

26 July 2019

The General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Lodged via NSW Planning Portal

Attn: Planning Assessment Officer

Section 4.55(2) Modification Application – D/2019/1148

Statement of Environmental Effects

Address: 23 Nield Avenue, Balgowlah

Proposal: Minor Amendments to Alterations and Additions of dwelling house

This Statement of Environmental Effects has been prepared to accompany a Section 4.55(2) modification application, to modify the existing approval for alterations and additions to the dwelling house at 23 Nield Avenue, Balgowlah – D/2019/1148.

The modification relates to minor internal and external amendments to the ground floor of the dwelling. Specifically, the changes include:

- minor internal amendments to the approved ground floor layout, including stair design, bathroom dimension and internal wall locations;
- extension of the tiled roof over the existing approved ground floor paved patio at the rear of the dwelling (including brick column); and
- installation of 2 x Velux skylights in the proposed rear roof addition.

This application identifies the existing consent, describes the proposed modification and provides an assessment of the relevant matters contained within Section 4.55(2) of the EP&A Act. The application is accompanied by revised architectural plans prepared by Add Style Home Additions (**Appendix A**), and copy of the original Development consent and stamped approved Plans (**Appendix B**) for reference.

1.0 Consent Proposed to be Modified

Development consent D/2019/1148 was approved on 15 November 2019 for “*Alterations and additions to a dwelling house*”. The approved development included the construction of an upper level addition and alterations to the ground floor of the existing dwelling.

This proposed modification seeks amendments to the approved architectural plans. There have been no other modifications to the DA since it was originally determined in 2019. Construction works are currently underway on site for the upper level and are due to be completed shortly.

2.0 Site Location and Description

The site is situated on the western side of Nield Avenue and is known as No 23 Nield Avenue Balgowlah Heights, legally identified as Lot 17 in DP 6363. The site has an area of 637.8sqm and falls considerably from the rear to the front boundary.

The site is a relatively large lot and is situated within an established residential precinct characterised by a mix of single, two and three storey dwellings.

A location plan and aerial photograph with the boundary of the land site are provided below in **Figure 1** and **Figure 2**.



Figure 1 – Location Map of the Site (shown in Red)
Source: SixMaps

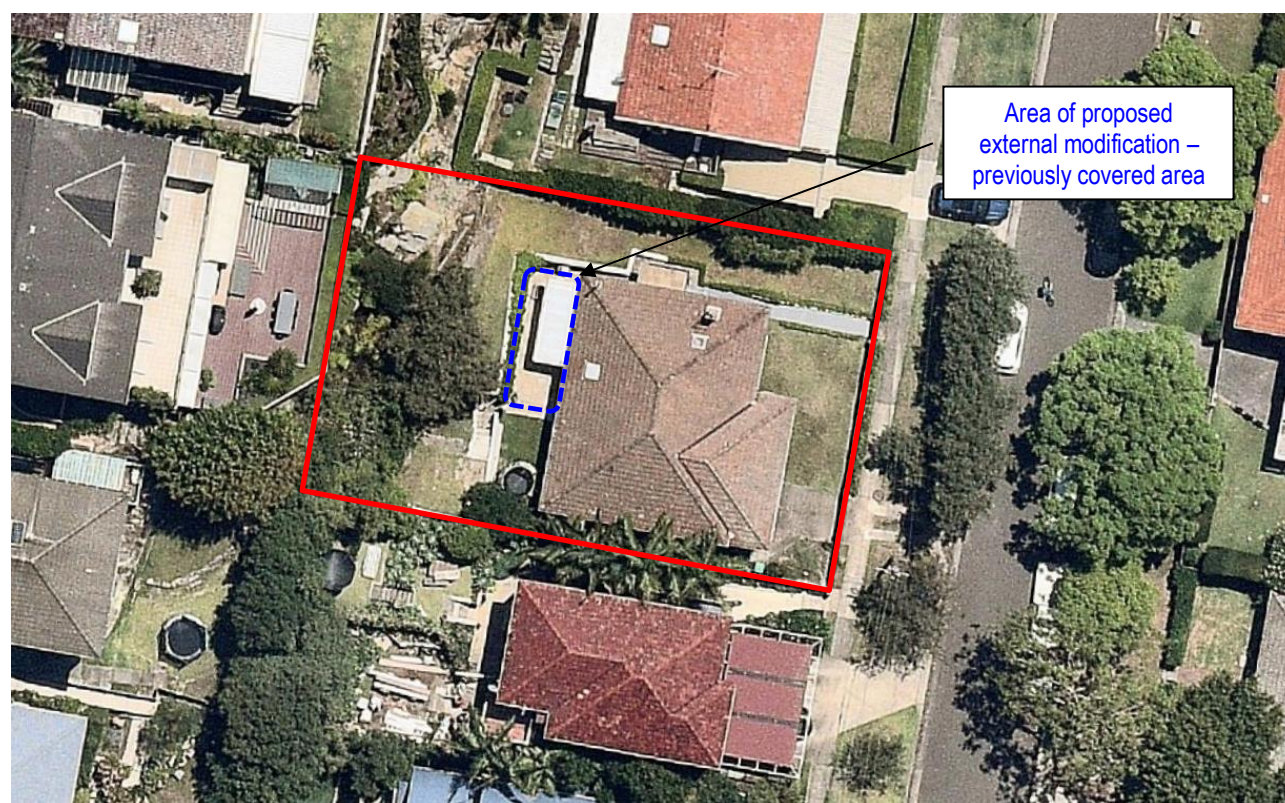


Figure 2 – Aerial Photograph of Subject Site – Taken prior to the commencement of the DA works
Source: Nearmap

3.0 Description of Proposed Modifications

This application seeks approval for minor modifications to existing approval for alterations and additions to the existing dwelling house. The modifications relate to internal and external amendments as shown on the Architectural Plans prepared by Add Style Home Additions (**Appendix A**), specifically:

- minor internal amendments to the approved ground floor layout, including stair design, bathroom dimension and internal wall locations;
- extension of the tiled roof over the existing approved ground floor paved patio at the rear of the dwelling (including brick column); and
- installation of 2 x Velux skylights in the proposed rear roof addition.

3.1 Internal Amendments

The internal amendments are minor and respond to design development items. As shown bubbled on the Architectural Plans (**Appendix A**) and diagrams provided in **Figure 3** below, the changes relate to layout changes to the end of the hallway, stairs, adjacent bathroom and minor internal wall movements.

The internal changes remain consistent with the approved layout and do not result in any structural or floor space area changes.

3.2 External Amendments

The external amendments proposed in this application are confined to the rear of the dwelling, at the ground floor and roof above. The amendments are to cover the existing patio space off the kitchen/living area, retaining it as external unenclosed space. As shown on **Figure 2** above, prior to the DA works, the existing patio was covered by a pergola roof over.

Given the fall of the site and the existing height of the retaining wall on the western edge of the paved patio, the amendments will not be readily identifiable from adjoining properties and will not be visible from the street. The proposed skylights will allow for light penetration into to the patio and adjacent kitchen/living area.

The changes to the rear façade, bifold doors and openings are minor and inconsequential but have been included as part of the design development of the scheme.

3.3 Summary

The proposed internal and external modifications are minor and will have:

- No change to site coverage.
- No change to landscaped area.
- No change to side or rear setbacks.
- No change to building height.

Annotated comparisons of the existing and proposed ground floor plan, and western elevation have been provided in **Figure 3** and **Figure 4**.

LOT 17
DP 6363
637.8 sqm

Architectural floor plan for Lot 17, DP 6363, 637.8 sqm. The plan shows a house with various rooms including a Living Room, Sitting Room, Kitchen, Dining Room, and Bedrooms. It also indicates areas for demolition and new construction, such as "DEMOLISH WALL (BY OTHERS)" and "NEW WALL (BY OTHERS)". The plan includes dimensions, a north arrow, and labels for surrounding features like "GRASS", "CONCRETE", and "TIMBER FENCE".

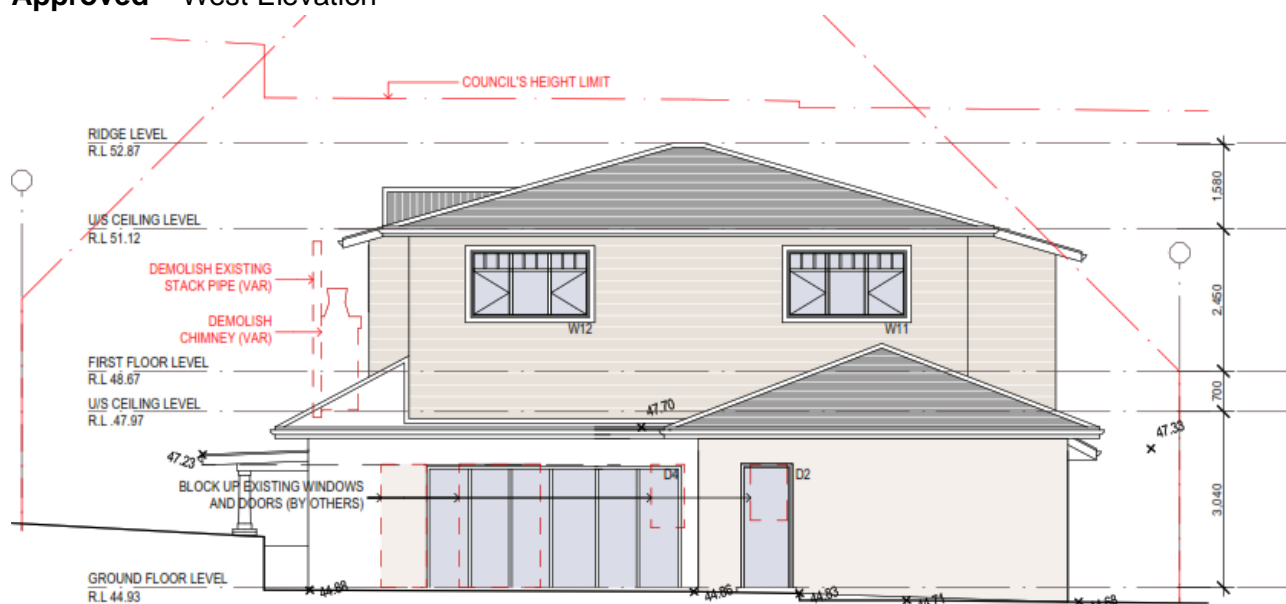
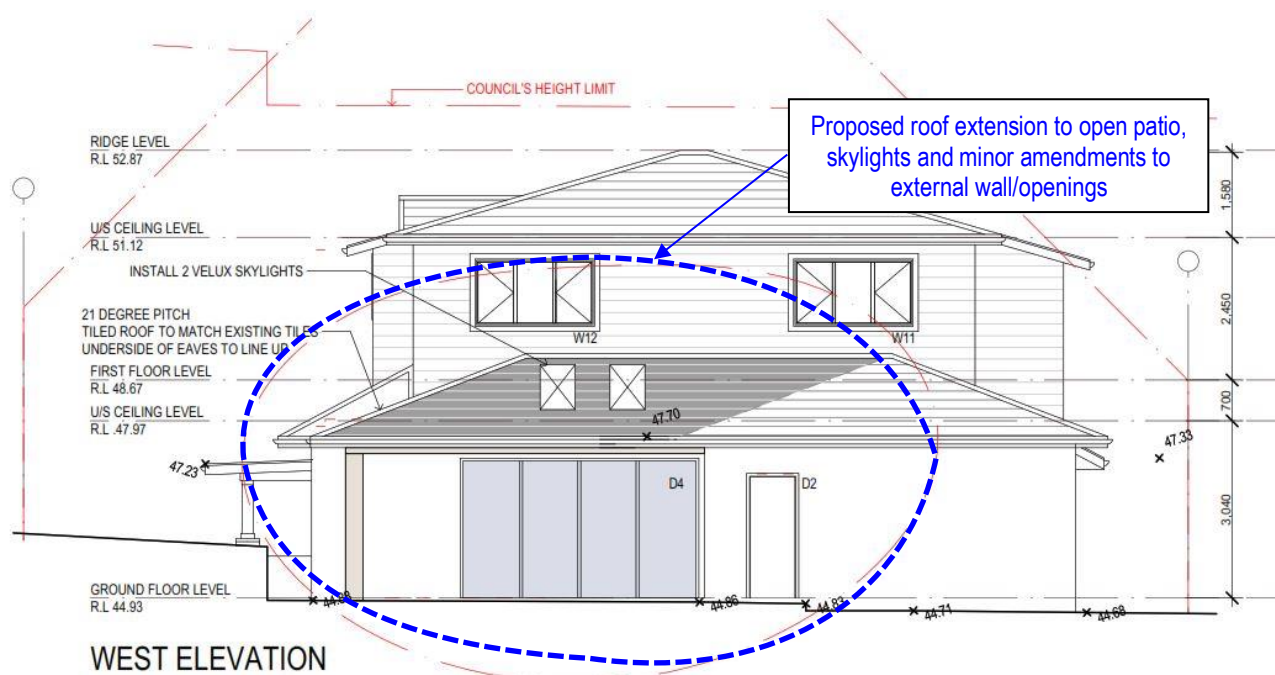
**LOT 17
DP 6363
637.8 sqm**

Proposed roof extension to open patio, skylights and minor amendments to external wall/openings

Minor internal configuration changes including stair, bathroom and internal walls

The plan shows a house with a proposed roof extension (NEW ROOF OVER TILED AREA) and internal changes (NEW KITCHEN, NEW DRY, NEW BATHROOM, NEW WALL (BY OTHERS)). The extension includes 2 VELUX SKYLIGHTS and a DOUBLE BRICK WALL. The internal changes include a NEW STAIR, NEW BATHROOM, and NEW WALL (BY OTHERS). The plan also shows a GARDEN, ENTRY, LIVING ROOM, SITTING ROOM, and BATHROOM. The extension is bounded by a ROCK LOCK and PAVED PATH. The plan includes dimensions and a scale of 1:100.

Figure 2 – Ground Floor Plan – Existing and Proposed

Approved – West Elevation**WEST ELEVATION****Proposed – West Elevation****WEST ELEVATION****Figure 3 – West elevation – Existing and Proposed**

4.0 Modification of Conditions

The proposed internal alterations and additions requires an amendment to Condition 1 of the Development Consent – D/2019/1148. Words proposed to be deleted are shown in ~~bold strike through~~ and words added in ***bold 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
8311 DA 1 - Issue D - Plans, Elevations and Sections	6/10/19	Add-Style Home Additions
<i>8311 DA 1 - Issue G - Plans, Elevations and Sections</i>	<i>22/06/20</i>	

It is not considered that any amendments are required to other conditions of consent.

5.0 Substantially the Same Development

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if *“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)”*.

The development, as proposed to be modified is of minimal environmental impact and substantially the same development as that originally approved as:

- the proposal remains for alterations and additions to the existing dwelling;
- the proposed amendments are minor and located to only a small portion of the approved development; and
- the proposed modifications do not result in any adverse environmental impacts from those already considered in the original DA.

6.0 Planning Assessment

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if it is considered to be “substantially the same development as the development”.

Under Section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15 of the EP&A Act. This is considered in a checklist below.

6.1 State Environmental Planning Instruments

The proposed internal modifications are wholly internal do not require any further assessment against relevant SEPPs. The proposed amendments should not change the proposal's consistency with the SEPPs considered in the DA.

6.2 Manly Local Environmental Plan 2013

The proposal remains entirely consistent with the Manly LEP 2013. The proposed amendments will have no change to building height, floor space ratio, or landscape area/site coverage. The proposed external works are located to the rear of the dwelling, are not visible from the street and will have no adverse impacts on adjoining properties. The approved patio/paved area will be covered by a roof but remain unenclosed.

6.3 Manly Development Control Plan 2013

The proposed amendments have been considered against the relevant sections of the Manly DCP 2013. The works are minor, located the rear at ground floor of the dwelling, and will not result in any adverse amenity, character or built form impacts. The area to the rear of the site was approved to be paved as a patio, which will be retained, but covered as part of the amendment – and hence no change to site coverage or landscaped area that are already compliant.

The proposed amendments remain consistent with the desired character statement specified within Clause 3.1.1. The roof design and pitch are in keeping with the existing/approved architectural form and style and will provide symmetry to the rear.

The rear roof addition will not impact to streetscape, privacy, security or amenity of surrounding dwellings, including overshadowing.

7.0 Section 4.15 Assessment Summary

Section 4.15 – Matters for Consideration – General (EPA&A Act)		
Cl.	Clause	Response
4.15 (1)	In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	Consideration and assessment of the relevant plans have been addressed – the proposal remains compliant with the relevant development standards of the Manly LEP
(a)(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
(a)(iii)	Any development control plan, and	The minor amendments have considered to the relevant sections of the Manly Development Control Plan 2013. The proposal is consistent.
(a)(iia)	Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and	N/A
(a)(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	N/A
(a)(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	The proposal is not located within the coastal zone.
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The proposed modification will not give rise to any additional impacts
(c)	The suitability of the site for the development,	The proposal includes minor internal and external modifications to a dwelling house. The proposed modification are suitable
(d)	Any submissions made in accordance with this Act or the regulations,	Noted
(e)	The public interest.	The proposed modification to the approval remains in the public interest

8.0 Conclusion

The statement describes the proposal, its lack of impacts, and includes an assessment against the relevant heads of consideration and other relevant clauses as set out in the EP&A Act.

The proposed modifications to the dwelling are substantially the same development as that which was originally approved and will have no differing environmental or amenity impacts that those considered as part of the approved development application – D/2019/1148.

As set out in the Council Assessment Report for the Development Application, the proposed minor modifications satisfy the appropriate planning controls. As set out in the Council Assessment Report for the Development Application, as proposed to be amended, the is:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

We trust that this information is suitable to allow assessment of the proposed amendments.

If you have any questions, please do not hesitate to contact me as applicant via the details provided.