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STATEMENT OF MODIFICATION. DA2021/2485

13 MONASH CRESCENT, CLONTARF.

**Description of proposed modification.**

The proposed modification is the deletion of the spa as approved in DA2021/2485. Due to the size of the rear yard to 13 Monash the owners felt that the spa utilised too much of the garden area.

The proposed modification has minimal environmental impact and the development as modified is substantially the same. All approved works to the seawall are to proceed. The deletion of the Spa is consistent with the EPA act Modification of consents.

The deletion of the Spa element of the approval will have no impact on planning controls and have no impacts on adjoining or nearby properties. The proposed deletion of the spa pool is consistent with modifications involving minimal environmental impact.

**Environmental Planning and Assessment Act 1979 No 203**

(1A) **Modifications involving minimal environmental impact** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with—
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

**Works as undertaken**

To date no works have commenced on the spa.

The existing seawall has had injection grouting as per the engineers specification to ensure adequate structural support below the scour level as recommended by the Coastal Engineer, Peter Horton.

No works have commenced, other than pressure grouting the footings below the scour level, in relation to modification or otherwise to the existing seawall.

**Conclusion**

The deletion of the Spa is consistent with the EPA act and is of a minor nature with no impacts on adjoining and nearby properties. All approved works to the seawall are still proposed.

Jim Buda  
Registered Architect