

SECTION 4.56

Address: No. 10 Naree Road, Frenchs Forest

Proposal: Boarding House

FEBRUARY 2022

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Northern Beaches Council
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STATEMENT OF ENVIRONMENTAL EFFECTS

SECTION 4.56 MODIFICATION TO DA2018/0849 NO. 10 NAREE ROAD, FRENCHS FOREST

Dear Sir/Madam,

Application is hereby made for modification of the consent issued by the NSW Land and Environment Court pursuant to the relevant provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979 (EPAA).

The modification seeks approval for minor amendments to the internal layouts of units and fenestration detail and requires modification to Condition No. 2 of the development consent to reference amended drawings.

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

- Architectural Plans prepare by BKA Architecture (Revision 01).

Background

Site: No. 10 Naree Road, Frenchs Forest
Lot 16 DP 23317

Local Government Area: Northern Beaches Council

Approved Development: "Demolition works and Construction of a Boarding House development".

Reference: Development Application No. DA2018/0849
Refusal issued 16 August 2019

Land and Environment Court Appeal No. 2018/332566
Decision 17 April 2020

Proposed Modification

Section 4.56 of the EPAA enables Council to consider modifications to development consents granted by the Court. Council can modify the consent in this manner if:

- (a) *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*
- (b) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, and*
 - (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*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, 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.*

All proposed modifications have been bubbled on the modified architectural plans and a schedule of amendments prepared by BKA Architecture as reproduced below:

List of Amendments:

- 01 - Bathroom layout and location amended, kitchen layout and location amended, wardrobes relocated within the same unit layout.*
- 02 - Bathroom location amended, kitchen location amended, wardrobes relocated within the same unit layout.*
- 03 - Sliding door added behind screens*
- 04 - Louvre windows replaced with fixed panel windows.*
- 05 - Height of window behind screen increased.*
- 06 - Wardrobe and kitchen location swapped.*
- 07 - Plant area.*
- 08 - Area to be used for solar panels.*
- 09 - Room area increased because of proposed slimmer wall system.*
- 10 - Room area reduced because of lift shaft wall thickness increased*

It is proposed to modify Condition No. 2 of the development consent by reference to the attached amended architectural plan set.

Impact of Proposed Modifications

Pursuant to the provisions of Clause 4.56(1A), in determining an application for modification of a consent, the consent authority must take into consideration such of the matters referred to in section 4.15(1) of the EPAA as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Internal unit layout

The proposed modifications to the unit layouts, in the form of amendment 01, include the bathroom layout and location, amending the kitchen layout and location, and relocation of wardrobes.

The proposed modifications to unit layouts, in the form of amendment 02 include the bathroom location amended, kitchen location amended and wardrobes relocated.

Comment: The proposed modifications to the internal unit layouts have negligible environmental impacts, and are related to preferences for the configuration of the rooms. It is noted that all modifications to the internal room layouts are each able to demonstrate continued compliance with the requirements of the former State Environmental Planning Policy (Affordable Rental Housing) 2009, notably Clause 29 Standards that cannot be used to refuse consent, and Clause 30 Standards for boarding houses.

It is noted the provisions of State Environmental Planning Policy (Housing) 2021 do not apply retrospectively, and so do not impact the approved boarding house.

Furthermore, some minor changes have been affected to the room size calculations given construction level detail for the development now being incorporated into the plans, including a slightly enlarged lift shaft and use of a slimmer internal wall system than otherwise contemplated when seeking development consent (which has slightly increased some of the unit sizes).

Sliding door added behind screens

Unit G05 proposes to remove part of a wall and to instead incorporate a sliding door behind the batten screen.

Comment: The proposed sliding door will improve room amenity by maximising available light and ventilation. The angled timber battens that are an essential component of the design, along with internal blinds, will ensure privacy separation to the communal open space.

Louvre windows replaced with fixed panel windows.

The proposed modification seeks to replace louvre windows to the common hallways with double glazed fixed panel windows.

Comment: The proposed changes have no impact on the external appearance of the building or privacy of adjoining properties and have been introduced to increase the energy efficiency of the building.

Height of windows behind screen increased

The proposed modification seeks to increase the height of north facing windows on the ground floor.

Comment: The proposed change in height of windows on the ground floor north facing bedrooms will increase access to sunlight and ventilation for the occupants, whilst the angled batten screen system will ensure the privacy of adjacent residents (noting also the 7.5 metre setback to the rear boundary). Opaque windows are provided below the 1.7 metre sill height approved by the Court.

Wardrobe and kitchen location swapped

The proposed wardrobe and kitchen location are reconfigured in accessible Unit 09 on the ground floor.

Comment: The internal layout change will continue to satisfy all necessary criteria for accessibility, standards within the SEPP and requirements of the BCA.

Plant Area

Mechanical plant area situated on the roof.

Comment: The mechanical plant situated on the roof of the premises will be acoustically treated to ensure noise emissions will be Condition No. 19 of the development consent which requires "Mechanical plant situated on the roof and in the carpark of the premises must be acoustically treated to ensure noise emissions are not audible at the nearest residential premises. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate".

Area to be used for solar panels

A portion of the roof is to contain photovoltaic (solar) panels and is detailed on plans as 'PV Area'.

Comment: The addition of solar panels will improve the site's environmental performance and will reduce the cost of energy to future occupants.

Room area increased

The proposed modification of a slimmer wall system thickness has resulted in the following rooms increasing in size:

- Laundry and Office (Lower Ground Floor)
- Accessible Unit G02 (Lower Ground Floor)
- Unit 14 & Unit 15 (Ground Floor)
- Unit 20 (Level 1)

Comment: The minor increase in the size of rooms is a result of changes to wall thickness. The rooms continue to comply with relevant development standards and BCA requirements.

Room area decreased

The proposed modification to increase the thickness of the lift shaft wall has resulted in the 'care taker unit' decreasing in size.


Comment: The proposed slight decrease in room area is a result of increasing the thickness of the lift shaft wall. The room continues to comply with relevant development standards and BCA requirements.

Conclusion

The proposed modifications will have a negligible environmental impact.

The development to which the consent as modified relates is otherwise substantially the same development as that for which the consent was originally granted.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel', followed by a long horizontal line.

Daniel McNamara

Director