

25 February 2022

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam,

SECTION 4.55(1A) APPLICATION

Premises:	Lot 17 in DP 9362, No. 143 Balgowlah Road, Balgowlah
Amendments:	Amend Plans
Development Application:	DA2021/1355
Date of Determination:	12/01/2022

INTRODUCTION

On behalf of my client Ms Veness I seek Council consent pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act* 1979 to amend Development Consent DA2021/1355 relating to the construction of an attached dual occupancy and Torrens title subdivision.

BACKGROUND

Development Consent (DA DA2021/1355) for the construction of an attached dual occupancy on the subject site was approved by Council on 12/01/2022.

PROPOSED MODIFICATION

The proposal seeks to amend the plans as detailed in the architectural plans prepared by Scope Architecture and summarised below:

- Relocate front door and extend entry foyer of both residences.
- Increase ridge height to RL 17.89 (approved RL17.47).

The proposed modifications result in the following development indices:

Site Area:	490.5m ²
Floor Area:	302.9m ² or 0.62:1
Total Open Space:	250.9m ² or 53%
Landscaping:	140m ² or 54% of open space

LEGISLATION

Section 4.55(1a) of the Act states:

(1a) Other Modifications *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 proposal provides for extension of the entry foyer area and relocation of the front door and slight increase in roof ridge. There is no change to the approved footprint of the development and will not result in any environmental impact.

- (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 for the construction of an attached dual occupancy. This application seeks to provide for a minor alteration to the front entry of both dwellings and slight increase in roof ridge height. These works are 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 the 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

Manly LEP 2013

The following numerical standards of the Manly LEP are applicable to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.1 Minimum Allotment Size	250m ²	Lot 1: 245.3m ² Lot 2: 245.2m ²	No Change to approved subdivision
Clause 4.3 Height of Buildings	8.5m	8.17m	Yes
Clause 4.4 Floor Space Ratio	0.6:1	302.9m ² or 0.62:1	See comments below

Clause 4.4 Floor Space Ratio

The relocation of the front door results in a minor increase of the approved floor area of 8m². The floor space ratio proposed of 0.62:1 exceeds the maximum requirement of this clause by 8.6m². Whilst Clause 4.6 (Exceptions to Development Standards) does not apply to Section 4.55 applications, a precautionary Clause 4.6 variation has been included with this application. In summary this minor non-compliance with the Floor Space Ratio provisions is justified for the following reasons:

- a. The proposed modifications do not result in any additional bulk or scale. The reconfiguration of the front entry of each dwelling is located beneath the existing roof form and is provided with a setback to the street greater than the approved garage. The changes are minimal and will not be discernible from the streetscape. The front façade continues to provide an articulated façade with varied setbacks and roof overhang.
- b. The minor changes are located within the approved footprint and beneath the existing roof form and as such does not have any impact on existing vegetation or important townscape features.
- c. The proposed modifications do not have any impact on the adjoining development with existing side setbacks maintained and the only changes relating to the entry area which is centrally located.
- d. The reconfiguration of the front entries do not have any impact on the adjoining of the adjoining land or public domain. Ample setback is retained to the adjoining development and streetscape.

JUSTIFICATION

The proposed modifications to amend the plans are very minor and provide for a more useable dwelling access without any detrimental impact on the adjoining properties or the immediate locality. The proposed modifications should be supported for the following reasons:

- The changes are very minimal and contained within the approved footprint.
- The proposed entry relocation does not encroach the approved front setback.

- The amendments ensure a more functional entry for occupants and visitors to each dwelling and ensures adequate storage in both the entry area (for everyday items) and within the garage.
- The slight increase in the roof ridge height will not have any detrimental impact on the streetscape or the adjoining properties. The increase is centrally on the roof form and well setback from all boundaries.
- The additional overshadowing is very minor and the proposal continues to comply with the solar access requirements of the DCP.

It is therefore considered appropriate that the request to amend the plans as described be supported.

CONCLUSION

For the reasons stated above it is considered that this application to modify the Consent by amending plans as described should be supported. Should you require any further information please do not hesitate to contact me.

Yours faithfully,



Natalie Nolan