



70 LANE COVE ROAD INGLESIDE

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR A
SECTION 4.55(1A) MODIFICATION TO VARY
DEVELOPMENT CONSENT 2020/0241**



**Report prepared for
Louise and Michael Conn
September 2022**

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 of the Environmental Planning and Assessment Act 1979, to modify existing development consent DA2020/0241 at 70 Lane Cove Road, Ingleside NSW 2101.

Development Application 2020/0241 was granted consent on 12 May 2020.

This modification application seeks to modify 2020/0241 Alterations and additions to a dwelling house. The changes proposed will allow for minor alterations to the proposed internal works and an extension to the roof on the northern elevation.

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**

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

a) *Approved Plans*

Architectural Plans - Endorsed with Council's stamp		
<i>Drawing No.</i>	<i>Dated</i>	<i>Prepared By</i>
<i>S4.55-A01 COVER PAGE, SCHEDULES AND PERSPECTIVES</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A02 SURVEY</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A03 SITE PLAN, WASTE MANAGEMENT PLAN</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A04 EXISTING (DA APPROVED DA2020/0241)</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A05 CELLAR AND GROUND FLOOR PLAN</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A06 LEVEL 1 PLAN AND ROOF PLAN</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A07 ELEVATION AND SECTIONS</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A08 SHADOW STUDY</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>
<i>S4.55-A09 LANDSCAPE CALCS AND FINISHES SCHEDULE</i>	<i>30/08/2022</i>	<i>Dragonfly Architects</i>

Reports / Documentation – All recommendations and requirements contained within:		
<i>Report No. / Page No. / Section No.</i>	<i>Dated</i>	<i>Prepared By</i>
<i>BASIX Certificate A364538_03</i>	<i>22/08/2022</i>	<i>Dragonfly Architects</i>

b) *Any plans and / or documentation submitted to satisfy the Conditions of this consent.*

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.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

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
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan
- 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.

2. The site and its locality

- 2.1 The site is legally described as Lot 16 DP 30325 and is located at on the northern side of Lane Cove Road, approximately 130 metres east of its intersection with Walter Road.
- 2.2 It is a generally rectangular, rural lot with boundaries of 93.74 metres (north), 209.7 metres (east), 227.09 metres (west) and 74.5 and 21.61 metres (south – Lane Cove Road frontage). The lot has an area of 20,233m².
- 2.3 The site is currently occupied by a two storey brick dwelling with a tile roof and detached double garage. In addition, the property contains a tennis court, water tank, septic tank, pond and a shed.
- 2.4 The site is surrounded by rural residential lots in all directions, with smaller residential lots located approximately 600 metres to the east. It is in close proximity to shops, services and public transport on Mona Vale Road.

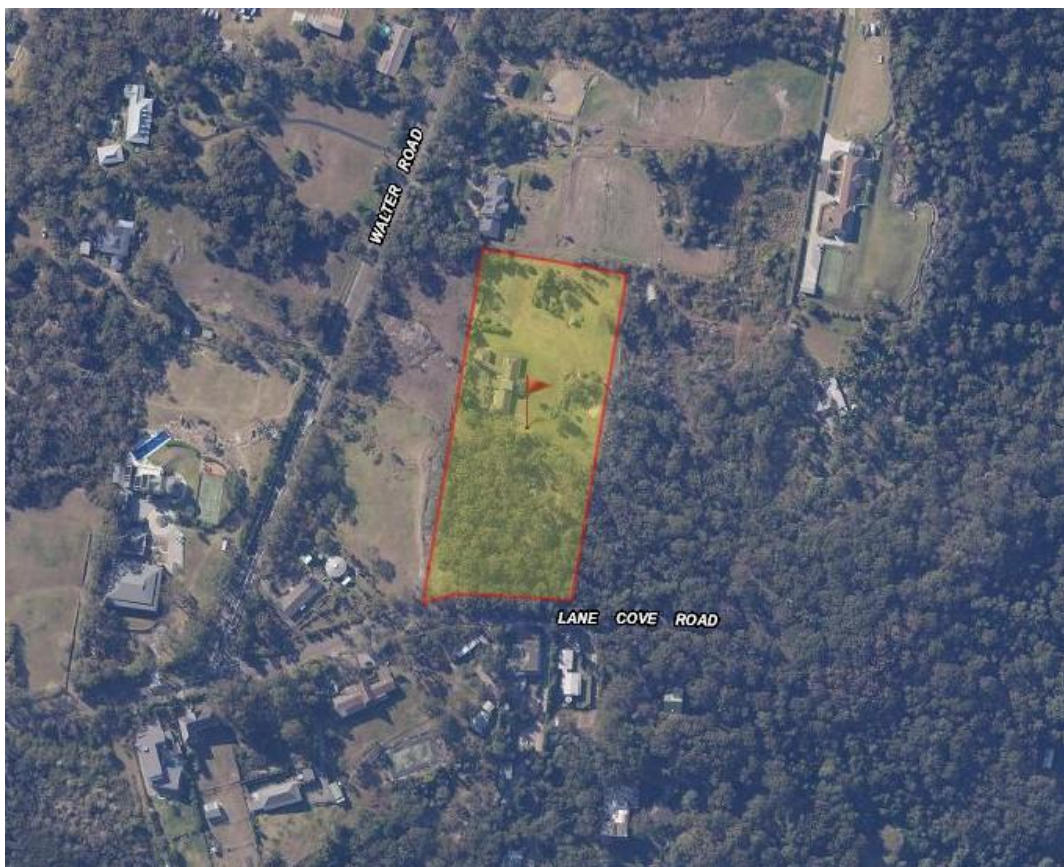


Figure 1. The site and it's immediate surrounds



Figure 2. The site within the locality

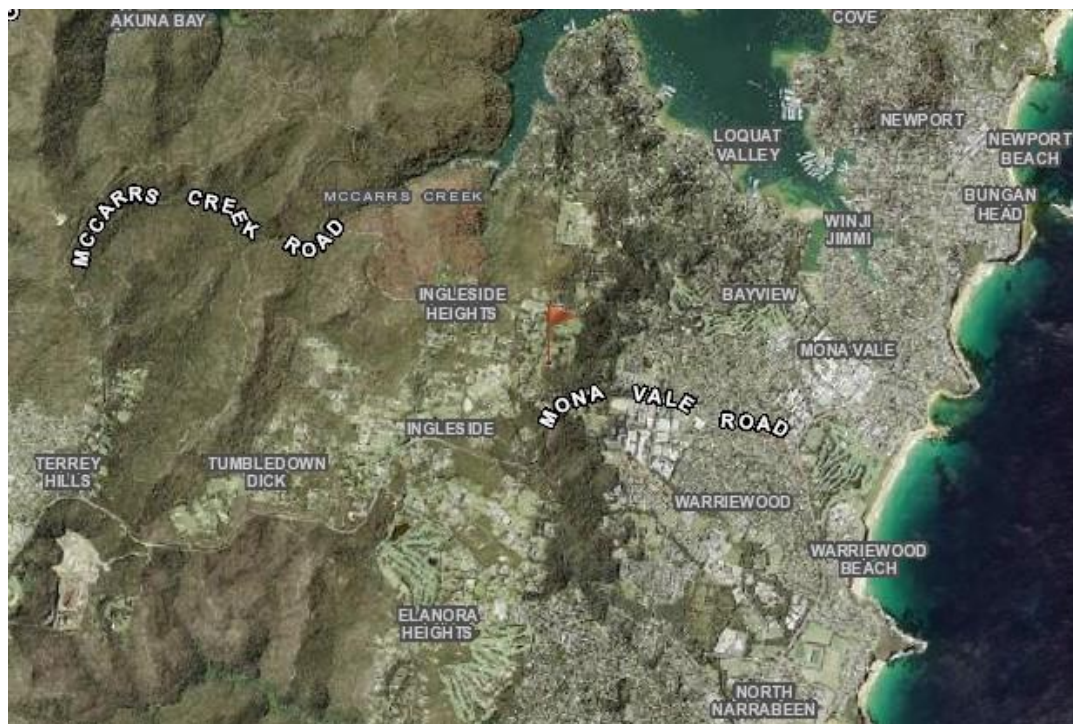


Figure 3. Aerial photograph of the site within the locality

3. Site Photos



Figure 4. The existing entrance and driveway, view from Lane Cove Road



Figure 5. The existing dwelling, view from driveway



Figure 6. The existing garage and covered walkway to the dwelling



Figure 7. The northern elevation of the existing dwelling, looking south



Figure 8. The existing dwelling, looking west showing location of proposed pool.



Figure 9. Existing area between garage and dwelling

4. Proposed Development

- 4.1 It is proposed to alter the approved development to reorganise the ground floor to allow for a 4 bedroom dwelling with a therapy/gym room. The scope of works to the dwelling is reduced with a reduction in approved building footprint and enhanced works to the outdoor spaces proposed.

Key changes include:

Ground Floor

- Change the bedroom adjacent to the garage to a therapy/gym room – remove internal wall and robe and realign northern, external wall
- Reduce and reconfigure bathroom
- Bedroom 4 /ensuite and therapy room to become living/dining/kitchen area
- Pool to be enlarged to 51kl and alfresco tiled area to be replaced with decking
- DA approved living/dining area deleted
- Adjustment to windows/doors accessing the outdoor living area adjacent to the pool
- Decking dimensions adjusted on eastern, western and northern perimeters

Landscape Plan

- Landscape calculations have been updated.



Approved Plan

5. 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 primarily to internal components of the dwelling and the alterations to the external appearance are minor and have a positive impact on the appearance of the dwelling.

6. Statutory Framework

6.1 State Environmental Planning Policies

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development does not propose the removal of any vegetation and existing landscaping will be retained on the site.

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 compliant BASIX certificates are provided with this application for the alterations and additions.

2009 Rural Fires Act 1997

New works have all been designed to comply with the BAL29 rating, with an updated Bushfire report accompanying the application.

6.2 Pittwater Local Environment Plan 2014

The relevant clauses of the Pittwater Local Environmental Plan 2014 are addressed below.

Zoning

The site is zoned RU2 Rural Landscape, pursuant to the provisions of the Pittwater Local Environmental Plan 2014.



Figure 11: Extract from Pittwater LEP 2014 Zoning Map

The proposed development is for alterations and additions to the existing dwelling house and dwelling houses are permissible with development consent in the RU2 zone.

Demolition

Consent is sought for demolition works as detailed on the attached DA plans. This work is not intensified by the modification.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 20,000m². The subject site comprises an area of 20,233m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. The existing building has a maximum height of 6.06 metres, easily compliant with Councils controls. No change to the height results from the modified development.

Heritage Conservation

The site is not a heritage item or located within a heritage conservation area, however, the site is located in proximity to local heritage item 2270158 – Katandra Bushland Sanctuary. The proposed development is located within the cleared and developed portion of the subject site and will not impact on the nearby heritage item.

Acid Sulfate soils

The site is mapped with class 5 acid sulfate soils. The proposed works remain minor and are not likely to lower the watertable below 1 metre AHD on adjacent class 1,2,3 or 4 land.

Earthworks

Earthworks are proposed only for the swimming pool. These are slightly greater as a result of the modification. All works will be undertaken in accordance with engineering specifications, Councils controls and any consent conditions.

Flood Planning

A portion of the subject site is mapped as a low and medium risk flood precinct on the Pittwater Flood Planning Map, as such development consent must not be granted unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The modified development is considered compliant with clause 7.3 of LEP 2014 as all proposed works are located outside of the mapped area.

Biodiversity

A portion of the subject site is mapped as Biodiversity, as such development consent must not be granted unless the consent authority is satisfied that the development:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

It is considered the modified development is compliant with clause 7.6 of LEP 2014, as all proposed works are located outside of the mapped area.

Essential services

All services are existing on the site.

6.3 Pittwater 21 Development Control Plan

The relevant sections of the Pittwater DCP are addressed below.

The relevant sections of the DCP are addressed below.

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Part A Localities

Ingleside Locality

The modified development remains consistent with the desired character for the locality.

Part B General Controls

Heritage Conservation

The site is not located in a heritage conservation area or immediately adjacent any heritage items.

Aboriginal heritage Significance

The site is not known or anticipated to be home to any aboriginal relics. Should any objects be discovered during construction, appropriate measures will be taken according to NSW Office of Environment and Heritage.

Landslip Hazard

The site is not located in a geotechnical hazard zone.

Bushfire Hazard

The site is located within land nominated as Bushfire Prone Land BAL 29 and BAL 19. A revised report under separate cover is provided in support of the proposal.

Flood Hazard

A small portion of the site is mapped as a low and medium risk flood precinct on the Pittwater flood planning map. The proposed works are located outside of the mapped area.

The Natural Environment

The proposal will have no impact on the natural environment in the locality as the modified development is located entirely within a disturbed portion of the site.

Water management

The approved waste water system will remain unchanged.

Access and parking

No change is proposed to the existing driveway from Lane Cove Road or the existing, compliant, double garage.

Site works and management

All Council controls and conditions of consent will be complied with in the construction works. Appropriate devices will be used during the construction process to ensure no issues arise with regard to erosion and sedimentation, as detailed in the attached erosion and sediment control plan.

Part C Design Criteria for Residential**Landscaping**

The subject site requires a minimum landscaped area (between the front boundary and any built structures) of 60% which is easily achieved on the large lot. See landscaped area calculations on Architectural plans.

Further landscaping controls are discussed in Part D – Ingleside locality controls.

Safety and Security

The proposed alterations and additions do not alter the existing, adequate safety and security of the site.

View Sharing

A site visit has been undertaken and it is considered that no views will be impacted as a result of the proposed development.

Solar Access

The DCP requires 3 hours of solar access is maintained for the windows of principal living areas, solar collectors and private open space of the site and adjoining properties on 21 June.

No change of consequence occurs due to the modified development.

Visual Privacy

The proposed alterations and additions will have no impact for neighbour's visual privacy with the subject site being a large, rural residential property, with substantial setbacks from adjoining properties.

Acoustic Privacy

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

Private Open Space

The DCP requires a minimum private open space requirement of 80sqm. The existing site has a large area of private outdoor space which exceeds the minimum requirements, and this is retained by the modified development.

Adaptable Housing and Accessibility

The modification retains an accessible home.

Waste and Recycling Facilities

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

The dwelling has existing bin storage area behind the building line, with waste to be collected by Councils regular service.

Swimming Pool Safety

A new swimming pool is proposed on the site which will comply with the Swimming Pools Act 1992 and Regulations.

Eaves

A minimum 450mm eaves are incorporated on all elevations in accordance with this clause.

Part D – Ingleside Locality

The site is located in the Ingleside Locality and is consistent with the desired character, built form and natural environment criteria as specified in the DCP. The proposed alterations and additions are appropriate within rural residential and natural setting.

Character

The modified development is an appropriate architectural design for the locality. Materials and colours complement the locality and are consistent with the site, while sitting comfortably in the locality.

Building colours, materials and construction

The proposed materials include sandstone cladding, timber posts and balustrades and roof tiles, all of which match the materials and colours of the existing dwelling.

Front Building Line

The DCP requires a front building setback of 20 metres on the site. The subject site has an existing, compliant front setback far exceeding the 20 metre minimum, as illustrated on the attached site plan.

Side and Rear setbacks

Minimum side and rear setbacks of 7.5 metres are required on the subject site.

The dwelling has existing, compliant side and rear setbacks, as illustrated on the attached site plan. The modified development retains the compliant setbacks.

Building envelope

A building envelope of 45° measured at a height of 3.5 metres applies to the site. The modified development easily complies with very generous setbacks on all elevations.

Landscaped Area – Non Urban General

The subject site requires a minimum landscaped area of 96% minus 400m², which equates to 19,023.68m² for the site area of 20,233m².

The existing landscaped area on the site is non-compliant at 18,815.82m² (207.86m² less than the current control). The modified proposes a landscaped area of 18725.25m², which is a small reduction of 20.91m² to the approved works to allow for improved decking for the site.

A variation to the landscaped area control, is considered appropriate, in this case, as the site retains a large landscaped area. The development is proposed within an already disturbed portion of the lot and all native vegetation is retained on the lot. The enhanced decking will also improve the accessible outdoor areas for the lot.

Fences

No change is proposed to the existing fencing on the site.

Construction of Retaining walls, terracing and undercroft areas

No new retaining walls, terracing or undercroft areas are proposed.

7. Section 4.15 Considerations

- 7.1 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 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 regards to all relevant factors including scale, design, amenity, and privacy.

8.0 Suitability of the site

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

9.0 Development substantially the same

- 9.1 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 minimal changes proposed. As such the development will be substantially the same notwithstanding the modifications that are sought.

10. Conclusion

- 10.1 The development, as modified, represents substantially the same development as was approved by Council in Development Consent DA2020/0241. 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
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan
- The heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).