

# Statement of Environmental Effects

## Section 4.55 (2) and (3) Modification



PROPERTY : No 85 Powder Works Road North Narrabeen

CLIENT : Johns Lyng Group

PROPOSAL : Reinstatement/Reconstruction Like for Like of  
Fire Damaged Carport and Carport Roof  
Extension

Date : 12 July, 2022

---

## **TABLE OF CONTENTS**

### **1.0 INTRODUCTION**

- 1.1 Terms of Reference
- 1.2 Report Aims
- 1.3 Proposal
- 1.4 Section 4.55 Modifications

### **2.0 OVERVIEW OF THE SUBJECT SITE AND SURROUNDING LAND**

- 2.1 Local context
- 2.2 History
- 2.3 Site Topography, Drainage and Services

### **3.0 PLANNING CONTROLS**

- 3.1 Site Planning
- 3.2 Zone R1 Objectives

### **4.0 OUTLINE DEVELOPMENT APPLICATION**

- 4.1 Development Overview
- 4.2 Building Code of Australia
- 4.3 Site Contamination
- 4.4 Landscaping
- 4.5 Site Waste Minimization
- 4.6 Setbacks
- 4.7 Servicing and drainage
- 4.8 Over shadowing
- 4.9 Privacy
- 4.10 Height
- 4.11 Floor Space Ratio
- 4.12 Parking
- 4.13 Heritage Conservation area

### **6.0 CONCLUSION**

---

## **EXECUTIVE SUMMARY**

This document comprises of a Statement of Environmental Effects to accompany a Section 4.55 Modification for minor amendments for the Reinstatement/Reconstruction of Fire Damage Carport and Carport Roof Extension located at No 85 Powder Works Road, North Narrabeen.

Assessment under The Environmental Planning and Assessment Act, 1979 (As Amended) found that the existing development will not result in any adverse environmental effects on the surrounding properties and area.

---

## 1.0 INTRODUCTION

### 1.1 Terms of Reference

This document comprises a Statement of Environmental Effects to accompany a Section 4.55 Modification for minor amendments for the Reinstatement/Reconstruction of Fire Damage Carport and Carport Roof Extension located at No 85 Powder Works Road, North Narrabeen.

The report has been prepared by PWS Building Consultancy and in consultation with Johns Lyng Group.

### 1.2 Report Aims

This report aims to:

- provide the context for the proposal's planning assessment by describing the existing site / local environment and outlining the relevant planning controls;
- describe the proposed development; and
- assess all relevant environmental and planning issues for the proposed development under Section 79C of Environmental Planning and Assessment Act, 1979 (As Amended).

### 1.3 Proposal

The Section 4.55 (2) and (3) Modification is for minor amendments for the previously approved Reinstatement/Reconstruction of Fire Damage Carport and Carport Roof Extension located at No 85 Powder Works Road, North Narrabeen.

It is proposed to reduce the length and width of the of the approved Carport. The amended Carport is to observe the same front boundary setback.

Due to the nature of the proposed works it is considered the impact upon surrounding Development will be Negligible due to the structure being reduced in length and width.

### 1.4 Section 4.55 Modifications

#### 4.55 Modification of consents—generally (cf previous s 96)

(1) **Modifications involving minor error, misdescription or miscalculation** 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 a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.

**Note**— Section 380AA of the *Mining Act 1992* provides that an application for modification of development consent to mine for coal can only be made by or with the consent of the holder of an authority under that Act in respect of coal and the land concerned.

---

- (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.

### **Comment**

Not Applicable.

- (2) **Other modifications** 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 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
  - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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 the period prescribed by the regulations or provided by the development control plan, as the case may be.
- Subsections (1) and (1A) do not apply to such a modification.
-

## Comment

It is considered the proposed amendments are substantially the same development as the proposed amendments do not increase the Floor Space Ratio, decrease Landscaping area, does not change floor levels or the height of the Carport. The proposed amendments are substantially the same Development as grant Development Consent under Development Application 2022/0384.

The external changes only include reducing the length and width of the Carport and therefore Complies with the above requirements.

- (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 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.

## Section 4.15 Evaluation (cf previous s 79C)

(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
  - (c) the suitability of the site for the development,
  - (d) any submissions made in accordance with this Act or the regulations,
  - (e) the public interest.
-

## **Comment**

It is considered the provisions of Section 4.55 (3) have been satisfied by taking into consideration the requirements of Section 4.15, Matters of Consideration. The proposed amendments are substantially the same Development as grant Development Consent under Development Application 2022/0384.

The requirements of Council's L.E.P. and DCP are considered to be satisfied and were taken into consideration when preparing the proposed amendments and have been assessed within this report.

---

## **2.0 OVERVIEW OF THE SUBJECT SITE**

### **2.1 Local Context**

The subject site is located on the eastern side of Powder Works Road, North Narrabeen. The property is considered to be located to the central area of the Northern beaches Council. The area is bounded by quite residential Streets which contains predominately residential dwelling houses.

### **2.2 History**

It is assumed all structures located on site had the prior approval of Council. Please see below approvals.

Applications

Construction Certificate CC2020/0157

Alterations and additions to a dwelling house - 20/2002-1 (Submitted: 25/02/2020)

Principal Certifying Authority FOC2020/0015

Construction of a detached secondary dwelling - CC19/753 (Submitted: 28/01/2020)

Development Application DA2019/1155

Alterations and additions to a dwelling house (Submitted: 21/10/2019)

Principal Certifying Authority FOC2019/1691

Additions to existing dwelling including extended decking, converting part of the deck into a new room, new external stairs & paving - 17/2015-2 (Submitted: 18/09/2019)

Construction Certificate CC2019/0692

Construction of a secondary dwelling - CC19/753 (Submitted: 01/07/2019)

Principal Certifying Authority NOC2019/0783

Construction of a secondary dwelling - CC19/753 (Submitted: 01/07/2019)

Development Application DA2018/1243

Construction of a detached secondary dwelling (Submitted: 23/07/2018)

Section 455 Modifications Mod2017/0333

Modification of consent N0148/16 granted for additions to existing dwelling including extended decking converting part of the deck into a new room new external stairs paving. (Submitted: 19/12/2017)

Construction Certificate CC0042/17

Additions to existing dwelling including extended decking, converting part of the deck into a new room, new external stairs & paving - 17/2015-1 (Submitted: 13/02/2017)

Development Application N0148/16

Additions to existing dwelling including extended decking, converting part of the deck into a new room, new external stairs & paving. (Submitted: 19/04/2016)

Development Application T0068/16.

Development Application 2022/0384.

### **2.3 Site Topography, Drainage and Services**

The site is currently supplied by water, sewer, electricity and it is not anticipated there will be any problems in continuing to provide these services.

The existing site drops sharply from Powder Works Road.

---



### 3.0 Statutory Requirements

- 3.1 SEPP (Building Sustainability Index: BASIX) 2004 open in new  
SEPP (Concurrences and Consents) 2018 open in new  
SEPP (Educational Establishments and Child Care Facilities) 2017 open in new  
SEPP (Exempt and Complying Development Codes) 2008 open in new  
SEPP (Housing) 2021  
SEPP (Infrastructure) 2007 open in new  
SEPP (Mining, Petroleum Production and Extractive Industries) 2007 open in new  
SEPP (Primary Production and Rural Development) 2019 open in new  
SEPP (Vegetation in Non-Rural Areas) 2017 open in new  
SEPP No 19—Bushland in Urban Areas open in new  
SEPP No 33—Hazardous and Offensive  
SEPP No 50—Canal Estate Development open in new  
SEPP No 55—Remediation of Land open in new  
SEPP No 64—Advertising and Signage open in new  
SEPP No 65—Design Quality of Residential Apartment Development open in new

The Environmental Planning and Assessment Act 1979 as amended. The property is located within the Northern Beaches Council area.

The property is defined as a Residential property within the Pittwater Local Environmental Plan 2014, and located within a Zone C4 – Environmental Living (permissible use).



## 3.2 Zone C4 Environmental Living

### Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

#### 2 Permitted without consent

Home businesses; Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures

#### 4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### Comment

It is considered the proposed reconstruction of the Fire damaged amended Carport and Carport Roof Extension are permissible within a C4 – Environmental Living.

---

## **4.0 OUTLINE OF DEVELOPMENT APPLICATION**

### **4.1 Development Overview**

It is proposed to submit a Section 4.55 Modification Application for the previously approved Reinstatement/Reconstruction of Fire Damage Carport and Carport Roof Extension located at No 85 Powder Works Road, North Narrabeen.

### **4.2 Building Code of Australia**

The proposed reinstatement substantially complies with the requirements of the Building Code of Australia.

### **4.3 Site Contamination**

The existing site does not fall within an Acid Sulfate area. It is considered the site is satisfactory for the Reinstatement/Reconstruction Like for Like of Fire Damage Carport and Carport Roof Extension located at No 85 Powder Works Road, North Narrabeen.

### **4.4 Landscaping**

There is no loss of Landscaping area resulting from the reconstruction. It is considered the existing landscape area is satisfactory and comply with the requirements of the Northern Beaches Council.

### **4.5 Site Waste Minimization**

A waste management plan has been created to allow for waste materials generated from the reconstruction of the Fire Damage Carport and Carport Roof Extension.

### **4.6 Setbacks**

The reconstruction is to observe the same boundary setbacks. The proposed setback is considered acceptable due to the interspace relationship to the structures located upon the existing and adjoining properties and the existing street frontage.

#### **Front Boundary Setback**

Where the existing pattern of development displays an established front boundary setback, development should recognize and respond to site features and cross views of neighboring properties.

To make a positive contribution to the streetscape, new development needs to be compatible with the scale and character of existing buildings and landscape elements. Architectural quality contributes to the character and quality of both the streetscape and built form when viewed from the street and waterways.

The existing development observed a Front Building Line Setback of 2.015m to the supporting posts and 1.610m to the front of the roof structure. The structural supports are to be maintained with a roof extension of 1.565m achieving a Front Building Line setback of 610mm to the roof eave.

---

The increase in eave line is considered satisfactory due to being concealed to the existing street scene. The extension is only a slim flat roof line that is obscured from the existing street scene to the south by substantially developed trees and shrubs. It is also on a bend in the road which also conceals the structure from the other direction. It is therefore considered the existing Carport and proposed roof extension will not to impact upon the existing street scene.

#### Comment

The proposed development is for the reinstatement/redevelopment of an existing fire damage Carport and an extension of the existing flat roof to create added protection to the parked vehicles. As a result, the proposed development would not adversely impact upon the existing street scene due the proposed roof covering extension. The structural members supporting the roof observe the same front building line setback.

#### **4.7 Servicing and Drainage**

Any installation of downpipes are proposed to be connected to the existing storm water drainage system.

#### **4.8 Over Shadowing**

Reinstatement/Reconstruction of Fire Damage Carport and Carport Roof Extension will be not create additional adverse impacts upon surrounding development.

#### **4.9 Privacy**

It is considered that no additional impacts will be created due to the use of the area not altering.

#### **4.10 Height**

Reinstatement/Reconstruction of Fire Damage Carport and Carport Roof Extension and is the same height and therefore considered satisfactory.

#### **4.11 Floor Space Ratio**

The is no additional Floor area and therefore, the FSR is considered satisfactory.

#### **4.12 Parking**

It is considered the existing car parking situation is satisfactory as there are two (2) car spaced behind the front building line.

#### **4.13 Heritage Conservation Area**

The site is not a Heritage item and is not located within a Heritage conservation area.

---

## CONCLUSION

This document comprises of a Statement of Environmental Effects to accompany a Section 4.55 Modification for the previously approved Reinstatement/Reconstruction of Fire Damage Carport and Carport Roof Extension located at No 85 Powder Works Road, North Narrabeen.

Assessment under The Environmental Planning and Assessment Act, 1979 (As Amended) found that the proposed reconstruction of impact damaged structures would not result in any adverse environmental effects upon surrounding properties only enhance the visual properties of the existing building.

In light of these findings, it is requested that Council grant development consent for the proposed development as submitted.



Existing Carport prior to fire event





Existing Street scene



Existing Street Scene