

30 August 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: DA2022/1452

Date of Determination: 15 March 2023

Premises: Lot 421 within DP 1004511, No 32A Nareen Parade, North Narrabeen.

Proposed Development: Alterations and additions to a dwelling house.

On behalf of Mr David Parker and Mrs Peta Parker, 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 DA2022/1452.

PROPOSED MODIFICATIONS

The applicant seeks to amend the consent through minor alterations to improve internal amenity to their home.

The modifications proposed are:

- Removal of the lightweight roof above the balcony on level 1;
- Extension of southern wall by 500mm to line up with existing eaves on level 1;
- Removal of an internal wall to convert two bedrooms into one larger bedroom on level 1;
- Addition of an external planter outside bathroom on level 1;
- Adjustment to the sizes of windows and glazed doors on the southern elevation at level 1;
- Addition of two new windows on the western facade to the new stair;
- Extension of lower ground floor to line up with western wall with two new windows added, one to the western façade and one to the southern façade; and
- Extension of spiral stair to connect to existing ground level.

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 roof over the level 1 balcony, creating a reduction in total building height from the approved DA. The extension to the lower ground floor will be below the existing building bulk and will therefore not add any additional overshadowing impacts beyond the built form of the approved DA.

Privacy

The additional windows to the western façade do not provide any privacy concerns as they are adjacent to the shared roadway separating the subject property from 34 Nareen Parade. The increase in size to the southern façade openings do not represent any potential privacy impacts to neighbouring properties due to the significant setbacks and that they look onto a nature reserve on the southern side of Nareen Parade, not neighbouring properties. The most critical interfaces are at the northern and eastern boundaries to 32 Nareen Parade, 30 Nareen Parade respectively. Each of these conditions remain as per the approved DA.

Given the minimal impacts to overshadowing, views, privacy and perceived bulk and scale the modifications are deemed to have minimal environmental impact.

Conclusion

The proposed modifications serve to improve the internal amenity of the dwelling by increasing the natural light, district view opportunities and adding more living space, while having minimal environmental impact. They are considered a positive amendment to the approved Development Application and deemed worthy of approval.

Kind regards,
Paul Bermingham