

Memo

Environment

To:	Adam Richardson , Development Assessment Manager
From:	Phil Lane, Planner
Date:	16 October 2023
Application Number:	Mod2023/0559
Address:	Lot 2 DP 758044 , 20 Bareena Drive BALGOWLAH HEIGHTS NSW 2093
Proposed Modification:	Modification of Development Consent DA2022/2223 granted for Alterations and additions to a dwelling house including demolition works and carport

Background

The abovementioned development consent was granted by Council on 26 April 2023 for Alterations and additions to a dwelling house including demolition works and carport;

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to add condition(s) No. 21A and 21B, which reads as follows:

21A **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$5,500.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$550,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Occupation Certificate.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

21B **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council by 17 November 2023, and details demonstrating payment are to be submitted to the Certifier.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

Consideration of error or mis-description

The above Security Bond and Section 7.12 Contributions conditions were missed off the original consent conditions due to an error by the planner when incorrectly ticking that the proposed development was a Crown Development. The situation, whilst an error, has identified a shortcoming of the ASSESS system that was previously unknown, insofar that an innocuous question in relation to the site being Crown Land that if not correctly answered has the effect of deleting the contribution and security bond conditions, despite the requirement and applicability for a contribution being discussed within the original report (DA2022/2223).

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2023/0559 for Modification of Development Consent DA2022/2223 granted for Alterations and additions to a dwelling house including demolition works and carport on land at Lot 2 DP 758044, 20 Bareena Drive, BALGOWLAH HEIGHTS, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN - 379191	The date of this notice of determination	Section 4.55 (1) Misdescription - Modification of Development Consent DA2022/2223 granted for Alterations and additions to a dwelling house including demolition works and carport Add 21A Policy Controls Add 21B Security Bond

Modified conditions

A. Add Condition No.21A - Policy Controls, to read as follows:

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$5,500.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$550,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Occupation Certificate.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

B. Add Condition 21B - Security Bond to read as follows:

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council by 17 November 2023, and details demonstrating payment are to be submitted to the Certifier.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Phil Lane, Principal Planner

The application is determined on 16/10/2023, under the delegated authority of:



Adam Richardson, Manager Development Assessments