

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0204
Responsible Officer:	Christopher Nguyen
Land to be developed (Address):	Lot H DP 396772, 21 Waterview Street MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent N0237/17 granted for alterations and additions to dwelling including retaining walls and fence
Zoning:	R2 Low Density Residential
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Daniel Robert Cheetham Amy Cheetham
Applicant:	Daniel Robert Cheetham
Application lodged:	23/04/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	Not Notified
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

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 H DP 396772 , 21 Waterview Street MONA VALE NSW 2103
Detailed Site Description:	ENTER SITE DESCRIPTION

Map:



SITE HISTORY

PROPOSED DEVELOPMENT IN DETAIL

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

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 (N0237/17) was granted by Council on 20/07/2017 for alterations and additions to the existing dwelling.

Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or mis-description may be

amended. Pittwater 21 DCP 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 C8, which reads as follows:

- C8 Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

A section 68 approval for connection to the stormwater system from Council is to be provided to the certifier with the plans with suitable conditions for building over the piped system.

The following items are to be shown on the plans:

Location of the Council stormwater pipe including depth
Location of the proposed piers for the carport that have been redesigned to be constructed clear of the zone of influence for the pipe.

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

The application seeks to **delete** condition(s) No. C9 and D19, which reads as follows:

- C9 Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
- D19 A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
- (a) Quantity of material to be transported
 - (b) Details of the traffic control permit issued by Council for the works
 - (c) Proposed truck movements per day
 - (d) Proposed hours of operation

(e) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area

(f) Location of on/off site parking for construction workers during the construction period

Consideration of error or mis-description

Council's Development Engineer has reviewed the request to delete conditions C9 and D19 and considers it acceptable for these conditions to be removed.

Council's Development Engineer requests condition C8 remain as the proposed carport is within close proximity to Council's stormwater pipe and the condition is relevant to ensure the works do no impact on this infrastructure. Condition C8 requests a Section 68 Certificate be provided. This is required when the proposed stormwater system is required to be connected to Council's stormwater pipe. In this case, the application does not propose to do this. A review of the original Development Application (N0237/17) and associated stormwater plans do not show this proposed. Therefore it is appropriate to modify condition C8 to remove the requirement for a Section 68 Certificate. Condition C8 will be as follows:

Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

The following items are to be shown on the plans:

- *Location of the Council stormwater pipe including depth*
- *Location of the proposed piers for the carport which are to be constructed clear of the zone of influence of the pipe.*

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

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;
- Pittwater Local Environment Plan;
- Pittwater 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. Mod2018/0204 for Modification of Development Consent N0237/17 granted for alterations and additions to dwelling including retaining walls and fence on land at Lot H DP 396772, 21 Waterview Street, MONA VALE, subject to the conditions printed below:

Modify Condition C.8 to read as follows:

Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

The following items are to be shown on the plans:

Location of the Council stormwater pipe including depth

Location of the proposed piers for the carport which are to be constructed clear of the zone of influence of the pipe.

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

The following conditions are deleted from the consent:

Condition C.9 - Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

Condition D.19 - A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:

- (a) Quantity of material to be transported
- (b) Details of the traffic control permit issued by Council for the works
- (c) Proposed truck movements per day
- (d) Proposed hours of operation
- (e) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area
- (f) Location of on/off site parking for construction workers during the construction period

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

Signed



Christopher Nguyen, Planner

The application is determined under the delegated authority of:



Matthew Edmonds, Manager Development Assessments









ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 MOD2018/0204	21 Waterview Street MONA VALE NSW 2103 - Section 96 Modifications - Section 96 (1) Misdescription	23/04/2018
 2018/253381	Development Application Form	23/04/2018
 2018/253382	Fee Form	23/04/2018
 2018/253383	Report - Statement of Modification	23/04/2018
 2018/253380	Applicant Details	23/04/2018
 2018/253386	DA Acknowledgement Letter - Daniel Robert Cheetham	23/04/2018
 2018/334304	RE: Mod2018/0204 - N0237/17	25/05/2018
 2018/334343	Development Engineering Referral Response	31/05/2018