

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0293
----------------------------	--------------

Responsible Officer:	Clare Costanzo
Land to be developed (Address):	Lot 2 SP 51300, 2 / 25 Charles Street FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2020/1180 granted for alterations and additions to a dual occupancy
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Marcus Alexander Rosenberg Charlotte Jane Ralph
Applicant:	Marcus Alexander Rosenberg

Application Lodged:	25/05/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	Not Notified
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify approved DA2020/1180 to delete the following conditions:

Condition 11 Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

Condition 21 - Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SITE DESCRIPTION

Property Description:	Lot 2 SP 51300 , 2 / 25 Charles Street FRESHWATER NSW 2096
Detailed Site Description:	The subject site is identified as Unit 2, 25 Charles Street, Freshwater and is located on the southeast side of Charles Street.

The site is a regularly shaped allotment with a frontage of 15.24 metres and a maximum depth of 40.235 metres. The site has a surveyed area of 613.1m² and is slightly sloped, with a front to rear fall of approximately 1.4 metres and a side to side slope of approximately one metre.

The subject site and all adjoining sites are located within an R2 Low Density Residential zone. It is mapped as being with a landslip risk area (Area A). The site does not contain a heritage item and is not within the vicinity of a heritage conservation area.

Development on the site includes a three storey building with a steeply pitched roof. The building contains a dual occupancy (originally approved by Building Application No. 261/51); Unit 2 occupies the top floor of the building. Two tandem car parking spaces are located between the buildings southwest elevation and the southwest side boundary. Access to Unit 2 is provided via external stairways on both side elevations of the building.

It should be noted that Unit 1 was also the subject of recent alterations and additions which was approved by Development Consent No. DA2020/1218.

Detailed Description of Adjoining/Surrounding Development

Development on adjoining sites consists of detached dwelling houses. Residential zoned areas contain predominantly low density residential development (i.e. dwelling houses, dual occupancies and associated structures), however the wider area is characterised by isolated multi-dwelling housing developments, residential flat buildings and commercial premises. RE1 zoned areas to the east and south east are largely undeveloped except for beach carparks and a surf club.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- Development Application DA2020/1180 for Alterations and additions to a dual occupancy was approved by Council under delegation on the 22 February 2021.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Background

The abovementioned development consent was granted by Council on 22 February 2021 for Alterations and additions to a dual occupancy;

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 delete condition(s) No. 11 and 21, which reads as follows:

Condition 11. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in

respect of the subject site.

The plans submitted for the construction certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

Condition 21. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

Consideration of error or mis-description

Condition 11 requiring a boundary identification survey is a standard condition placed on all development consents involving physical works within the boundaries of the subject site. Subsequently, the request to remove this condition is not supported.

Condition 21 is not necessary for the proposed works subject to development consent DA2020/1180 and therefore the request to remove the condition is supported. The condition is only applicable to new works where there is any increase in the overall height and scale of the structure.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;

- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0293 for Modification of Development Consent DA2020/1180 granted for alterations and additions to a dual occupancy on land at Lot 2 SP 51300,2 / 25 Charles Street, FRESHWATER, subject to the conditions printed below:

A. Delete Condition No. 21 - Survey Certificate which reads as follows:

A survey certificate prepared by a Registered Surveyor at the following states of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setback are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

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

Signed



Clare Costanzo, Planner

The application is determined on 01/06/2021, under the delegated authority of:



Rebecca Englund, Acting Development Assessment Manager