

Statement of Environmental Effects

Section 4.55(1A) Modification to DA63169/2021

Minor Modifications to Approved Demolition of Existing Structures
and Erection of Multi Dwelling X 6 Units

386 Booker Bay Rd, Booker Bay

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for Motian Group Pty Ltd

03 December 2022

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This Statement of Environmental Effects has been prepared on behalf of Motian Group Pty Ltd in support of a section 4.55(1A) application to Central Coast Council to modify Development Consent DA63169/2021 for the approved demolition of existing structures and erection of multi dwelling X 6 units at 386 Booker Bay Rd, Booker Bay.

Development Consent DA63169/2021 was issued by Central Coast Council on 12 July 2022 for demolition of existing structures and erection of multi dwelling X 6 units.

Development Consent DA63169/2021 has physical commencement, and building works are in accordance with the Part 4 consent and are currently underway.

The current modification application makes minor modifications to the approved plans, to:

- A. Adjust the roof angle of the North facing roof pitches to accommodate highlight windows above the south facing roofs.**
- B. Add 2 North facing highlight windows to all 6 Units, as detailed above (12 windows in total)**
- C. Add 1 East facing 1st floor window to Unit 3 and 1 West facing 1st floor window to Unit 4.**
- D. Increase the Floor and Ceiling RL's on both levels by 300mm**

The site is zoned R1 General Residential under Gosford LEP 2014, and the proposal remains substantially the same as the development for which consent was originally granted and the modification results in minimal environmental impact. The proposal makes minor design changes which will be consistent with the scale and appearance of the approved and surrounding developments, and will not result in adverse impacts on surrounding properties or the coastal zone.

This report considers the proposal against the requirements of section 4.55(1A) of the *Environmental Planning & Assessment Act, 1979*, and relevant planning instruments including Gosford LEP 2014, Gosford DCP 2013, the draft Central Coast LEP 2018 and relevant state planning controls. The assessment also addresses the matters for consideration under Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979*.

The assessment of the proposal concludes that the proposal remains substantially the same as the development for which consent was originally granted and.

This Statement should be read in conjunction with the following supporting information, submitted with the S4.55 modification application:

- Amended architectural plans prepared by Moov Modular Pty Ltd - dated: 09.11.22
- Amended engineering plans prepared by Halcrow & Associates - dated: 22.08.22

2. THE PROPOSED MODIFICATION

The proposal is to modify development consent DA63169/2021 to include amended plans that make the following changes compared to the approved Plans:

A. Adjust the roof angle of the North facing roof pitches (1st Floor)

Adjust the roof angle of the North facing roof pitches to accommodate highlight windows above the south facing roofs for improved solar access. The roof pitches will increase from 1° to a maximum of 7°.

B. Addition of North facing highlight windows to all 6 Units

Addition of 2 North facing highlight windows located at the skillion roof junction under the South facing roof pitches, to all 6 units.

C. Addition of 2 new windows Unit 3 and Unit 4

Addition of 1 new window to the 1st floor Eastern Wall of Unit 3 and addition of 1 new window to 1st floor Western Wall of Unit 4.

D. Increase to the RL's

Pre-construction site analysis by consulting engineer (Halcrow & Associates) identified that the approved RL's were consistently lower than neighbouring properties existing RL's and would create a water run-off issue from neighbouring properties into the approved development site. An increase of 300mm to the Floor and Ceiling RL's for both ground and 1st floor levels will significantly reduce the flow of surface water across the development site.

3. PLANNING CONSIDERATIONS

Under section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* Development Consent DA 27490/2005 is able to be modified, in accordance with the following requirements:

(1A) 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*
- (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*
- (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.*

Subsections (1), (2) and (5) do not apply to such a modification.

- (3) 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 of 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.*

The requirements of section 4.55(1A) are addressed below, together with an assessment of the proposal and its impacts under section 4.15(1) of the Act.

3.1 Whether the proposed modification is of minimal environmental impact

The proposed modification is of minor environmental impact, and generally reflects the same built form approved under the Development Application and currently under construction. The modifications involve some external changes to the roof line and the

balance of the changes are within the overall approved footprint and building envelope of the approved dwellings.

The modifications do not increase the nature or intensity of the approved development or use, and will provide additional amenities for the already approved dwelling.

The modified proposal involves less soil removal compared to the original approved development.

Engineering, together with recommendations, which concludes the proposal meets the aims and objectives of Chapter 6.2 of Gosford DCP 2013 and satisfies the requirements of *State Environmental Planning Policy (Coastal Management) 2018* (Clauses 13, 14, 15 and 16).

As detailed in Part 3.4 of this Statement, the modifications will have a minor impact on the external appearance of the development, and will not result in adverse overshadowing, privacy or view impacts for adjoining or surrounding properties compared to the approved development.

3.2 Whether the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted

The proposal, as amended, will remain substantially the same development as was originally approved, being a 6 new dwelling units, and will be consistent with the development application approved by Council.

The approved floor space ratio of the dwelling is 0.497:1, the proposed modification results in no increase to this ratio and will not adversely impact on the bulk, scale or appearance of the development.

The approved ridge height has an RL of 9.7 The increase of 300mm to the Floor and Ceiling RL's on both levels and the increase angle adjustment of the North facing roof angles from 1° to a maximum of 7° requires that approved ridge height be increased to an RL of 11.8. The 8.5m building envelope limit has an RL of 12.4. The modification maintains the development within the building envelope.

3.3 Notification of the application and consideration of any submissions

The application may require exhibition in accordance with Gosford DCP 2013 and the consideration of any submissions is a matter for Council to consider if the application is notified.

3.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

The proposed amendments are consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The modification application is supported by the required updated BASIX Certificates (provided in Appendix A) which confirms that the proposed modifications will meet the NSW Government's requirements for sustainability.

3.4 Consideration of relevant matters under section 4.15(1)

Section 4.15(1) of the *Environmental Planning & Assessment Act* sets out a number of considerations in the assessment of development applications, including relevant planning controls and the impacts of the development. The following matters are considered to be relevant to the proposed modification under Gosford Development Control Plan 2013 (DCP 2013)

3.1.4.2 Visual Privacy - The proposed amendment has minimal impact on direct overlooking between main living areas and areas of principal private open space within the site and adjoining sites.

3.1.4.4 Sunlight Access - The proposed amendment has minimal additional impact on solar access to the living areas and private open space areas of the dwelling and neighbouring dwellings.

3.2.3.1.2 Maximum Height Controls - The proposed amendment does not exceed the maximum building height of 8.5m for 2 occupied storeys.

3.2.3.1.3 Building Envelope - The proposed amendment retains the structure within the building envelope.

4. CONCLUSION

In conclusion, the modification proposes minor changes to the approved development application with a minor increase in the RL's. and overall minor change to the roof elevation. Both changes will have only a slight increase in overshadowing of the neighbouring properties and no increased impact to privacy.

APPENDIX A:

1/386 Booker Bay Road BASIX (Certificate Number 1219810S_04);
2/386 Booker Bay Road BASIX (Certificate Number 1235296S_04);
3/386 Booker Bay Road BASIX (Certificate Number 1235295S_05);
4/386 Booker Bay Road BASIX (Certificate Number 1235463S_05);
5/386 Booker Bay Road BASIX (Certificate Number 1235488S_04);
6/386 Booker Bay Road BASIX (Certificate Number 1235600S_04).

1/386 Booker Bay Road NatHERS (Certificate Number 6959944-02);
2/386 Booker Bay Road NatHERS (Certificate Number 6959951-01);
3/386 Booker Bay Road NatHERS (Certificate Number 6961015-01);
4/386 Booker Bay Road NatHERS (Certificate Number 6961023-01);
5/386 Booker Bay Road NatHERS (Certificate Number 6961031-01);
6/386 Booker Bay Road NatHERS (Certificate Number 6961049-01)

Attached separately