



22 Waterview Street, Mona Vale

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
SECTION 4.55 (1A) MODIFICATION TO VARY DEVELOPMENT CONSENT DA2021/2268**



Report prepared for
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June 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(1A) of the Environmental Planning and Assessment Act 1979, to modify an existing development consent for “*Alterations and additions to a dwelling house*” at 22 Waterview Street, Mona Vale.

Development Application DA2021/2268 was granted consent by Northern Beaches Council by Notice dated 17 January 2022.

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
- Pittwater Local Environmental Plan 2014
- Pittwater 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 consent
- Review of original development assessment report

1.4 It is proposed that the existing consent be modified to refer to the revised plans dated 6 June 2022.

The proposed development will allow for a minor alteration of the approved development to allow for a small extension to the ground floor balcony off the family/media room.

2.0 The site and its locality

- 2.1 The site is located on the southern side of Waterview Street, Mona Vale. It is legally described as Lot 4 DP852730.
- 2.2 The lot is irregularly shaped with boundaries of 14.98 metres (north/front), 40.85 metres (east/side), approximately 23 metres (south/rear) and 38.85 metres (west/side).
- 2.3 The site has an area of 700m². It slopes steeply from the rear to the front from south to north.
- 2.4 The site is surrounded by detached residential dwellings in all directions. It is located in close proximity to shops, services and public transport on Barrenjoey Road.



Figure 1. Aerial photograph of the site



Figure 2. The site and its locality



Figure 3. The site and its locality

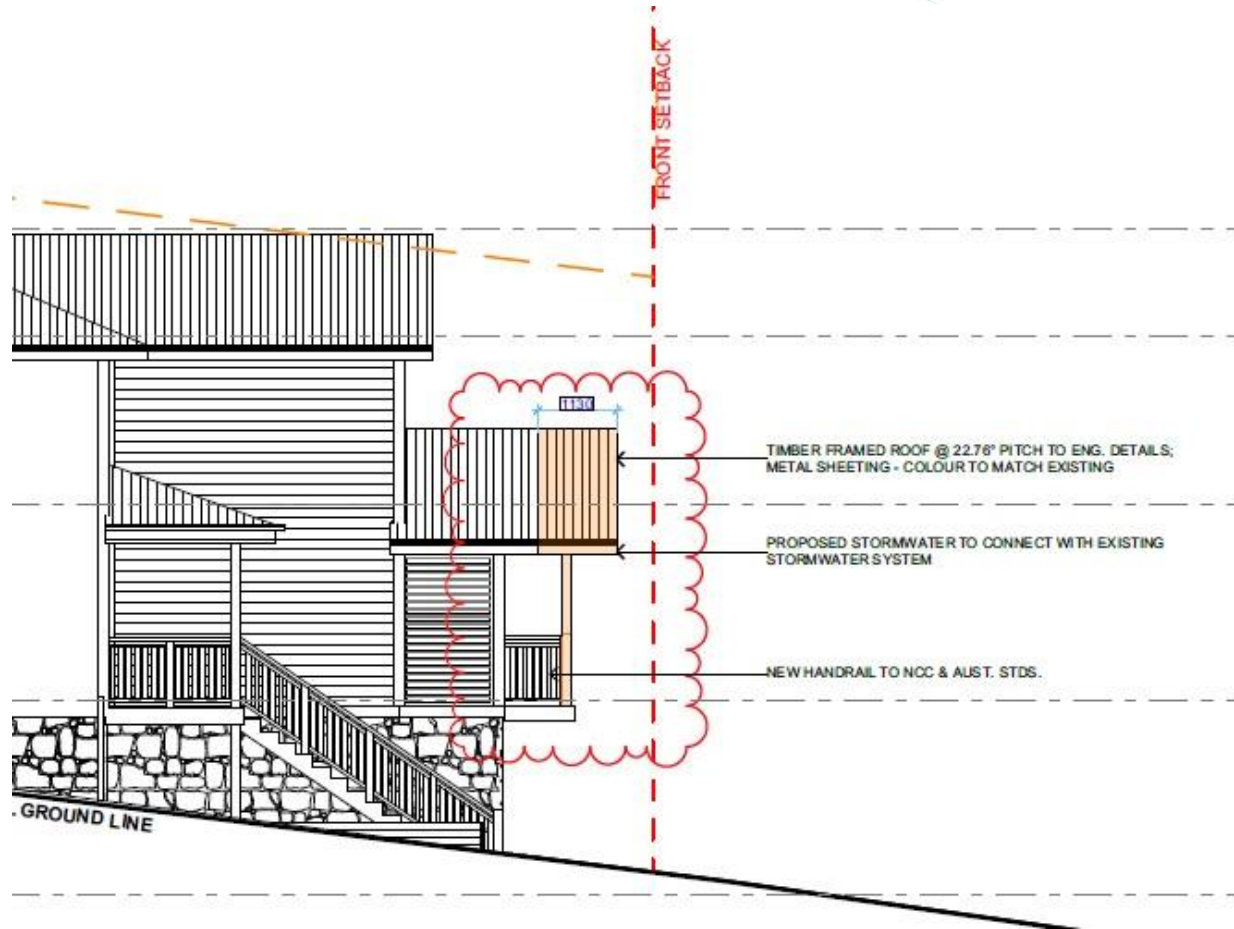


Figure 5. East elevation showing proposed roof extension

3.2

The minor alterations have been designed in a manner which will have minimal and appropriate impact on the bulk of the building with no view, or unreasonable, overlooking or solar access impacts for neighbours.

4. Statutory Framework

4.1 Section 4.55 of Environmental Planning and Assessment Act 1979

4.1.1 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 development to which the consent as modified relates is of minimal 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, 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.*

4.1.2 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, as the development granted consent in Development Consent DA2021/2268, notwithstanding the proposed modifications.

4.1.3 S96(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.

4.2 Pittwater Local Environmental Plan 2014

The zoning under the provisions of the Pittwater LEP 2014 is E4 Environmental Living.

The proposed development is a permissible use in the E4 zone, which permits residential dwelling with development consent.

No provisions of the LEP will be impacted by the minor modifications proposed as detailed below.

Height of buildings

The maximum building height permitted under the provisions of the LEP is 8.5 metres. The proposed modifications retain the approved maximum height.

Acid Sulfate Soils

The site is mapped with Class 5 acid sulfate soils. The proposed works will not impact the soil/watertable.

Earthworks

No earthworks are required for this proposal.

Terrestrial Biodiversity

The subject site is identified as having biodiversity. The development will not affect biodiversity as the proposed development is located within the disturbed portion of the site.

4.3 Pittwater 21 Development Control Plan

The sections of the DCP which are impacted by the minor modifications are addressed below.

3. General Principles of Development

3.1 Streetscape and Townscapes

The proposal will remain consistent with the existing dwelling character and will complement the streetscape.

3.1.1.3 Roof and Dormer Windows

The roof form remains consistent with the approval with a small extension of the approved balcony presenting as the existing structure from the street view and not easily visible from any neighbouring location.

3.3 Landscaping

3.3.1 Landscaping Design

No changes are proposed to the previously approved landscaping plan.

3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The minimal additional structure will have a negligible impact with no additional shadowing.

3.4.2 Privacy and Security

Privacy will be retained for neighbours at an appropriate level for an urban environment.

The small extension of the balcony area will have no discernible impact to neighbours, with significant separation and setbacks to the existing approved structure which lists centrally at the front of the site.

3.4.2.2 Balconies and Terraces

The balcony area will be minimally changed, and ample privacy will be maintained with separation achieved.

3.4.3 Maintenance of Views

The amended proposal will not be to the detriment of neighbouring views with no additional height or sight lines impacted.

Part 4 Development Controls and Development Types

4.1 Residential Development Controls

4.1.1 Dwelling Density, Dwelling Size and Subdivision

The building bulk remains appropriate.

4.1.2 Height of Buildings

Wall height, number of storeys and roof height are all maintained and remain compliant.

4.1.3 Floor Space Ratio (FSR)

The approved FSR is unchanged.

4.1.4 Setback (front, side and rear) and Building Separation

Setbacks are unchanged.

4.1.5 Open Space and Landscaping

4.1.5.1 Minimum Residential Total Open Space Requirements

Open space and landscape remain unchanged with the works proposed over the existing driveway and no landscape area impacted.

4.1.7 First Floor and Roof Additions

The revisions to the ground floor balcony are complementary to the site and streetscape and are appropriate with the impact on neighbouring properties.

5.0 Section 4.15 considerations

- 5.1 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 from that which was originally deemed to be acceptable and worthy of approval in the original development.

The impacts of the small extension of the ground floor balcony and its roof covering 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.

6.0 Expected impacts of the proposed modifications

- 6.1 The revisions will have a positive impact on the amenity for the occupants of the site, without being to the detriment of neighbours or the environment.

7.0 Suitability of the site

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

8.0 Development substantially the same

- 8.1 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.

9.0 Conclusion

- 9.1 The development, as modified, represents substantially the same development as was approved by Council in Development Consent DA2021/2268. 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. Pittwater Local Environmental Plan 2014
2. Pittwater 21 Development Control Plan
3. The heads of consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979.