

# Memo

## Environment

<b>To:</b>	Tom Burns , Acting Development Assessment Manager
<b>From:</b>	Claire Ryan, Planner
<b>Date:</b>	4 August 2025
<b>Application Number:</b>	Mod2025/0413
<b>Address:</b>	Lot B DP 394188 , 52 Alfred Road BROOKVALE NSW 2100
<b>Proposed Modification:</b>	Modification of Development Consent DA2025/0673 granted for Strata Subdivision of one lot into two

### Background

The abovementioned development consent was granted by Council on 10 July 2025 for strata subdivision of the existing single lot into two strata lots.

### Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or misdescription 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 2 Housing and Productivity Contribution - Development Consents, which sets out the requirement for a contribution under the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*. The condition was included in error.

### Consideration of Error

Assessment of DA2025/0673 referred to *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* ('the Order 2023'), which provided that a Housing and Productivity Contribution was applicable.

However, it is established the Order 2023 is outdated, and the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024* ('the Order 2024') applies instead. The Order 2024 provides that the Housing and Productivity Contribution does not apply to strata subdivision.

As such, the Housing and Productivity Contribution is not applicable to DA2025/0673 and Condition 2 shall 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. Mod2025/0413 for Modification of Development Consent DA2025/0673 granted for Strata Subdivision of one lot into two on land at Lot B DP 394188,52 Alfred Road, BROOKVALE, as follows:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-556477 Mod2025/0413	The date of this notice of determination	<p>Modification of conditions only.</p> <p>Added Conditions:</p> <ul style="list-style-type: none"> <li>Nil</li> </ul> <p>Modified Conditions:</p> <ul style="list-style-type: none"> <li>Nil</li> </ul> <p>Deleted Conditions:</p> <ul style="list-style-type: none"> <li>Condition 2 Housing and Productivity Contribution - Development Consents</li> </ul>

### Modified Conditions:

#### A. Delete Condition 2 Housing and Productivity Contribution - Development Consents

DELETED

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

**Signed**



**Claire Ryan, Principal Planner**

The application is determined on 04/08/2025, under the delegated authority of:



**Tom Burns, Acting Development Assessment Manager**