

Memo

Environment

To:	Lashta Haidari , Acting Development Assessment Manager
From:	Gareth David, Planner
Date:	10 May 2021
Application Number:	Mod2021/0241
Address:	Lot 93 DP 16029 , 16 Grandview Drive NEWPORT NSW 2106
Proposed Modification:	Modification of Development Consent DA2020/1260 granted for the construction of a secondary dwelling

Background

The abovementioned development consent (DA2020/1260) was granted by Northern Beaches Local Planning Panel on 03 February 2021 for the construction of a secondary dwelling. A subsequent modification consent (Mod2021/0165) was granted by Council delegation on 20 April 2021 for a modification of the consent to rectify an error in the determination date and an omission in condition 21.

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 4 - Policy Controls* DA2020/1260 to rectify an error.

Condition 4 reads:

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$1,000.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$100,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd,

Dee Why and at Council's Customer Service Centres or alternatively, on Council's website

Consideration of error or mis-description

The proposed modification seeks to delete condition 4 which requires a \$1000.00 contribution.

Clause 2.5 of Northern Beaches Section 7.12 Contributions Plan 2019 specifies that Development applications where the proposed cost of carrying out development is up to and including \$100,000 is exempt from contributions. This is demonstrated in the figure below, taken from Northern Beaches Section 7.12 Contributions Plan 2019:

2.7 What are the levy rates?

Table 2. Section 7.12 levy rates

Development type	Levy rate
Development that has a proposed cost of carrying out the development:	
• up to and including \$100,000	Nil
• more than \$100,000 and up to and including \$200,000	0.5% of that cost
• more than \$200,000	1% of that cost

The applicant submitted a signed cost summary report with the original Development Application declaring that the total development cost would be \$100,000.00. This provided a signed declaration that calculated the development costs in accordance with the definition of development costs in Clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.

As such, in accordance with Northern Beaches Section 7.12 Contributions Plan 2019, Section 7.12 Contributions do not apply for this development. This was added as an administrative error as the application and consent was not generated through usual processes given that the original report was prepared externally.

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. Mod2021/0241 for Modification of Development Consent DA2020/1260 granted for the construction of a secondary dwelling on land at Lot 93 DP 16029, 16 Grandview Drive, NEWPORT, as follows:

A. Delete Condition 4 Policy Controls that read as follows:

Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$1,000.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$100,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website

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

Signed



Gareth David, Planner

The application is determined on 10/05/2021, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager