

09 September 2023

Chief Executive Officer  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Sir/Madam,

**APPLICATION TO MODIFY DEVELOPMENT CONSENT,  
SECTION 4.55 (1A) ENVIRONMENTAL PLANNING & ASSESSMENT ACT**

**Development Application No: DA2022/1392**

**Date of Determination: 11 January 2023**

**Premises: Lot 1 within DP 511257, No 49 Toronto Avenue, Cromer.**

**Proposed Development: Alterations and additions to a dwelling house including a swimming pool and a secondary dwelling.**

On behalf of Alison and Rebecca Newton, this submission has been prepared to assist Council in the consideration of an application pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 (**EP&A Act**) to modify development consent DA2022/1392.

**PROPOSED MODIFICATIONS**

The applicant seeks to amend the consent through minor alterations after discussions with the builder to improve buildability and reduce cost.

The modifications proposed are:

- Change of laundry location moved from kitchen to next to bathroom;
- Reduction to size of aluminium glazed door on southern elevation; and
- Change of roof pitch and form to be pitched roof at 5 degree fall without a parapet.

**JUSTIFICATION**

The EP&A Act provides for the modification of a consent under S4.55 (1A) which notes:

***(1A) Modifications involving minimal environmental impact*** 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  
(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  
(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 any period prescribed by the regulations or provided by the development control plan, as the case may be.*  
*Subsections (1), (2) and (5) do not apply to such a modification.*

Accordingly, for the Council to approve the s4.55(1A) Modification Application, the Council must be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.

### **Minimal environmental impact**

#### **Built form**

Overall built form impacts will be reduced through the removal of the parapet to the roof so the total building height will be reduced significantly as shown on the northern elevation. This will reduce overshadowing impacts to properties to the east. The laundry change does not impact the external envelope or built form, the only change to this is a reduction in bulk for the change in roof pitch, the internal floor space remains the same.

#### **Conclusion**

The proposed modifications are minor in nature and will result in a reduction to the environmental impacts of the approved DA. They are recommended to improve buildability, and reduce costs and considered a positive amendment to the approved DA and deemed worthy of approval.

Kind regards,  
Paul Bermingham