

# Memo

## Environment

<b>To:</b>	Rodney Piggott , Development Assessment Manager
<b>From:</b>	Lachlan Rose, Planner
<b>Date:</b>	21 May 2025
<b>Application Number:</b>	Mod2025/0135
<b>Address:</b>	Lot 6 DP 18433 , 17 Maretimo Street BALGOWLAH NSW 2093
<b>Proposed Modification:</b>	Modification of Development Consent DA0219/2016 granted for Demolition of the existing garage, removal of trees, construction of a new driveway, four (4) hardstand car parking space, a vehicle turning platform, drainage works and two (2) lot Torrens Title Land Subdivision

## Background

The abovementioned development consent was granted by Council on 09 November 2016 for Demolition of the existing garage, removal of trees, construction of a new driveway, four (4) hardstand car parking spaces, a vehicle turning platform, drainage works and two (2) lot Torrens Title Land Subdivision;

## 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. 24, which reads as follows:

No. 24 (5FP01)

All surplus vehicular crossings and/ or kerb laybacks must be removed and the kerb and nature strip reinstated prior to the issue of the Occupation Certificate.

*Reason: To provide on-street parking, suitable vehicular access to private sites, and infrastructure protection.*

## Consideration of error or mis-description

The applicant has stated that as a result of discussions with the Development Engineering Team, the request to delete Condition 24 (5FP01) from DA219/2016 is supported with an equivalent condition to be added to Mod2025/0134 for DA2021/0412.

The applicant has stated:

*"The reason for this is that the survey mark is currently located on the wing of the original driveway. This survey mark was referred to in establishing the levels for the Works As Executed stormwater plan, the final subdivision plan & S88B. If it is relocated prior to the subdivision registration, all the levels will be incorrect. The current survey mark has also been referred to in the house design & survey reports for the new dwelling on the proposed Lot 1. Relocating the survey mark prior to building commencement will also cause inaccuracies for the new dwelling. We propose to relocate the survey mark at the completion of the construction of the new dwelling on the proposed Lot 1."*

Council's Development Engineering Officer has reviewed the proposed modification and provided a referral response stating:

*Development Engineering support the deletion of the condition. A replacement condition will be included in the modification of consent DA2021/0412 to ensure this condition is satisfied prior to occupation of the proposed dwelling.*

*The proposal is therefore supported.*

Therefore, the modification to remove Condition No. 24 (5FP01) is supported.

## 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. Mod2025/0135 for Modification of Development Consent DA0219/2016 granted for Demolition of the existing garage, removal of trees, construction of a new driveway, four (4) hardstand car parking space, a vehicle turning platform, drainage works and two (2) lot Torrens Title Land Subdivision on land at Lot 6 DP 18433, 17 Maretimo Street, BALGOWLAH, as follows:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-521928 - Mod2025/0135	The date of this notice of determination	Modification of Development consent No. DA219/2016 to remove condition No. 24 (5FP01) of DA219/2016.  A. Delete Condition No. 24 (5FP01).
PAN-21480 - Mod2020/0313	25 November 2020	Modification of Development consent No. DA219/2016 resulting in amendments to the car turning arrangement, right of carriageway, amendment to the lot sizing and modification to the drainage layout.  A. Add Condition No.1A - Modification of Consent -

	<p>Approved Plans and supporting Documentation.</p> <p>B. Add Condition 'Positive Covenant for On-site Stormwater Detention Prior to the issue of a Subdivision Certificate'.</p> <p>C. Add Condition 'Right of Carriageway Prior to the issue of a Subdivision Certificate'.</p> <p>D. Add Condition 'Restriction as to User (On-site Stormwater Detention) Prior to the Issue of a Subdivision Certificate'.</p> <p>E. Add Condition 'Services Prior to the issue of a Subdivision Certificate'.</p> <p>F. Add Condition 'Certification of On-site Detention System Prior to the Issue of a Subdivision Certificate'.</p> <p>G. Add Condition 'Sydney Water Compliance Certification Prior to the Issue of a Subdivision Certificate'.</p> <p>H. Add Condition 'Release of Subdivision Certificate Prior to the Issue of a Subdivision Certificate'.</p> <p>I. Add Condition 'Subdivision Certificate Application Prior to the Issue of a Construction Certificate'.</p> <p>J. Add Condition 'Title Encumbrances Prior to the Issue of a Subdivision Certificate'.</p> <p>K. Add Condition 'No Approval for Garage or Dwelling Design under this application'.</p>
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### **Modified conditions**

#### **A. Delete Condition 24 (5FP01).**

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

**Signed**



**Lachlan Rose, Planner**

The application is determined on 20/05/2025, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**