

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Kye Miles, Planner
Date:	18 October 2023
Application Number:	Mod2023/0489
Address:	Lot 9 DP 15762 , 11 Bruce Street MONA VALE NSW 2103
Proposed Modification:	Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool

Background

The abovementioned development consent was granted by Council on 09 February 2021 for demolition works and construction of a dwelling including swimming pool;

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 modify condition(s) No. 11, which reads as follows:

11. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The external access steps located within the nature strip are not approved.
- The design of the driveway shall be amended so that the first 2m of the slab be on the ground all the way to the edge of carriageway with edge kerbing and battered off (between railing and road edge/kerb). The amended design shall be assessed as part of the Section 138 application.
- The colour of the driveway and any ancillary structures in the reserve shall be a dark recessive colour.
- The windows to the Walk in Robe and the ensuite to bedroom 1 (ground floor) in the south elevation shall use obscure glazing.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Consideration of error or mis-description

Council's Road Asset and Development Engineering departments have reviewed the modification and have raised no concern with the deletion of the first dot point of condition No.11, given the slope constraints associated with site access. The external access shall be assessed as part of separate Road Reserve Application.

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. Mod2023/0489 for Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool on land at Lot 9 DP 15762,11 Bruce Street, MONA VALE, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-367685 - Mod2023/0489	The date of this notice of determination	<p>Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool</p> <ul style="list-style-type: none"> Modify - Condition No . 11: Amendments to the approved plans Add - Condition No. 23A: Submission of Minor Encroachment Application for Works in the Public Road
PAN-118786 - Mod2021/0522	23 August 2021	<p>Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool</p> <ul style="list-style-type: none"> Add - Condition No.1A: Modification of Consent - Approved Plans and supporting Documentation

Modified conditions

A. Modify Condition No.11 - Amendments to the approved plans, to read as follows:

The following amendments are to be made to the approved plans:

- The design of the driveway shall be amended so that the first 2m of the slab be on the ground all the way to the edge of carriageway with edge kerbing and battered off (between railing and road edge/kerb). The amended design shall be assessed as part of the Section 138 application.
- The colour of the driveway and any ancillary structures in the reserve shall be a dark recessive colour.
- The windows to the Walk in Robe and the ensuite to bedroom 1 (ground floor) in the south elevation shall use obscure glazing.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

B. Add Condition No.23A - Submission of Minor Encroachment Application for Works in the Public Road, to read as follows:

The applicant is to submit a Minor Encroachments/ Constructions with Road Reserve Application for approval (Form #4033) for the stairway and landscaping .

The applicant is to enter into any appropriate agreements with Council. All costs related to the above application are to be borne by the applicant.

No work shall commence until written approval has been obtained from Council.

Reason: To ensure private works within the public road reserve are constructed in accordance with relevant standards and Council's specification and assign the responsibility for the structures on Council's Road reserve to the property owner.

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

Signed



Kye Miles, Planner

The application is determined on 18/10/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments