

# Memo

## Environment

<b>To:</b>	Rodney Piggott , Development Assessment Manager
<b>From:</b>	Lachlan Rose, Planner
<b>Date:</b>	14 May 2025
<b>Application Number:</b>	Mod2025/0227
<b>Address:</b>	Lot 1 DP 1294911 , 48 Lawrence Street FRESHWATER NSW 2096
<b>Proposed Modification:</b>	Modification of Development Consent DA2021/0744 granted for Demolition works and construction of shop top housing

## Background

The abovementioned development consent was granted by Council on 01 December 2021 for Demolition works and construction of shop top housing;

## 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.61, which reads as follows:

### 61. **Strata Management Statement**

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

## Consideration of error or mis-description

The section 4.55(1) modification application is lodged to delete condition 61 of the approved consent (DA2021/0744) which was granted for the construction of a shop top housing development.

The development application did not seek consent for strata subdivision and the development is to remain in single ownership unless approved through a separate application.

Therefore, given that no consent was sought for the strata subdivision of the development, the removal of Condition 61 is accepted as an error.

## 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. Mod2025/0227 for Modification of Development Consent DA2021/0744 granted for Demolition works and construction of shop top housing on land at Lot 1 DP 1294911, 48 Lawrence Street, FRESHWATER, as follows:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-534015 - Mod2025/0227	The date of this notice of determination	Modification of Development Consent DA2021/0744 granted for Demolition works and construction of shop top housing  <b>A. Delete Condition 61- Strata Management Statement</b>
PAN374606 - Mod2023/0526	04 March 2024	Modification of Development Consent DA2021/0744 granted for Demolition works and construction of shop top housing.  Add condition 1A - Modification of Consent - Approved Plans and supporting documentation Add condition 35A - Ground floor retail facades

## Modified conditions

### A. Delete Condition 61- Strata Management Statement:

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

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

## Signed



**Lachlan Rose, Planner**

The application is determined on 14/05/2025, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**