

8 June 2021

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam,

SECTION 4.55(1A) APPLICATION

Premises:	Lot 5 in DP 23447, No. 96 Clontarf Street, North Balgowlah
Amendments:	Amend Plans – Internal Layout and Windows
Development Application:	DA2019/1307
Date of Determination:	09/01/2020 (as amended)

INTRODUCTION

On behalf of Mr John Davies I seek Council consent pursuant to Section 4.55(1a) of the Environmental *Planning & Assessment Act* 1979 to amend Development Consent DA2019/1307 relating to the dwelling alterations/additions and swimming pool.

BACKGROUND

Development Consent (DA2019/1307) was approved by Council for the construction of dwelling alterations and additions including a new swimming pool to replace the existing pool on site.

A modification (MOD2020/0287) to the original DA which provided for some alteration to the internal layout of the additions and increase the pool coping height was approved by Council on 10/08/2020.

This application seeks to provide a slight modification to the approved dwelling additions.

PROPOSED MODIFICATION

The proposal seeks to modify the approved plans as depicted in the architectural plans prepared by Peter Formosa and dated 28/04/21 and as summarised below:

- Internal alterations to the upper level to relocate the study and reconfigure the lounge and robe and include a wetbar.

- Remove one window on the western first floor elevation and replace with a smaller window and provide one additional small window.

An updated BASIX Certificate #A416363 and issued 13 May 2021 has been submitted to support the application.

LEGISLATION

Section 4.55(1A) of the Act states:

(1) 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*

Comment: The proposed amendments provide for internal changes and alteration to the window schedule. The proposal does not alter the approved building envelope and is of minimal environmental impact, if any.

- (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*

Comment: The original consent granted approval to dwelling alterations and additions to the existing dwelling including a new swimming pool to replace the existing pool on site. The minor internal alterations and window change is considered to result in substantially the same development.

- (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.

Comment: The proposal will be notified in accordance with Council's policy.

JUSTIFICATION

The proposed amendments are considered to be justified for the following reasons:

- The internal alterations to the upper level provide for a reconfiguration of the existing rooms. These amendments do not result in the loss of privacy to any adjoining properties.
- The proposed window alterations are on the front elevation and are required to accommodate the relocated study. As the new window and window replacement are on the front elevation they do not provide for any views into private open space or habitable areas of the surrounding properties.

It is therefore considered appropriate that the request to amend the plans as described should be supported.

CONCLUSION

For the reasons stated above it is considered that this application to amend the plans as described should be supported. Should you require any further information please do not hesitate to contact me.

Yours faithfully,



Natalie Nolan