



24th July 2019

General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

**SECTION 4.55 Modification (1a)
49 Lauderdale Ave, FAIRLIGHT**

**Consent No: DA 2018/0880
Determination Date: 04.12.2018**

Dear Sir/Madam,

This statement accompanies the Section 4.55 application for modifications to the approved Development Application for the construction of a new dwelling and secondary dwelling at 49 Lauderdale Ave, Fairlight. The proposed modifications result in minimal change to the approved building envelope and do not result in any negative amenity impacts on the public or neighbouring properties.

Summary of proposed modifications:

- Amend DA Condition 10 change of BCA class condition – modify the entry stairs and entryway to the secondary dwelling to establish a separate entry, fire protection between units and retain as existing Class 1 building - refer to accompanying BCA report for further information;
- Amend DA Condition 36 landscaping – proposed new 3m high fence to eastern boundary instead of boundary planting as prescribed by this condition.
- Amend DA Condition 20 window design for privacy – Request this condition be amended for ground floor windows 14, 15 + 16 considering the 3m high screen planting to western boundary and proposed 3m high fence to eastern boundary;
- Change proposed window W21 to a glazed door;
- Extend the first floor rear balcony to 2m depth with privacy screens either side;

Schedule of Amendments:

2018-050-A00 – SITE ANALYSIS

- Extend first floor rear deck to 2m depth with privacy screens either side

2018-050-A01 – SITE

- Extend first floor rear deck to 2m depth with privacy screens either side

2018-050-A02 – GROUND FLOOR PLAN

- Modify entryway and stairs to secondary dwelling to establish separate entry;
- Proposed window W21 to be replaced with a glazed door and steps to access garden;
- New 3m high eastern boundary fence in lieu of screen planting proposed by Condition 36(a);
- Removal of privacy screening required by Condition 20 to Windows 14, 15 and 16 in lieu of 3m high screen planting required by DA Condition 31a(i).
- Relocate door D4 to enter hallway rather than master bedroom

Brenchley Architects

Level 1 46-48 Dunning Ave
Rosebery New South Wales 2018 Australia
Telephone +61 2 9662 3800
Facsimile +61 2 9212 1066
Email studio@brenchleyarchitects.com

Brenchley Architects Pty Limited
ABN 44 060 165 942
Nominated Architect Julian Brenchley 6246

- Continue carport slab above over door W21 to secondary dwelling to provide fire separation as required by accompanying BCA report.

2018-050-A03 – FIRST FLOOR PLAN

- Extend first floor rear deck 2m depth with privacy screens either side;
- New 3m high eastern boundary fence in lieu of screen planting proposed by Condition 36(a).
- Proposed window W2 to be extended to form new high level clerestorey window to corridor
- Modify entryway and stairs to secondary dwelling to establish separate entry;
- Continue carport slab over door W21 to secondary dwelling below to provide fire separation as required by accompanying BCA report.

2018-050-A04 – ELEVATIONS

Elevation West

- Modify entryway and stairs to secondary dwelling to establish separate entry ;
- Removal of privacy screening required by Condition 20 to Windows 14, 15 and 16 in lieu of 3m high screen planting required by DA Condition 36a(i).
- Extend first floor rear deck to 2m depth with privacy screens either side.
- Proposed window W2 to be extended to form new high level clerestorey window to corridor
- Door D4 relocated as per plan

Elevation East

- Extend first floor rear deck to 2m depth with privacy screens either side;
- New 3m high eastern boundary fence in lieu of screen planting proposed by Condition 36(a).
- New steps at ground floor level from secondary dwelling
- Continue carport slab over door W21 to secondary dwelling below to provide fire separation as required by accompanying BCA report.

2018-050-A05 – ELEVATIONS

Street Elevation

- No change

South Elevation

- Extend first floor rear deck to 2m depth with privacy screens either side;

2018-050-A06- SECTION 1

- Extend first floor rear deck to 2m depth with privacy screens either side;

2018-050-A07- SECTION 2

- Extend first floor rear deck to 2m depth with privacy screens either side;

2018-050-A08- LANDSCAPE PLAN

- Extend first floor rear deck to 2m depth with privacy screens either side;
- New 3m high eastern boundary fence in lieu of screen planting proposed by Condition 36(a).

Proposed Changes:

Secondary Dwelling alterations

It is proposed that the entry door to the secondary dwelling be relocated to come directly off the side passageway with no egress passing under the main house, creating separation between the secondary dwelling and the main dwelling. The entry stairs from the carport have been adjusted accordingly along with the location of W12. It is also proposed that window W21 be replaced with a glazed door to allow access to the garden from the secondary dwelling, improving its amenity. These proposed changes have no impact on the building envelope nor any impacts on the neighbouring property.

New clerestorey windows to first floor

It is proposed that window W2 to first floor corridor on the west elevation be amended to a wider clerestorey window at high level (above 1.8m high). This would allow better light into the corridor, without impacting on the privacy or amenity of the neighbouring properties, because the window will be above eye level.

Brenchley Architects

Level 1 46-48 Dunning Ave
Rosebery New South Wales 2018 Australia
Telephone +61 2 9662 3800
Facsimile +61 2 9212 1066
Email studio@brenchleyarchitects.com

Brenchley Architects Pty Limited
ABN 44 060 165 942
Nominated Architect Julian Brenchley 6246

Extension of first floor rear balcony

This Section 4.55 application seeks to extend the approved first floor rear deck to a depth of 2m from the building line, an increase of 600mm to the western side and an increase of 1.65m on the eastern side. This proposed amendment is to improve the amenity of the deck as it is located adjacent to the main living area on the first floor. The current approved profile and size of the deck is restricted and does not provide a usable space to the main living area.

It is noted that this increased deck width extends the deck over the existing sandstone wall and consequently results in the deck being above the LEP building height line, and as such a Clause 4.6 submission accompanies this DA. Privacy screens to 1.8m are provided to the full depth of the balcony on both the eastern and western sides to maintain privacy for the neighbouring properties. Refer to the accompanying Clause 4.6 for further information.

DA Condition 10: Change of Use/Building upgrade

This Section 4.55 application seeks the amendment of DA Condition 10 in relation to a change of use for the proposed secondary dwelling. This condition incorrectly refers to an existing building being upgraded rather than a new house.

With above changes to the secondary dwelling, it is located wholly under the carport (i.e. no internal building space) including the egress to the secondary dwelling, which previously was under the main house. Furthermore, the carport concrete slab has been extended over the entry door W21 to provide fire separation between the secondary dwelling and main house, as detailed in accompanying BCA report. As such the proposed development is of BCA Class 1(a). We would request that this condition be amended to avoid confusion. Please refer to the attached BCA assessment report for further details.

DA Condition 36: Landscaping

Part a(i) of this condition requires 3m high screen planting along the eastern boundary. This side boundary area is where the clothesline is located and the planting area required to sustain the 3m height planting will impact upon the usability and access of the side boundary area especially with the width of the existing sandstone wall on the side boundary being retained.

As such, as an alternative to the planting we propose a nominally 3m high fence along the eastern boundary (staggered with the site) similar to the existing fence already located on the site - the existing fence is approximately 2.5m above the existing ground level as noted in the below site photos, and in the photo from 45 Lauderdale Ave, in the planning report (Photo 1, page 153 of the LPP agenda - 3rd October 2018).

We would require that Condition 36 a(i) be amended to allow for a 3m high fence to the eastern boundary in lieu of the conditioned screen planting. Noted on drawings. The prescribed screen planting to the western boundary would be retained as conditioned.

Brenchley Architects

Level 1 46-48 Dunning Ave
Rosebery New South Wales 2018 Australia
Telephone +61 2 9662 3800
Facsimile +61 2 9212 1066
Email studio@brenchleyarchitects.com

Brenchley Architects Pty Limited
ABN 44 060 165 942
Nominated Architect Julian Brenchley 6246



Photo 1: View from 45 Leanderade Avenue, Fairlight.

Image from page 153 of the LPP agenda



Site photo 1, by owner



Site photo 2, by owner

DA Condition 20: Window design for privacy

This condition requires screening to the ground floor windows of W14, W15, W16 along with various first floor windows. Considering the requirements of Condition 36 for screen planting (or the alternative proposed fence as outlined above), then this screening to the ground floor windows is unnecessary. We would request this condition be amended to remove the ground floor windows W14, W15, W16 from the listed windows. Noted on drawings.

ASSESSMENT UNDER RELEVANT DEVELOPMENT CONTROLS

MANLY LOCAL ENVIRONMENT PLAN - 2013

Most of the proposed changes sought in this Section 4.55 application have no impact on the LEP controls except for the extension of the first floor deck, which when extended is above the LEP Building Height Control, due to the topography of the site. The proposed extension of the deck greatly improves the amenity of the

Brenchley Architects

Level 1 46-48 Dunning Ave
Rosebery New South Wales 2018 Australia
Telephone +61 2 9662 3800
Facsimile +61 2 9212 1066
Email studio@brenchleyarchitects.com

Brenchley Architects Pty Limited
ABN 44 060 165 942
Nominated Architect Julian Brenchley 6246

deck, and the adjacent main living area, with minimal impact on the neighbours, through the incorporation of privacy screens. The merits of this proposed amendment are discussed further in the accompanying Clause 4.6.

MANLY DEVELOPMENT CONTROL PLAN – 2013 – Amendment 11

PART 3 – General Principles of Development

3.1 STREETScape (RESIDENTIAL AREAS)

The proposed modifications are not visible from the street and so do not impact the existing streetscape.

3.3 LANDSCAPING

The proposed changes are largely within the built form of the existing house, with little impact on the landscaping design elements of the building. It is proposed to replace eastern boundary planting (as per DA condition 36) with a boundary fence, in order to maintain the amenity and usability of the side access.

3.4 AMENITY

Sunlight Access and Overshadowing

The proposed amendments do not impact upon solar access, with any minor additional overshadowing from the extended first floor deck not impacting neighbouring primary private open space. All other amendments do not increase the approved building line or mass.

Privacy and Security

The proposed changes do not affect the privacy or security of the neighbouring properties, and where the first floor balcony has been extended to the rear, privacy screens are proposed to the east and west sides to prevent any overlooking to neighbouring properties.

Maintenance of Views

The proposed changes do not impact the views of the neighbours. The proposed extension to the rear first floor deck is minimal and does not impact the existing views from neighbouring properties.

3.5 SUSTAINABILITY

Solar Access

The proposed privacy screens to the extended rear first floor balcony will further protect the the living area from east/west sun. The new proposed clerestorey window to west facing corridor at first floor will further reduce the reliance on artificial lighting in this area.

HERITAGE CONSIDERATIONS, ACCESSIBILITY, STORMWATER MANAGEMENT, WASTE MANAGEMENT, MECHANICAL PLANT EQUIPMENT, SAFETY AND SECURITY

The proposed modifications do not change the approved proposals response to any of the above areas.

PART 4 – Development Controls and Development Types

4.1 – Residential Development Controls

The proposed modifications do not impact most of the numerical DCP controls with site area, setbacks, FSR and parking being unchanged.

There are minor changes to building heights as outlined below:

BUILDING HEIGHT

The proposed extension to the rear deck over the cliff face to the rear of the site results in a non-compliance in terms of the LEP building height, however there is no change to the proposed maximum wall or roof height as set out in the DCP controls. For more information, a Clause 4.6 accompanies this application.

Brenchley Architects

Level 1 46-48 Dunning Ave
Rosebery New South Wales 2018 Australia
Telephone +61 2 9662 3800
Facsimile +61 2 9212 1066
Email studio@brenchleyarchitects.com

Brenchley Architects Pty Limited
ABN 44 060 165 942
Nominated Architect Julian Brenchley 6246

CONCLUSION:

The proposed modifications are minimal in nature and we believe that they will not have any adverse effects on the approved development or adjacent properties and are worthy of the approval of council.

Please contact the undersigned if you require any further information.

Sincerely,



Deborah Allen

Brenchley Architects

Level 1 46-48 Dunning Ave
Rosebery New South Wales 2018 Australia
Telephone +61 2 9662 3800
Facsimile +61 2 9212 1066
Email studio@brenchleyarchitects.com

Brenchley Architects Pty Limited
ABN 44 060 165 942
Nominated Architect Julian Brenchley 6246