

# Memo

## Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Thomas Prosser, Planner
<b>Date:</b>	10 June 2025
<b>Application Number:</b>	Mod2025/0258
<b>Address:</b>	Lot 1 DP 524083 , 21 A Warili Road FRENCHS FOREST NSW 2086 Lot 1 DP 1298188 , 49 Blackbutts Road FRENCHS FOREST NSW 2086
<b>Proposed Modification:</b>	Modification of Development Consent DA2024/0492 granted for Neighbourhood title subdivision comprising of 13 lots and new road access

## Background

The abovementioned development consent was granted by Council on 14 April 2025 for Neighbourhood title subdivision comprising of 13 lots and new road access;

## 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 modify condition(s) No. 1, 12g, and 17, which reads as follows:

### Condition 1

It is sought to correct the date of the Arboricultural Impact Assessment Report. The date listed in condition 1 is 1 August 2024. The date of the report is 15 August 2024.

### Condition 12g

It is sought to modify this condition to provide for 2 visitor parking spaces instead of 5 (consistent with memo and amended plans provide to panel).

### Condition 17

It is sought that T67 be included in the trees approved from removal in condition 17.

## Consideration of error or mis-description

### Condition 1

The date listed in the consent for the Arboricultural Impact Assessment report (1 August 2024) was a typographical error. The date of the report submitted to, and assessed by Council is 15 August 2024.

### Condition 12g

As a part of assessment and amended plans requested by the Development Determination Panel. The number of visitor car parking spaces was reduced from 5 to 2. This allowed for a greater landscaped buffer to the neighbours. The amended plans and condition 10 reflected this change. However, it was an error that Condition 12g was not amended to reflect the number of spaces approved (2). As such, this modification is accepted.

### Condition 17

Council's Landscape officer has confirmed that it was an error that T67 was omitted from the list of trees approved for removal under Condition 17.

### **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. Mod2025/0258 for Modification of Development Consent DA2024/0492 granted for Neighbourhood title subdivision comprising of 13 lots and new road access on land at Lot 1 DP 524083,21 A Warili Road, FRENCHS FOREST, Lot 1 DP 1298188,49 Blackbutts Road, FRENCHS FOREST, as follows:

### **Modification Summary**

The development consent is modified as follows:

#### **MODIFICATION SUMMARY TABLE**

<b>Application Number</b>	<b>Determination Date</b>	<b>Modification description</b>
PAN-538225 - MOD2025/0258	The date of this notice of determination	<p>Section 4.55 (1) Misdescription - Modification of Development Consent DA2024/0492 granted for Neighbourhood title subdivision comprising of 13 lots and new road access</p> <p>Modify Condition 1 (Approved Plans and Documentation)</p> <p>Modify Condition 12g</p> <p>Modify Condition 17</p>

### **Modified conditions**

**A. Modify details for Arboricultural Assessment Report under 'Approved Reports and Documentation' section of Condition No.1 - Modification of Consent - Approved Plans and**

supporting documentation, to read as follows:

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Assessment Report	2.0	The Tree Guardian Arboricultural Consultancy	15 August 2024

**B. Modify Condition 12g - Submission of Engineering Plans to read as follows:**

g) Construct a single consolidated indented parking bay south of the turning circle providing 2 visitor parking spaces. The parking bay should be 2.1m wide and indented with a 45 degree angle transition to facilitate entry and exit. Linemarking of the spaces should be 6.3m in length. Parking spaces must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

**C. Modify Condition 17 - Tree Removal within property to read as follows:**

This consent approves the removal of existing prescribed trees on the subject site as listed below:

- a) T7, T67, T71, T72, T74 (Corymbia maculata), T10 (Corymbia gummifera), T60 (Magnolia soulangeana), T64, T81, T120 (Callistemon viminalis), T75 (Livistona australis), T77 (Banksia integrifolia), T79 (Backhousia citriodora), T82 (Yucca), and T121 (Acacia decurrens),
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

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

**Signed**



**Thomas Prosser, Principal Planner**

The application is determined on 10 June 2025, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**