

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2019/0471
Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot 11 DP 30151, 11 Moira Place FRENCHS FOREST NSW 2086
Proposed Development:	Modification of Development Consent DA2018/1799 granted for alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	William Jade Willis Jasmine Amy Janice Willis
Applicant:	Jasmine Amy Janice Willis
Application Lodged:	27/09/2019
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

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 11 DP 30151 , 11 Moira Place FRENCHS FOREST NSW 2086
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Moira Place.</p> <p>The site is irregular in shape with a frontage of 33.8m along the southern street frontage, 8.435m along the southwest frontage street and 16.865m along the western street frontage (all to Moira Place) and a depth of 28.04m along the northern side boundary and 21.895m along the eastern side boundary. The site has a surveyed area of 720.8m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a single storey dwelling with landscaped garage, attached single garage and open stand parking space on the eastern side of the dwelling.</p> <p>The site is generally flat.</p> <p>The site has a mix of native and exotic species of trees, shrubs and plants.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by single and double storey dwellings with landscaped gardens and associated structures/outbuildings.</p>

Map:



SITE HISTORY

DA2018/1799 dated 10 December 2018 and Mod2019/0364 dated 11 September 2019.

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 10/12/2018 for Alterations and Additions to a dwelling house and MOD2019/0364 was determined for approval 11/09/2019.

Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. Warringah DCP (A7 Notification) does not require the notification of Section 96(1) modification applications as they are considered to be for minor changes that do not affect the development or the amenity of adjoining properties.

The application seeks to modify condition(s) No. 4 - Policy Controls,, which reads as follows:

Northern Beaches Council Section 94A Development Contribution Plan.

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 7.12 Development Contributions Plan

Contribution based on a total development cost of \$ 200,000.00

Contributions

Total Section 7.12 Levy

Section 7.12 Planning and Administration

Total

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

Consideration of error or mis-description

Modification Mod2019/0364 reduced the scope and size of the works resulting in the cost of works being reduced from \$200,000 to \$146,343.00. The applicable Section 94A Contributions is to be adjusted accordingly.

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
- Inconsistent 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. Mod2019/0471 for Modification of Development Consent DA2018/1799 granted for alterations and additions to a dwelling house on land at Lot 11 DP 30151, 11 Moira Place, FRENCHS FOREST, subject to the conditions printed below:

A. Modify Condition 4 - Policy Controls to read as follows:

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$731.72 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 2019. The monetary contribution is based on a development cost of \$146,343.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the

total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

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

Signed



Julie Edwards, Planner

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



Anna Williams, Manager Development Assessments