

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2021/0397
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<b>Responsible Officer:</b>	Clare Costanzo
<b>Land to be developed (Address):</b>	Lot 4 DP 6100, 10 Kangaroo Street MANLY NSW 2095
<b>Proposed Development:</b>	Modification of Development Consent DA2020/1748 granted for alterations and additions to a dwelling house
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Peter James Littleboy Anna Martine Littleboy
<b>Applicant:</b>	Henke Du Plessis

<b>Application Lodged:</b>	17/06/2021
<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

The modification application seeks to delete the following conditions:

#### **Condition 7 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Prior to the issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

### **Condition 15 - Geotechnical Certification Prior to Occupation Certificate Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

### **Condition 17 - Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

## **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 4 DP 6100 , 10 Kangaroo Street MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Kangaroo Street.</p> <p>The site is irregular in shape with a frontage of 12.19m along Kangaroo Street and a depth of 33.91m. The site has a surveyed area of 411m<sup>2</sup>.</p> <p>The site is located within the R1 General Residential zone</p>

from MLEP 2013 and accommodates a 2/3 storey dwelling with primary access provided from Kangaroo Street and pedestrian access available from Pine Street via a paved public path. Two (2) detached garages are located within the front setback of the site, with one abutting the eastern boundary and the other abutting the western boundary. A raised concrete access path (bridge) provides access to the dwelling with steps provided to the lower ground floor. Stairs are provided within the eastern and western side setbacks towards the rear (northern end) of the site to provide access to the public path located at Pine Street.

The site slopes away from Kangaroo Street (southern boundary) to the northern (rear boundary) by approximately 5.7m representing a slope of 9.5 degrees.

The site is void of vegetation within the front setback and along the eastern and western side boundaries. The northern portion of the site provides a sloped turfed area with concrete paths.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by dwellings of a similar size and scale.

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:

- PLM2020/0230 - Notes issued to Applicant on 18 November 2020.
- DA2020/1748 - Alterations and additions to a dwelling house was approved by Council under delegation on the 5 May 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 5 May 2021 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 delete condition(s) No. 7. 15 and 17, which reads as follows:

#### **Condition 7 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Prior to the issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **Condition 15 - Geotechnical Certification Prior to Occupation Certificate Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **Condition 17 - Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

### **Consideration of error or mis-description**

Condition 7 and 15 are only applicable to development subject to the Pittwater 21 Development Control Plan and were incorrectly included as part of the consent.

Condition 17 is applicable to any development application within the Northern Beaches Local Government Area that is subject to a landslip hazard in which a preliminary landslip assessment or a geotechnical report have been prepared and included as part of the development consent. A Preliminary Landslip Assessment dated 30 November 2020 prepared by Crozier Geotechnical Consultants was prepared for the original development application DA2020/1748 and included as part of the development consent.

Condition 17 remains applicable to the development and will not be deleted as requested by the modification application.

### **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
- 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. Mod2021/0397 for Modification of Development Consent DA2020/1748 granted for alterations and additions to a dwelling house on land at Lot 4 DP 6100, 10 Kangaroo Street, MANLY, subject to the conditions printed below:

**A. Delete Condition 7 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans which reads as follows:**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Prior to the issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

**B. Delete Condition 15 - Geotechnical Certification Prior to Occupation Certificate Prior to Occupation Certificate which reads as follows:**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

**Signed**



**Clare Costanzo, Planner**

The application is determined on 21/06/2021, under the delegated authority of:



**Anna Williams, Manager Development Assessments**