

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Ryan Fehon, Planner
Date:	4 June 2025
Application Number:	Mod2025/0252
Address:	Lot 83 DP 215008 , 133 Starkey Street KILLARNEY HEIGHTS NSW 2087
Proposed Modification:	Modification of Development Consent DA2025/0095 granted for Use of an existing carport as a carparking space and use of a garage as habitable floor space as part of an existing dwelling house

Background

The abovementioned development consent was granted by Council on 11 April 2025 with deferred commencement being activated on 14 May 2025. The application was for the use of illegally constructed structures and internal spaces, including a carport and garage area converted into a loungeroom. A Building Information Certificate BC2025/0010 was issued on 29 April 2025, certifying that these unauthorised structures comply with the BCA and relevant Australian Standards.

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 No. 6, which reads as follows:

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: To maintain the existing profile of the nature strip/road reserve.

Consideration of error or mis-description

Condition 6 was included by Council's Development Engineers and is not required as there is no Occupation Certificate for this development, noting that the Building Information Certificate certifies these works in lieu of an Occupation Certificate as a Building Information Certificate is the appropriate mechanism to regularise unauthorised building works.

It is appropriate to delete Condition 6 as the Building Information Certificate has certified that the parking facility has met the relevant Australian Standard AS/NZS 2890.1:2004 parking facilities for Domestic Driveways. Accordingly, it is recommended that this Condition 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. Mod2025/0252 for Modification of Development Consent DA2025/0095 granted for Use of an existing carport as a carparking space and use of a garage as habitable floor space as part of an existing dwelling house on land at Lot 83 DP 215008, 133 Starkey Street, KILLARNEY HEIGHTS, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
DA2025/0095	The date of this notice of determination	<p>The proposed Modification is to amend a Council error that stated an Occupation Certificate would be required to satisfy Condition 6 despite no works occurring.</p> <p>Delete Condition 6 - Certification of Off Street Parking Works</p>

Modified conditions

A. Delete Condition 6 which reads as follows:

~~Condition 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.~~

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

Signed



Ryan Fehon, Planner

The application is determined on 30/05/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments