

20 May 2025

**Northern Beaches Council**  
**PO Box 82**  
**Manly NSW 1655**

**Sent via NSW planning portal**

Dear Sir/Madam,

**S4.55(1) MODIFICATIONS INVOLVING MINOR ERROR, MISDESCRIPTION OR  
MISCALCULATION TO DA2025/0095  
133 STARKEY STREET, KILLARNEY HEIGHTS (LOT 83 DP215008)**

This application seeks approval from the Northern Beaches Council (the **Council**) for a modification to development approval DA2025/0095 in accordance with the provisions set out in s4.55(1) of the *Environmental Planning and Assessment Act 1979* (the **EPA Act**).

Background

DA2025/0095 was determined via the deferred commencement provisions in s4.16(3) of the EPA Act on the 11 April 2025. Following the satisfaction of the deferred commencement condition, Council confirmed the would-be consent would operate from 14 May 2025.

Proposed modification

It is requested that Condition 6, extracted below for reference be deleted from the consent.

**6. Certification of Off Street Parking Works**

*The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility has been constructed in accordance with the details included in this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities for Domestic Driveways.*

*Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.*

*Reason: Compliance with this consent.*

The subject application is the first modification to DA2025/0095.

### Justification

The modification is sought under the provisions of s4.55(1) **Modifications involving minor error, misdescription or miscalculation of the EP&A Act:**

*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 a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.*

The deletion of this condition is sought because it was imposed in error.

Within DA2025/009, no physical works were proposed, and the Building Information Certificate (BC2025/0010) certifies the development in lieu of a Construction Certificate and Occupation Certificate. Therefore there is no requirement an occupation certificate and the condition is redundant.

### Conclusion

This request for a modification to DA2025/0095 has been discussed with the Council.

It is requested that Council now review this application and issued a modified consent to rectify the error.

If there are any issues, please do not hesitate to contact me on 0403356121 to discuss.

Kind regards,

Nicole Topple  
**Planning Lead.**