

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2020/0166
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<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot A DP 382831, 19 Acacia Road SEAFORTH NSW 2092
<b>Proposed Development:</b>	Modification of Development Consent DA2018/1140 granted for alterations and additions to a dwelling house
<b>Zoning:</b>	Manly LEP2013 - Land zoned R2 Low Density Residential
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	Yes
<b>Owner:</b>	Anthony John Drury Danielle Drury
<b>Applicant:</b>	Anthony John Drury

<b>Application Lodged:</b>	04/05/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	Not Notified
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

#### 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

<b>Property Description:</b>	Lot A DP 382831 , 19 Acacia Road SEAFORTH NSW 2092
<b>Detailed Site Description:</b>	<b>ENTER SITE DESCRIPTION</b>

Map:



## SITE HISTORY

### 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 27/09/2018 for Alterations and additions to a dwelling house;

#### 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 No. 12, which reads as follows:

## 12 Landscaping

- a) Existing landscaping not impacted by the works is to remain in place and protected during construction works. Any damage to existing landscaping shall be replaced with like planting.
- b) New landscaping shall be provided as follows:
  - i) as documented on the Landscape drawing, sheet 11, prepared by Paul Carrick Associates,
  - c) Details are to be provided of the existing or proposed native trees for the site which are typically expected to reach a height at maturity of 10 metres, to bring the proposal into compliance with Figure 37 of the Manly Development Control Plan 2013. A list of appropriate native trees for the Manly area. Details of new planting are to include appropriate siting and pot size (minimum of 45 litres) in accordance with section 2.1.3 of the Manly Development Control Plan 2013, and schedule 4, Part B, Native Tree Selection,
  - d) Street tree planting of 1 x *Melaleuca linariifolia* at 75 litre pot size shall be installed to the road verge,
  - e) Details are to be submitted with the Occupation Certificate to the satisfaction of the Certifying Authority.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

### Consideration of error or mis-description

Council approved a street levels application including a footpath on 15 July 2019 (SL2019/0320). The location of this footpath means that there is no reasonable location for the street tree planting prescribed in d). As such it is recommended that this part of the condition is deleted as follows:

#### *"12. Landscaping*

- a) Existing landscaping not impacted by the works is to remain in place and protected during construction works. Any damage to existing landscaping shall be replaced with like planting.*
- b) New landscaping shall be provided as follows:*
  - i) as documented on the Landscape drawing, sheet 11, prepared by Paul Carrick Associates,*
  - c) Details are to be provided of the existing or proposed native trees for the site which are typically expected to reach a height at maturity of 10 metres, to bring the proposal into compliance with Figure 37 of the Manly Development Control Plan 2013. A list of appropriate native trees for the Manly area. Details of new planting are to include appropriate siting and pot size (minimum of 45 litres) in accordance with section 2.1.3 of the Manly Development Control Plan 2013, and schedule 4, Part B, Native Tree Selection,*
  - d) DELETED*
  - e) Details are to be submitted with the Occupation Certificate to the satisfaction of the Certifying Authority.*

*Reason: to ensure that the landscape treatments are installed to provide landscape amenity."*

## **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;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- 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
- Consistent 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. Mod2020/0166 for Modification of Development Consent DA2018/1140 granted for alterations and additions to a dwelling house on land at Lot A DP 382831, 19 Acacia Road, SEAFORTH, subject to the conditions printed below:

### **A. Modify Condition 12 - Landscaping to read as follows:**

a) Existing landscaping not impacted by the works is to remain in place and protected during construction works. Any damage to existing landscaping shall be replaced with like planting.

b) New landscaping shall be provided as follows:

i) as documented on the Landscape drawing, sheet 11, prepared by Paul Carrick Associates,

c) Details are to be provided of the existing or proposed native trees for the site which are typically expected to reach a height at maturity of 10 metres, to bring the proposal into compliance with Figure 37 of the Manly Development Control Plan 2013. A list of appropriate native trees for the Manly area. Details of new planting are to include appropriate siting and pot size (minimum of 45 litres) in accordance with section 2.1.3 of the Manly Development Control Plan 2013, and schedule 4, Part B, Native Tree Selection,

d) DELETED

e) Details are to be submitted with the Occupation Certificate to the satisfaction of the Certifying Authority.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

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

**Signed**



**Thomas Prosser, Planner**

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



**Steven Findlay, Manager Development Assessments**