

Memo

Environment

To:	Daniel Milliken , Acting Development Assessment Manager
From:	Thomas Prosser, Planner
Date:	2 January 2019
Application Number:	Mod2018/0708
Address:	Lot 15 DP 2044 , 27 Wanganella Street BALGOWLAH NSW 2093
Proposed Modification:	Modification of Development Consent DA2018/1586 granted for Construction of a pathway and use of existing workshop as a studio

Background

The above-mentioned development consent was granted by Council on 12/12/2018 for Construction of a pathway and use of an existing workshop as a studio;

Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. Manly DCP (Clause 2.2.) does not require the notification of Section 96(1) modification applications as they are considered to be for minor changes that do not affect the development or the amenity of adjoining properties.

The application seeks to modify condition(s) No. 5, which reads as follows:

The depth of excavation shall be no more than RL85.35 at the southern boundary (the area labelled as 'excavation for side access'). Details are to be provided prior to the issue of a Construction Certificate. (DACPLCPCC1)

Reason: To ensure extent of excavation is reasonable.

Consideration of error or mis-description

The applicant was requested to provide further information in regards to the depth of excavation at the southern boundary of the dwelling as a result of a lack of levels provided on the plans.

The level provided by the applicant was RL85.35. This is higher than the existing level on the survey of RL84.41 and as such excavation to this level is not possible. The level of RL84.35 is relevant as it is '100mm below the new slab' as provided by the applicant in the intention in the email of response to the request for further information.

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. Mod2018/0708 for Modification of Development Consent DA2018/1586 granted for Construction of a pathway and use of existing workshop as a studio on land at Lot 15 DP 2044,27 Wanganella Street, BALGOWLAH, as follows:

A. Modify Condition 5. Level of Excavation to read as follows:

The depth of excavation shall be no more than RL84.35 at the southern boundary (the area labelled as 'excavation for side access'). Details are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure extent of excavation is reasonable and relevant to existing site levels.

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

Signed



Thomas Prosser, Planner

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



Daniel Milliken, Acting Development Assessment Manager