

# Memo

## Environment

<b>To:</b>	Matthew Edmonds , Development Assessment Manager
<b>From:</b>	Megan Surtees, Planner
<b>Date:</b>	12 August 2019
<b>Application Number:</b>	Mod2019/0379
<b>Address:</b>	Lot 32 DP 5464 , 41 Warriewood Road WARRIEWOOD NSW 2102
<b>Proposed Modification:</b>	Modification of Development Consent DA2019/0385 granted for construction of a dwelling house

### Background

The abovementioned development consent was granted by Council on 19 July 2019 for the construction of a dwelling house;

### Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. Pittwater 21 DCP (A5 Exhibition, Advertisement and Notification of Applications) 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 delete condition No. 6. Amendments to the approved plans, which reads as follows:

The following amendments are to be made to the approved plans:

- The upper level along the north-eastern side of the dwelling is to be brought in by a minimum of 400mm for the entire length of the proposed dwelling to ensure compliance with the 1.5m upper level setback as stipulated under *Clause D16.7 of P21 DCP*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: to ensure development minimises unreasonable impacts upon surrounding land.

### Consideration of error or mis-description

Following the approval of DA2019/0385, it was requested for this condition to be deleted as this non-compliance was discussed prior to the lodgement of the Development Application and it was deemed to be an acceptable non-compliance.

### 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. Mod2019/0379 for Modification of Development Consent DA2019/0385 granted for construction of a dwelling house on land at Lot 32 DP 5464,41 Warriewood Road, WARRIEWOOD, as follows:

#### **A. Delete Condition No.6 Amendments to the approved plans to read as follows:**

Deleted.

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

### **Signed**



**Megan Surtees, Planner**

The application is determined on 12/08/2019, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**