

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0578
Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot A DP 335776, 7 Willyama Avenue FAIRLIGHT NSW 2094
Proposed Development:	Modification of Development Consent DA2020/0801 granted for alterations and additions to a dwelling house
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Sven Lennart Lindell Anna Lauren Lindell
Applicant:	Anna Lauren Lindell
Application Lodged:	09/08/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	16/08/2021 to 30/08/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This modification application lodged pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 seeks to modify the built form approved under Development Consent DA2020/0801.

The modification proposed include:

Front Fence, Courtyard and Rear Landscaping

- Front fence alteration;
- Courtyard extension and alterations; and
- Landscaping alterations in rear yard including new retaining wall and fill to level lawn area.

Ground floor

- Internal alterations;
- Window and skylight alterations;
- Removal of privacy screen along western edge of deck.

Lower ground floor

- Modify size of rear deck and access stairs.

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.

SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - 3.1 Streetscapes and Townscapes

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

Manly Development Control Plan - 4.1.10 Fencing

Manly Development Control Plan - 4.4.5 Earthworks (Excavation and Filling)

SITE DESCRIPTION

Property Description:	Lot A DP 335776 , 7 Willyama Avenue FAIRLIGHT NSW 2094
Detailed Site Description:	The subject site consists of one (1) allotment located on the southern side of Willyama Avenue.

The site is regular in shape with a frontage of 18.29m along Willyama Avenue and a depth of 28.95m. The site has a surveyed area of 529.6m².

The site is located within the R1 General Residential zone and accommodates a dwelling house.

The site slopes from north to south (from Willyama Avenue to the rear) approximately 7.5m.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential development typically single and multi dwelling properties.

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:

DA2020/0801 - Alterations and additions to a dwelling house. (Approved 26 August 2020).

10.2003.24.2 - Section 82A Review of Determination. (Approved LEC) (Never constructed)

10.2003.24.1 - New Dual Occupancy Residential Dwellings.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2020/0801 in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons: • the proposed modifications are minor in nature and will not change the conclusion of the original assessment and development consent • no substantial environmental impacts are expected as a result of the modification
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2020/0801 for the following reasons: • The proposal incorporates works to the fence to the front of the dwelling house. The fencing is ancillary to the dwelling house and has been subject to assessment under the original development application. The proposal does not introduce any additional structure or a new use which would result in a development that could not be considered 'substantially the same'.
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act

Section 4.55(1A) - Other Modifications	Comments
(i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 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.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Mainly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.

Section 4.15 'Matters for Consideration'	Comments
	<u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation was submitted with the original application/This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to XXX. / No additional information was requested in this case. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent/This clause is not relevant to this application. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent/This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 16/08/2021 to 30/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments							
Landscape Officer	The modification application involves changes to development consent DA2020/0801, and includes the following landscape modifications: • Amend landscaping in rear yard to create more usable space. A Landscape Plan is provided and is generally acceptable subject to conditions as imposed. The removal of the Oleander, as an Exempt Species, is not a matter for Council consent. The Landscape Plan provides replacement tree planting and the nominated species are suitable except for the Cupaniopsis (Tuckeroo), which is known to self-seed into bushland areas and shall not be planted. Landscape Referral raise no objections subject to conditions of consent for completion of landscape works within the rear of the property.							
NECC (Development Engineering)	The proposed modifications do not alter the original assessment of the application by Development Engineering. No objection to the proposal with no additional or modified conditions of consent recommended.							
Strategic and Place Planning (Heritage Officer)	<table><tr><th>HERITAGE COMMENTS</th></tr><tr><td>Discussion of reason for referral</td></tr><tr><td>The proposal has been referred to Heritage as it is located within the vicinity of a heritage item</td></tr><tr><td>12 Stone Kerbs</td></tr><tr><td>Details of heritage items affected</td></tr><tr><td>Details of the item as contained within the Manly inventory is as follows:</td></tr><tr><td><u>Statement of significance:</u> Stone kerbs are heritage listed.</td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	The proposal has been referred to Heritage as it is located within the vicinity of a heritage item	12 Stone Kerbs	Details of heritage items affected	Details of the item as contained within the Manly inventory is as follows:	<u>Statement of significance:</u> Stone kerbs are heritage listed.
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Details of heritage items affected								
Details of the item as contained within the Manly inventory is as follows:								
<u>Statement of significance:</u> Stone kerbs are heritage listed.								

Internal Referral Body	Comments		
	<u>Physical description</u> Sandstone kerbing to streets relating to paving and kerbing of streets in the nineteenth century. Mostly located within Manly Village area and adjacent lower slopes of Eastern Hill and Fairlight.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	The proposal seeks consent for modifications to an approved application for alterations and additions to a dwelling house. The heritage item is located opposite the site on the other side of the road reserve. As the works are contained to the subject lot, the proposal is considered to not impact upon the heritage item or its significance.		
	Therefore Heritage raises no objections and requires no conditions.		
	Consider against the provisions of CL5.10 of MLEP.		
	Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No		
	Further Comments		
COMPLETED BY: Brendan Gavin, Principal Planner			
DATE: 9 August 2021			

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment,

many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A3420055_03 dated 5 July 2021).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.50m	4.7m (measured to new balcony balustrade)	-	Yes
Floor Space Ratio	FSR:0.50:1 264.80sqm	FSR: 0.355:1 188sqm	No Change	-	N/A

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes

Clause	Compliance with Requirements
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 529.6sqm	Requirement	Approved	Proposed	Complies
4.1.2.1 Wall Height	West: 7m	6.8m	5.7m (balcony balustrade)	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	1m- 4.96m	1m (Bench extension)	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	1.9m (based on wall height)	4.9m	-	Yes
	1.9m (balustrade)	1.7m (Privacy screen to deck)	1.7m (proposed balcony balustrade)	No
4.1.4.4 Rear Setbacks	8m	8m	8m	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (291.28sqm) of site area	45% (236.38sqm)	No change	N/A
4.1.5.2 Landscaped Area	Landscaped area 35% (82sqm) of open space	84.6% 200sqm	85% (202sqm)	Yes
	2 native trees	1 Tree	1 Tree (existing removed and replaced)	No
4.1.10 Fencing	1m or 1.5m with 30 percent transparency	1.83m	1.5m with 30 percent transparency	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	No	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.1.10 Fencing	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

3.1 Streetscapes and Townscapes

Description of non-compliance

Clause 4.1.10 of the Manly DCP requires front fences be a maximum height of 1m or 1.5m with 30 percent transparency.

The proposed front fence has a maximum height of 1.5m, with 30 percent transparency above 600mm.

Merit consideration:

The development is considered against the underlying Objectives of the Control as follows:

Objective 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.

Comment:

The proposed development will not have an unreasonable negative impact upon the streetscape. The proposed front fence extension as viewed from the streetscape is not unreasonable in terms of visual bulk. It is noted that while the fence plan states that there will be 30 percent transparency the plan does not accurately clearly show the fence to be transparent. A condition has been imposed to ensure at least 30 percent of the fence is open/transparent for at least that part of the fence higher than 600mm.

Objective 2) To ensure development generally viewed from the street complements the identified streetscape.

Comment:

Subject to condition of consent included above, the proposal will complement other development within the streetscape.

Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.

Comment:

The proposed landscaping within the front setback is suitable in this circumstance.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

3.4.2 Privacy and Security

The proposed modification include deleting the approved privacy screen along the western edge of the ground floor balcony. Despite the removal of the privacy screen, there will be no direct overlooking of the private open space of living area of the adjoining western property. The balcony is orientated to the rear of the site to encapsulate harbour views to the south. While there may be sightlines towards the west, it is not a direct view to the living areas of the western property. Existing planting along the western boundary, while not relied upon may also offset sightlines between properties. The removal of the privacy screen is acceptable in regards to visual privacy and as such supported in this instance.

4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

Clause 4.1.4.1 of the Manly DCP requires development be setback 6m from the front boundary.

Clause 4.1.4.2 of the Manly DCP requires the balcony balustrade to be setback at least 1.9m from the western boundary.

The development proposes the following:

Front setback- 1m (83% variation to the numeric control).

West side setback- 1.7m (10.3% variation to the numeric control).

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The bench seat extension will not result in any unreasonable impact on the desired streetscape of Willyama Avenue. The extension will be readily visible from the streetscape. The development is consistent in bulk and scale of the adjoining properties to the west. The streetscape is not unreasonably impacted by the proposed development.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment:

The proposed works maintain adequate privacy to the living room windows of the adjacent western property (No. 9 Willyama Avenue). The proposal will not result in any unreasonable loss of views for adjacent dwellings. No additional shadowing will occur.

Objective 3) To promote flexibility in the siting of buildings.

Comment:

Flexibility is provided in this situation as the proposed development will not result in any unreasonable amenity impacts on adjoining properties.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposed development will allow for suitable planting to be retained on site.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

The subject site is not located in a bush fire zone.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.1.5 Open Space and Landscaping

Clause 4.1.5.2 of the Manly DCP requires 2 trees be planted on site. The proposed modification application proposes to remove the existing tree on site and replace it with it with a new native tree. The proposed amendment will improve the approved situation by allowing a native tree to be planted on site. While not meeting numeric compliance with regard to the the number of trees on site, the introduction of a new native species tree on a constrained site is a better outcome then the existing consent and as such is supported on merit.

4.1.10 Fencing

This clause relies upon the objectives of clause 3.1 under Manly DCP 2013. An assessment of the proposal against the objectives under clause 3.1 has been provided within this report. The assessment found the proposal to be consistent with the objectives of clause 3.1, subject to conditions.

4.4.5 Earthworks (Excavation and Filling)

Clause 4.4.5.4 of the Manly DCP requires retaining walls within 1m of the front boundary must not exceed 1m above natural ground level. The proposed retaining wall is setback approximately 1m from the side and rear boundary, and will be approximately 0.9m above natural ground level. The proposed retaining wall satisfied the requirements of this control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is inconsistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

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;
- Manly Local Environment Plan;
- Manly 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. Mod2021/0578 for Modification of Development Consent DA2020/0801 granted for alterations and additions to a dwelling house on land at Lot A DP 335776,7 Willyama Avenue, FAIRLIGHT, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02/ Revision B	30 June 2021	Anna and Sven Lindell
DA05/ Revision B	30 June 2021	Anna and Sven Lindell

DA06/ Revision B	30 June 2021	Anna and Sven Lindell
DA07/ Revision B	30 June 2021	Anna and Sven Lindell
DA08/ Revision B	30 June 2021	Anna and Sven Lindell
DA09/ Revision B	30 June 2021	Anna and Sven Lindell
DA10/ Revision B	30 June 2021	Anna and Sven Lindell
DA11/ Revision B	30 June 2021	Anna and Sven Lindell
DAF1/ Revision B	September 2021	Anna and Sven Lindell

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A420055_03	5 July 2021	Action Plans

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
L_101/ Issue D	1 July 2021	Elke Landscape and consulting arborist

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	28 June 2020	Sren and Anna Lindell

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 10A - Amendments to the approved plans - to read as follows:

The following amendments are to be made to the approved plans:

- The fence and masonry pillars is to measure no more than 1.5 metres above the existing ground level at any point.
- At least 30 percent of the fence must be open/transparent for at least that part of the fence higher than 0.6 metres above the existing ground level. This does not include the letterbox pillar.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

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

Signed



Maxwell Duncan, Planner

The application is determined on 06/10/2021, under the delegated authority of:



Rebecca Englund, Acting Development Assessment Manager