



**26 JEANETTE AVENUE  
MONA VALE**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR  
SECTION 4.55 (1a) MODIFICATION TO VARY DEVELOPMENT CONSENT DA2020/1682**



Report prepared for  
Tom Baker  
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(1a) of the Environmental Planning and Assessment Act 1979, to modify an existing development consent for “Alterations and additions to a dwelling house”, at 26 Jeanette Avenue, Mona Vale.

Development Application DA2020/1682 was granted consent by Northern Beaches Council by Notice dated 30 April 2021.

It is proposed that the existing consent be modified to refer to the revised plans provided with this modification detailed below:

| <b><i>Drawing No.</i></b>                     | <b><i>Drawn By</i></b> | <b><i>Dated</i></b> |
|---|------------------------|---------------------|
| <i>A01 Rev.B Site Plan and Site Analysis</i>  | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A03 Rev.B Proposed Ground Floor Plan</i>   | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A04 Rev.B Proposed First Floor Plan</i>    | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A05 Rev.B East and West Elevations</i>     | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A06 Rev.B North and South Elevations</i>   | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A07 Rev.B Sections</i>                     | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A08 Rev.B Shadow Diagram</i>               | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A09 Rev. B Window Schedule</i>             | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A10 Rev.B Basix Requirements</i>           | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A12 Rev.B Notification Plan Site Plan</i>  | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |
| <i>A13 Rev.B Notification Plan Elevations</i> | <i>Raise the Roof</i>  | <i>28/7/2022</i>    |

- 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 The proposed development will allow for minor alterations to the approved development including ground floor roof changes, addition to the laundry and addition of first floor balcony roof.

## 2.0 The site and its locality

- 2.1 The site is located on the eastern side of Jeanette Avenue approximately 70 metres south of the intersection with Marie Crescent. The site is legally described as Lot 20 DP 241475.
- 2.2 It is an irregular shaped lot with boundaries of 32.765 metres (west frontage to Jeanette Avenue), 14.235 metres (east - rear), 27.33 metres (south) and 36.575 metres (north). The site has an area of 698m<sup>2</sup> and slopes down to the Jeanette Avenue frontage (east to west).
- 2.3 The subject site is currently a construction site with a two-storey brick and clad dwelling under construction.
- 2.4 The property is surrounded by detached residential dwellings in all directions. It is in close proximity to public transport and services in Mona Vale and Mona Vale Beach is located to the east.



Figure 1. The subject site - aerial view





Figure 2. Aerial photograph of the site within its locality



Figure 3. The site and its immediate surrounds

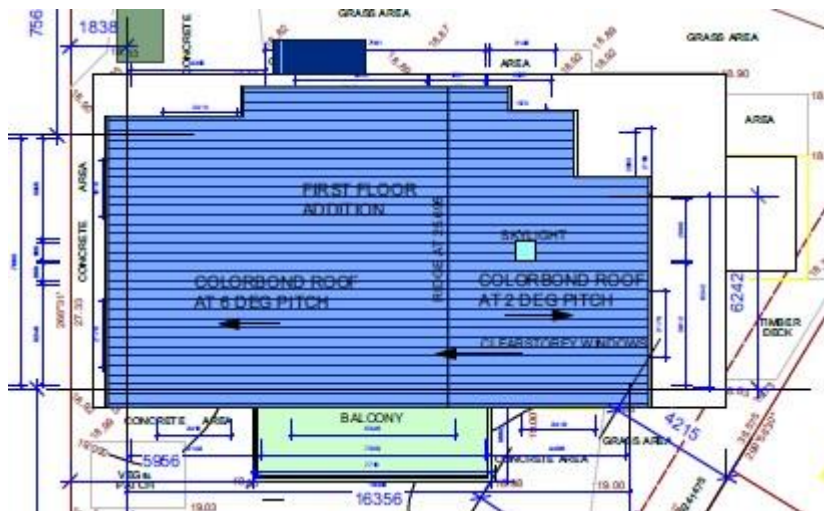
### 3. Proposed Development

3.1 It is proposed to amend the approved plans as follows:

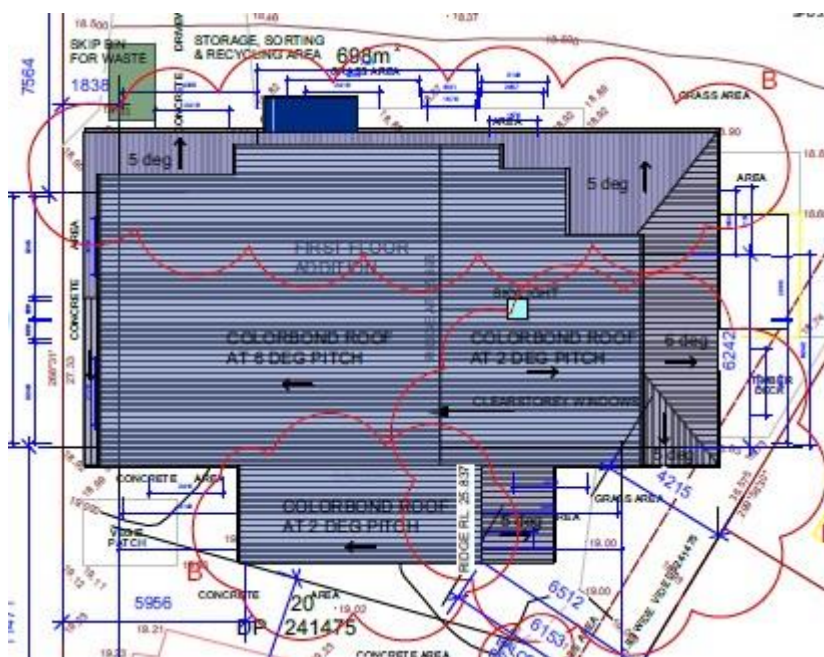
#### Amended Roof form

- New ground floor roof
- Extension eastern balcony roof on first floor

#### Approved



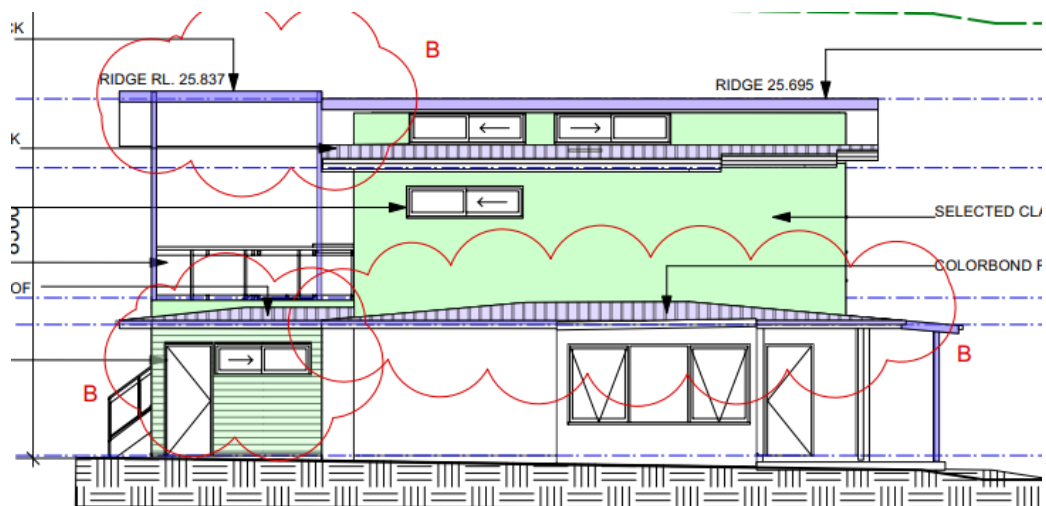
#### Modified



**Approved**



**Modified**





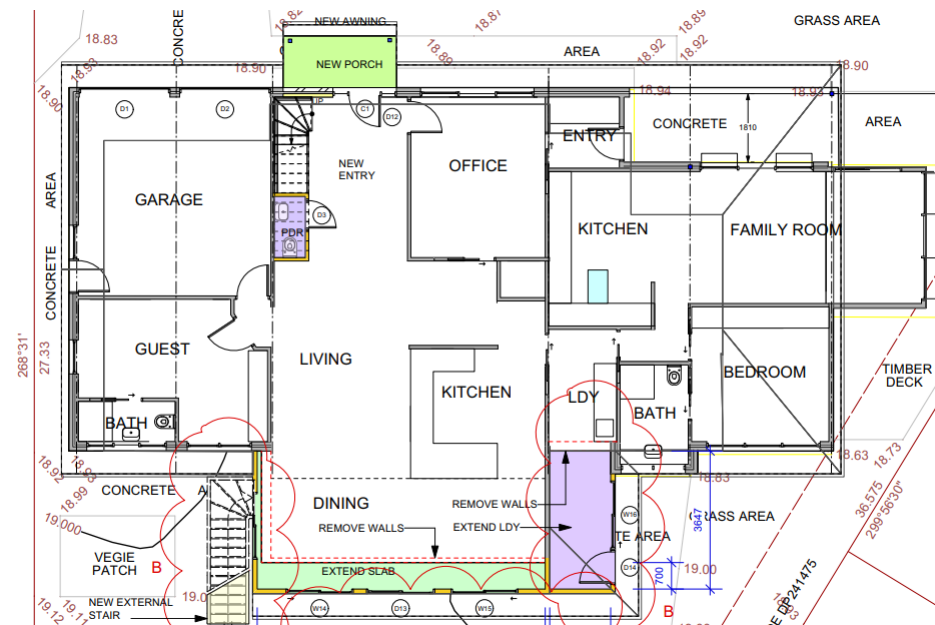
### Ground floor

- Modify and extend the approved laundry.
- Modify and extend the approved dining room.
- Include an eave over the approved front porch

### Approved



### Modified

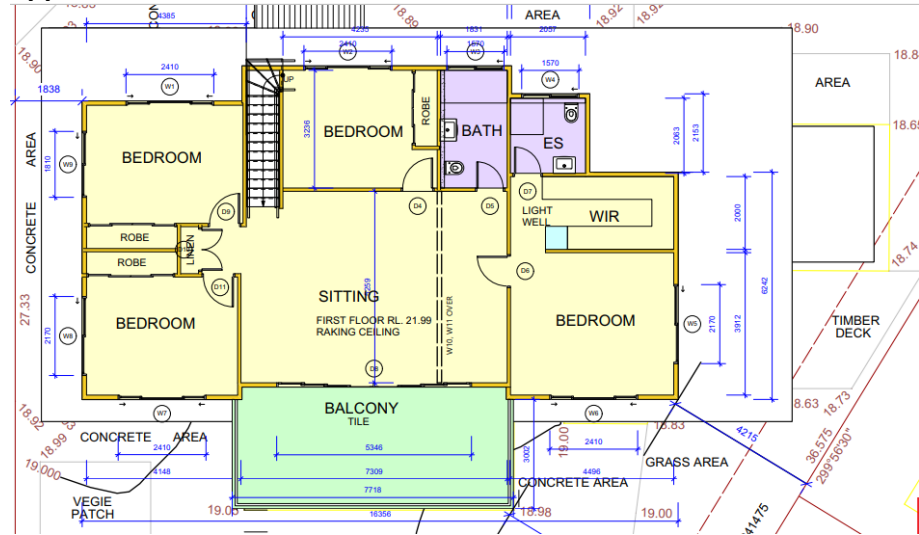




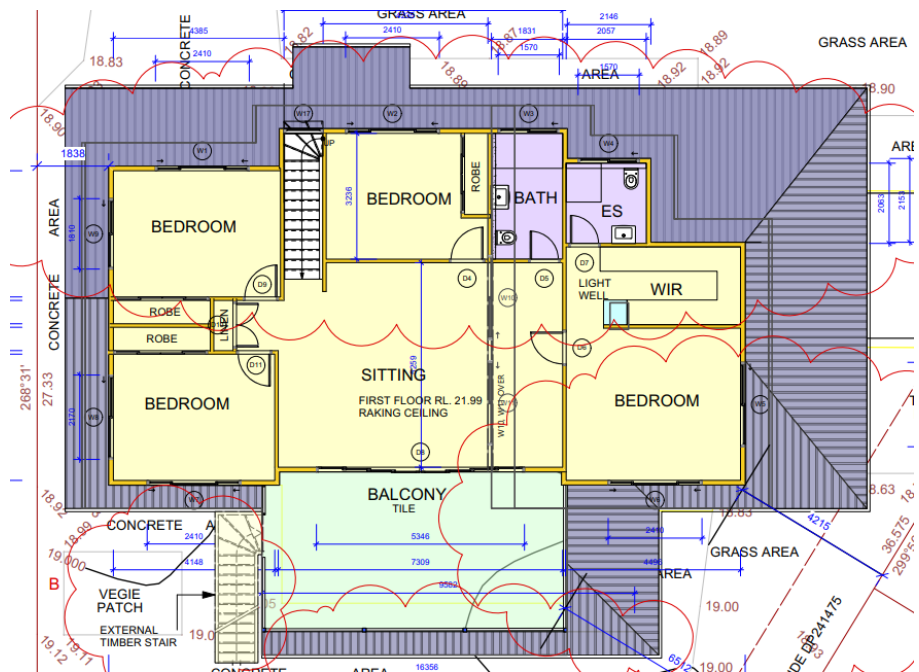
## First Floor

- Provide Stair access from rear yard to balcony

### Approved



### Modified



- 3.2 The minimal changes will improve amenity and provide additional connection on the site and be an attractive addition when viewed from both street and neighbouring site.

## 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 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, 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.*

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 DA2020/1682, 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 R2 Low Density Residential.

The proposed development is a permissible use in the R2 zone, which permits residential dwelling with development consent.

Section oof the LEP relevant to the modification are detailed below.

### **Height of buildings**

The maximum building height permitted under the provisions of the LEP is 8.5 metres. The proposed modifications will allow for the approved height of 6.6 metres to be marginally increased where the roof is extended over the balcony by 0.142m to 6.742 metres. This remains easily compliant with the development standard.

### **Acid Sulfate Soils**

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

### **Earthworks**

Very minimal and negligible additional earthworks are required for this proposal.

## **4.3 Pittwater Development Control Plan**

The relevant sections of the DCP relevant to the minor modifications are addressed below.

### **Objectives**

The proposed development remains 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.

### **Mona Vale Locality**

The site is located within the Mona Vale Locality. The local character will be retained with the minor additional covered balcony area and laundry/ dining extension and the changed roof design complementary to the approved development.

### **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 landslip zone.

**Bushfire Hazard**

The site is not mapped as Bushfire Prone Land.

**Flood Hazard**

The perimeter site is mapped as a low risk flood precinct with no subject works within this area.

**The Natural Environment**

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

**Water management**

There is no impact as a result of the minor modification.

**Access and parking**

There is no impact as a result of the minor modification.

**Site works and management**

There is no impact as a result of the minor modification.

**Part C Design Criteria for Residential****Landscaping**

The minor modification is over hard surface with no change to the green area or planting on site resulting.

**Safety and Security**

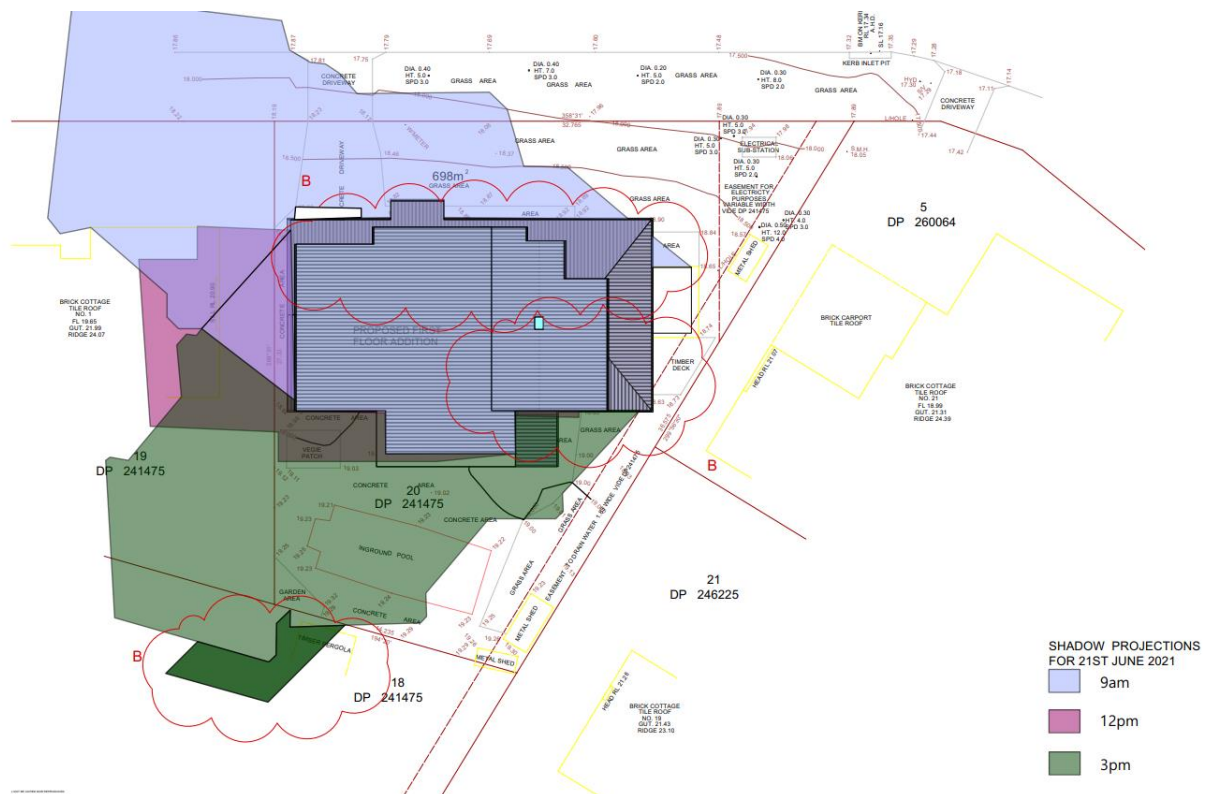
The proposed modification does not alter the existing, adequate safety and security of the site.

## 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 modification to the balcony roof will result in a very minor additional area of shadow to the southern neighbour at 3pm as seen in the image below. This small variation will not result in any loss of compliance with 3 hours still easily retained as required by the DCP.



## Visual Privacy

There is no impact as a result of the minor modification.

## Acoustic Privacy

There is no impact as a result of the minor modification.

## Private Open Space

Private open space is retained and improved as a result of the modification with an enhanced covered area available.

### **Waste and Recycling Facilities**

There is no impact as a result of the minor modification.

### **Eaves**

A minimum 450mm eaves are incorporated for the modified roof.

## **Part D – Mona Vale Locality**

The site is located in the Mona Vale 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 residential and natural setting.

### **Character**

The modified development retains the approved appropriate architectural complementing the area and are consistent with the site, while sitting comfortably in the locality.

### **Scenic Protection**

The modifications are consistent with this clause, in that there will be no negative visual impacts as a result of the development.

### **Building colours, materials, and construction**

Modification works will be constructed in the approved materials.

### **Front Building Line**

There is no impact as a result of the minor modification.

### **Side and Rear setbacks**

Side setbacks of 2.5 metres on 1 side and 1 m for the other side setback are required by the DCP.

The minimum side setbacks are maintained.

### **Building envelope**

There is no impact as a result of the minor modification.



### **Landscaped Area – General**

The subject site requires a minimum landscaped area of 50% which equates to 349m<sup>2</sup> for the site area of 698m<sup>2</sup>. The existing and approved landscaped area on the site is 33% or 233.2m<sup>2</sup>.

The proposed modification will result in no change to the approved landscape area, with the additional laundry area to sit over existing hard surface.

### **Fences – General**

There is no impact as a result of the minor modification.

### **Construction of Retaining walls, terracing and undercroft areas**

There is no impact as a result of the minor modification.

## **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 form that which was originally deemed to be acceptable and worthy of approval in the original development.

The impacts of the altered design 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.

## **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, being the addition of a roof over a balcony area, change to the ground floor roof design and extension to the laundry/dining 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. 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 DA2020/1682. 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 Development Control Plan
3. The heads of consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979.