

Statement of Environmental Effects

in relation to

Modification of DA 312/2017 Dwelling and two lot integrated subdivision

13 The Lakes Way, Elizabeth Beach

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1. Introduction

1.1 Overview of Proposal

The proposal seeks to modify a development consent for a dwelling approved on the subject land.

The modification seeks approval for minor alterations to the approved dwelling, within the approved footprint on proposed Lot 2, to reorientate the garage to be accessed from the southern site boundary with Bellman Avenue as opposed to the right of way at the eastern boundary of the site, and other relatively minor changes to other parts of the dwelling.

1.2 Scope of Report

This report has been prepared to accompany the application to modify the consent and addresses matters that are required to be considered by the consent authority under the provisions of Section 4.55 of the *Environmental Planning and Assessment Act 1979* as relevant to the concept proposal.

1.3 Development Consent

The consent for the development was determined on 19 June 2017 by the issuing of consent by MidCoast Council.

During construction, the engineer raised the issue that the approved layout for the driveway would not be workable due to the site conditions, and following on-site discussions with Council's engineer it was agreed with Council that the driveway would need to be relocated to provide access from Bellman Avenue, at the southern site boundary. This made it necessary to reorientate the garage doors to face the southern elevation.

A revised driveway plan, showing the driveway located at the southern site boundary with Bellman Avenue, was granted consent by MidCoast Council under RDA2023/0591 on 17 March 2025.

2. Site and Surrounding Locality

2.1 Site Details

Title Description	Lot 221 DP 22434
Property Address	13 The Lakes Way, Elizabeth Beach
Site Area	977m ²
Zoning – Great Lakes LEP 2014	R2 – Low Density Residential

The subject site is located in Elizabeth Beach, at the north-eastern corner of the intersection of Bellman Avenue with a section of The Lakes Way. A right of way exists along the eastern (rear) site boundary.

The site and surrounding area are depicted in Figure 1 below.

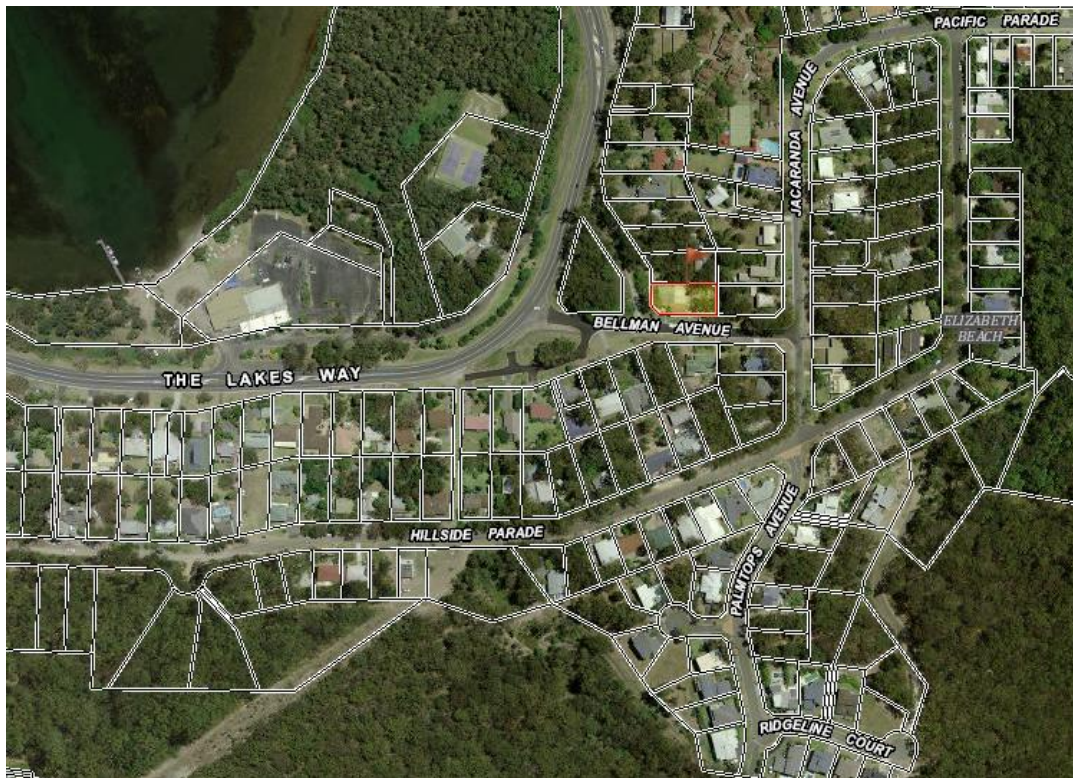


Figure 1: Aerial view (source: SixMaps)

3. The Existing Consent

The consent provides for the construction of a two-storey dwelling and two lot integrated subdivision on the land. This application relates only to the dwelling component of the approved development.

The dwelling has been constructed, with minor changes to the approved form which are the subject of this application.

4. The Proposed Modifications

The modifications involve a change in the orientation of the garage, as well as other minor changes to the various elevations of the dwelling, including additional deck areas and amended cladding to parts of the dwelling. The constructed dwelling remains within the same footprint as the approved dwelling.

4.1 Change to Orientation of Garage

The original consent included an attached double garage which was orientated towards the right of way which exists along the eastern site boundary, with driveway access to be provided from that right of way.

During construction, the engineer raised the issue that the approved layout for the driveway would not be workable due to the site conditions, and following on-site discussions with Council's engineer it was agreed with Council that the driveway would need to be relocated to provide access from Bellman Avenue, at the southern site boundary. This made it necessary to reorientate the garage doors to face the southern elevation.

The driveway providing access to the reorientated garage is shown on plans prepared by CalCo Surveyors Pty Ltd (job number 3986, DWG3986 dated 17/03/2025) and was granted consent by MidCoast Council on 17 March 2025 via RDA2023/0591.

The constructed dwelling has reorientated the double garage door to face the southern site boundary with Bellman Avenue. The relocation required the associated relocation of the eastern boundary retaining wall to retaining walls between the residence and the frontage to Bellman Avenue, and altered ground lines to suit the new conditions, resulting in the garage being constructed at a lower level than originally approved.

4.1 Changes to Southern Elevation

As discussed, the current proposal involves changes to the orientation of the double garage door from the eastern elevation to the southern elevation, with associated retaining walls.

Other changes to the southern elevation include a different type of wall cladding to the first floor, and the elimination of the return vertical eave to the eastern wall together with angled wall to the west.

4.2 Changes to Western Elevation

The changes to the western elevation include a new 9.355 metre timber deck at ground level, outside the rumpus room, with a return of 2 metres along the face of the northern elevation. There is also a change to the type of wall cladding to the first floor.

4.3 Changes to Northern Elevation

The changes to the northern elevation include a change in cladding type to the first floor, in addition to the approved timber deck being constructed to the full length of the elevation to provide connection with the approved deck along the western side.

4.4 Changes to Eastern Elevation

As discussed above in 4.1, the garage doors have been reorientated from the eastern elevation to the southern (Bellman Avenue) elevation. The changes also include a different type of wall cladding to the first floor.

Plans of the modified development showing the areas where changes occur to the approved plans have been submitted with the application.

5. Planning Controls and Legislation

5.1 Section 4.55 Environmental Planning and Assessment Act 1979

The proposed modifications have been lodged under the provisions of Section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and there are a number of issues in this statute which need to be addressed.

There are three (3) kinds of modifications identified under the statute as follows:

- Section 4.55(1) – Minor modification involving a minor error, misdescription or miscalculation.
- Section 4.55(1A) – Modification involving minimal environmental impact.
- Section 4.55(2) – Other modifications.

The proposed modifications have been lodged under the provisions of Section 4.55(1A) – Involving Minimal Environmental Impact. The alterations are contained within the approved building envelope and do not include any additional floor area for use by the occupants (apart from additional deck areas). The proposal involves changes to the orientation of the double garage but does not introduce any new uses or additional activity-generating floor space. The alterations result in minimal changes to the building and only involve improvements to the aesthetics and practical accessibility to all parts of the dwelling for the occupants.

The proposed development will remain substantially the same as that originally approved by Council and can be modified under the provisions of the clause.

5.2 Great Lakes Local Environmental Plan 2014

Great Lakes Local Environmental Plan 2014 (LEP) is the local planning instrument applying to the land and provides the main controls in relation to permissibility and development standards. The land is zoned *R2 – Low Density Residential*. The

proposal maintains a residential dwelling on the land which is permitted with consent in the R2 zone.

5.2.1 Zoning and Development Control Table

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the first objective, being a residential dwelling. The second objective is not relevant.

The proposed modifications maintain the approved use on the land, which is compatible with the relevant zone objective.

5.2.2 Relevant Development Standards

Height of Buildings (HOB)

The HOB map shows that the maximum building height applying over the site is 8.5 metres. The modifications do not result in any increase to the approved height of the building, which is less than 8.5 metres.

Floor Space Ratio (FSR)

The FSR map shows that the maximum FSR applying to the site is 0.5:1. The modifications result in no change to the gross floor area of the approved development and remain consistent with the standard.

5.2.3 Additional Local Provisions

Clause 7.1 – Acid Sulfate Soils

The site is mapped as containing Class 5 acid sulfate soils. It is unlikely that the modifications would result in the lowering of the water table below 1 metre.

Clause 7.2 - Earthworks

The completed earthworks are ancillary to the approved development, except for the necessary changes to earthworks as a result of the reorientation of the garage. Those earthworks form part of the works which are the subject of this application.

Clause 7.5 – Stormwater Management

The proposed modifications do not result in any significant changes to roof or hardstand areas (apart from the relocation of the driveway from the eastern to the southern part of the site) and will not alter stormwater generation from the site when compared to the approved development.

5.3 Great Lakes DCP 2014

Great Lakes Development Control Plan (DCP) 2014 provides development controls for various forms of development in the former Great Lakes local government area. The relationship between the proposal and the controls contained in Section 5 of the DCP is addressed below.

Part 5.1 – Solar Access & Overshadowing

The modifications do not involve changes that would alter the approved situation with regard to solar access and overshadowing.

Part 5.2 – View & Privacy

The modifications would not result in any changes to views and privacy.

Part 5.3 – Energy Efficiency

A BASIX certificate was lodged as part of the original development application. It is not expected that the modifications would result in any changes to energy efficiency.

Part 5.4 – General Building Design

The constructed dwelling remains generally consistent with the approved building design, with any significant changes being the reorientation of the garage, additional deck areas, and a different type of cladding to the first floor.

Part 5.5 - Setbacks

The modifications retain setbacks which are consistent with the DCP.

Part 5.6 – Building Height

The modified proposal maintains the approved building height, which is lower than 8.5 metres.

Part 5.7 – Cut & Fill

The modifications involved excavation and retaining walls, with the approved retaining walls requiring relocation from the eastern boundary to the southern part of the site. The modifications resulted in a similar degree of cut and fill to that approved, but in a different part of the site to that originally approved.

Part 5.8 - Private Outdoor Areas

The modifications provide an improved situation with regard to private outdoor space via increased deck areas.

6. *Likely Environmental Impacts*

The proposed modifications maintain the approved use and development footprint on the land. The proposed changes will not cause any significant alteration to the external appearance or scale of the dwelling. As such, the proposed modifications have minimal impact on the surrounding natural or built environment.

7. *Suitability of the Site*

Consent was granted for the erection of a two-storey dwelling (and two lot integrated subdivision) on the site and the site is suitable for the development. The proposed modifications maintain the approved use in a slightly altered arrangement and remains a suitable development for the land.

8. *The Public Interest*

The proposed modifications are minor and do not involve any changes that are contrary to the public interest. As agreed with Council during construction in relation to the driveway access, the modifications to the garage orientation improve the practical accessibility for the future occupants of the dwelling and there are no issues associated with the modifications that would be contrary to the public interest.

9. *Conclusion*

Consent for erection of a dwelling (and two lot integrated subdivision) was granted on 19 June 2017. This application is only in relation to the dwelling component of the approval.

Following discussions with Council's engineer during construction, it was agreed to relocate the driveway to provide access from Bellman Avenue at the southern site frontage instead of from the right of way at the eastern site boundary.

The modifications involve the lowering and reorientation of the double garage to face the southern site boundary with Bellman Avenue in association with the approved amended driveway location as discussed earlier. The proposal also includes relatively minor changes to the main dwelling to improve aesthetics and accessibility outcomes, involving additional deck areas and a different type of cladding to the first floor.

The proposed modifications will make no significant change to the building footprint or activity generated from the site and will remain substantially the same as the approved development. The modified proposal will have minimal environmental effects. As such, the modification of the consent has been sought under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*.