KN PLANNING PTY LIMITED

STATEMENT OF ENVIRONMENTAL EFFECTS

SECTION 4.56 APPLICATION TO MODIFY CONSENT GRANTED TO DEVELOPMENT APPLICATION DA2021/1408 FOR DEMOLITION OF EXISTING DETACHED DWELLING AND ERECTION OF A PART 2/PART 3-STOREY DETACHED DWELLING, CARPORT, BOATSHED, SITE WORKS AND LANDSCAPING

16 ADDISON ROAD MANLY

Prepared by KN Planning Pty Limited

October 2023

Ref: KN628

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1. INTRODUCTION

This report has been prepared in support of an application under Section 4.56 of the Environmental Planning and Assessment Act 1979 to modify the consent granted by the NSW Land & Environment Court to Development Application DA 2021/1405 for demolition of an existing single storey detached dwelling at 16 Addison Road Manly and the erection of a part 2/part 3 storey detached welling, carport, boatshed, site works and landscaping.

The Modification Application seeks consent for minor changes, exterior openings. internal layout of the dwelling and carport. The proposed modification will not change the approved building envelope. Details of the modifications to the approved development are detailed in Section 4 of this report.

Plans, elevations and sections of the proposed modification application have been prepared by Patterson Associates for the Applicant, Watermark Architects, and owners, Sarah Penelope Joyce and Nicholas John Fairfax.

The purpose of this report is to present a Statement of Environmental Effects in support of the modification application under Section 4.56 of the Environmental Planning and Assessment Act 1979 and to that end the report:-

describes the site, context and development history;
sets out the planning controls applying to the site;
sets out the details of the proposed modification;
assesses the key planning considerations associated with the proposed modification; and
presents a summary assessment of the modification application in terms of the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

2. SITE AND CONTEXT

2.1 Site Details

The site is in Manly, on the south-eastern side of Addison Road, approximately 150 metres southwest of the intersection with Oyama Avenue (Figure 2.1)

The site, known as 16 Addison Road is a battle-axe allotment being Lot 2 of DP 235220 and Lot LIC 30003605 is irregular in shape with frontage to Addison Road of 3.05 metres (access handle/right of way, frontage to Little Manly Cove and side boundaries to 18 Addison Road of 9.32 metres and 31.12 metres (access handle), 20 Addison Road of 38.97 metres and 14 Addison Road of 40.54 metres, as detailed on the Plan of Survey at *Figure 2.2*.

The site has an area of 543.8 square metres.

The topography of the site is slopes from the street (north-west) to the waterfront (south-east) with a fall in the order of 12 metres.

2.2 Context

The subject site is part of the Manly residential precinct on the southern end of the peninsula fronting Little Manly Cove.

The existing single storey dwelling on the site has been approved for demolition.

The surrounding development comprises:-

To the north-west: - a 2-storey detached dwelling (18 Addison Road);

To the north-east: - a 2-storey detached dwelling (20 Addison Road);

To the south-east: - Little Manly Cove

To the south-west: - a 2-storey detached dwelling (14 Addison Road); and

- a 2-storey detached dwelling (12 Addison Road).

The subject site, 12 and 14 Addison Road share access to their respective properties via the Right of Way off Addison Road.

Photographs of the site and surrounding development are at Appendix 1

2.3 Development History

The NSW Land & Environment Court in Proceedings 2022/107881 approved consent orders to Development Application DA2021/1408 on 5 August 2022 for "demolition works and construction of a dwelling house and boatshed" at 16 Addison Road Manly

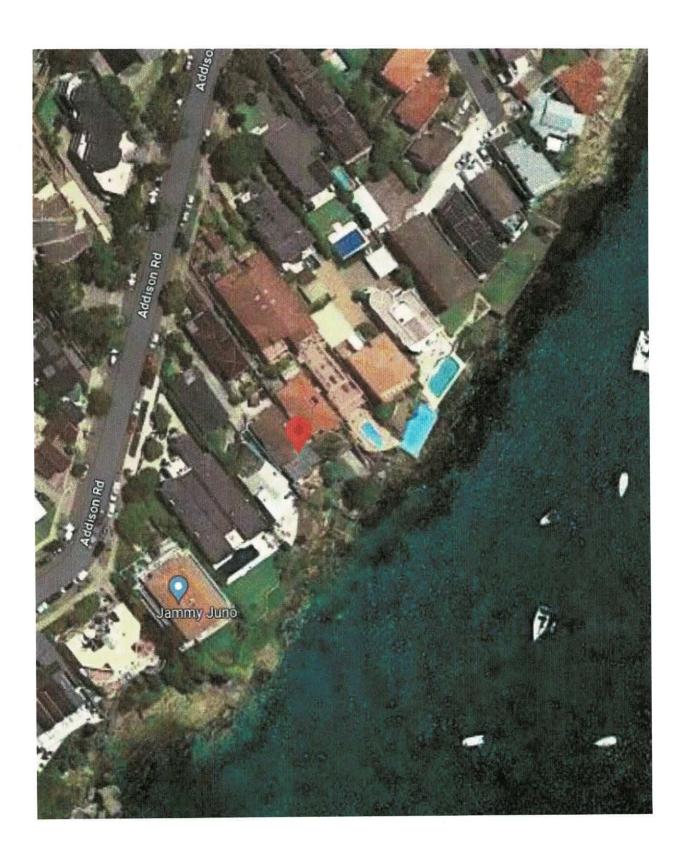
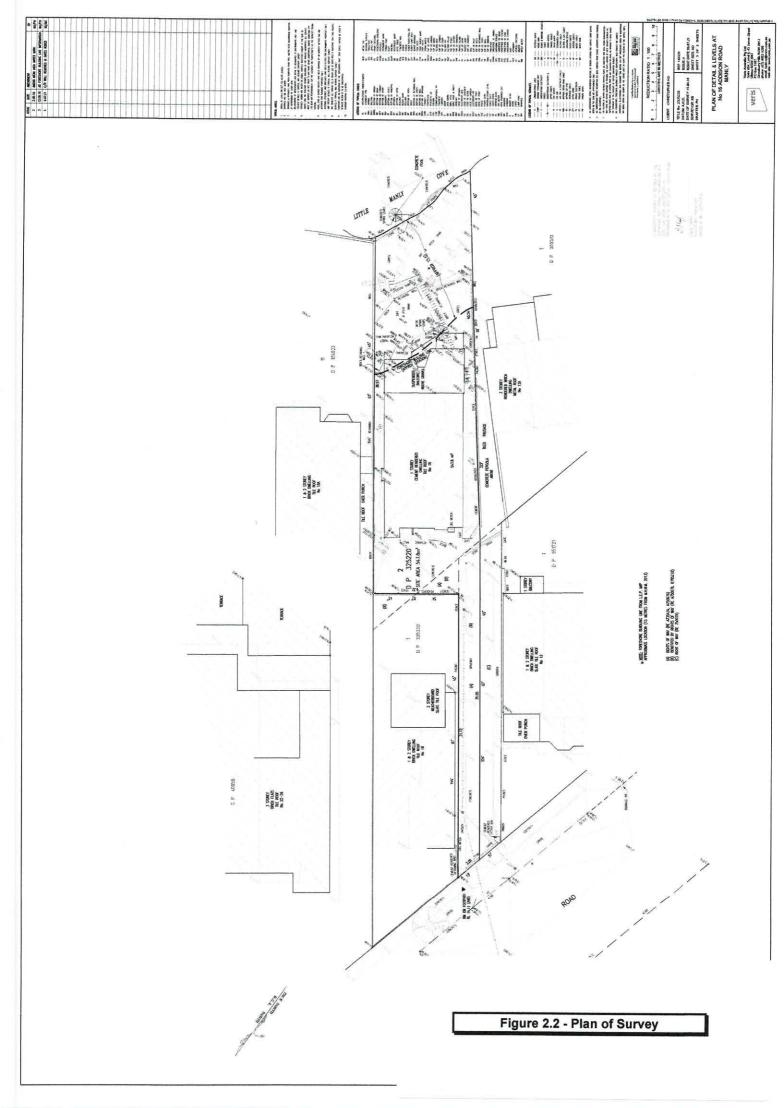


Figure 2.1 - Aerial Photograph



3. PLANNING FRAMEWORK

The application to modify DA/2021/1408 is made under s4.56 of the Environmental Planning and Assessment Act 1979 as the consent was granted by the NSW Land and Environment Court.

The site is zoned C4 Environmental Living under the Manly Local Environmental Plan 2013 (MLEP) (Figure 3.1).

The objectives and permissible uses in the C4 zone are:-

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore.
- To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.
- To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

2 Permitted without consent

Home-based child care: Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Dual occupancies (attached); **Dwelling houses**; Environmental protection works; Flood mitigation works; Health consulting rooms; Home businesses; Multi dwelling housing; Oyster aquaculture; Pond-based aquaculture; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture; Water supply systems

4 Prohibited

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Clause 4.3 provides for a maximum building height of 8.5 metres.

Clause 4.4 provides for a maximum floor space ratio of 0.6:1.

Clause 5.10 Heritage Conservation is relevant as the site has frontage to Sydney Harbour foreshores (Item 1).

Clause 6.5 Terrestrial Biodiversity is relevant as the site is mapped on the Terrestrial Biodiversity Map (*Figure 3.2*).

Clause 6.8 Landslip Risk is relevant as the site is mapped on the Landslip Risk Map.

Clause 6.10 Limited Development on foreshore is relevant to the proposed modification.

SEPP (Conservation and Biodiversity) 2021 is relevant as the SEPP embodies the previous provisions under the SREP (Sydney Harbour Catchment) 2005.

SEPP (Building Sustainability Index: BASIX) 2004 is relevant to the proposed modification.

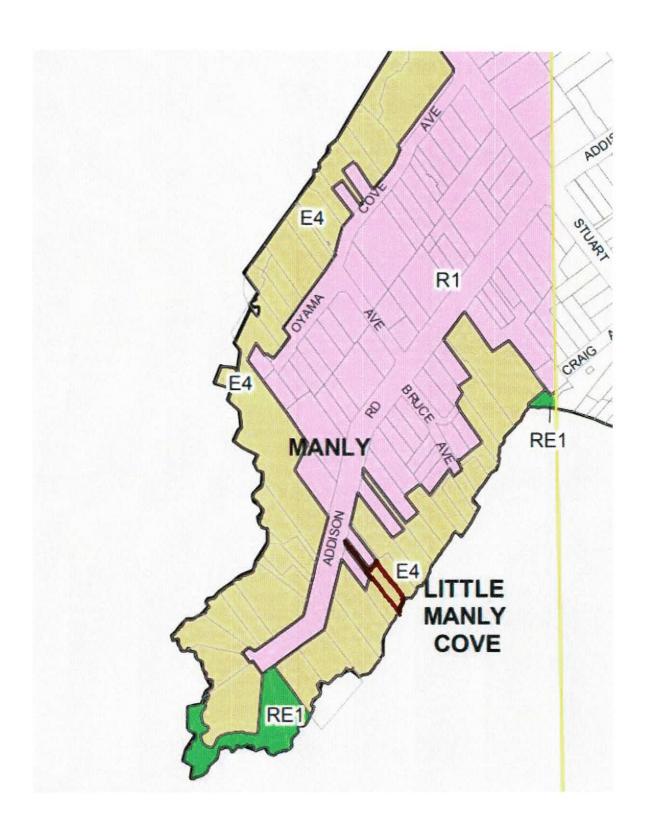


Figure 3.1 - Extract from Zoning Map MLEP 2013

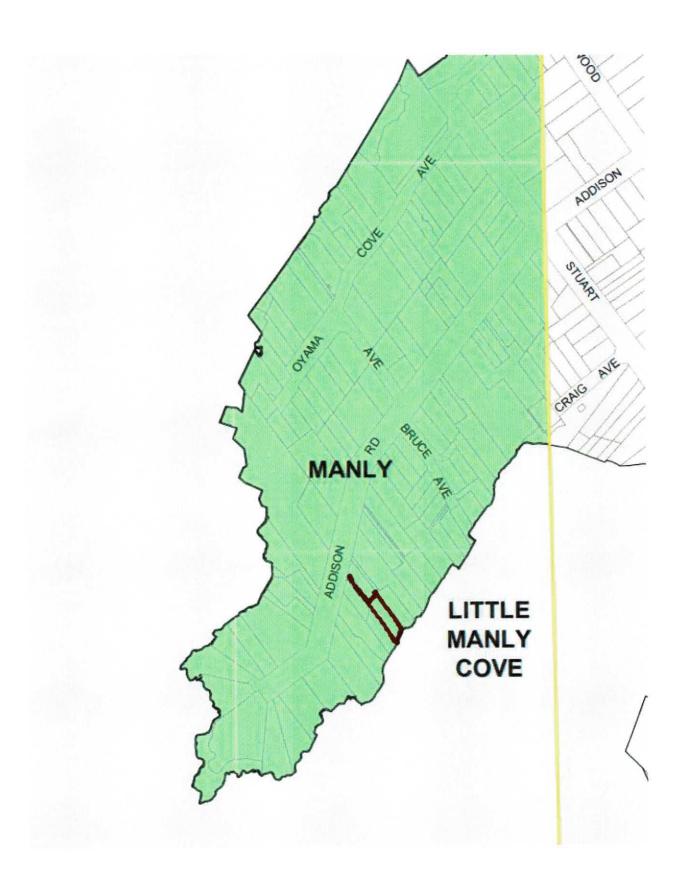


Figure 3.2 - Extract from Terrestrial Biodiversity Map MLEP 2013

The provisions in the Manly DCP also apply to the proposed modification.

An assessment of the proposed modification against the relevant planning controls embodied in the abovementioned planning instruments is addressed in Section 5.1 of this report.

4. PROPOSED MODIFICATION

The s4.56 application seeks consent to modify development application DA/2021/1408 to a new part 2/part 3 storey dwelling, carport, boatshed, site works and landscaping at 16 Addison Road Manly.

The existing dwelling on the site has been demolished in accordance with the consent granted under DA2021/1408 as detailed on *Photograph 9*, *Appendix 1*.

Plans, elevations and sections of the proposed modification application have been prepared by Patterson Associates Limited and are at *Appendix 2*.

The modification application comprises the following amendments to the approved development with reference to drawing numbers at *Appendix 2*, namely :

1.2 Site Plan

- 06. The sliding glazed doors accessing the north terrace have been moved approx. 1.0m to allow for a WC on the ground floor. The front door was moved to align with the sliding doors.
- 07. The metal clad wall on grid A was extended to the north to provide additional area for the WC. Opaque glass window added.
- 08. Approved internal gas fireplace replaced with solid fuel fireplace in same location
- 16. GFA increased from 313m2 to 317.38m2.

1.3 Boatshed Plan

01. No change to boatshed and landscaped foreshore areas.

1.4 Lower Floor Plan

- 02. Basement excavation extended to 2046 mm to the north to allow for additional plan equipment & store area, ensuite layout altered.
- 03. Window to bedroom 04 in western façade increased in length by 1.0m and 0.5m in height
- 16. GFA increased from 84.3m2 to 89.8m2

1.5 Ground Floor Plan

- 06. The sliding glazed doors accessing the north terrace have been moved approx. 1.0m north to allow for a WC on the ground floor. The front door was moved to align with the sliding door.
- 07. The metal clad wall on grid A was extended to the north to provide additional area for the WC. Opaque glass window added.
- 08. Approved internal gas fireplace replaced with solid fuel fireplace in same location.
- 16. GFA increased from 106.4m2 to 109.56m2
- 17. Carport slab level raised slightly to allow for existing drainage serviced and boundary fencing

1.6 First Floor Plan

- 09. Alterations to internal planning of bathroom, ensuite & robe.
- 10. East facade skylight widened by approximately 200mm.
- 12. Relocated skylight in roof over master ensuite bathroom 1 and hallway.
- Additional skylight in roof added over master robe.
- 16. GFA reduced from 100.3m²to 96.02 m² accounting for the increased lightwell area and the sloping walls correctly measured at 1.4m above floor level.
- 17. Carport roof level raised slightly to match height of adjoining boundary wall to allow adequate height clearance from slab level.

1.7 Roof Plan

- 05. Direction of roof slope adjusted between grids 7 and 9 to suit gutter design and roof drainage.
- 10. East facade skylight widened by approx. 200mm.
- 11. PV solar panels added to roof.
- 12. Relocated skylight in roof over master ensuite bathroom 1 and hallway.
- 13. Additional skylight in roof added over master robe.
- 14. Relocated skylight to stairwell in west façade. Remains same size.
- 17. Carport roof level raised slightly to allow adequate height clearance from slab level.

2.1 Elevations

- Window to bedroom 04 in western façade increased in length by 1.0m and 0.5m in height.
- 14. Relocated skylight to stairwell in west façade. Remains same size.
- 15. Outline of existing boundary wall / fence added to drawings.

2.2 Elevations

- 04. Increase height of landscape rock wall by 400mm.
- 06. The sliding glazed doors accessing the north terrace have been moved approx.1.0m north to allow for a WC on the ground floor. The front door was moved to align with the sliding doors.
- 07. The metal clad wall on grid A was extended to the north to provide additional area for the WC. Opaque glass window added.
- 10. East facade skylight widened by approximately 200mm.
- 15. Outline of existing boundary wall / fence added to drawings.

17. Carport roof level raised slightly to allow adequate height clearance from slab level.

3.1 Sections

- 02. Basement excavation extended by 2046mm to the north to allow for additional plant equipment & store area, ensuite layout altered.
- 05. Direction of roof slope adjusted between grids 7 and 9 to suit gutter design and roof drainage.
- 06. The sliding glazed doors accessing the north terrace have been moved approx. 1.0m north to allow for a WC on the ground floor. The front door was moved to align with the sliding doors.
- 12. Relocated skylight in roof over master ensuite bathroom 1 and hallway.
- 13. Additional skylight in roof added over master robe.
- 17. Carport roof level raised slightly to allow adequate height clearance from slab level.

3.2 Sections

- 02. Basement excavation extended by 2046mm to the north to allow for additional plant equipment & store area, ensuite layout altered.
- 03. Window to bedroom 04 in western façade increased in length by 1.0m and 0.5m in height.
- 04. Increase height of interior rock wall by 400mm.
- 05. Direction of roof slope adjusted between grids 7 and 9 to suit gutter design and roof drainage.
- 07. The metal clad wall on grid A was extended to the north to provide additional area for the WC.
- 09. Alterations to internal planning of bathroom, ensuite & robe.
- Relocated skylight in roof over master ensuite and bathroom 1.
- 13. Additional skylight in roof added over master robe.
- 17. Carport roof level raised slightly to allow adequate height clearance from slab level.

Note: The numbers references above relate to the numbered changes on the architectural drawings at **Appendix 2**.

The changes to the gross floor area of the approved dwelling are as follows:

	Approved m ²	Proposed m ²	Change m²
Boatshed	22.00	22.00	
Lower ground floor	84.30	89.8	+5.50
Ground floor	106.40	109.56	+3.16
First floor	100.30	96.02	-4.28
Total GFA	313.00	317.38	+4.38

The development, as modified, will achieve a floorspace ratio of 0.58:1.

The proposed modification does not seek to amend the approved Landscape Plan.

A BASIX Certificate is at Appendix 3.

5. KEY PLANNING CONSIDERATIONS

5.1 Compliance Assessment

Section 4.56 of the Environmental Planning and Assessment Act 1979

Section 4.56 of the Environmental Planning & Assessment Act 1979 (EP&A Act) states:

4.56 Modification by consent authorities of consents granted by the Court (cf previous s 96AA)

- A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent 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
 - 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.
 - e. (1A) 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.
 - f. (1B) (Repealed)
 - g. (1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.
- After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.
- 3. The regulations may make provision for or with respect to the following—
 - a. the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,
 - the effect of any such deemed determination on the power of a consent authority to determine any such application,
 - c. the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.
- 4. (4) (Repealed)

In respect to s4.56(a) the question of what constitutes "substantially the same development" is set out in Moto Projects (No 2) Pty Limited v. North Sydney Council [1999] NSWLEC 280 where at paragraphs 55 and 56, Bignold, J. describes the process for consideration of a proposed modification of development as follows:-

- "55. The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the approved development.
- 56. The comparative task does not merely involve a comparison of the physical features or components of the development as approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted."

Development Application DA2021/1408 was approved by the NSW Land and Environment Court on 5 August 2022 for "demolition works and construction of a dwelling house including a boatshed".

The existing dwelling has been demolished.

The proposed modifications to the approved dwelling are largely minor in scope and internal to the dwelling as the layout of the part 2/ part 3-storey dwelling has evolved.

The proposal does not result in any change to the approved building envelope and footprint. There are no changes proposed to the boatshed and landscaped foreshore area.

The modification application will include a net minor increase in gross floor area (4.38m²) achieved through a minor extension of the living room on the ground floor level into the undercroft (terrace area) at the rear and new powder room and other minor variations on each level are detailed in the table in Section 4 of this report.

The development, as modified, complies with the floor space ratio standard under the Manly LEP 2013 of 0.6:1.

In this context the development as modified remains "essentially and materially" the same as the approved development.

In *qualitative* terms, the proposed modification to the approved DA/2021/1408 is consistent with that approved with the scope of changes largely internal and within the approved building envelope and footprint of the dwelling.

The increase in excavation at the lower ground level and minor extension of the living room within the undercroft area on the ground floor level will not add to the visual bulk of the approved building.

The development, as modified, will continue to comply with the building height and wall heights controls under the Manly LEP/DCP reflected in the approved development. Similarly, the changes to windows and skylights will not introduce any new amenity impacts on adjoining residences.

Thus, it is considered that the proposed modification satisfies the "substantially the same" test in qualitative terms.

In *quantitative* terms the proposed modification will result in a minor increase in approved floor area amounting to 4.38m² whilst remaining compliant in respect to the floor space ratio standard.

In the circumstances, it is considered that the proposed modification satisfies the "substantially the same development" test in quantitative terms.

The proposed modification satisfies s4.56(a) of the EP&A Act 1979.

Manly LEP 2013

The subject site is zoned C4 Environmental Living under the Manly LEP 2013. 'Dwelling houses' are permissible with consent.

Clause 4.3 provides for a maximum building height of 8.5 metres. The modification does not change the approved height of the dwelling - complies.

Clause 4.4 provides for a maximum floor space ratio on the site of 0.6:1. The approved development achieved a gross floor area of 313m² and a floor space ratio of 0.576:1. The proposed modification increases the gross floor area by 4.38m² to a total of 317.38m² and an FSR of 0.583:1, thereby complying with the FSR standard.

Clause 5.10 Heritage Conservation is relevant as the site has frontage to Little Manly Cove/Sydney Harbour foreshores, a listed heritage item (Item 1) under Schedule 5. The proposed modification includes no change to the boatshed and landscaped foreshore area as approved under DA2021/1408 thus the objectives of clause 5.10 are satisfied.

Clause 6.5 Terrestrial Biodiversity is relevant as the site is mapped on the Terrestrial Biodiversity Map. As the modification proposed no changes to the boatshed and landscaped foreshore areas as approved under DA2021/1408 then the objectives and provisions under clause 6.5 are satisfied.

The site is mapped on the Landslip Risk Map under Clause 6.8 of the Manly LEP 2013. The proposed modification includes an increase in excavation at the rear of the lower ground floor area by 2.046 metres to accommodate a plant room, storage and a revised ensuite layout. The approved development was supported by a geotechnical report by JK Geotechnics which stipulated that the development will not have an unreasonable impact on existing ground and surface water flows. As such the proposed modification will comply with clause 6.8.

The proposed modification does not involve changes to the approved boatshed and landscaped foreshore area, thus clause 6.10 is satisfied.

The proposed modification satisfied the relevant provisions in the Manly LEP 2013.

SEPP (Biodiversity and Conservation) 2021

The proposed modification leaves the approved building envelope and footprint unchanged. No change to approved boatshed and landscaped foreshore areas will ensure that the matters for consideration embodied in the SEPP through the former SREP (Sydney Harbour Catchment) 2005 found acceptable under the approved development remain in the proposed modification.

The proposed modification satisfied the relevant provisions under the SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate is at Appendix 3

Manly DCP

The proposed amendments for the approved dwelling and carport satisfy the following relevant provisions in the Manly DCP 2013, namely:

Streetscapes and Townscapes (3.1) - satisfied as located on battle-axe lot and no change to approved building envelope and materials.

Heritage Considerations (3.2) - satisfied as no change to approved boatshed and landscaped foreshore area.

Landscape Design (3.3.1) - satisfied as no change to approved Landscape Plan.

Sunlight Access and Overshadowing (3.4.1) - satisfied as no change to approved building envelope.

Privacy and Security (3.4.2) - modification includes new window openings to powder room (obscure glazing) on ground floor level - no privacy impacts on 20 Addison Road; the increase in the size of the skylight over the void on first floor level by 200mm will not introduce any adverse privacy impacts on 20 Addison Road; increase in size of window to bedroom 4 on lower ground level will have no privacy impacts on 14 Addison Road as it is well below the height of boundary fence; and high level skylight on western elevation is 1600mm above first floor level thus no potential overlooking impacts on 14 Addison Road.

The proposed modification will not introduce any adverse amenity impacts on adjoining residential properties, thereby satisfying 4.3.2 of DCP.

Maintenance of Views (3.4.3) - modification involves no change to approved building envelope (compliant building height, compliant wall heights and setbacks) and floor space ratio thus the view impact analysis undertaken for the Land & Environment Court proceedings remains valid, that is, the totality of views currently enjoyed from adjoining and nearby residences (prior to demolition) was satisfactory in the context of the planning principle in "Tenacity Consulting". The changes to roof of the carport remain at the height of the existing brick wall on the rear boundary with 18 Addison Road, thereby no change to views from No.18. There will be no adverse view impacts arising from the proposed modification, thereby 3.4.3 of DCP satisfied.

Sustainability (3.5) - BASIX Certificate at Appendix 3

No change to approved development in respect to accessibility (3.6), stormwater management (3.7), waste management (3.8), mechanical plant equipment (3.9) and safety and security (3.10).

The proposed modification does not change the building envelope of the dwelling approved by the Land & Environment Court, thus the building form controls relating to Wall Height (4.1.2.1), number of storeys (4.1.2.2), roof height (4.1.2.3), side setbacks (4.1.4.2) and rear setback (4.1.4.4) in the Manly DCP are satisfied.

The modification makes no change to the boatshed and landscaped foreshore areas approved under DA2021/1408, thus residential open space area (4.1.5.1), landscaped area (4.1.5.2) and private open space (4.1.5.3) are satisfied.

The modification includes a minor increase in gross floor area of 4.38m² to 317.38m² and a floor space ratio of 0.583:1 compliant with development under clause 4.4.

Foreshore Scenic Protection Area (5.4.1) - modification does not include any changes to the approved boatshed and landscaped foreshore areas, thus 5.4.1 satisfied.

Threatened Species and Critical Habitat Lands (5.4.2) - no change to approved development in respect to foreshore areas and boatshed, thus 5.4.2 satisfied.

The proposed modification satisfies the relevant controls in the Manly DCP 2013.

5.2 Impact on adjoining properties

The subject site is adjoined by the following dwellings:

18 Addison Road - rear boundary adjoins subject site. Located to the north-west the modification does not change the approved building envelope - building height, wall height and setbacks so no change to view impacts agreed at the L & E Court. The minor changes to carport roof consistent with height of existing brick wall currently forming the rear boundary of No.18. The modification do not introduce any new overlooking impacts. The modification will not impact adversely on the amenity of 18 Addison Street.

20 Addison Road - side boundary adjoins subject site to north-east. The changes to the to the ground floor level opening to powder room with obscure glazing will be below the existing fence on the common boundary therefore no overlooking potential; increase in length of skylight opening above the first-floor level by 200mm will have no impacts on amenity of No.20 as no potential for overlooking. The modification will not introduce any adverse amenity impacts on 20 Addison Road.

14 Addison Road - side boundary adjoins subject site to the south-west. The changes to the window to bedroom 4 at the lower ground floor level will have no potential for overlooking as it will be well below the height of the fence on the common boundary; the high-level skylight on the western elevation (Drawing 2.1 at Appendix 2) is above eye height level on the first-floor level thereby preventing any potential for overlooking of No.14. The privacy measures incorporated in the approved development for No.14 remain. The modification will not introduce any adverse amenity impacts on 14 Addison Road.

12 Addison Road - proposed modification will have no impacts on the dwelling at 12 Addison Road.

6. SECTION 4.15(1) EVALUATION

Section 4.15(1) of the Environmental Planning & Assessment Act 1979 specifies the matters which a consent authority must consider when determining an application to modify a Development Application under Section 4.56 of the Act. The following is a summary assessment of the proposed modification against the Matters for Consideration in Section 4.15(1) of the Act.

(a)(i) The provisions of any environmental planning instrument.

The site is zoned C4 Environmental Living under the Manly LEP 2013. The proposed modification to DA2021/1408 satisfies the "substantially the same development" test under Section 4.56(a), as detailed in Section 5.1 of this report. The proposal, as modified, satisfies the relevant provisions under the SEPP (Biodiversity and Conservation) 2021, SEPP (Building Sustainability Index: BASIX) 2004 and Manly LEP 2013, as detailed in Section 5.1 of this report.

(ii) The provisions of any draft environmental planning instrument that has been subject to public consultation.

There are none.

(iii) Any development control plan.

The modification application satisfies the relevant provisions in the Manly DCP 2013, as detailed in Section 5.1 of this report.

(iiia) Any Planning Agreement or Draft Planning Agreement.

There are none.

(iv) Any matters prescribed by regulations.

There are none relevant to the Modification Application.

(v)Any Coastal Zone Management Plan.

Not applicable.

(b) Likely impacts of that development.

The proposed modifications to DA2021/1408 will not introduce any adverse amenity impacts on adjoining properties, as detailed in Section 5.2 of this Report.

(c) The suitability of the site for development.

The site is zoned C4 Environmental Living and the approval by the Land and Environment Court for demolition of the existing dwelling and erection of a part 2/part 3 storey detached dwelling, carport, boatshed and landscaped foreshore areas indicates that the site is suitable for the form of the building. The modification does not change the approved building envelope and footprint. The Modification does not propose any changes to the boatshed and foreshore areas and the amendments to the approved dwelling are largely internal to the building.

The site is eminently suitable for the development, as modified.

(d) Submissions.

None at this stage.

(e) Public interest.

The existing dwelling on the site has been demolished, in accordance with the consent granted to DA2021/1408

The application to modify DA2021/1408 arises from minor design changes, largely internal to the dwelling, as part of the Construction Certificate documentation process.

Given that the building envelope of the approved dwelling is not changed and the minor increase of gross floor area of 4.38m² maintains compliance with the 0.6:1 FSR standard under clause 4.4 and the minor scope of the proposed changes to the approved dwelling it is considered that the application to modify Development Application DA2021/1408 is in the public interest and worthy of approval by Council.

7. SUMMARY AND CONCLUSIONS

The s4.56 application seeks to modify the consent granted by the Land and Environment Court to Development Application DA2021/1408 to address largely internal layout and amenity considerations for the erection of a part2/part 3 storey detached dwelling, carport, boatshed and landscaped foreshore areas at 16 Addison Road Manly.

The proposed modification maintains the approved building envelope and footprint of the dwelling and does not proposed changes to the boatshed and foreshore areas. The changes are largely internal to the dwelling and will continue to comply with the building height and floor space ratio standards applying to the site under the Manly LEP 2013 and the relevant DCP controls.

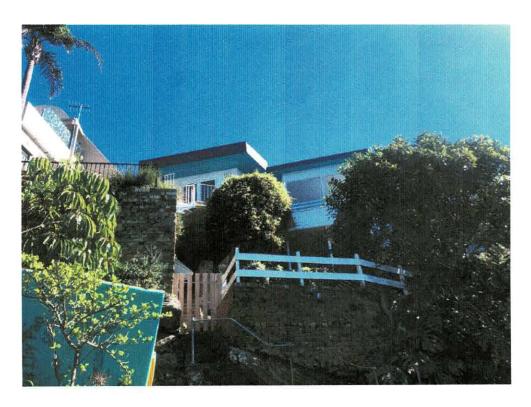
The modification application satisfies the provisions in s4.56(a) of the EP&A Act 1979 and the relevant provisions in the SEPP (Biodiversity and Conservation) 2021.

The approved dwelling, as modified, will not adversely impact on the amenity of the adjoining residential properties.

For these reasons and for the reasons detailed in this report it is considered that the application to modify Development Application DA2021/1408 is worthy of Council support and approval.

Kerry Nash Director KN Planning Pty Limited 20 October 2023

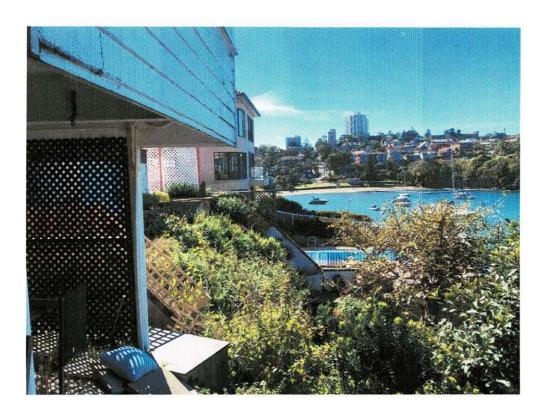
Appendix 1



Photograph 1: Subject site, 16 Addison Road Manly, as viewed from foreshore



Photograph 2: Looking east from rear yard of subject site



Photograph 3: Looking east from rear yard of subject site



Photograph 3: 14A Addison Road, viewed looking south-west from rear yard of subject site



Photograph 5: Front of the subject site



Photograph 6: Front of subject site



Photograph 7: View of subject site and 14 Addison Road from right of carriageway

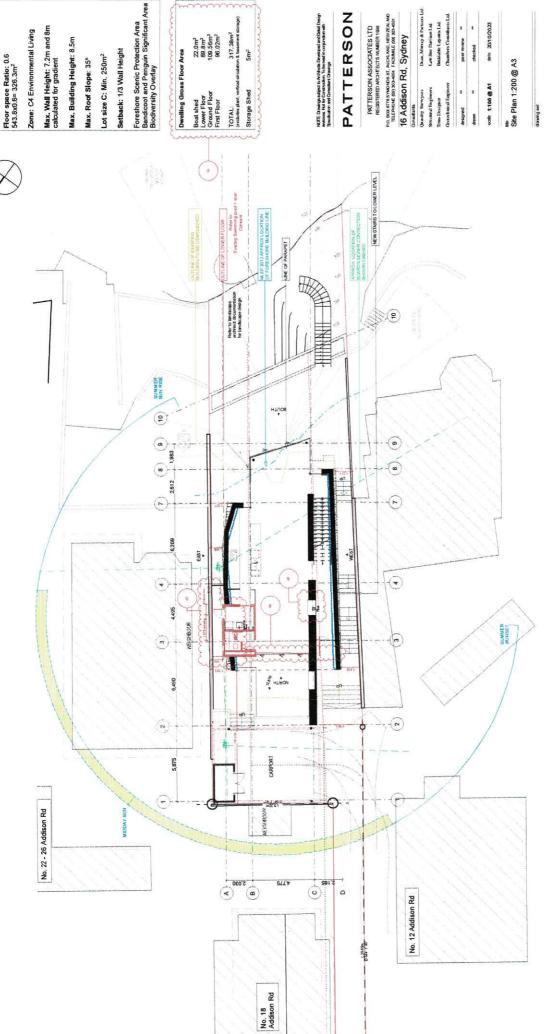


Photograph 8: Right of carriageway



Photograph 9: Existing dwelling demolished cleared site

Appendix 2



PATTERSON

Site Area: 543.8m² Town Planning:

P.D. BOX 6776 SYNONDS ST, AUCKLAND, NEW ZEAL AND TREEPHONE (05) 303-4004 FACSBAILE (00) 303-4001 PATTERSON ASSOCIATES LTD REGISTERED ARCHITECTS MANBER 1996

16 Addison Rd, Sydney

New Development Application Not For Construction 18010

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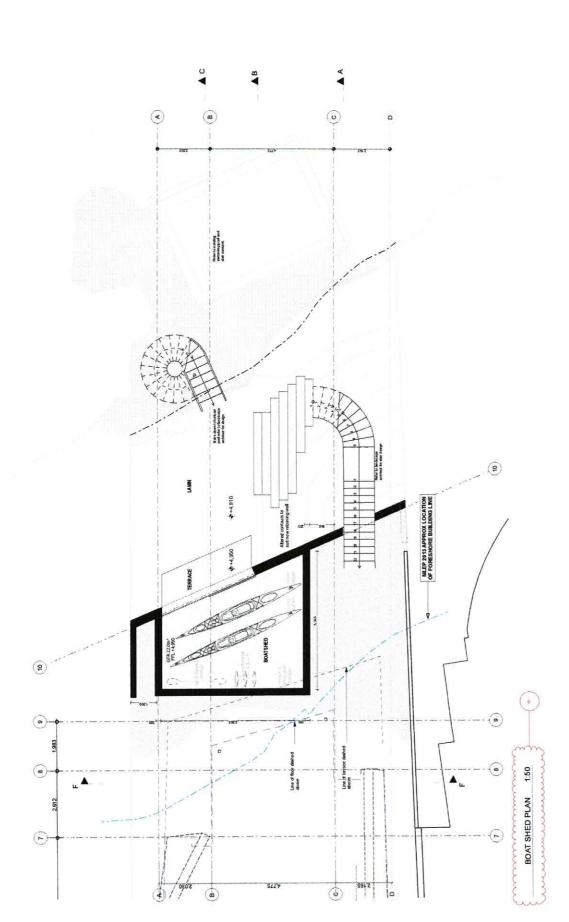
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SITE PLAN







PATTERSON

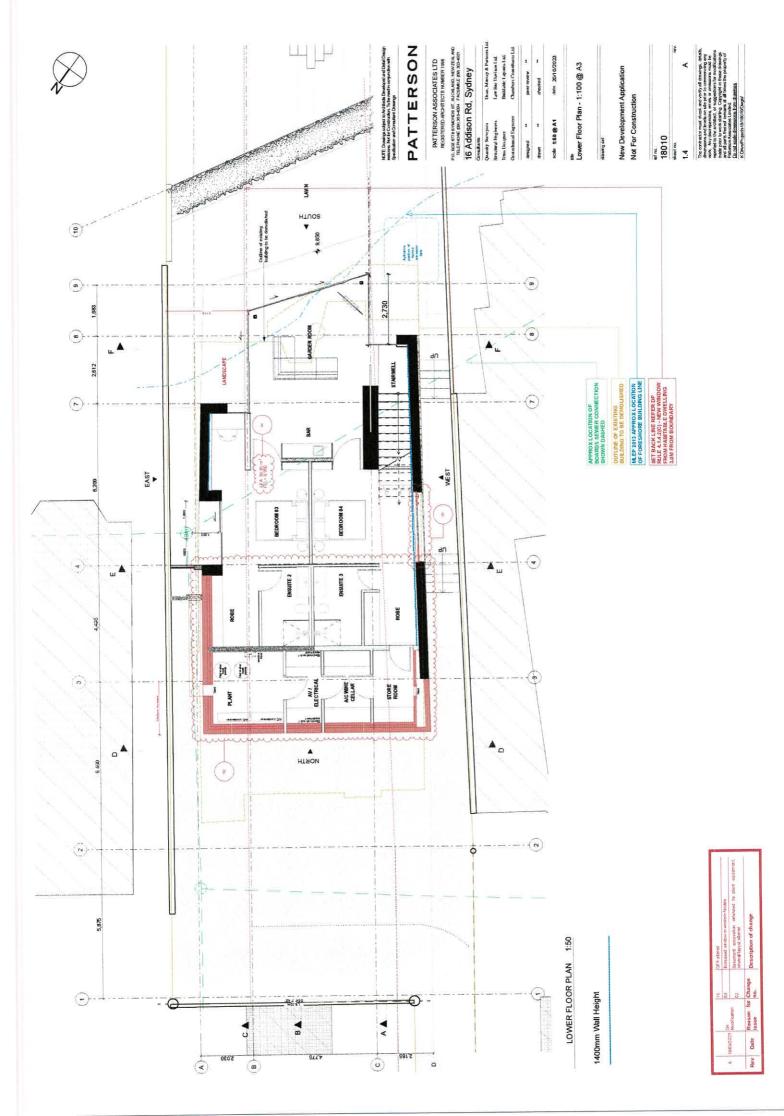
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Consultants			
Quantity Sorveyors		Dear, Murray & Patners Li	Partners
Structural Engineers	1600	Law Suc Davison Ltd.	in Lad
True Designer		Baildable Layouts Ltd.	ts Lad.
Gootechnical Engineer	gineer	Chambers Consultants Ltd.	altants Led
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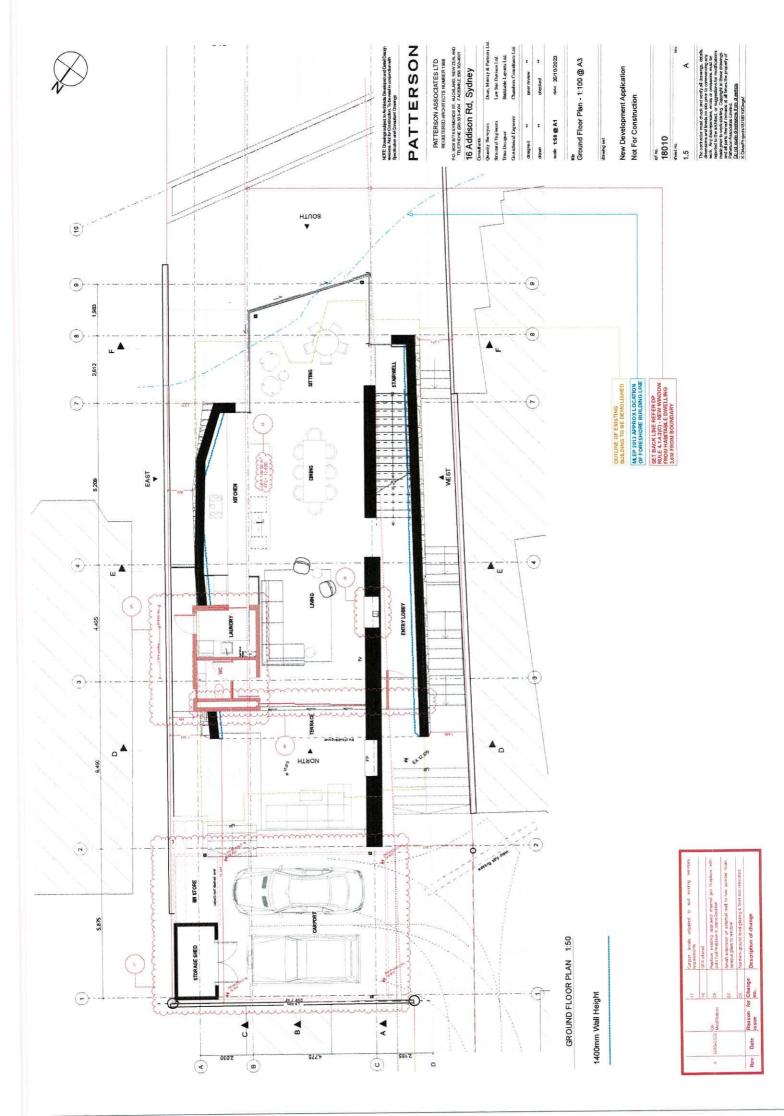
me Boat Shed Plan - 1:100 @ A3

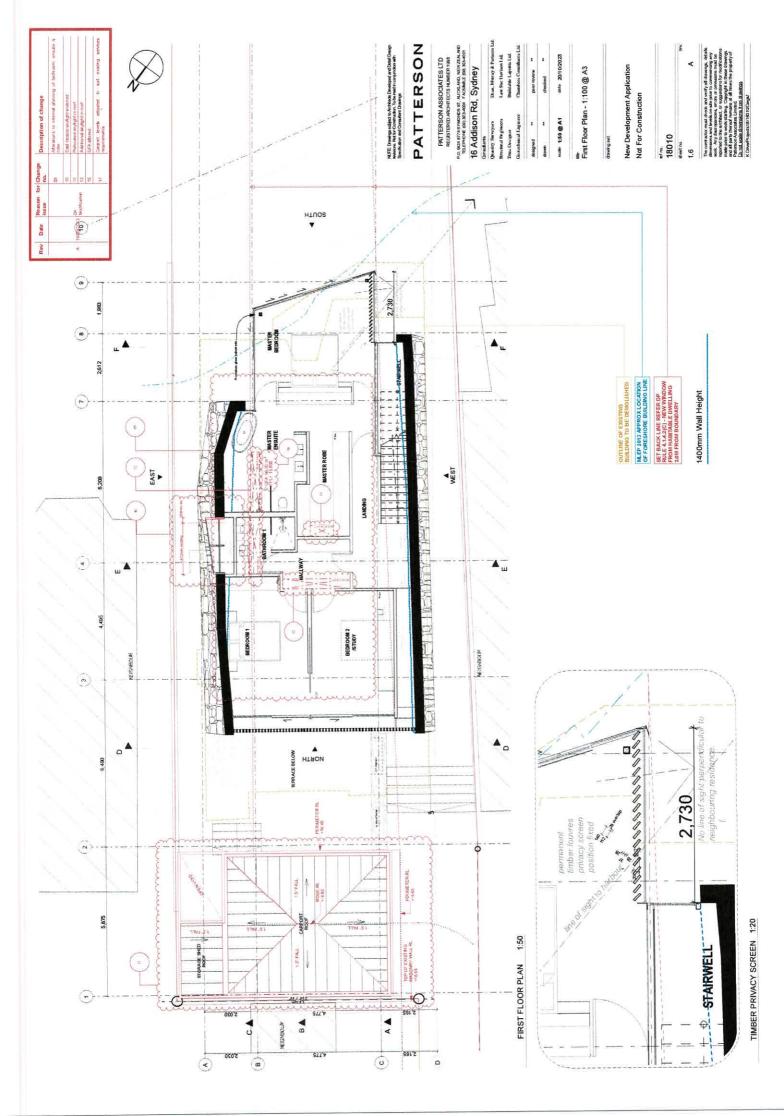
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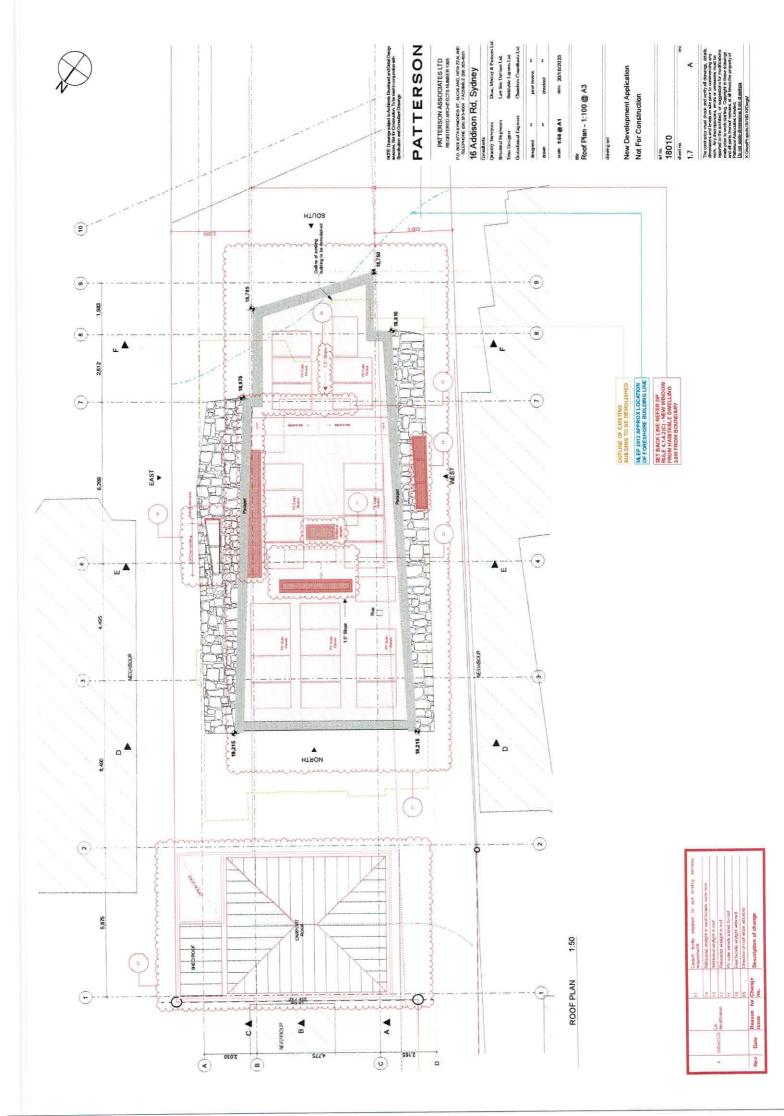
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The contractor must check and verify all drawings, de dimensions and levels on size rator to commencer as	wings, detail
work. Any discrepancies, errors or omissions in	as must be
reported to the articled, or suggestions for modifications	modifications
made prior to work starting. Copyright in these drawing	se drawings
and all parts thereof remains at all times the property:	Dropoerty of

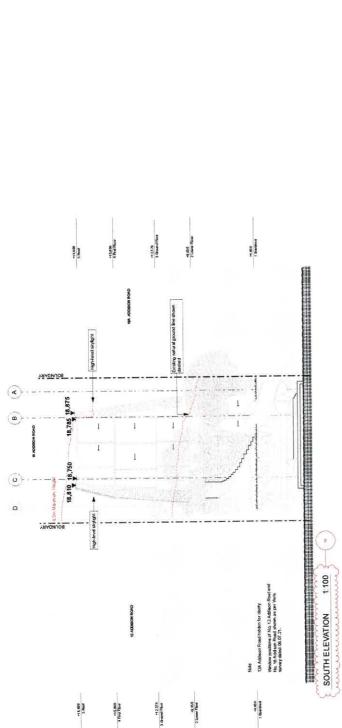














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	velopment Application	Construction
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14,380 Ratio Used 1.4* Mar Height 8m

1 8.443 Ratio Used, 19 Max Height 7.2m

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WEST ELEVATION 1:100

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		500	Northern ground level glazing & front stem miscarbol
	5	8	Shall ortanson of estyral wall to new powder toom spearinglass to whichew
A RECUESTICS	Modification	- di	East Leader sightly undersed
		2)	Lite of enabling trainflary wall / fence added to diswerps
		t)	Corport levels adjusted to suit cristing servors requirements.

NOTE Drawings subject to Architects Developed and Detail Demissions. Has for Construction. To be read in conjunction with Smotlectron and Constitues Drawings.

PATTERSON

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A Lawer Place

10 mm Pbo

1 Bac shed

Dean, Marray & Partners Ltd. Law Ste. Davison Ltd. Busidatele Layonts Ltd. P.O. BOX 6776 STADOLOS ST. AUCKLAND, HEWZELL AND TREPHONE ESTIDOLOS FACSAMLE (ND) 304-0001
16 Addison Rd, Sydney PATTERSON ASSOCIATES LTD RECISTERED ARCHITECTS MANGER 1998 Quantity Surveyors
Surveyors
Surveyors
Truss Designer
Georothment Engineer

Oxambers Contribunts Ltd.

Single Si

date 20/10/2023 1.100 @ A1

-17.508 3 Dumit Rice

Existing natural ground-line at building

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Elevations - 1:200 @ A3

New Development Application Not For Construction

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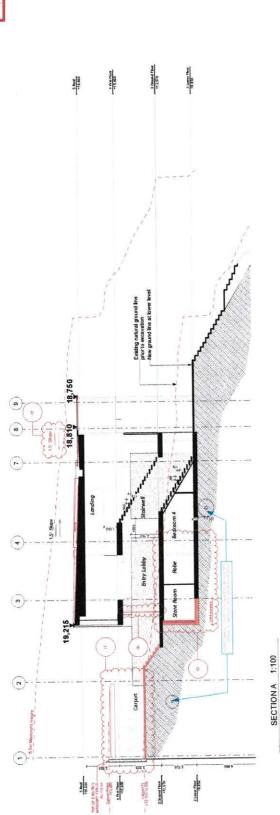
Ratio Used 1.4+ Max Height. 8m 610 2274

EAST ELEVATION 1:100

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5 Back 0 0 NORTH ELEVATION 1:100 (m) • 1 Mes 4 Fast Nov

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		88	Basement enzumbon edended for plant equenent enemalityon about
		8	Deection of and slippe adjusted
	8	10	Northern ground level glazing & hark door relocated
A LANGESTING	Modelication	13	Palaboated Linglight In mod
		13	Additional length in roof
		11	Carport levels adjusted to suit entiting services requirements.



N.T.E. Dowings subject to Architects Developed and Debis Designations. Not for Construction, To he made in conjunction with Specification and Constitute Universe.

PATTERSON

PATTERSON ASSOCIATES LTD REGISTRED ARCHELTS MARKER 1994 P.O. BOX 8778 SYMPHOS ST, AUDICAND, HEVYER, AND TELEMONE (99) 303-4004 FACSMILE (99) 303-4007 16 Addison Rd, Sydney Quantity Surveyors Structural Engineers Trusa Designer Georechiscal Engineer

date 20/10/2023

9036 1:100 @ A1

sections - 1:200 @ A3

New Development Application

Not For Construction

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Boat Shed

Existing natural ground line prior to excavation New ground line at lower level

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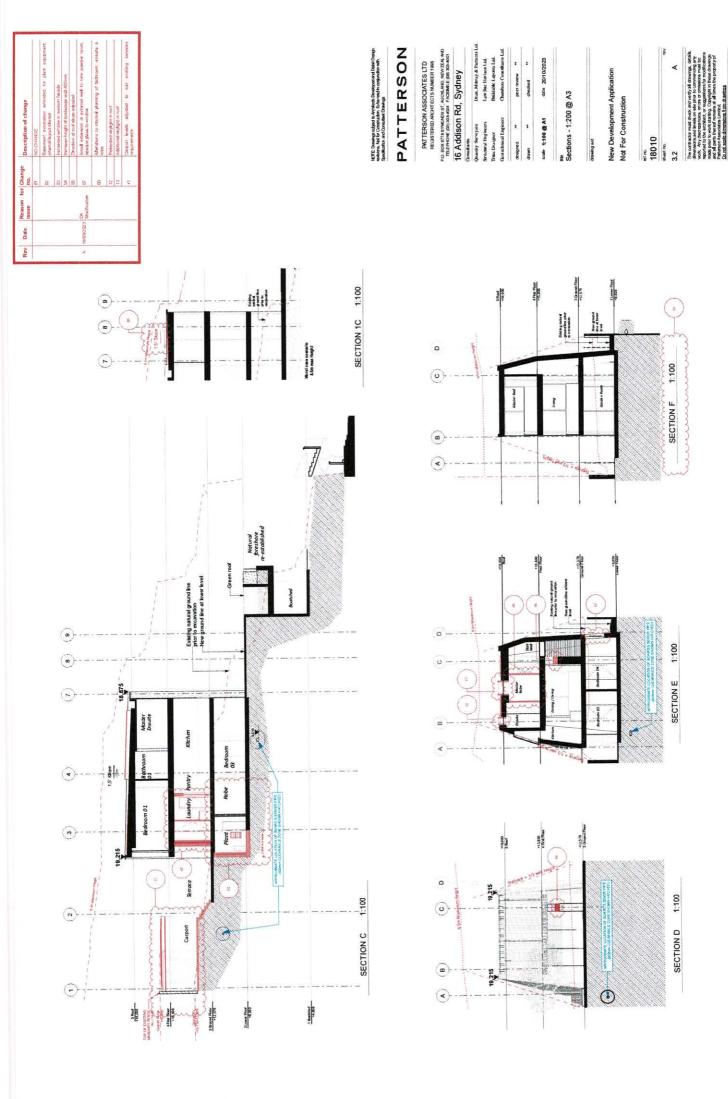
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SECTION B 1:100

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Appendix 3



Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1183912S_04

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

This certificate is a revision of certificate number 1183912S_02 lodged with the consent authority or certifier on with application DA2021/1408.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environment Planning and Assessment Regulation 2000

Secretary

Date of issue: Monday, 04 December 2023

To be valid, this certificate must be lodged within 3 months of the date of issue.



BASIX

Project summary		
Project name	16 Addison Road Manly_04	
Street address	16 ADDISON ROAD MANLY 2095	
Local Government Area	Northern Beaches Council	
Plan type and plan number	Deposited Plan a/325220	
Lot no.	2	
Section no.	n	
Project type	separate dwelling house	
No. of bedrooms	5	
Project score		
Water	✓ 42	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	1 00	Target 50

Name / Company Name: Certified Energy 1

ABN (if applicable): 95164564210

Department of Planning and Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_03_01_0 Certificate No.: 1183912S_04 Monday, 04 December 2023 page 1/8

Description of project

Project address	
Project name	16 Addison Road Manly_04
Street address	16 ADDISON ROAD MANLY 2095
Local Government Area	Northern Beaches Council
Plan type and plan number	Deposited Plan a/325220
Lot no.	2
Section no.	n
Project type	
Project type	separate dwelling house
No. of bedrooms	5
Site details	
Site area (m²)	544
Roof area (m²)	88
Conditioned floor area (m²)	301.0
Unconditioned floor area (m²)	22.0
Total area of garden and lawn (m²)	100
Roof area of the existing dwelling (m²)	0

Assessor details and therma	al loads	
Assessor number	10056	
Certificate number	0009007907-04	
Climate zone	56	
Area adjusted cooling load (MJ/ m².year)	26	
Area adjusted heating load (MJ/ m².year)	30	
Ceiling fan in at least one bedroom	No	
Ceiling fan in at least one living room or other conditioned area	No	
Project score		
Water	✓ 42	Target 40
Thermal Comfort	✓ Pass	Target Pass

100

Energy

Version: 3.0 / DARWINIA_03_01_0

Target 50

Schedule of BASIX commitments

BASIX

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 6 but <= 7.5 L/min plus spray force and/or coverage tests) in all showers in the development.		~	~
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.		~	~
The applicant must install taps with a minimum rating of 3 star in the kitchen in the development.		~	
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.		~	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 4000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	~	~	~
The applicant must configure the rainwater tank to collect rain runoff from at least 88 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		~	~
The applicant must connect the rainwater tank to:			
all toilets in the development		-	-
 at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.) 		~	-

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Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
Assessor details and thermal loads			
The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.	>	~	~
The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		~	~

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Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Construction			
Where there is an in-slab heating or cooling system, the applicant must install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab, and underneath the slab if it is a suspended floor.	~	~	~
The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.	~	~	>

Floor and wall construction	Area
floor - concrete slab on ground	124.3 square metres
floor - suspended floor/open subfloor	6.1 square metres

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Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric storage.	~	~	~
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: EER < 2.5		~	~
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: EER < 2.5		~	~
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: EER < 2.5		~	~
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: EER < 2.5		~	~
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		~	-
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		~	-
Laundry: individual fan, ducted to façade or roof; Operation control: manual switch on/off		~	~
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	~	~	~
The applicant must install a window and/or skylight in 2 bathroom(s)/toilet(s) in the development for natural lighting.	~	~	
Alternative energy	1		

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Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a photovoltaic system with the capacity to generate at least 15 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.	~	~	~
Other			`
The applicant must install an induction cooktop & electric oven in the kitchen of the dwelling.		~	
The applicant must install a fixed outdoor clothes drying line as part of the development.		~	

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Legend

BASIX

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Commitments identified with a in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

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