



## **45 ALLAMBIE ROAD ALLAMBIE HEIGHTS**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR A  
SECTION 4.55(1A) MODIFICATION TO VARY  
DEVELOPMENT CONSENT 2024/1045**



Report prepared for  
**Stuart and Sara Sleeman**  
April 2025

# 1 Introduction

1.1 This statement has been prepared in order to provide information and a planning assessment, in relation to an application under the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979, to modify existing development consent DA2024/1045 at 45 Allambie Road, Allambie Heights.

Development Application 2024/1045 was granted consent on 19 December 2024.

This modification application seeks to modify DA2024/1045 for “*Alterations and additions to a dwelling house including a swimming pool*”. The changes proposed will allow for the reconfiguration of the approved swimming pool, deck and associated retaining walls at the subject property.

It is proposed that the consent conditions be altered as follows, replacing the listed conditions with those in *red italics*.

## 1. **Approved Plans and Supporting Documentation**

*Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.*

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
MOD00	-	Cover	Action Plans	04 March 2025
MOD02	-	Site Analysis	Action Plans	04 March 2025
MOD03	-	Site/Roof/Sediment Erosion/Waste Management/Stormwater Concept Plan	Action Plans	04 March 2025
MOD04	-	Existing Lower Ground Floor Plan - Demolition	Action Plans	04 March 2025
MOD05	-	Existing Ground Floor Plan	Action Plans	04 March 2025
MOD06	-	Proposed Lower Ground Floor Plan	Action Plans	04 March 2025
MOD07	-	Proposed Ground Floor Plan	Action Plans	04 March 2025
MOD08	-	North/East Elevation	Action Plans	04 March 2025
MOD09	-	South/West Elevation	Action Plans	04 March 2025
MOD10	-	Cross Sections	Action Plans	04 March 2025
MOD11	-	Long Section	Action Plans	04 March 2025
MOD12	-	Area Calculations	Action Plans	04 March 2025
MOD13	-	Sample Board	Action Plans	04 March 2025
MOD14	-	Winter Solstice 9AM	Action Plans	04 March 2025
MOD15	-	Winter Solstice 12PM	Action Plans	04 March 2025
MOD1516	-	Winter Solstice 3PM	Action Plans	04 March 2025

<b>Approved Reports and Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
<b>Basix Certificate No A1742165_03</b>	-	<b>Action Plans</b>	<b>20 February 2025</b>
Arboricultural Impact Assessment	-	Hugh the Arborist	12 July 2024
Geotechnical Report	-	AscentGeo	9 July 2024
Waste Management Plan	-	Listed Applicant	21/03/2024

*In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.*

*In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.*

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.*

1.2 In preparation of this submission, consideration has been given to the following:

- Section 4.55 of the Environmental Planning and Assessment Act, 1979 as amended
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2000
- The heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

1.3 This statement of environmental effects has been prepared with reference to the following:

- Site visit,
- Review of the original development application,
- Review of original development consent and assessment report,
- Review of modification documentation, including:
  - Modification Plans prepared by Action Plans
  - Waste Management Plan
  - Updated Stormwater Plans prepared by Taylor Consulting

## 2.0 The site and its locality

- 2.1 The subject site is located on the western side of Allambie Road, in Allambie Heights, approximately 105 metres south of its intersection with Corkery Crescent. The site is legally described as Lot 2335 DP 752038 and is known as 45 Allambie Road.
- 2.2 It is an irregularly shaped lot with boundaries of 23.755 metres (east – Allambie Road frontage), 33.53 metres (west – rear), 28.64 metres (north – side boundary), 30.695 metres (south - side boundary). The site has an area of 819.4m<sup>2</sup> and slopes steeply to the west, towards the rear of the lot.
- 2.3 The site is currently occupied by a one and two storey brick & clad dwelling house, with a tile and metal roof, timber decking and a single carport. A single storey studio sits within the south-western corner of the site. The property has vehicular access via a shared driveway from Allambie Road and is set within residential landscaped grounds.
- 2.4 The property is surrounded by detached residential dwellings in all directions. It is located in close proximity to shops at Warringah Mall and public transport services on Allambie Road and Condamine Street. Gumbooya Reserve is close by to the south-east.

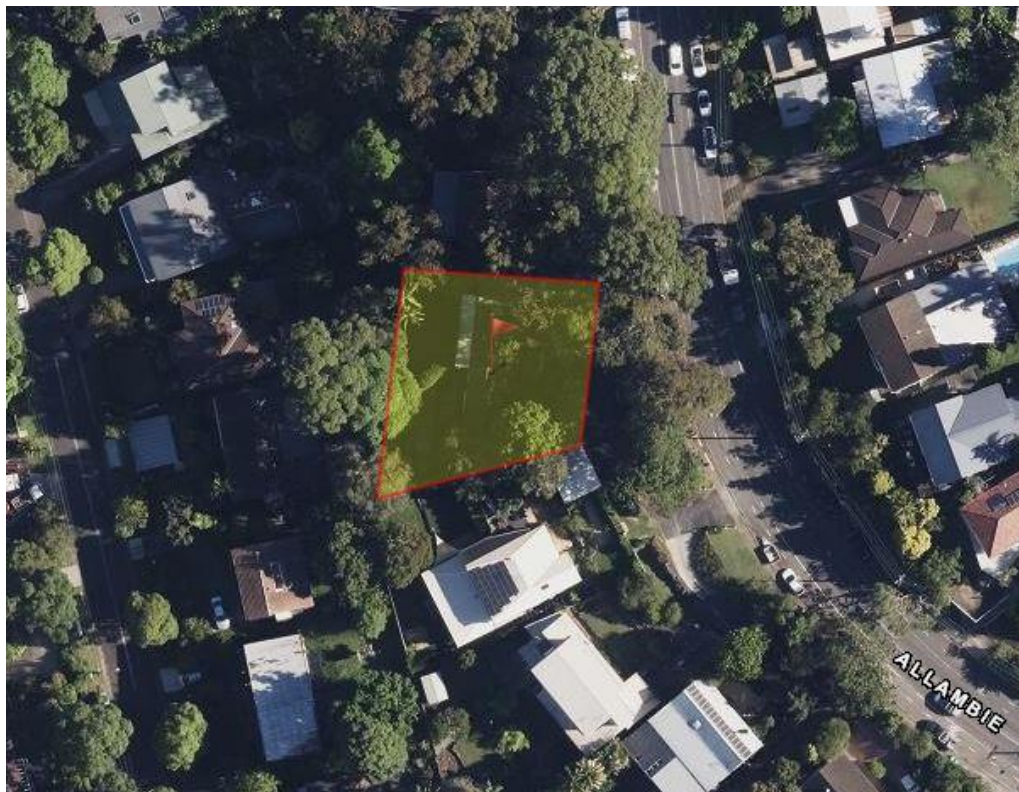


Figure 1. Aerial Image of the subject site.



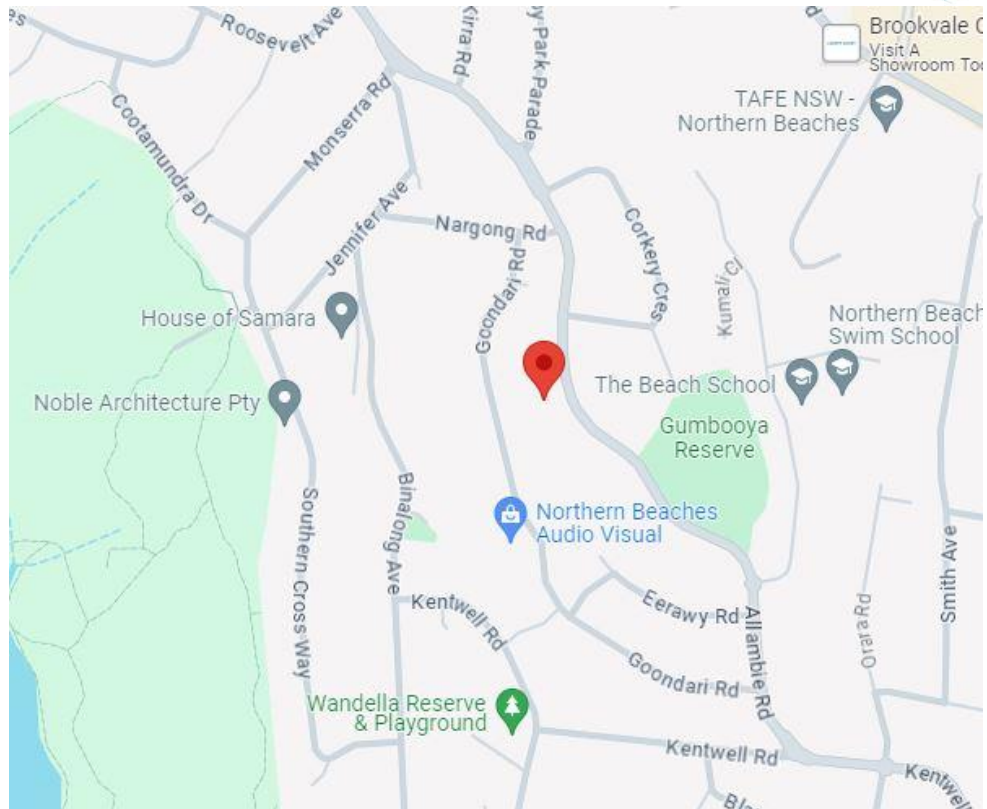


Figure 2. The site within the locality.

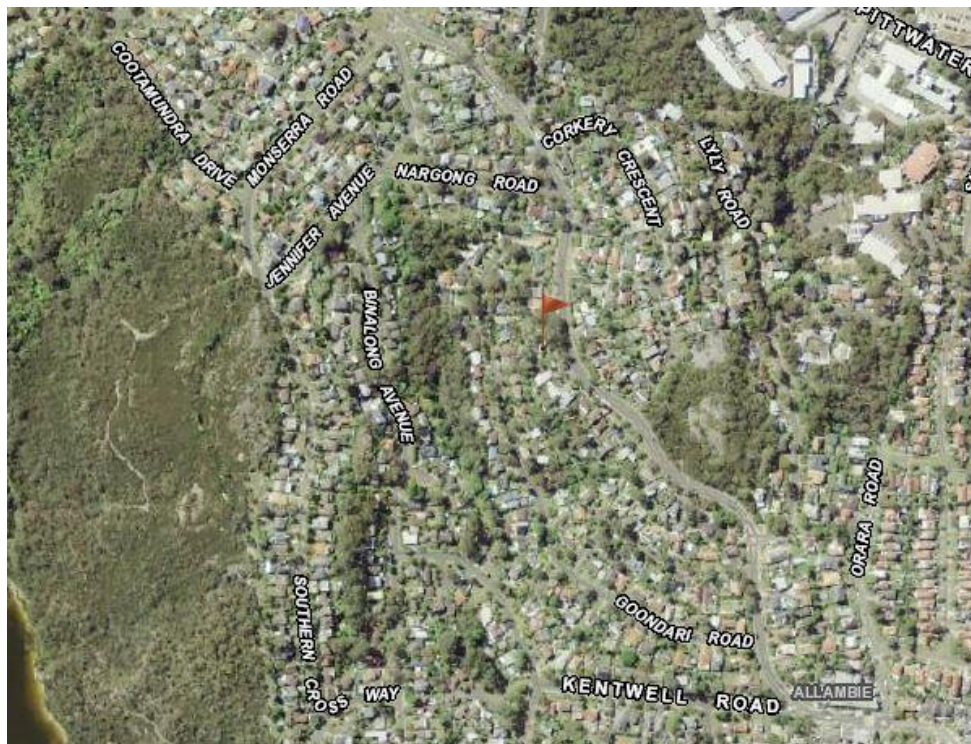


Figure 3. Aerial Image of the site within the locality.



### 3.0 Site Photos



Figure 4. The eastern (front) elevation of the existing dwelling, looking west.



Figure 5. The front yard and proposed location of new carport.





Figure 6. The rear of the dwelling, looking north.



Figure 7. The existing studio within the rear yard, looking south-west.





**Figure 8. The existing external stairs (to be replaced) and rear of existing carport on northern boundary.**



**Figure 9. The existing studio on the western (rear) boundary.**





**Figure 10. The southern boundary, looking east.**



**Figure 11. The eastern elevation, the site of the proposed master suite addition.**





**Figure 12. Looking south-west, the rear yard and proposed location of the swimming pool and associated decking.**



## 4.0 Proposed Development

- 4.1 It is proposed to alter the approved development to facilitate a more functional pool and pool deck within the rear yard for the residents.

The proposed changes include:

### Rear yard

- Extension to the pool and pool deck (to accommodate a levelled lawn area),
- Provision of a levelled lawn next to the pool (at the same level),
- New retaining wall to levelled lawn area, and
- Re-orientation of the retaining wall and pool fence on the southern side of the pool.

See Figures 13 to 24 below.

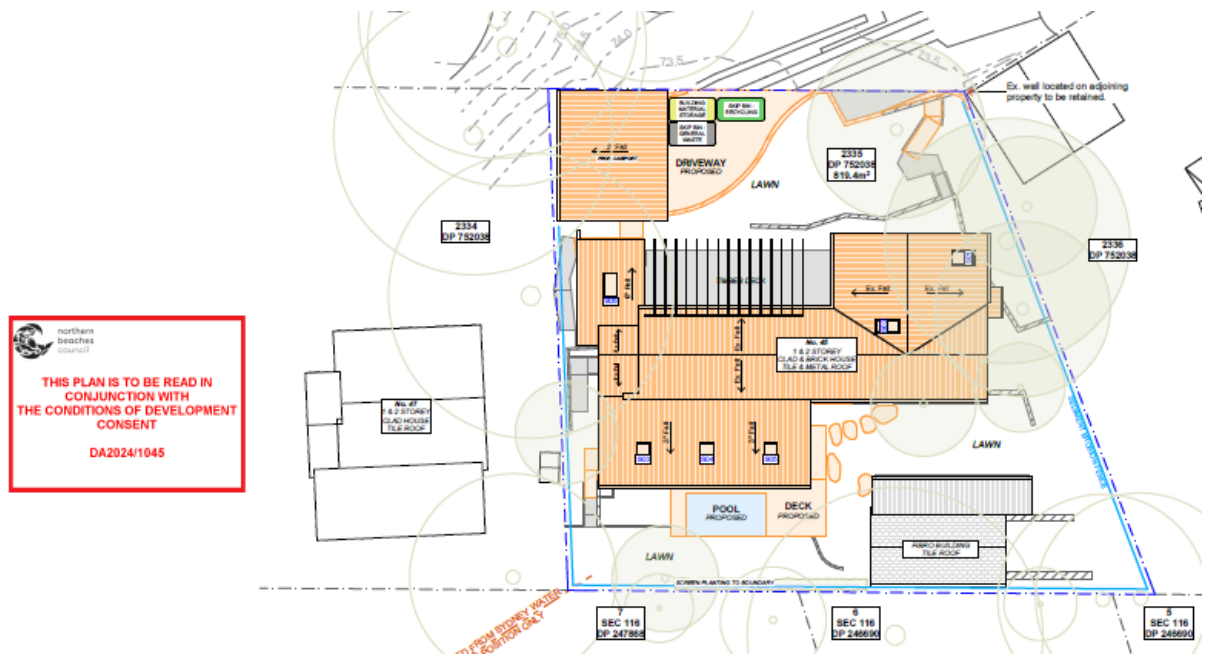


Figure 13. Extract of Approved Site Plan (DA03)

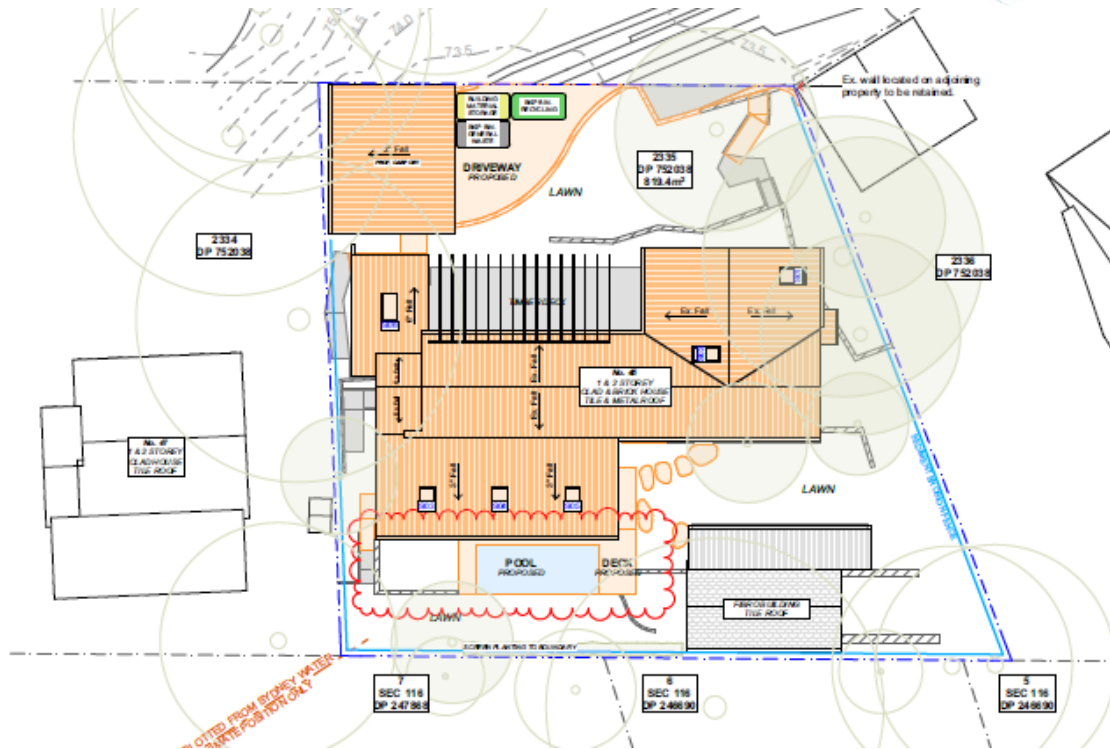


Figure 14. Extract of Proposed Site Plan (MOD03) – area to be modified in red bubble

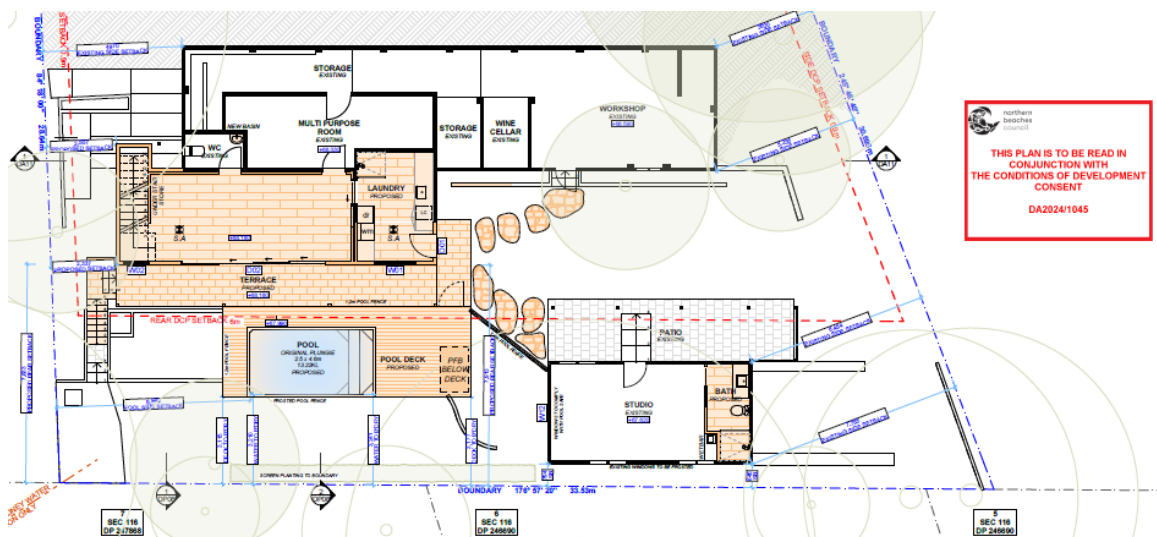


Figure 15. Extract of Approved Lower Ground Floor Plan (DA06)



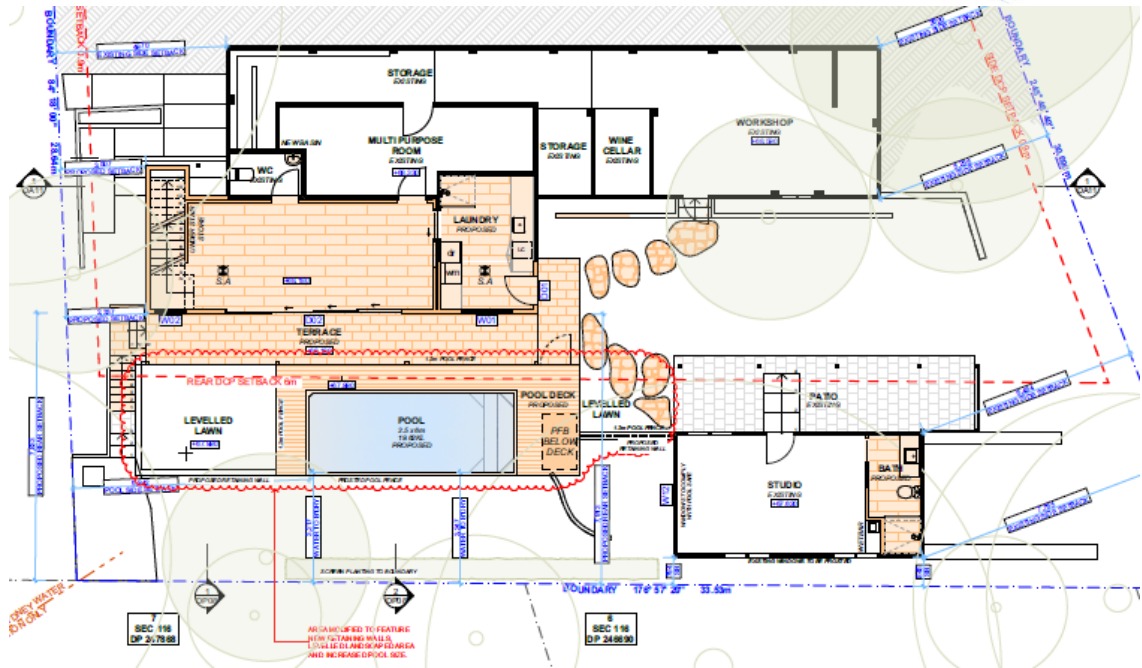


Figure 16. Extract of Proposed Lower Ground Floor Plan (MOD06) - area to be modified in red bubble

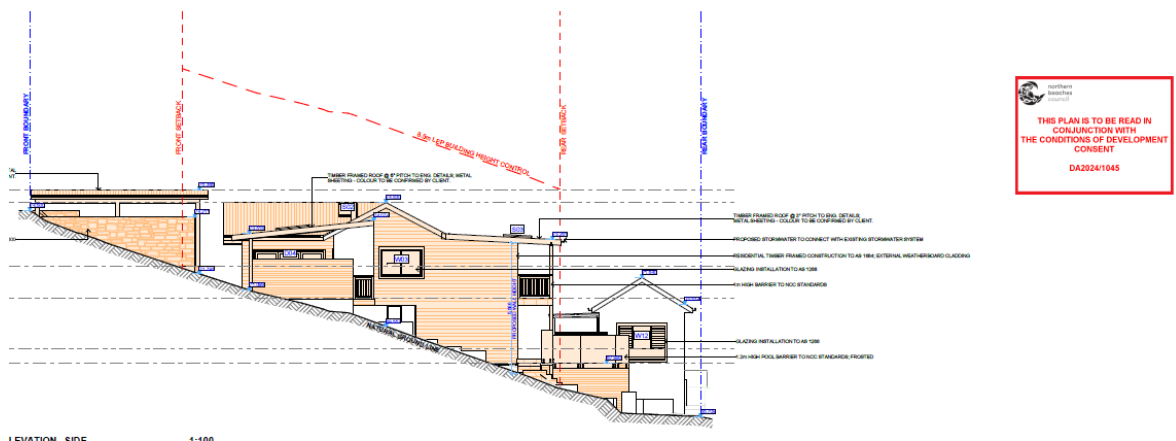


Figure 17. Extract of Approved North / East Elevation (DA08)

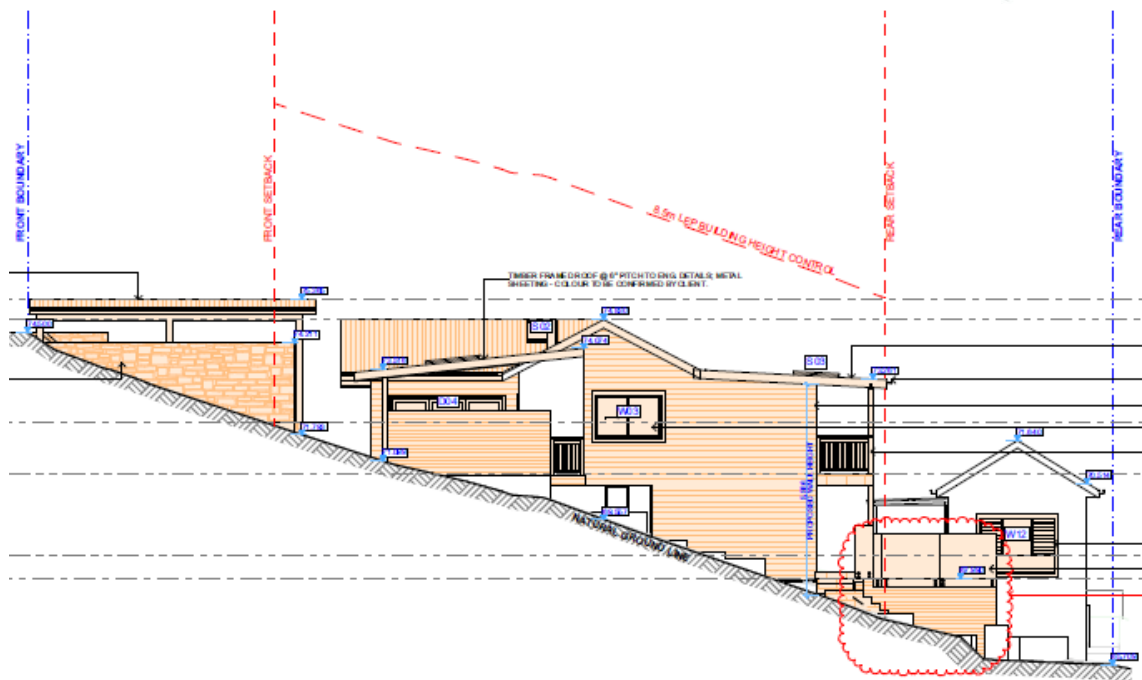


Figure 18. Extract of Proposed North / East Elevation (MOD08) – area to be modified shown in red bubble

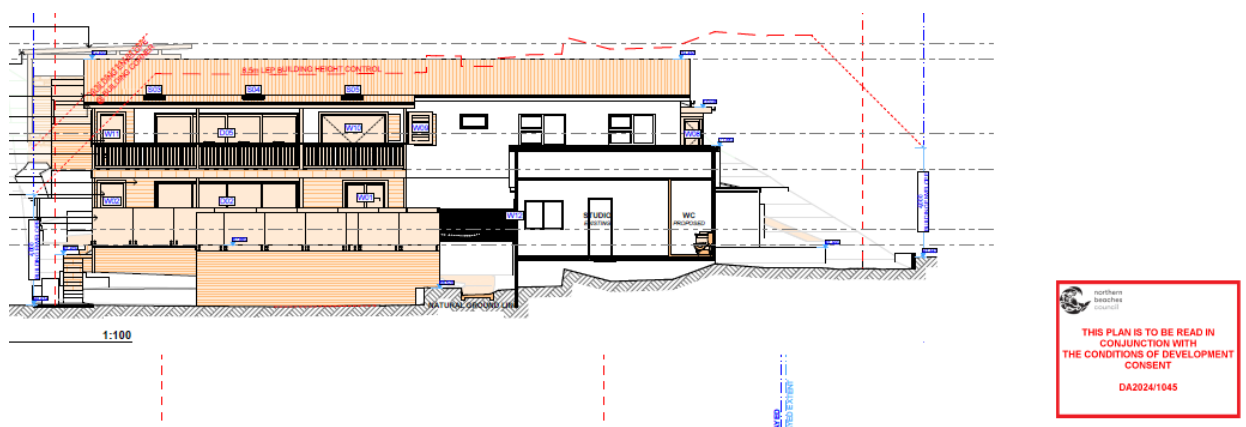


Figure 19. Extract from Approved South / West Elevation (DA09)



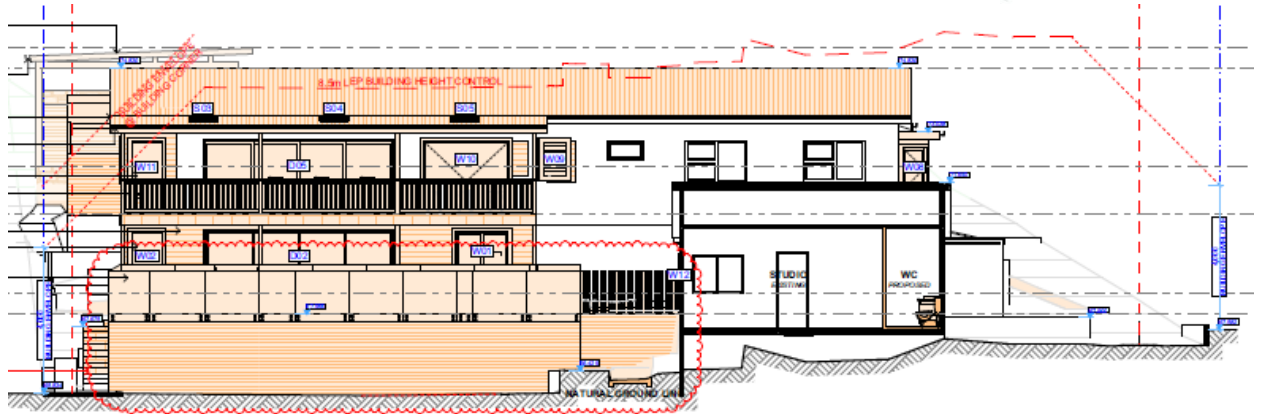


Figure 20. Extract of Proposed South / West Elevation (MOD09) – area to be modified shown in red bubble

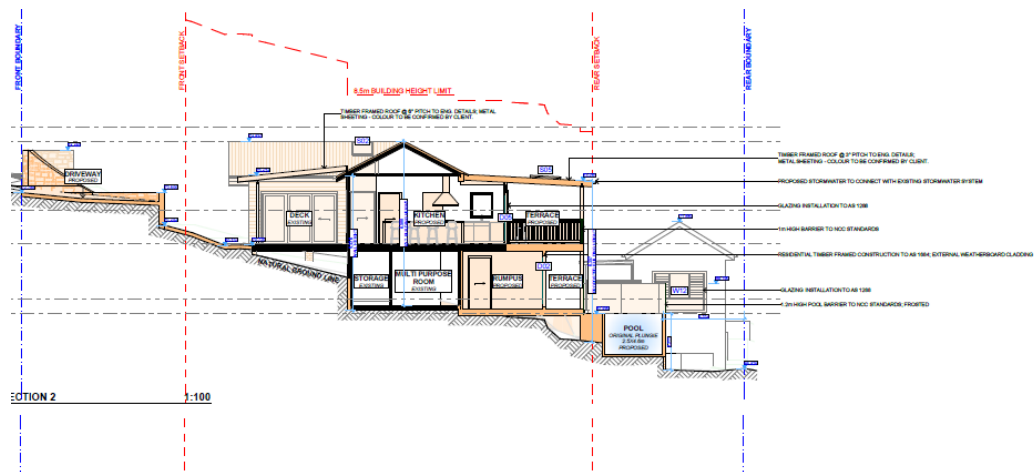


Figure 21. Extract from Approved Cross Sections – Cross Section 2 (DA10)

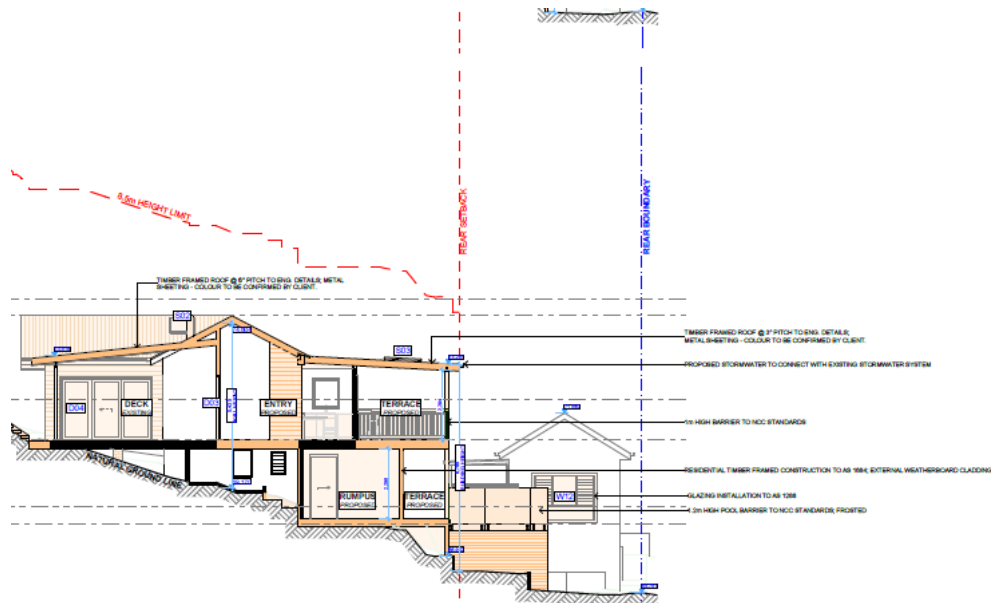


Figure 22. Extract from Approved Cross Sections – Cross Section (DA10)

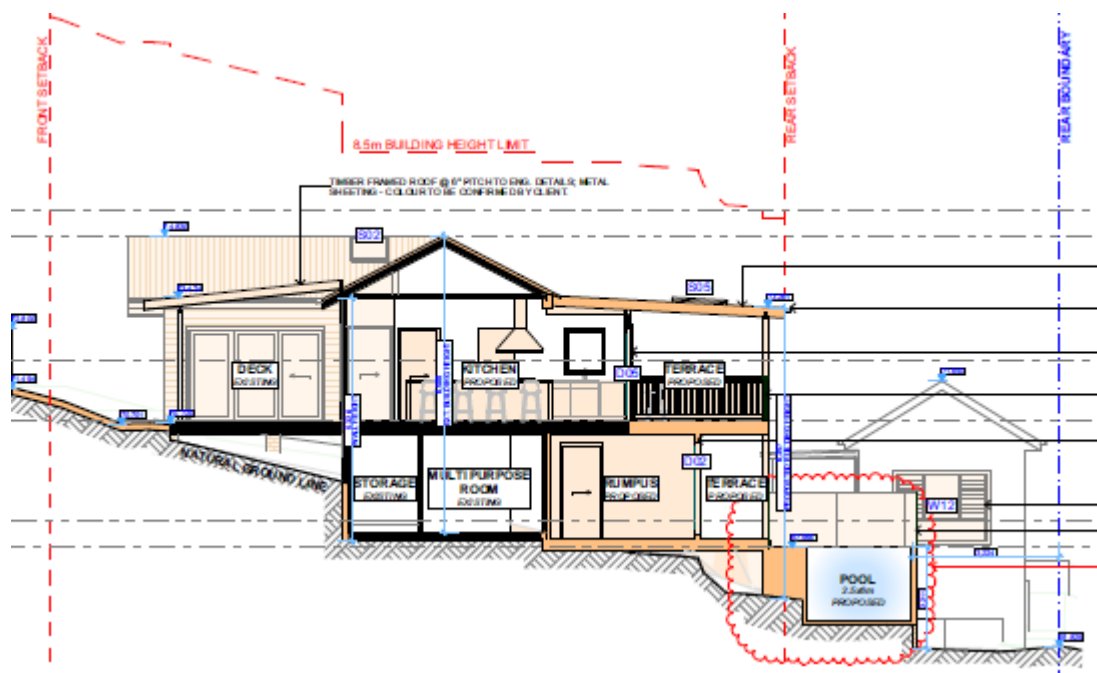


Figure 23. Extract from Proposed Cross Sections - Long Section 2 (MOD10) – area to be modified shown in red bubble



45 Allambie Road, Allambie Heights

## 5.0 Statutory Framework

### 5.1 Section 4.55 of Environmental Planning and Assessment Act 1979

Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 (as amended) (the Act) provides that a consent authority may 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 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, of 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.*

The proposed modifications will have minimal environmental impact as demonstrated in this document. The development to which the consent (as modified) applies is substantially the same development, notwithstanding the proposed modifications.

The proposal remains for alterations and additions to a dwelling and the implications are primarily cosmetic.

S4.55(3) of the Act requires Council to consider those matters referred to in Section 4.15(1) of the Act that are of relevance to the development the subject of the application.

It is not believed that the minor modifications proposed will alter the favourable assessment provided to the original Development Consent. In particular, the site and surrounding built and natural environments will remain the same and the amenity for the local residents will be maintained.

The changes are related to the approved swimming pool and decking with no change to the approved dwelling under DA2024/1045. Overall, the proposed modifications will have a positive and minimal impact on the approved development.



## 5.2 State Environmental Planning Policies

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this modified application.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### **Chapter 2 – Vegetation in non-rural areas**

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The modified development does not involve removal of any trees and remains consistent with the provisions of the SEPP. Refer to the attached Arborist Report.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

#### **Chapter 4 Remediation of Land**

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

### 5.3 Warringah Local Environment Plan 2011

#### Zoning

The site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environment Plan 2011. The proposed development is for alterations and additions to an existing dwelling house which is a permissible land use in the R2 Zone.



Figure 12. Extract from Warringah LEP zoning map

#### Demolition

Demolition works were previously approved to allow for the construction of the approved alterations and additions.

#### Minimum Lot Size

The site is mapped with a minimum lot size of 600m<sup>2</sup>. The subject site comprises a compliant area of 819.4m<sup>2</sup> and no subdivision is proposed.

#### Height of buildings

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. No change is proposed to the approved maximum building height.

### **Heritage**

The site is not a heritage item, located within a heritage conservation area or located near any heritage items which will be impacted by the proposed development.

### **Flood Planning**

The site is not identified on the flood planning map.

### **Acid Sulfate Soils**

The site is not located in an area nominated as Acid Sulfate soils.

### **Earthworks**

No changes will result as a part of the modification.

### **Development on Sloping Land**

The site is located in the area nominated on the LEP maps as Area B Flanking Slopes 5 to 25. The Preliminary Geotechnical Assessment prepared by AscentGeo applies to the modified development.

## **5.4 Warringah Development Control Plan 2011**

The relevant sections of the Warringah DCP 2011 are addressed below.

### **Part B General Controls**

#### **Wall Heights**

A maximum wall height of 7.2 metres is permitted.

No change is proposed to the approved maximum wall height.

#### **Side Building Envelope**

The site requires a side boundary envelope of 4m/45°.

This modification retains the side envelope as approved.

#### **Side Boundary Setbacks**

Side setbacks of 900mm are permitted on the subject site.



The approved side setbacks remain unchanged.

### Front Setback

A front setback of 6.5 metres is required on the site.

The approved front setback is unaffected by the modified development.

### Rear Setback

A rear building setback of 6 metres is required on the site.

The modified development essentially retains the approved minimum rear setback to the water edge of the swimming pool. The approved development has a minimum rear setback of 3.21 metres to the water edge of the swimming pool and the modified proposal results in a setback of 3.217 metres to the water edge.

The modified development, which includes an extension to the swimming pool deck, also retains the approved rear setback of 3.115 metres.

See Figures 13 and 14 below.

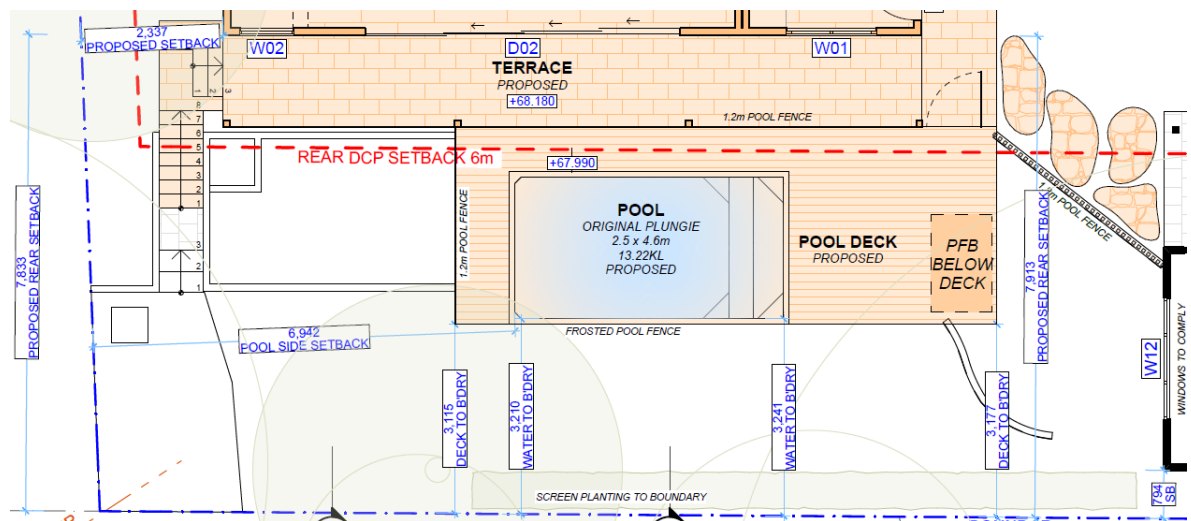
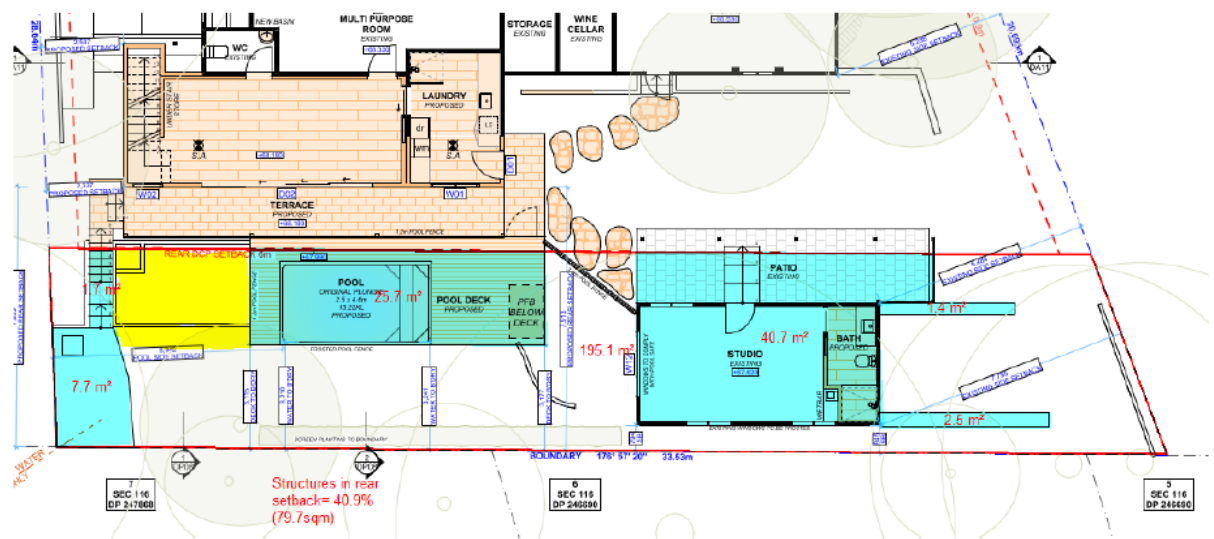


Figure 13. Extract from Approved Stamped Plans showing the approved rear setbacks

Swimming pools and outbuildings may encroach within the 6.0 metre rear setback. However, they must not exceed 50% of the rear setback area.

The approved development incorporates 40.9% (79.7m<sup>2</sup>) of the total rear setback area, which includes the swimming pool, swimming pool deck, paving and the studio. The modified development includes 47.8% (93.2m<sup>2</sup>) of the total rear setback area of 195.1m<sup>2</sup> (additional area shown in yellow below). Thus, the modified development remains compliant. See Figure 15 below.



Additionally, the modified development retains a compliant landscaped area and sense of openness within the rear setback, whilst providing a more practical and useable private open space area for the residents.

## **Part C Siting Factors**

### **Traffic Access and safety**

The subject site has an existing vehicular crossing from Allambie Road and no change is proposed.

### **Parking Facilities**

On site parking will not be changed with this proposal.

### **Stormwater**

Stormwater remains compliant. Updated Stormwater Plans from Taylor Consulting are attached to this development application package.

### **Waste Management**

Appropriate waste management will be undertaken during the demolition process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

## **Part D Design**

### **Landscaping and Open space and bush land setting**

The DCP requires 40% landscaping on the site which is equivalent to 327.76m<sup>2</sup> for the site area of 819.4m<sup>2</sup>.

The development retains a compliant landscaped area of 42% (346.4m<sup>2</sup>) as illustrated on Drawing MOD12, with a small increase resultant of the modified works.

The modified development retains adequate deep soil landscaping along the rear boundary, which will allow for suitable opportunities for the establishment of planting that is of a size and scale to screen the development from adjoining properties. The modified development also maintains a suitable setback from adjoining buildings, which mitigates any unacceptable visual and acoustic impacts.

### **Private open space**

Private open space remains compliant, with the modified proposal enhancing the private open space area at the rear of the dwelling.



**Noise**

The modified development is appropriate and will not result in noise levels inappropriate to a residential area.

The site is not located in close proximity to a noise generating activity.

**Access to sunlight**

Solar access will remain compliant.

**Views**

No views will be impacted by the modified dwelling.

**Privacy**

Privacy will be retained for neighbours.

**Building Bulk**

The proposed development will retain appropriate building bulk as approved, with the modified works relating to only the swimming pool and swimming pool deck in the rear yard. The modified works will not be visible from the street, and barely discernible from neighbouring properties.

**Building Colours and Materials**

The proposed building materials and colours will remain appropriate. Refer to the Materials and Finishes Schedule in the accompanying plan set.

**Roofs**

No change is proposed to the approved roof of the dwelling.

**Glare & Reflection**

Materials have been chosen to ensure no glare or reflection issues.

**Front Fences and Front Walls**

No change is proposed to the existing boundary fencing.

**Site Facilities**

The modified dwelling retains appropriate waste, recycling areas and drying facilities.

### **Side and rear fences**

No change is proposed to the existing side or rear fencing

### **Safety and Security**

No change is proposed to the front of the dwelling.

### **Swimming Pools and Spa Pools**

The modified development does not involve the removal of any trees and has been designed to ensure that the amenity of neighbouring properties is preserved.

### **Conservation of Energy and Water**

The modified development has achieved a BASIX Certificate which accompanies the application.

## **Part E - The Natural Environment**

### **Preservation of Trees or Bushland Vegetation**

The modified development does not propose the removal of any vegetation. All existing vegetation will be suitably protected during the building works and unaffected by the proposed development.

### **Waterways and Riparian Lands**

There will be no impact on waterways or riparian lands in the locality.

### **Landslip Risk**

The site is located in the area nominated as Area B— flanking slopes 5 to 25.  
The original Geotechnical Assessment demonstrates the development will comply with Council controls.

## **6.0 Section 4.15 Considerations**

- 6.1 The amendment to the approved development has been considered with reference to Section 4.15 of the Environmental Planning and Assessment Act 1979.

This assessment has found that the proposed modification will not alter the impacts of the proposed development from that which was originally deemed to be acceptable and worthy of approval in the original development.

The impacts of the alterations will be negligible for the subject site, the neighbouring site and the streetscape with regard to all relevant factors including scale, design, amenity, and privacy.

## **7.0 Suitability of the site**

- 7.1 The proposed modifications do not raise any additional issues relating to the suitability of the site.

## **8.0 Development substantially the same**

- 8.1 The alterations proposed by virtue of the modification request do not render the development different in terms of its essential character.

In a comparison of the development as currently approved and as proposed to be modified, the development will remain essentially and materially the same, with only a reconfiguration of the approved building footprint proposed. As such the development will be substantially the same notwithstanding the modifications that are sought.



## 9.0 Conclusion

- 9.1 The development, as modified, represents substantially the same development as was approved by Council in Development Consent DA2024/1045. The proposed modifications will have no significant environmental impact.

The proposed modifications to the development do not raise any additional issues relating to the relevant provisions of:

- Section 4.55 of the Environmental Planning and Assessment Act, 1979 as amended
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2000
- The heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

## Planner Declaration

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### This report was prepared by:

Senior Planner: Susan May-Roberts

Report Version: Final

### Document Control Table

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
01/04/2025	Susan May-Roberts Senior Planner	Sarah McNeilly Director

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