

Ref: DA2019/0074

25 October 2019

Northern Beaches Council
PO Box 82
MANLY, NSW 2112

PROPOSED SECTION 4.55(1A) Modification of Development Consent DA2019/0074 granted for Alterations and Additions to a dwelling house,

Lot 6 DP 6195, 17 Orana Road, MONA VALE NSW 2103

I refer to the above-mentioned proposal and advise that Pittwater Design and Draft act for the proponent and applicant, Greg and Stephanie Walley.

1. We seek Council approval to modify development consent DA2019/01074, which authorises development for the alterations and additions to the existing dwelling.
2. This application is made pursuant to section 4.55(1A) of the EP&A Act, 1979 (as amended) because the proposed modifications constitute substantially the same development and will result in minimal environmental impact.
3. The relevant information to support the application is provided hereunder pursuant to section 115 of the Environmental Planning and Assessment Regulation 2000, which states:

An application for modification of a development consent under section 4.55(1A) of the Act must contain the following information:

- (a) The name and address of the applicant,*
- (b) A description of the development to be carried out under the consent (as previously modified),*
- (c) The address, and formal particulars of title, of the land on which the development is to be carried out,*
- (d) A description of the proposed modification to the development consent,*
- (e) A statement that indicates either:*
 - (i) That the modification is merely intended to correct a minor error, misdescription or miscalculation, or*
 - (ii) That the modification is intended to have some other effect, as specified in the statement,*
- (f) A description of the expected impacts of the modification,*



- (g) An undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,*
- (h) If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application,*

Particulars:

(a) The name and address of the applicant,

Greg and Stephanie Walley c/- Pittwater Design and Draft

(b) A description of the development to be carried out under the consent

4. A Development Application for the alterations and additions of an existing dwelling was approved on the 3 April 2019.

5. The applicant has commenced the approved works.

(c) The address, and formal particulars of title, of the land on which the development is to be carried out,

6. The land is legally described Lot 6 DP 6195, 17 Orana Road, MONA VALE, NSW 2103.

(d) A description of the proposed modification to the development consent,

7. Amend Approved plan set Plan numbered DA-01 Issue 1, DA-02 Issue 2, DA-03 Issue 1, DA-4 Issue 1, DA-05 Issue 1, DA-06 Issue 2, DA-07 Issue 1, DA-08 Issue 1, DA-09 Issue 1 all prepared by Pittwater Design and Draft, dated 8/4/2018 to **DA-01 Issue 3, DA-02 Issue 3, DA-03 Issue 3, DA-4 Issue 3, DA-05 Issue 3, DA-06 Issue 3, DA-07 Issue 3, DA-08 Issue 3, DA-09 Issue 3** all prepared by Pittwater Design and Draft, dated 23/10/2019.

8. Proposed changes to the plan set are as follows:

- Amend flat pergola roof to pitched COLORBOND 'custom orb' roof to match Ground Floor roof.
- Kitchen window amended from bi-fold to sliding window.

The Reason for the requested modifications

9. The requested conditions are proposed to:

- To enhance the aesthetic appeal when viewed from the rear yard.

The requested change above constitutes the full extent of the modification, the proposed amendments to the plan set will not increase the approved floor area of the dwelling.

(e) A statement that indicates ... (ii) That the modification is intended to have some other effect, as specified in the statement,

The proposed modifications to the plans will have minimal environmental impact on either the land or the adjoining allotments.

(f) A description of the expected impacts of the modification,

The impacts of the proposed modification can be determined by an assessment of the relevant matters under the Environmental Planning and Assessment Act, 1979. An application to modify a consent must be considered pursuant to section 4.55(2) of the Act:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

Section 4.15 matters for consideration

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) (Repealed)

The proposed modification has been made in accordance with the relevant planning instruments, legislation and development controls.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Social Impact

The proposed modifications will not cause any social impacts.

Environmental Impact

The proposed modifications will not cause environmental impacts.

Economic Impact

The proposed modifications will not cause economic impacts.

- (c) the suitability of the site for the development,*

Previously assessed and determined suitable with consent granted in April 2019.

- (d) any submissions made in accordance with this Act or the regulations,*

Council may elect to notify adjoining property owners of the proposed modifications. There is no aspect of the proposed changes that should be of concern to the public.

- (e) the public interest.*

The modifications provide certainty and are therefore in the public interest.

- (f) An undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,***

The modifications do not change the type of development for which consent had been granted. The development consent as proposed to be modified will result in substantially the same development as the development for which consent was originally granted, it is merely the addition of a rear window.

- (g) If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application,*

Refer to Application form.

If you have any further enquiries regarding the above please do not hesitate to contact the writer.

Yours faithfully,

Pittwater Design and Draft