow:

Garage Level

- Excavation under approved GFL & creation of the additional Laundry and Media Room

- Addition of a window W03 to the proposed Media room

Ground Floor Level

- Internal modification to the bathroom and creation of WC and Pantry within the space
- Addition of a skylight over Family Room
- Removal of a window on West Elevation

First Floor Level

- No changes

4. Compliance Assessment

4.1. Height of Buildings

Clause 4.3 of WLEP 2011 controls the height of buildings. Clause 4.3(2) specifies that the height of a building on any land is not to exceed the maximum height allowed – 8.5m

The objective of Clause 4.3: Height of Buildings within WLEP are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

According to WLEP , the building height is defined as follows:

building height (or ***height of building***) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The WLEP provides three definitions for the ground level and all three definitions are provided below. However , since the building height definition specifies the height is

measured from ground level (existing) , the applicable definition of the ground level is the existing level of a site at any point , not after the development being carried out.

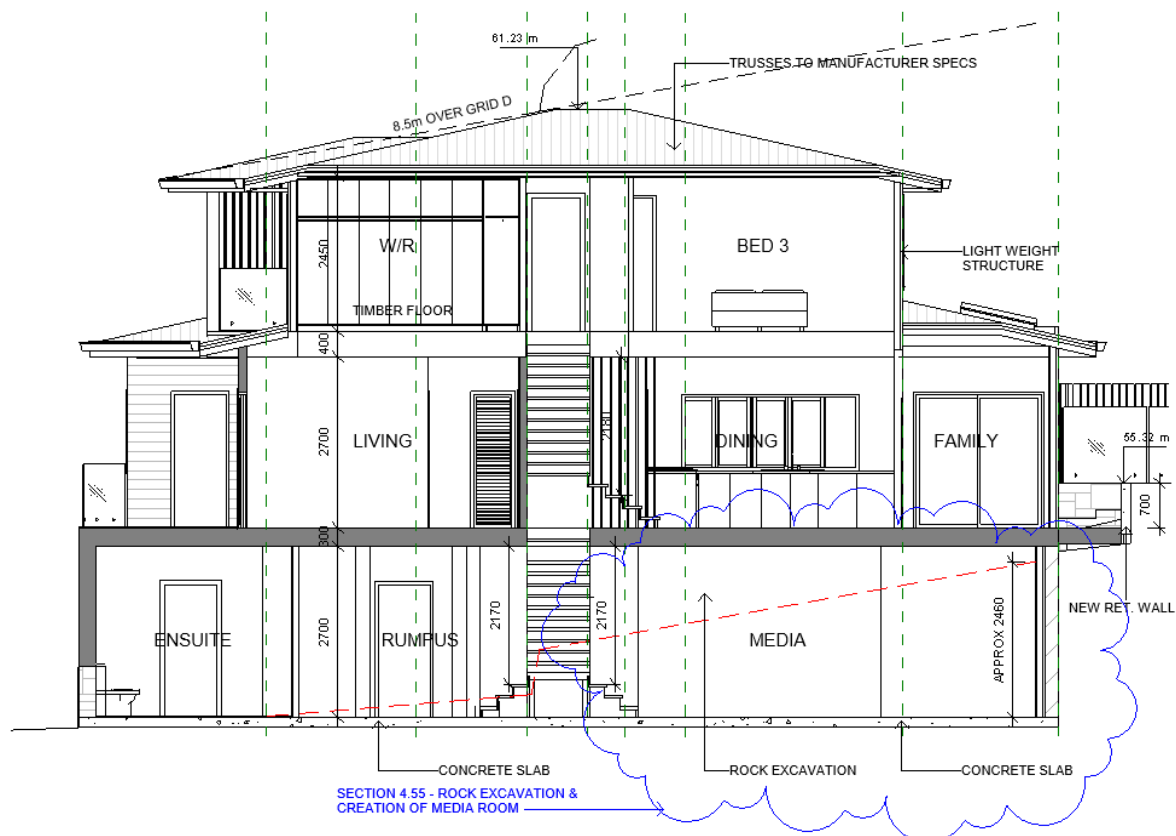
ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

In this regard , for the purpose of maximum building height measurements , the height will be measured from the existing level of a site at any point (not after the development) to the highest point of the building.

Therefore no changes to the building height are proposed and compliant with the WLEP .



4.2. Earthworks

The proposed modification involves excavation on the site. A geotechnical risk assessment report accompanies the application .

4.3. Aboriginal Heritage

The site has not been identified as a potential Aboriginal Place

4.4. Wall Heights

Proposed changes will not have an effect on the changes to the wall height & wall height will not exceed 7.2m

4.5. Side Boundary Envelope

No changes to the Side boundary envelope are applicable

4.6. Setback

No changes proposed

4.7. Solar access

Proposed changes to the development will have no impact on solar access.

4.8. Bulk and Scale

Proposed changes are not visible from the street level and therefore no changes to the bulk and scale of the building is applicable.

5. Conclusions

The proposed alteration under section 4.55 will generally meet the requirement of both the Warringah Development Control Plan and Warringah Local Environmental Plan. The proposed development will have no adverse impact on the environment and provide much needed amenity for the present propertyowners. The proposed development will not impact on the streetscape or neighbouring properties.