

Memo

Environment

To:	Rodney Piggott , Development Assessment Manager
From:	Thomas Burns, Planner
Date:	9 December 2020
Application Number:	Mod2020/0637
Address:	Lot 26 DP 9928 , 83 Condamine Street BALGOWLAH HEIGHTS NSW 2093
Proposed Modification:	Modification of Development Consent 207/215 granted for Alterations and additions to an existing dwelling house including first floor addition, rear extension, internal reconfiguration, new driveway, extension to an existing garage, new fence, swimming pool and landscaping

Background

Development Consent was granted on 27 January 2016 under Development Application No. 207/2015 for alterations and additions to an existing dwelling house including first floor addition, rear extension, internal reconfiguration, new driveway, extension to an existing garage, new fence, swimming pool and landscaping.

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. 61 and 62 of the aforementioned consent, which reads as follows:

Condition 61 (5DS02)

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) drawing showing Works as Executed (WAE) details must be submitted to Council for approved prior to the issue of the Occupation Certificate. The WAE drawing is to be in accordance with Council's standards and Specification for Stormwater Drainage 2003 and Specification for On-site Stormwater Management 2003.

Reason: Compliance with the consent and Council standards and specifications.

Condition 62 (5DS03)

A restriction on the use of land and a positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the

building and prior to the release of the trust fund deposit. The detailed information for a restriction on the use of land and a positive covenant is shown in Council's Specification for On-site Storm Water Management 2003.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

Consideration of error or mis-description

The conditions have been imposed as an error as the proposed works did not require the provision of an on-site detention tank. The applicant has submitted a cover letter prepared by a consulting engineer, which notes as follows:

"The accompanying Stormwater Management Plan (drawing 11231-C1.00, Revision A, dated 11 July 2016) has been prepared in support of the proposed alterations and additions to the existing dwelling at 83 Condamine Street, Balgowlah.

I certify that the *Stormwater Management Plan* complies with the requirements of Manly Council's *Specification for On-Site Stormwater Management 2003* (as amended September 2013, by which onsite stormwater detention (OSD) would not be required, confirmed by the omission of conditions relating specifically to OSD in the Notice of Determination, dated 27 January 2016) and *Specification for Stormwater Drainage 2003*. It has been prepared in accordance with the BCA, relevant Australian Standards and normal engineering practice".

Council's Development Engineer has reviewed this information and is satisfied that OSD is not required for the proposal and as such, the conditions should be deleted.

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. Mod2020/0637 for Modification of Development Consent 207/215 granted for Alterations and additions to an existing dwelling house including first floor addition, rear extension, internal reconfiguration, new driveway, extension to an existing garage, new fence, swimming pool and landscaping on land at Lot 26 DP 9928, 83 Condamine Street, BALGOWLAH HEIGHTS, as follows:

A. Delete Condition No. 61 (5DS02)

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) drawing showing Works as Executed (WAE) details must be submitted to Council for approved prior to the issue of the Occupation Certificate. The WAE drawing is to be in accordance with Council's standards and Specification for Stormwater Drainage 2003 and Specification for On-site Stormwater Management 2003.

Reason: Compliance with the consent and Council standards and specifications.

B. Delete Condition No. 62 (5DS03)

A restriction on the use of land and a positive covenant in respect of the installation and maintenance of

onsite detention works is required to be imposed over the area of the site affected by onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit. The detailed information for a restriction on the use of land and a positive covenant is shown in Council's Specification for On-site Storm Water Management 2003.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

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

Signed



Thomas Burns, Planner

The application is determined on 09/12/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments