

S.4.55(1A) APPLICATION
STATEMENT OF MODIFICATION & ENVIRONMENTAL EFFECTS
1 Tabalum Road Balgowlah Heights

Prepared for
Mr Kevin Mooney

S.4.55(1A) STATEMENT OF MODIFICATION & ENVIRONMENTAL EFFECTS

Development Consent DA2020/0077

Demolition works and construction of a new dwelling

1 Tabalum Road Balgowlah Heights

C.F. Blyth RP, Director



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CONTENTS

1.0 INTRODUCTION & HISTORY

2.0 SITE DESCRIPTION AND CONTEXT

3.0 MODIFICATION TO DEVELOPMENT CONSENT

4.0 PLANNING AND DEVELOPMENT CONTROLS

4.1 S.4.55 Environmental Planning & Assessment Act 1979

4.2 Manly L.E.P. 2013

4.3 Manly D.C.P. 2013

5.0 ENVIRONMENTAL ASSESSMENT

5.1 S. 4.15

5.2 Qualitative and Quantitative Comparison

6.0 CONCLUSION

ANNEXURE 1 Reduced copy of modification drawings

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1.0 INTRODUCTION & HISTORY

Demolition of the existing dwelling house and erection of a new house was approved by Northern Beaches Council in DA215/2015 by notice dated 21 October 2020.

Further development of the proposal has determined that a number of modifications are necessary for efficient operation of the dwelling house and having regard to the design preferences of the current owner.

The proposed modifications relate to the en-suite bathroom to bed 1 and also to the clerestory roof form and are assessed as minor in extent as well as environmental impact.

Accompanying the submission are:

- *Plans and specifications of the proposed modification prepared by Legend Design Studio;*
- *Revised BASIX certification;*
- *Statement of modification and environmental effects prepared by Plansight Pty Ltd;*

It is concluded that the proposed development remains substantially the same as originally approved with a negligible difference in environmental impact.

2.0 SITE DESCRIPTION AND CONTEXT

The site is located in a low density residential neighbourhood of Balgowlah Heights. Built form in the locality is typically detached dwelling houses. Many recent contemporary houses in the locality present a similar scale to the approved development.

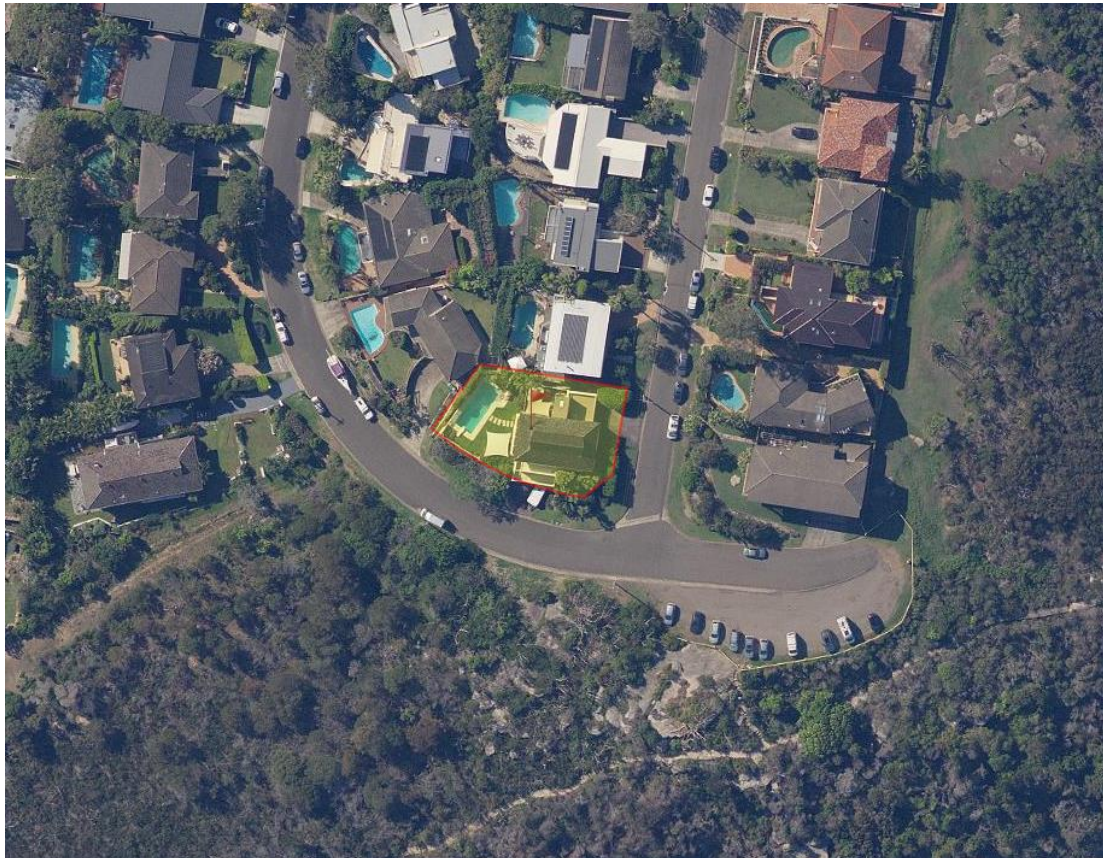


fig 1. Aerial view of locality (source: six Maps)

The site is described as Lot 20 Sec 58 DP 758044 and is 753.8m² in area and located on the north western corner of Tabalum Road and Cutler Road. The site has a frontage of 18.29m to Tabalum Road and an arc frontage of 35.05m to Cutler Road. There is a splay corner at the intersection.

The land falls quite steeply from the Tabalum Road frontage at rl 76.66 centrally to the rear boundary abutting No.6 Cutler Road at rl 72 at the pool coping. There is a retaining wall adjacent to the boundary with No.6 Cutler Road. The level at the base on the abutting property being approximately rl 68.18

The site contains a three storey plus attic brick detached dwelling house with a rear swimming pool located off the Cutler Road frontage.

3.0 MODIFICATION TO DEVELOPMENT CONSENT

It is proposed that the site development be amended as follows:

1. Bed 1, Level 2

- *Increase the size of the Ensuite and walk in robe to align with the main wall of the bedroom, beneath approved roof form;*
- *Reconfigure WIR layout and provide a bath within the enlarged Ensuite space;*

2. Roof

- *Extend approved clerestory westwards by 2.05m and 4.35m in width at the approved r.l.;*

3. Elevations

- *Amended to reflect alterations;*

4. Conditions

- *Condition 1, Approved plans and BASIX certification to be substituted*

4.0 PLANNING AND DEVELOPMENT CONTROLS

4.1 S.4.55 Environmental Planning & assessment Act 1979

The proposal is submitted as a modification pursuant to S.4.55 (1A) of the Act and in the applicant's submission the proposed modifications do not have other than a minor impact:

(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.

4.3 Manly L.E.P. 2013

The LEP applies a zoning of R2 Low density residential to the site. Dwelling houses are a permissible use in the zone.

4.4 Manly Development Control Plan 2013

The Development Control Plan contains Council's detailed requirements for residential and other development. General Principles of Development are contained in Part 3 of the DCP. Controls for Residential Development are contained in Part 4.1 of the DCP.

5.0 ENVIRONMENTAL ASSESSMENT

5.1 S.4.55 Considerations

Pursuant to S.4.55 (1A) the proposal is assessed as follows:

(1A) Modifications involving minimal environmental impact

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposed modifications, in relation to the en-suite and WIR, are minor and represent a small increase in the area and rearrangement of approved facilities underneath the approved roof form. The minor increase in the area of the approved clerestory is central to the roof space and is necessary in order to better coincide with the internal void spaces, thus allowing natural light to penetrate to all levels of the dwelling. View impact is insignificant.

The modifications are therefore assessed as being of minor environmental impact having been proposed to reflect a more logical and efficient floor plan and the design preferences of the current owner.

(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

The development is substantially the same as originally approved, which is a three storey dwelling house. The modifications are a reallocation and minor extension of approved space with a minor external change to the approved envelope in relation to the clerestory.

(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.

Notification and consultation will occur as is Council's normal procedure in such matters.

Subsections (1), (2) and (5) do not apply to such a modification.

S.4.55 (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters

referred to in section 4.15 (1) 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.

It is considered that the proposed modification will not have other than a minor impact when compared to that the original approval, and that the site is suitable for the proposed development.

The following response is provided in terms of S.4.15 (1):

(1) Matters for consideration—general

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) the provisions of:

(i) any environmental planning instrument, and

➡ **State and Regional Plans**

The proposed modifications do not cause any non-compliance with the State or Regional Plans.

➡ **Local Environmental Plans**

- *Manly LEP 2013*

The LEP applies a zoning of R2 medium density residential to the site. The proposed modifications do not raise any issue of concern pursuant to the LEP. The following table assesses the modifications with respect to the relevant development standards:

Clause	Proposed	✓ or ✗
Cl. 4.3 Height, maximum 10.5m	The proposed extension to the clerestory exceeds the standard however is not visible from Tabalum road where compliance is maintained. The extended area is located in the middle of the roof form and would be partly visible from No. 3 abutting. It is, however located in a position that does not form part of the land/water outlook that is the available view to the west and south from the balcony of No.3 Tabalum Rd. The structure is in an elevated location outside the field of view and is also screened by an existing palm tree. View impact on properties on the opposite side of Tabalum road is insignificant because it is only apparent as a lateral extension to a minor portion of the roof form that due to its dimension, the separation distances involved and the fact that it is at the same level, would be imperceptible to a viewer from Nos. 2,4 & 6 Tabalum. Refer architectural view studies.	✓

Cl. 4.4 (2A) FSR, maximum .9:1	A minor increase in FSR from .398:1 to .403:1 is proposed being 2.78m ² . The new floorspace is related to non-active areas being a bathroom and WIR. It is associated with Bed 1 on Level 2 of the building and is beneath the approved roof form. As such there is no effect on shadows (which are over roadway in any case) or building bulk noting that a terraced area is retained between the wall of the extended room and the edge of the building.	✓
Cl 5.10(5) Heritage Assessment	The proposed modifications do not have an adverse heritage impact and maintain the same presentation to the streetscape and conservation area.	✓
Cl.6.1 Acid Sulfate Soils,	The site is Class 5 but the modifications do not trigger operation of the clause.	n.a.
Cl.6.2 Earthworks	n.a.	n.a.
Cl.6.3 Flood Planning	n.a.	n.a.

It is thus concluded that the proposed minor modification is appropriate pursuant to LEP 2013.

(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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft environmental planning instruments of relevance to the proposed modifications.

(iii) any development control plan, and

Given that the proposed modifications amount to a minor extension to and rearrangement of approved space and a minor extension to the clerestory roof to achieve necessary efficiencies which are not readily apparent in the streetscape, the proposal is assessed as not creating any significant issue pursuant to the provisions of Part 3 & 4.1 of the Manly DCP 2013.

The modification to the WIR and Ensuite of Bed 1 does not have any visual or amenity impact to neighbours of the public domain. The clerestory addition provides benefits to the owner but has an insignificant impact on the views available from adjacent properties. The proposal maintains acceptability pursuant to the DCP view provisions and the L & E Court Principle established in Tenacity Consulting -v- Warringah Council

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and,

There are no issues of relevance in relation to these matters created by the modifications.

(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 preceding assessment has considered the range of likely impacts associated with the proposed modification. It is concluded that the proposed modifications are:

- *minor in extent and not associated with any increase in impact in relation to privacy, noise impact, car parking, overshadowing and traffic;*
- *representative of primarily internal reallocation and minor extension of approved space with only a minor change to the envelope caused by the extension to the approved clerestory roof;*

It can be concluded the proposed modification is not associated with any non-compliance with any State, Regional or Local planning instrument or code.

(c) the suitability of the site for the development,

It is clear that the overall site remains suitable for the proposed development. The proposed modification does not alter the suitability of the land for the approved purpose. The modifications can occur with minimal environmental impact.

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

Such matters will be considered as a matter of course. The modification is assessed in this statement as not inconsistent with the public interest.

5.2 Qualitative and Qualitative Comparison

5.2.1 Qualitative Comparison

The proposal is assessed as substantially the same development in a qualitative sense, compared to the originally approved development for the following reasons:

- *It does not propose any change of land use or increase in site accommodation;*
- *It does not detract from the originally intended architectural concept but provides a harmonious modification thereto;*
- *It does not incorporate any modification that would result in an adverse or different impact on the streetscape;*
- *It maintains a similar relationship to the streetscape as the approved building;*

5.2.2 Quantitative Comparison

The proposal is assessed as substantially the same development in a quantitative sense, compared to the originally approved development for the following reasons:

- *It proposes only a very minor change to the approved floor space ratio that is within the envelope of the approved building;*
- *The roof extension is minor in extent and within the approved roofscape. Whilst in excess of the 8.5m standard the modification does not cause any material impact in relation to views overshadowing or building bulk. The amount of additional built form is minor in amount and visually recessive;*

6.0 CONCLUSION

In conclusion it is considered that the proposed modification to development consent DA2020/0077 is environmentally acceptable under the considerations of S.4.55(1A) of the Environmental Planning & Assessment Act 1979.

It is concluded that the proposed modification is minor in nature and environmentally acceptable and that it ought to be approved.

I give the proposal my support.

A handwritten signature in black ink, appearing to read 'C.F. Blyth', with a stylized flourish at the end.

C.F. Blyth, MPIA CPP Director

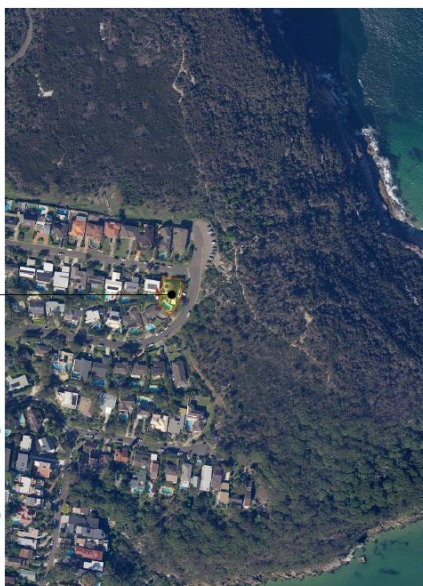
Plansight Pty Ltd

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ANNEXURE 1

Issue Date

1 Tabalum Rd, Balgowlah Heights



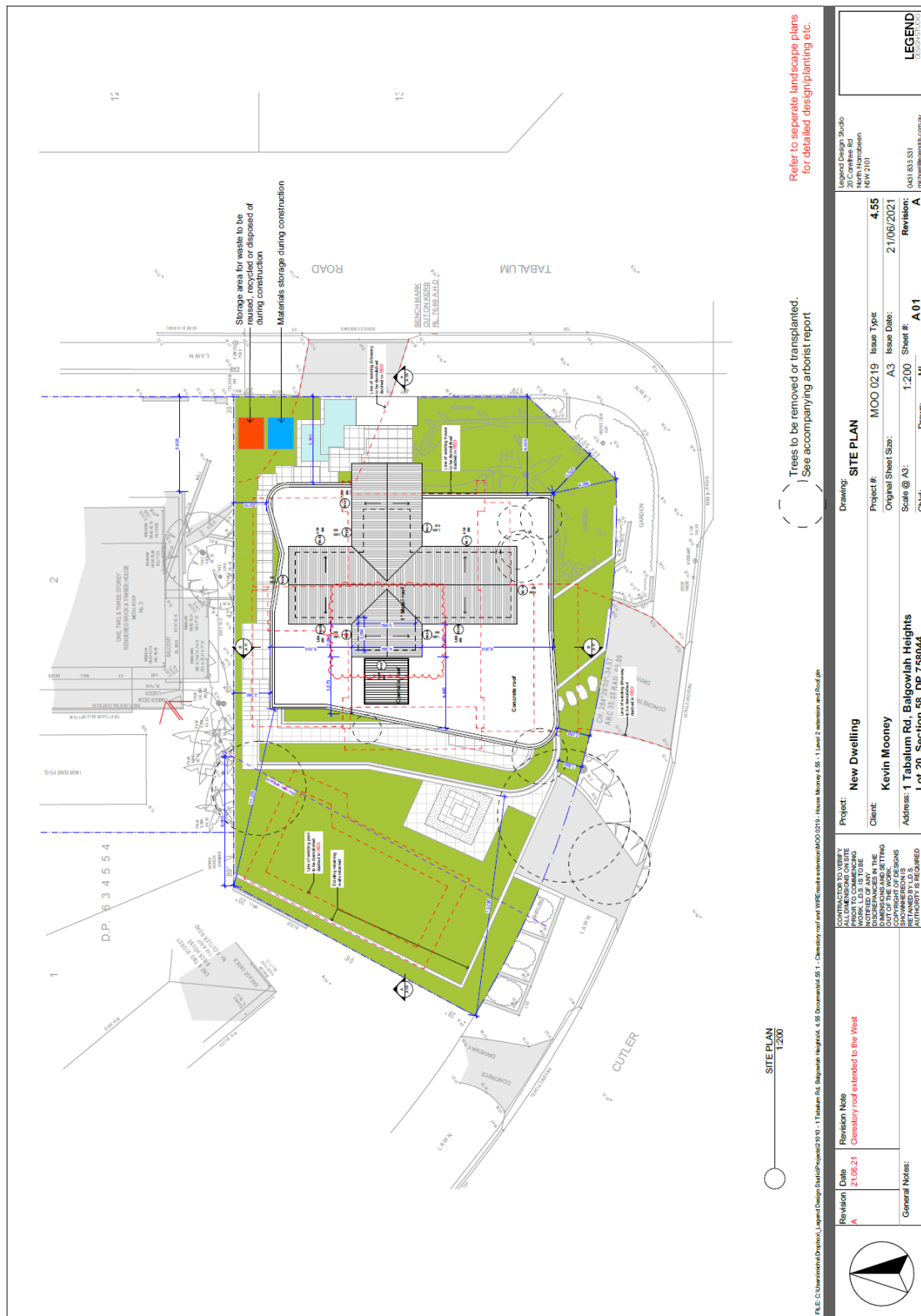
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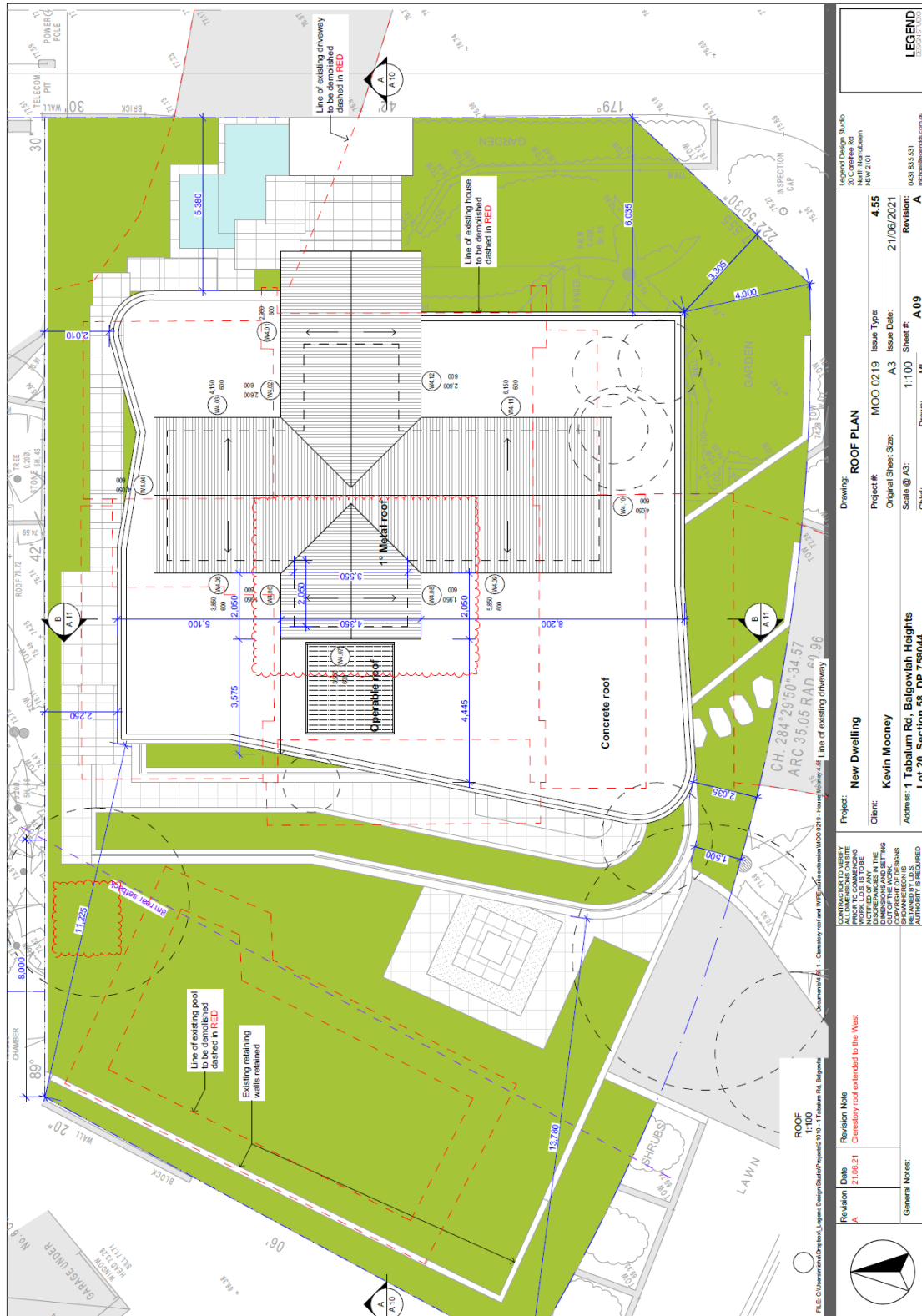
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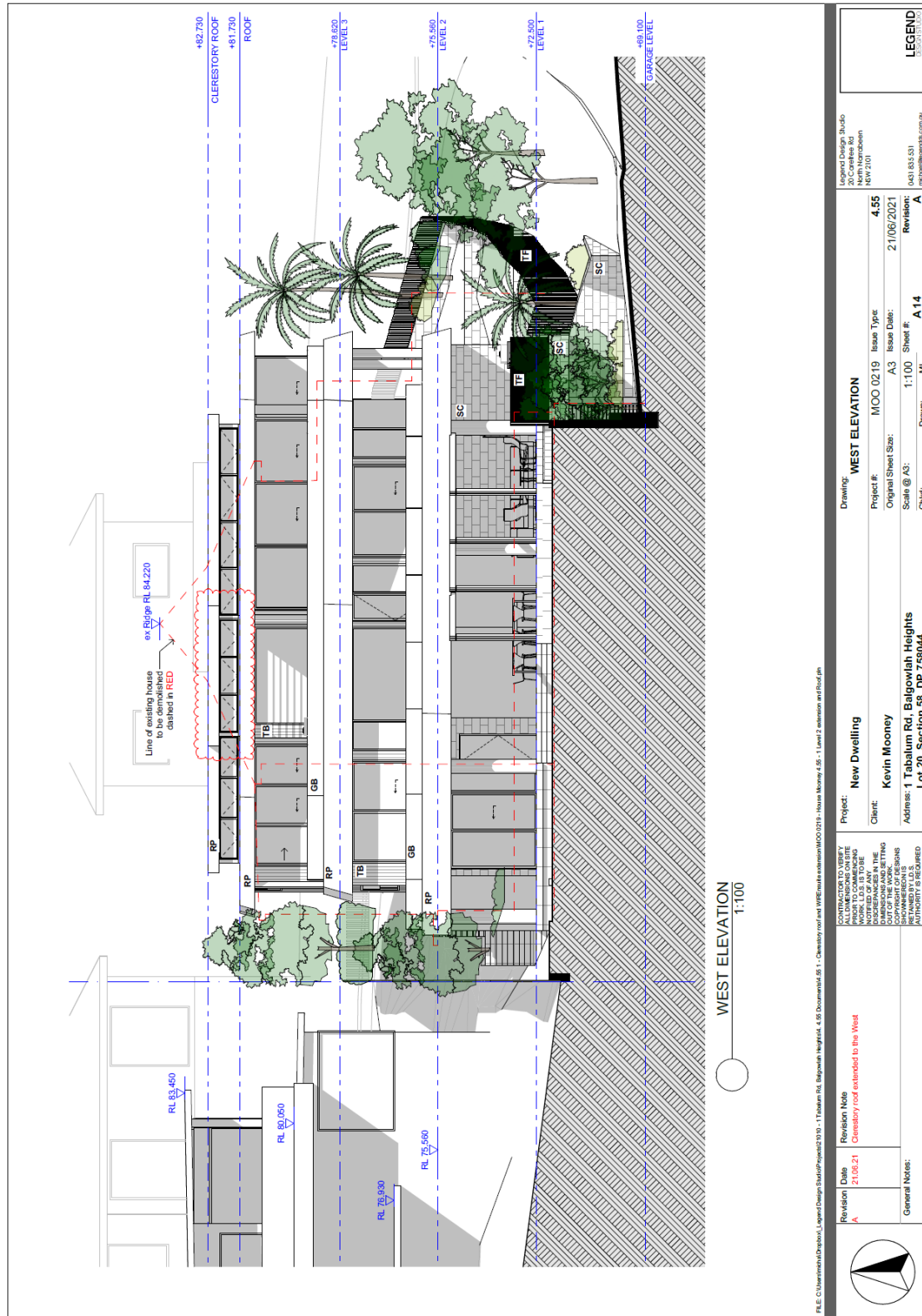
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Design Studio
Jeffrey Rd
Karrabeen
101

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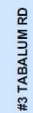




FILE: C:\Users\michael\Documents\Projects\2010 - 1 Tabalum Rd, Balgownie Heights\4.05 Documents\4.05 1 - Clerestory and west elevation\MOO0219 - House Mooney - 05 - 1 Level 2 elevation and flood.dgn

	<p>Revision</p> <p>Date</p> <p>Revision Note</p> <p>21.06.21</p> <p>Clerestory roof extended to the West</p>	<p>Project:</p> <p>New Dwelling</p> <p>Client:</p> <p>Kevin Mooney</p> <p>Address: 1 Tabalum Rd, Balgownie Heights Lot 20, Section 58, DP 758044</p>	<p>Drawing:</p> <p>WEST ELEVATION</p> <p>Project #: MOO 0219</p> <p>Issue Type: 4.55</p> <p>Original Sheet Size: A3</p> <p>Issue Date: 21/06/2021</p> <p>Scale @ A3: 1:100</p> <p>Sheet #: A14</p> <p>Revisions:</p> <p>Drawn: ML</p> <p>Checked: A</p>	<p>Legend</p> <p>MOO0219.01</p> <p>MOO0219.02</p> <p>MOO0219.03</p> <p>MOO0219.04</p> <p>MOO0219.05</p> <p>MOO0219.06</p> <p>MOO0219.07</p> <p>MOO0219.08</p> <p>MOO0219.09</p> <p>MOO0219.10</p> <p>MOO0219.11</p> <p>MOO0219.12</p> <p>MOO0219.13</p> <p>MOO0219.14</p> <p>MOO0219.15</p> <p>MOO0219.16</p> <p>MOO0219.17</p> <p>MOO0219.18</p> <p>MOO0219.19</p> <p>MOO0219.20</p> <p>MOO0219.21</p> <p>MOO0219.22</p> <p>MOO0219.23</p> <p>MOO0219.24</p> <p>MOO0219.25</p> <p>MOO0219.26</p> <p>MOO0219.27</p> <p>MOO0219.28</p> <p>MOO0219.29</p> <p>MOO0219.30</p> <p>MOO0219.31</p> <p>MOO0219.32</p> <p>MOO0219.33</p> <p>MOO0219.34</p> <p>MOO0219.35</p> <p>MOO0219.36</p> <p>MOO0219.37</p> <p>MOO0219.38</p> <p>MOO0219.39</p> <p>MOO0219.40</p> <p>MOO0219.41</p> <p>MOO0219.42</p> <p>MOO0219.43</p> <p>MOO0219.44</p> <p>MOO0219.45</p> <p>MOO0219.46</p> <p>MOO0219.47</p> <p>MOO0219.48</p> <p>MOO0219.49</p> <p>MOO0219.50</p> <p>MOO0219.51</p> <p>MOO0219.52</p> <p>MOO0219.53</p> <p>MOO0219.54</p> <p>MOO0219.55</p> <p>MOO0219.56</p> <p>MOO0219.57</p> <p>MOO0219.58</p> <p>MOO0219.59</p> <p>MOO0219.60</p> <p>MOO0219.61</p> <p>MOO0219.62</p> <p>MOO0219.63</p> <p>MOO0219.64</p> <p>MOO0219.65</p> <p>MOO0219.66</p> <p>MOO0219.67</p> <p>MOO0219.68</p> <p>MOO0219.69</p> <p>MOO0219.70</p> <p>MOO0219.71</p> <p>MOO0219.72</p> <p>MOO0219.73</p> <p>MOO0219.74</p> <p>MOO0219.75</p> <p>MOO0219.76</p> <p>MOO0219.77</p> <p>MOO0219.78</p> <p>MOO0219.79</p> <p>MOO0219.80</p> <p>MOO0219.81</p> <p>MOO0219.82</p> <p>MOO0219.83</p> <p>MOO0219.84</p> <p>MOO0219.85</p> <p>MOO0219.86</p> <p>MOO0219.87</p> <p>MOO0219.88</p> <p>MOO0219.89</p> <p>MOO0219.90</p> <p>MOO0219.91</p> <p>MOO0219.92</p> <p>MOO0219.93</p> <p>MOO0219.94</p> <p>MOO0219.95</p> <p>MOO0219.96</p> <p>MOO0219.97</p> <p>MOO0219.98</p> <p>MOO0219.99</p> <p>MOO0219.100</p>
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No visible change when viewed from Tabalum Rd.

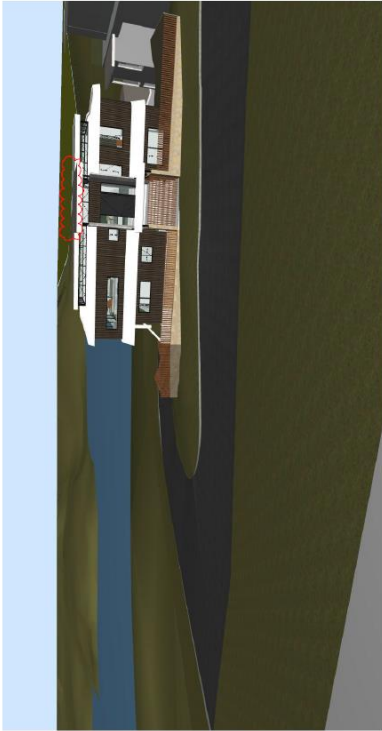


	Revision	Date	Revision Note
	A	21.06.21	Clarity not introduced to the West
	CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND SIGN OFF AS WORKING DRAWING. NO WORK LOG IS TO BE SUBMITTED FOR ANY DISCREPANCIES IN THE DIMENSIONS AND SETTING OUT OF THE BUILDING. COPYRIGHT OF DESIGNING AUTHORITY IS REQUIRED AND NOTED BY D.S.		
	General Notes:		
	Project: New Dwelling Drawing: 3D VIEW Client: Kevin Mooney Address: 1 Tabulam Rd, Balgowlah Heights Lot 20, Section 58, DP 758044		
	Contractor: Legend Design Studio 20 Connetts Rd North Narrabeen NSW 2101 (043) 835,531 mchell@legendstudio.com.au		

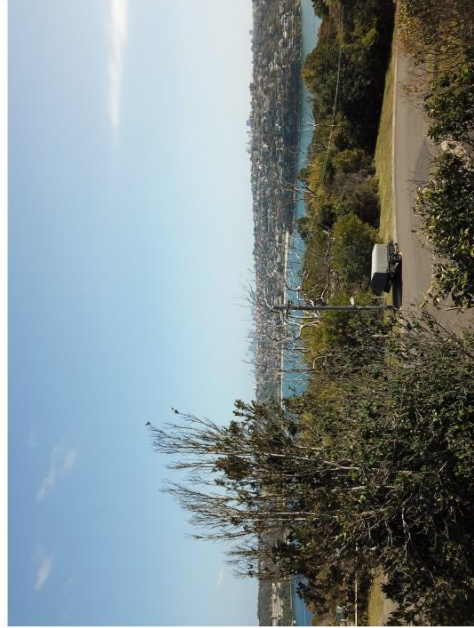




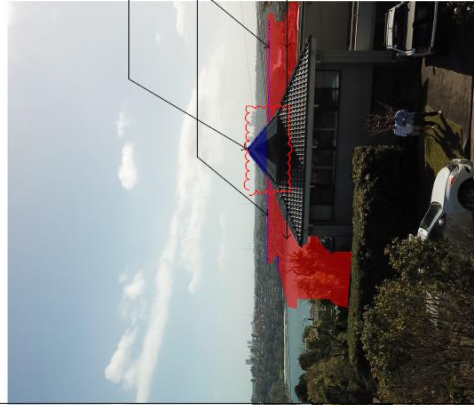
#2 Tabalum Rd - View West from Balcony - DA Approved 2020/0077



#2 Tabalum Rd - View West from Balcony - Proposed



#2 Tabalum Rd - Composite photo looking South-West from Window



NB. #2 Tabalum also has water views to South-South-East from the Eastern side of the dwelling



Revision: A Date: 21/06/21
Revision Note: Clerestory roof extended to the West

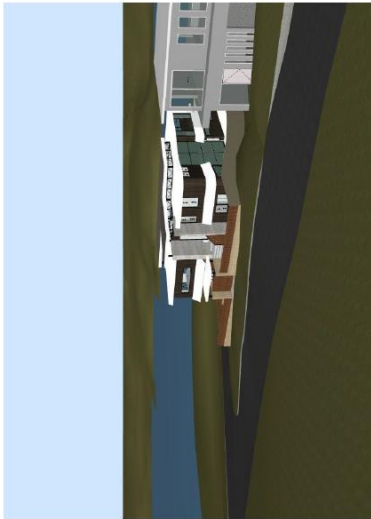
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Project: New Dwelling
Client: Kevin Mooney
Address: 1 Tabalum Rd, Balgownie Heights Lot 20, Section 58, DP 758044

Drawing: VIEW ANALYSIS FROM #2 TABALUM RD
Project #: MOO 0219 Issue Type: 4.55
Original Sheet Size: A3 Issue Date: 21/06/2021
Scale @ A3: 1:1 Sheet #: A25 Revision: A
Client: ML

Project: New Dwelling
Client: Kevin Mooney
Address: 1 Tabalum Rd, Balgownie Heights Lot 20, Section 58, DP 758044

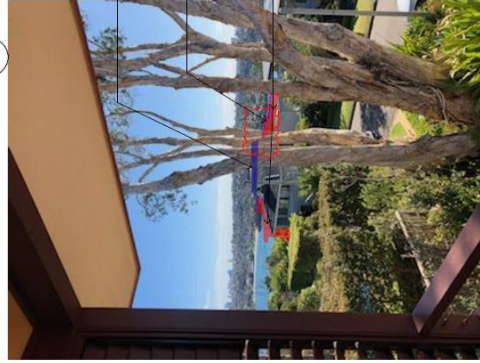
LEGEND
21/06/2021



#6 Tabalum Rd - View West from Balcony - DA Approved 2020/0077



#6 Tabalum Rd - View West from Balcony - Proposed



Net view gain from proposed dwelling shown in **PURPLE**

8.5m height limit line shown in **BLUE**.
(See elevations and sections)
Proposed dwelling complies with this 8.5m height limit

Net view loss (mitior) from proposed dwelling shown in **RED**

#6 Tabalum Rd - Composite photo looking South-West from Balcony

Revision	Date	Revision Note
A	21/06/21	Consistency roof extended to the West
General Notes:		
CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. WORKING TO THE DIMENSIONS SHOWN IN THE DRAWINGS. DIMENSIONS OUT OF THE WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. DIMENSIONS OUT OF THE WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. DIMENSIONS OUT OF THE WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.		

Project: New Dwelling		Drawing: VIEW ANALYSIS FROM #6 TABALUM RD	
Client: Kevin Mooney		Project #: MOO 0219 Issue Type: 4.55	
Address: 1 Tabalum Rd, Balgownie Heights Lot 20, Section 58, DP 758044		Original Sheet Size: A3 Issue Date: 21/06/2021	
		Scale @ A3: 1:1 Sheet #: A27 Revision: A	
		Client: ML Drawn: ML	

LEGEND 10/06/2021	

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