

# Memo

## Environment

<b>To:</b>	Rodney Piggott , Development Assessment Manager
<b>From:</b>	Gareth David, Planner
<b>Date:</b>	3 November 2022
<b>Application Number:</b>	Mod2022/0567
<b>Address:</b>	Lot 2 DP 747438 , 165 A Seaforth Crescent SEAFORTH NSW 2092 Lot 1 DP 747438 , 165 Seaforth Crescent SEAFORTH NSW 2092 Lot LIC 3396 , 165 Seaforth Crescent SEAFORTH NSW 2092
<b>Proposed Modification:</b>	Modification of Development Consent DA2019/1539 granted for alterations and additions to existing garage and boundary re-alignment

### Background

The abovementioned development consent (DA2019/1539) was granted by Northern Beaches Local Planning Panel on 19/08/2020 for alterations and additions to existing garage and boundary realignment.

### 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 modify condition No.7, which reads as follows:

**7. Deletion of the existing deck and stair in Proposed Lot 100**

The existing stair, deck and associated structures must be removed within proposed Lot 100.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable access to private property.

The proposed modification seeks to remove the requirement to remove the stairs. This is required as the stairs are used for access to lot 100.

As such the new condition would read as follows:

**7. Deletion of the existing deck in Proposed Lot 100**

The existing deck must be removed within proposed Lot 100.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.  
Reason: To ensure suitable access to private property.

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

The modification to the condition was referred to Council's Development Engineer who imposed condition 7. Council's Development Engineer supports the proposed modification, as the intention of this condition was to ensure the removal of the decking area. It is agreed that the maintenance of stairs are required for appropriate access.

### **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. Mod2022/0567 for Modification of Development Consent DA2019/1539 granted for alterations and additions to existing garage and boundary re-alignment on land at Lot 2 DP 747438,165 A Seaforth Crescent, SEAFORTH, Lot 1 DP 747438,165 Seaforth Crescent, SEAFORTH, as follows:

A. Modify Condition 7 (Deletion of the existing deck and stair in Proposed Lot 100) to read as follows:

#### **Deletion of the existing deck in Proposed Lot 100**

The existing deck must be removed within proposed Lot 100.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable access to private property.

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

### **Signed**



**Gareth David, Planner**

The application is determined on 03/11/2022, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**