

# Memo

## Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Kye Miles, Planner
<b>Date:</b>	5 June 2023
<b>Application Number:</b>	Mod2023/0255
<b>Address:</b>	Lot 19 DP 13643 , 24 Iluka Avenue ELANORA HEIGHTS NSW 2101
<b>Proposed Modification:</b>	Modification of Development Consent DA2019/1089 granted for Alterations and additions to a dwelling house.

## Background

The above-mentioned development consent was granted by Council on 26 November 2019 for Alterations and additions to a dwelling house, including the construction of a detached carport;

## 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 conditions Nos. 11 and 16, which read as follows:

### 9. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Pittwater 21 DCP 2014 Clause 5.7.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans including engineering certification that the design complies with the above requirement are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

### 17. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge a Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and include a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan) and Hydraulic Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

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

The assessment of the parent application (DA2019/1089) involved amendments that resulted in a net increase of pervious areas from existing. However, the amended plans were not referred to Development Engineering and therefore, the development consent was approved with a requirement for OSD. Development Engineering have reviewed the site calculations submitted with this modification application and have raised no concern with the deletion of the above-mentioned conditions.

### **Conclusion**

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

### **Recommendation**

THAT Council as the consent authority approve Modification Application No. Mod2023/0255 for Modification of Development Consent DA2019/1089 granted for Alterations and additions to a dwelling house. on land at Lot 19 DP 13643,24 Iluka Avenue, ELANORA HEIGHTS, as follows:

#### **A. Delete Condition 9. On-site Stormwater Detention Details.**

#### **B. Delete Condition 16. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures.**

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

### **Signed**



**Kye Miles, Planner**

The application is determined on 04/06/2023, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**