



19 Parkview road Fairlight

SECTION 4.55 MODIFICATION TO VARY
DEVELOPMENT CONSENT DA-2021/2230



Report prepared for
Simon and Klara Harvey
April 2023

1.0 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 (1A) of the Environmental Planning and Assessment Act 1979, to modify an existing development consent for alterations and additions to existing dwelling and new secondary dwelling at 19 Parkview Road Fairlight 2094. Development Application DA-2021/2230) was granted consent by Northern Beaches Council by Notice dated 10 March 2022.

It is proposed that the existing consent be modified to refer to the revised plans.

Conditions are proposed to be altered as follows:

(1) Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Analysis - A-01, Rev 2	23 February 2022	Robinson Jolly
GA Proposed Plan Ground Floor - A-02, Rev 2	23 February 2022	Robinson Jolly
GA Proposed Plan New 1st Storey - A-03, Rev 3	23 February 2022	Robinson Jolly
Side Elevations (South & North) - A-04, Rev 3	23 February 2022	Robinson Jolly
Front, Rear Elevations & Parking - A-05, Rev 2	23 February 2022	Robinson Jolly
Front Street Elevation - A-05.B, Rev 1	8 March 2022	Robinson Jolly
Longitudinal Section (Southern & Northern) - A-06, Rev 2	23 February 2022	Robinson Jolly
Internal Sections 02 - A-07, Rev 2	23 February 2022	Robinson Jolly
Demolition Plan - A-14, Rev 1	23 February 2022	Robinson Jolly

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

- 1.2 In preparation of this submission, consideration has been given to the following documents:
- _Section 4.55 of the Environmental Planning and Assessment Act, 1979 as amended
 - _Manly Local Environmental Plan 2013
 - _Manly DCP
 - _The heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of modification has been prepared with reference to the following:
- _Site visit
 - _Review of the original development consent
 - _Review of original development assessment report
 - _Review of approved and proposed plans

2.0 Proposed development

The proposed modification to the development includes a window removal and the addition of a bedroom skylight.

_During construction it was found the new 2nd storey ensuite was heavily impacted from the neighbours brown tiled roof visible from the proposed window. There was sufficient light already coming from the operable skylight which also provided good ventilation; therefore the window was deleted.

_A new skylight to the front bedroom on the Southern side provides light and ventilation. Due to the restrictor requirements on the front window, the operable skylight provides necessary natural ventilation and additional natural light, hence the inclusion.

These changes are highlighted in the following drawings

A01 Site plan rev A Feb 2023 DA modification
A03 2nd storey GA plan rev A Feb 2023 DA modification
A04 Side Elevation rev A Feb 2023 DA modification

- 2.1 It is satisfied that the proposed modification is of minimal environmental impact,
- (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 under section 72 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.

3 Manly Local Environmental Plan 2013

- 3.1 The site is zoned R2 Low Density Residential pursuant to the provisions of the Manly Local Environmental Plan 2013.
- The proposed development is a permissible use in the R2 zone which permits residential dwelling with development consent.
- _Height: no change, which is still fully compliant with the Council control.
- _Heritage - the site is not a heritage item, located within a heritage conservation area or located near any heritage items.
- _Floor Space Ratio: No change
- 3.4.1 Sunlight Access and Overshadowing**
- There is no change in the overall building envelope or architectural form, heights and or setbacks, therefore no there is no change on any overshadowing from the original DA proposal

3.4.1.1 Overshadowing adjoining open space

There is no change in the overall building envelope or architectural form, heights and or setbacks, therefore no there is no change on any overshadowing from the original DA proposal

3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties.

The minor variations have no impact with the bulk of the shadow form the original and amended development falling over the front of the site and the street.

3.4.2 Privacy and Security

The small alterations to the dwelling result in some changes to windows. The changes retain essentially the same impacts for neighbours and no loss of privacy will result.

3.4.2.1 Window Design and Orientation

The revisions to the approved windows proposed have been designed to maximise privacy for neighbours.

3.4.2.3 Acoustical Privacy (Noise Nuisance)

No acoustic issues will arise.

3.4.3 Maintenance of Views

No views are impacted.

3.5.3.2 Location and area of openings

The current approval and revised proposal have been designed to allow sufficient ventilation of the dwelling

4 Section 4.15 considerations

The minor 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 the proposed modification will not alter the impacts of the proposed development form that which was originally deemed to be acceptable and worthy of approval in the original development.

The impacts of the proposed modifications will have a negligible impact on the subject site, the neighbouring site and the streetscape with regards to all relevant factors including design, amenity, landscaping and privacy.

5 Conclusion

The development, as modified, represents substantially the same development as was approved by Council in Development Consent 2021/2230. 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:

1. Manly Local Environmental Plan 2013
2. Manly Development Control Plan
3. The heads of consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is therefore considered that the proposed of modification of the DA consent to the detached dwelling upon land at **No. 19 Parkview Road, Fairlight** is worthy of Council's consent.