

# Memo

## Environment

<b>To:</b>	Catriona Shirley , Acting Development Assessment Manager
<b>From:</b>	Kye Miles, Planner
<b>Date:</b>	18 December 2020
<b>Application Number:</b>	Mod2020/0678
<b>Address:</b>	Lot 1 DP 528345 , 10 Capua Place AVALON BEACH NSW 2107
<b>Proposed Modification:</b>	Modification of Development Consent DA2020/1169 granted for alterations and additions to a dwelling house

## Background

The abovementioned development consent was granted by Council on 30 November 2020 for alterations and additions to a dwelling.

## 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 conditions No. 8 and 14, which reads as follows:

### 8 **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

### 14 **Vehicle Crossings**

The Applicant is to reconstruct the existing damaged in accordance with Northern Beaches Council Drawing No A4-3330/1 and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

### **Consideration of error or mis-description**

During the course of the parent Development Application, an assessment of the vehicle crossover to the site was made by Council's Development Engineers which determined that the structure would need to be replaced, thus necessitating a subsequent application for vehicle crossings and driveway levels. However, the data and images that the Development Engineers used in this assessment was out of date, and the crossing on the site had in fact already been replaced. The Development Engineers have advised they have no objection to the conditions being deleted.

Given that the crossing has already been replaced, there is no longer a need for Conditions 8 and 14 which pertain to the construction of a new crossing.

Accordingly, it is found that the request for the removal of Condition 8 and 14 satisfies the criteria of a Section 4.55(1) application as the Council imposed those conditions in error and without regard to the most recent circumstances of that site.

### **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. Mod2020/0678 for Modification of Development Consent DA2020/1169 granted for alterations and additions to a dwelling house on land at Lot 1 DP 528345, 10 Capua Place, AVALON BEACH, as follows:

**A. Delete Condition 8 - Vehicle Crossings Application.**

**B. Delete Condition 14 - Vehicle Crossings.**

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

**Signed**



**Kye Miles, Planner**

The application is determined on 18/12/2020, under the delegated authority of:



**Catriona Shirley, Acting Development Assessment Manager**