



APPLICATION TO MODIFY A CONSENT (SECTION 96)

MADE UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (SECTION 78A),
ROADS ACT 1993 (SECTION 138), LOCAL GOVERNMENT ACT 1993 (SECTION 68)
AND PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998

Contact Us	
The General Manager, 725 Pittwater Road, Dee Why NSW 2099 or Customer Service Centre, Warringah Council DX9118 Dee Why	
Email	council@warringah.nsw.gov.au
Fax	9942 2606
If you need help lodging your application call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why	

Office Use Only									
<input type="radio"/> WLEP 2000 Locality					<input type="radio"/> WLEP 2011 Zone				
M	O	D	2	0	1	6	1	0	1
D	A	2	0	1	3	1	0	5	9
<input type="radio"/> Locality LEP 2000			<input type="radio"/> 40 Metre Buffer			<input type="radio"/> Wave Impact			
<input type="radio"/> Category LEP 2000			<input type="radio"/> Acid Sulfate			<input type="radio"/> Slip Zone			
<input type="radio"/> Owners Consent			<input type="radio"/> Bushfire Zone			<input type="radio"/> Flood Zone			
<input type="radio"/> Lot and DP			<input type="radio"/> Heritage			<input type="radio"/> Vegetation			

For applicable fees and charges, please refer to Council's website warringah.nsw.gov.au or contact our Customer Service Centre.

Privacy and Personal Information Protection Notice

The personal information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 and will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application, (2) contact you in relation to your application should that be necessary, and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on E-Services Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager see s 739 of the Local Government Act 1993 (NSW).

Part 1: Summary Application Details

1.1 APPLICANT(S) DETAILS		Warringah Council Received 2 MAY 2016 Signature <i>AW</i> 2.30 PM TO: RECORDS
Applicant(s) name	REITSMA CONSTRUCTIONS	
Owner(s) name	AUSTRALIAN AUTOMOTIVE GROUP	
If any owner/applicant of this development application is a current employee or elected representative of Warringah Council	<input type="radio"/> Warringah Council Employee <input type="radio"/> Elected Representative	
Full applicant details to be completed in Part 3 of the application form		

Part 2: Application Details

2.1 LOCATION OF THE PROPERTY			
We need this to correctly identify the land. These details are shown on your rates notice, property title etc.			
Unit Number		House Number	780
Street	PITTWATER ROAD	Suburb	BROOKVALE
Legal Property Description <i>This information must be supplied</i>	Lot	1	
	Sect		
	DP/SP	1068612	
		TO: RECORDS Signature 7 MAY 2016 Received Warringah Council	

Part 2: Application Details

2.2 DEVELOPMENT CONSENT	
Development consent no	2013/0594
Date of Determination	30 JULY 2016
Description of Consent	CONSTRUCTION OF A VEHICLE SALES SHOWROOM

2.3 DETAILS OF MODIFICATION		
(a) Give details of manner and extent of modification	AMEND CLAUSES 8, 9, 14, 15, 16, 18, 19, 20, IN RELATION TO THE CERTIFICATION OF	
	THE ON-SITE DETENTION TANK MODIFY TIMING FOR SUBMISSION OF THE	
	INFORMATION REQUIRED FOR THE INTERIM OCCUPATION CERTIFICATE (IOC) ALL	
	STORMWATER WORKS RELATING TO THE OSD REQUIRED, WITH THE EXCEPTION OF	
	THE REGISTRATION OF THE POSITIVE COVENANT, WILL BE COMPLETED AND	
	SUBMITTED TO COUNCIL PRIOR TO ISSUE OF THE IOC FINAL OCCUPATION	
	CERTIFICATE TO BE ISSUED UPON REGISTRATION OF THE POSITIVE COVENANT	
(b) Modification Type	Section 96(1) - Modification to correct a minor error, misdescription or miscalculation	<input checked="" type="checkbox"/>
	Section 96AA - Modification to a consent issued by the Land & Environment Court	<input type="checkbox"/>
	Section 96 (1A) - Modification involving changes with a minimal environmental impact	<input type="checkbox"/>
	Section 96 (2) - Modification involving changes other than minimal environmental impact *	<input type="checkbox"/>
* most modifications are normally this type		

2.4 DETAILS OF ORIGINAL CONSENT	
Was the consent integrated?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Approval under s68 Local Government Act 1993	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Approval under s138 Roads Act-1993	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Heritage item or within conservation area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2.5 TREES	
Drip line is the outermost edge of the canopy of the tree	
Does the modification involve works within the drip line of a tree? (either on your property or an adjoining site)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does this proposal involve removal of tree(s)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2.6 BASIX/NATHERS CERTIFICATE	
The proposed modification remains consistent with the current BASIX certificate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no, a new BASIX certificate must be submitted with modifications	

Part 2: Application Details

2-7 DISCLOSURE OF POLITICAL DONATIONS AND GIFTS Note gift means a gift within the meaning of section 84 of the Election Funding & Disclosures Act 1981. Failure to disclose relevant information is considered an offence under Part 6 section 96H of the Election Funding and Disclosures Act 1981.	
Under section 147 of the Environmental Planning and Assessment Act 1979 any reportable political donation to an elected representative of Warringah Council (Mayor or Councillor) and/or any gift to an elected representative or Warringah Council employee within a two (2) year period commencing two (2) years before the date of this application and ending when the application is determined must be disclosed.	
Are you aware of any person with a financial interest in this application who made a reportable donation or gave a gift in the last two (2) years?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, complete the Political Donation Declaration and lodge it with this application. If no, in signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of its determination. For further information visit Council's website at warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx	

2-19 DIGITAL REQUIREMENTS FOR PLANS, REPORTS AND OTHER DA DOCUMENTS	
All applications must be accompanied by a digital data disc (CD or USB), containing all plans, reports and other documentation lodged with the application, in accordance with the following requirements:	
<ul style="list-style-type: none"> • Files must be in PDF format and be able to be opened in Council's digital system • Each of the following (as applicable) is required to be a separate PDF file with the following file names: <ul style="list-style-type: none"> • Plans - Survey • Plans - Notification (Site Plan and Elevation Plans only with no internal layouts or floor plans) • Plans - Master Set (all plans including internal and external plans) • Plans - Internal (all plans showing any internal layouts and/or floor plans and sections only) • Plans - External (all plans excluding any internal layouts eg Site Analysis Plan, Site Plan, Roof Plan, Elevation Plans, Landscape Plan, Schedule of External Finishes, Photomontage etc) • Stormwater Plans - (Engineering Drawings, Erosion and Sediment Control etc) • Engineering Plans (Driveway, Road etc) • Plans - Certification of Shadow Diagrams with Plans (no internal layouts or floor plans) and/or Plans - Basix Plans • Report - Statement of Environmental Effects • Report - BASIX Certificate • Report - Bushfire • Report - Geotechnical • Report - Traffic and Parking Assessment • Report - Flora and Fauna • Report - Waste Management • Report - Access • Report - Noise • Report - Other (include detail of report provided) • Report - Heritage • Cost Summary Report Quote and/or Quantity Surveyors 	
(Please do not include internal layouts or floor plans in Reports)	
<ul style="list-style-type: none"> • Plans - Revised (name of plan) • Reports - Revised (name of report) 	
<u>Applications without a correctly formatted digital data disc (CD or USB) will not be accepted.</u>	
I confirm that the attached Disc/USB contains file names that match the hard copies submitted with this application.	
<u>Disclaimer:</u> Any plans supplied which include internal or floor plans where it clearly states above that they are not to be included, then the signature on the Development Application Form is taken to be an acknowledgment and acceptance that all relevant plans and reports will be released online.	
	<input checked="" type="radio"/> Yes

Required

Supplied

Contact Council if you are unsure what details will be required for your modification application

	Yes	No	Why Not
PREPARING YOUR APPLICATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>Three (3) copies of all documentation, <u>including the application form</u> are required Only one (1) copy of the checklist is required Additional copies of documentation may be requested Highlight in colour all proposed additions/amendments on the plans</p> <p>OR</p> <p>Major development new commercial, industrial and residential flat buildings Seven (7) copies of all documentation, <u>including the application form</u> are required Only one (1) copy of the checklist is required Additional copies of documentation may be requested Highlight in colour all proposed additions/amendments on the plans</p>			
A4 PLANS Proposed modifications must be highlighted, or otherwise identified	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<ul style="list-style-type: none"> • Provide one (1) copy of A4 size reductions of the site plan and elevations to be double-sided (excluding floorplans) • Plans are to be legible, including dimensions and wording • These plans need not include interior detail that may affect your rights to privacy However, if such plans are provided, then the signature on the Development Application Form acknowledges and accepts that all relevant A4 plans submitted will be used for public notification purposes 			
NON NOTIFICATION CHECKLIST	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
If this was submitted with the original development application and the proposed modification still meets the criteria on the relevant checklist available from warringah.nsw.gov.au/plan_dev/online_forms.aspx Planning and Development /Online forms/Development Applications - Non Notification			
PLANS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<p>Plans must be drawn to scale (preferably 1:100 or 1:200) Free hand, single line or illegible drawings will not be accepted The following information should be included on all plans and documents</p> <ul style="list-style-type: none"> • Applicant(s) name(s) • Property address (block/house/shop/flat number) • Lot number, Section number and Deposited Plan / Strata Plan number • Measurements in metric • The position of true north • Draftsman/architect name, date, plan name and number, plan version, and revision 			
SURVEY PLAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
A survey plan will be required if the proposed modification involves changes to the works footprint and the original survey submitted with the development application is more than two (2) years old			
SITE ANALYSIS PLAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<p>An amendment site analysis plan must be submitted if the proposed modification involves external changes to the building A site plan is a birds-eye view of the existing approved and proposed development on the site and its position in relation to boundaries and neighbouring developments Please refer to the Development Application Checklist for details to be included in a site analysis plan</p>			
FLOOR PLAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<p>An amended floor plan must be submitted if the proposed modification involves changes to the internal layout A floor plan is a birds-eye view of your existing and/or proposed layout of rooms within the development Please refer to the Development Application Checklist for details to be included in a floor plan</p>			

Required

	Yes	No	Why Not
ELEVATION PLAN			
Amended elevations must be submitted if the proposed modification involves external changes to the building Elevation plans are a side-on view of your proposal Include drawings of all affected elevations (north, south, east and west facing) of your development Please refer to the Development Application Checklist for details to be included in a elevation plan	<input type="radio"/>	<input checked="" type="radio"/>	N/A
SECTION PLAN			
Amended sections must be provided where relevant A section is a diagram showing a cut through the development at the most typical and critical points	<input type="radio"/>	<input checked="" type="radio"/>	N/A
SECOND STOREY			
Amended elevations and sections showing proposed external finishes and heights, side boundaries and relevant side boundary envelope under WLEP 2011/WDCP are to be provided if the proposed modification involves external changes to the building	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED STATEMENT OF ENVIRONMENTAL EFFECTS			
This is a written statement which demonstrates the applicant has considered the impact of the proposed modification on the natural and build environments both during and after construction, and the proposed method of mitigating any adverse effects The revised statement of environmental effects must address how the development responds to the relevant provisions of State Environmental Planning Policies, the relevant Warringah Local Environment Plan and Warringah Development Control Plan as relating to the modification proposal and all existing conditions of consent which will be affected by the modifications In addition, indicate that the proposed modification does not substantially alter the original proposal and justify the form of the application (ie, s96 (1), s96 AA, s96 (1A) or s96 (2)) Please refer to the Development Application Checklist for details to be included in the revised statement of environmental effects	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED SHADOW DIAGRAMS			
<ul style="list-style-type: none"> Amended shadow diagrams must be submitted for proposals that involve external changes to the height, bulk or setbacks of the building All shadow diagrams must be accompanied by the Certification of Shadow Diagrams form available from warringah.nsw.gov.au, Planning and Development /Online Forms /Development Applications 	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED SUBDIVISION PLAN (Torrens or Strata)			
If you are planning to amend your approved subdivision you will need to supply a plan showing the approved subdivision and proposed changes, with land title details (including number of lots)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED LANDSCAPING PLAN			
An amended landscape plan is to be submitted if the proposed modification results in changes to approved landscape areas	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED BASIX AND NATHERS CERTIFICATE			
A revised BASIX certificate may be required Please refer to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED ADVERTISING STRUCTURE/SIGN (Advertising applications only)			
If you are planning to modify an advertising structure or sign you will need to supply relevant details as contained in the Development Application checklist for advertising structures	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED STATEMENT OF HERITAGE IMPACT			
A revised statement of heritage impact is required for all modifications involving heritage items or works to buildings in conservation areas	<input type="radio"/>	<input checked="" type="radio"/>	N/A
REVISED EROSION AND SEDIMENT CONTROL PLAN			
A revised erosion and sediment control plan is required for all works that require excavation if proposed changes affect the approved erosion and sediment control plan	<input type="radio"/>	<input checked="" type="radio"/>	N/A

Required

	Yes	No	Why Not
REVISED WASTE MANAGEMENT PLAN	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised waste management plan is required for new multi-unit residential or commercial developments if proposed changes affect the approved waste management program			
REVISED CONTAMINATED LAND MANAGEMENT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised contamination report must be submitted if the site was identified under the original application as being a contaminated site, or if previous activities on site indicate a potential for contamination			
REVISED ON-SITE STORMWATER DETENTION CHECKLIST/STORMWATER PLANS	<input type="radio"/>	<input checked="" type="radio"/>	N/A
If proposed changes will affect stormwater disposal please provide amended stormwater drainage plan in accordance with Council's Stormwater Technical specification (including submission of the On-site Stormwater Detention Checklist) If sax or drains model are to be supplied on CD in accordance with Council's OSD Technical Specification			
REVISED GEOTECHNICAL REPORT - LAND SLIP AREA	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised geotechnical report is required for developments located in a slip zone if approved footprint or excavation is proposed to be amended			
BUSHFIRE HAZARD ASSESSMENT REPORT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised Bushfire Hazard Assessment report is required to be submitted with all applications The Report shall be commensurate to the scope of the modifications and shall address how the development (as modified) responds to the requirements of Planning for Bushfire Protection (most recent version)			
REVISED ARCHAEOLOGICAL REPORT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised archaeological report is required where the site may be impacted by items of archaeological significance if approved footprint or excavation is proposed to be amended			
REVISED FLORA AND FAUNA ASSESSMENT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised flora/fauna impact report under section 5A of Environmental Planning and Assessment Act 1979 as amended is required where proposed changes will further impact on a protected species			
REVISED ACID SULPHATE SOIL MANAGEMENT PLAN	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised acid sulphate management plan is required for prone sites if approved footprint or excavation is proposed to be amended			
INTEGRATED DEVELOPMENT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
If the original application was identified as an integrated development <ul style="list-style-type: none"> Two (2) additional copies of documentation as determined by consent authority Fees made out to each integrating authority 			
FIRE SAFETY MEASURES SCHEDULE (BCA Class 2 TO 9)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A statement from an accredited certifier is required detailing whether the proposed modification will affect any fire safety measures			
REVISED FLOOD REPORT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised flood risk assessment is to be provided if the site is flood prone and any proposed changes involve building footprints or floor levels			
REVISED HYDROLOGICAL REPORT (WATERTABLE)	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised hydrological report is to be provided if proposed changes involve enlarging or deeper excavations			
REVISED ARBORIST REPORT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised arborist report is required if proposed changes will impact on any trees			
REVISED TREE CONSTRUCTION IMPACT STATEMENT	<input type="radio"/>	<input checked="" type="radio"/>	N/A
A revised tree construction impact statement is required if proposed changes will impact on any trees			

Required

	Yes	No	Why Not
REVISED TREE CONSTRUCTION IMPACT STATEMENT		<input checked="" type="checkbox"/>	N/A
A revised tree construction impact statement is required if proposed changes will impact on any trees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
REVISED ACCESS REPORT		<input checked="" type="checkbox"/>	N/A
A revised access report will be required if proposed changes will impact on access requirements under the Disability Discrimination Act 1992	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
REVISED TRAFFIC AND PARKING REPORT		<input checked="" type="checkbox"/>	N/A
A revised traffic and parking report is required if proposed changes involve parking layout, number of parking spaces, or traffic generation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
REVISED MONTAGE		<input checked="" type="checkbox"/>	N/A
A revised montage is required (where originally submitted) if the modification involves significant colour/design changes to the external facade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
REVISED COLOURS AND FINISHES SAMPLE BOARD		<input checked="" type="checkbox"/>	N/A
A revised colour and finishes sample board is required (where originally submitted) if the modification involves significant colour/design changes to the original facade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
REVISED BUILDING CODE OF AUSTRALIA (BCA) REPORT		<input checked="" type="checkbox"/>	N/A
A revised BCA report is required where modifications have impacted on the original BCA report submitted	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
NOTE SPECIFIC DETAILS OF INFORMATION TO BE SUBMITTED IN ANY OF THE ABOVE DOCUMENTS CAN BE FOUND IN THE DEVELOPMENT APPLICATION CHECKLIST			

OFFICE USE ONLY	
Quality Checking Officer	
Comments	
Checked by	
Quality Checking Officer	
Duty Officer	

13th April 2016

The General Manager
Warringah City Council
725 Pittwater Road
Dee Why NSW 2099



RE: DA 2013/0594 - 780 Pittwater Road, Brookvale NSW - Application to Modify a Consent - Section 96(1)

Dear The General Manager,

This section 96(1) proposal seeks approval to modify the wording of conditions 8, 9, 14, 15, 16, 18, 19, 20 of DA 2013/0594 (780 Pittwater Road, Brookvale NSW) These conditions set out council's legal documentation requirements for the on-site detention (OSD), including the creation of a positive covenant This letter is accompanied by a completed section 96 application form The proposal seeks to modify the timing for submission of the documents for the OSD in relation to the Interim/Final Occupation Certificate

The proposed modifications to the aforementioned clauses are as follows (Current wording is in Red, proposed wording is in Blue)

Conditions 8, 9, 14, 15, 16, 18, 19, 20,

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate

Details demonstrating compliance (except for the certificate of registration of the positive covenant and/or restriction as a user) are to be submitted to the Principal Certifying Authority prior to the issue of any Interim Occupation Certificate Certificate of registration of the positive covenant and/or restriction as a user is to be submitted to council and the PCA prior to the issue of any Final Occupation Certificate

Kind Regards



Shaun Naidu
Project Manager