

SECTION 4.55(2)

Address: No. 19 Cooleena Road, Elanora Heights

Proposal: Alterations and Additions

JANUARY 2023

No. 138 Woorarra Avenue
ELANORA HEIGHTS
NSW 2101 AUSTRALIA

p: (02) 9970 7214
e: daniel@dmpps.com.au
w: dmpps.com.au

31 January 2023

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention: Louise Kerr

**STATEMENT OF ENVIRONMENTAL EFFECTS
SECTION 4.55(2) MODIFICATION TO MOD2021/0739
NO. 19 COOLEENA ROAD, ELANORA HEIGHTS**

Dear Louise,

Application is made for modification of the consent issued to Development Application No. DA2019/1530 pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EPAA).

The modified Architectural Plans proposes reconfiguring the entrance sequence through relocating the primary bathroom and demolishing internal walls, construct new primary bathroom and ensuite for master bedroom, construction of internal walls, and change window typology on southern boundary.

The Statement of Environmental Effects has been prepared with reference to the following documentation:

- Architectural Plans;
- Survey Plan;
- Cost Summary Report; and
- Owners Consent.

Background

Applicant: Daniel McNamara
No. 138 Woorarra Avenue
ELANORA HEIGHTS NSW 2101

Site: No. 19 Cooleena Road
ELANORA HEIGHTS NSW 2101
Lot 2 DP 17397

Local Government Area: Northern Beaches Council

Development History: Development Application DA2019/1530
Refused 9 March 2020

Review of Determination Rev2020/0025
Approved 4 March 2021

Modification Application MOD2021/0739
Approved 3 November 2021

Proposed Modifications

Section 4.55(2) of the EPAA enables a consent authority to modify a development consent granted the development is substantially the same development. Subsections 4.55(1) and (1A) do not apply to such a modification.

A building information certificate and modification application are concurrently being lodged to seek development consent. The proposed modification seeks to amend the modification application No. MOD2021/0739 notice of determination.

The modified Architectural Plans proposes reconfiguring the entrance sequence through removing the primary bathroom and demolishing internal walls, construct new primary bathroom and ensuite for master bedroom, construction of internal walls, and change window typology on southern boundary. The modifications will have no change in the appearance of the dwelling house from the streetscape nor increase the bulk and scale of the built form. The proposal will not affect threatened species, populations or ecological communities, or their habitats.

Schedule of Modifications

Amend Condition No. 1A of development consent operational conditions:

1A. Modification of Consent – Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- (a) *Modification Approved Plans*
- (b) *Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.*
- (c) *Any plans and / or documentation submitted to satisfy the Conditions of this consent*

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

Comment: This modification application proposes substantially the same development as the development which was originally granted. Please see modified Architectural Plans dated 13 September 2022 prepared by Contour Landscape Architecture illustrating modifications.

Pittwater Local Environmental Plan 2014

Clause 5.21 of the Pittwater Local Environmental Plan 2014 addresses minimising flood risk to life and property and to allow development on land that is compatible with the flood function and behaviour. The proposed alterations and additions will not have any impact on development on

the flood behaviour of the site nor increase the scale of the building. The proposed modification has not altered the approved floor levels, therefore, remaining compliant with this LEP clause.

Pittwater 21 Development Control Plan

Provision B3.11 of the Pittwater Development Control Plan (DCP) applies to land identified as being affected by flooding on the Flood Risk Precinct Maps. The site is identified in part high, medium and low risk precincts for flooding.

C. Floor Levels

C4. A one-off addition or alteration below the Flood Planning Level of less than 30 square metres (in total, including walls) may be considered only where:

- (a) it is an extension to an existing room; and*
- (b) the Flood Planning Level is incompatible with the floor levels of the existing room; and*
- (c) out of the 30 square metres, not more than 10 square metres is below the 1% AEP flood level*

This control will not be permitted if this provision has previously been utilised since the making of this Plan.

The structure must be floodproofed to the Flood Planning Level, and the Flood Management Report must demonstrate that there is no net loss of flood storage in all events up to the 1% AEP event.

Comment: We undertook correspondence via a phone discussion with Council Officer Ellie Peedom on 16 May 2022. Subsequently, we sent email correspondence to confirm this provision did not apply to existing floor areas of a dwelling when subject to alterations and additions that do not increase the gross floor area nor alter the flood planning levels.

We interpreted that this clause specifically mentions 'an extension to an existing room' and sought to confirm that internal alterations and additions would not offend the 30m² restriction, and that the clause is intended to limit the expansion of floorspace (gross floor area) within sensitive flood prone areas.

Correspondence with Council's Senior Water Cycle Officer Christina Femia's via email on 30 May 2022, stated you can undertake works to the dwelling if the habitable floor area below the flood planning level is not being increased. Further stating:

*if your existing floor is below the Flood Planning Level you are able to undertake a **one off 30m² alteration or addition** if it is an existing room and out of the 30m² no more than 10m² is below the 1% AEP flood level.*

The previously submitted Flood Risk Management Report prepared by E2 Civil and Structural Design dated 31 May 2020 states:

The lower level shall remain as existing.

The finished floor levels of the development proposal are as follows:

- Existing Ground Floor Level: 50.41 AHD
- Proposed Ground Floor Level: 50.41 AHD

The above floor levels are above the flood planning level for the 1% AEP at the location of the works.

The alterations and additions are therefore deemed compliant with this provision of the DCP and its objectives to protect people, the natural environment and private infrastructure and assets.

Conclusion

The development to which the consent as modified relates is substantially the same development as that for which the consent was originally granted. No environmental impacts arise as a result of this modification application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel', with a long horizontal line extending to the right.

Daniel McNamara
Director