

## Memo

### Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Mitchell Drake, Planner
<b>Date:</b>	19 July 2016
<b>Application Number:</b>	Mod2016/0172
<b>Address:</b>	Lot 1 DP 1193308 , 40 Kingsway DEE WHY NSW 2099 Part Lot 100 DP 1041823 , 725 Pittwater Road DEE WHY NSW 2099
<b>Proposed Modification:</b>	Modification of Development Consent DA2014/0344 granted for Demolition of existing car parking and construction of a Multi-Purpose Community facility (Police and Citizens Youth Club) including car parking, landscaping and signage

### Background

The abovementioned development consent was granted by Council on 6 August 2014 for "Demolition of existing car parking and construction of a Multi-Purpose Community facility (Police and Citizens Youth Club) including car parking, landscaping and signage.

### Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. Warringah DCP (A7 Notification) 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. 54 **Trial Hours of Operation** which reads as follows:

#### 54. **Trial Hours of Operation**

The hours of operation of the facility are to be subject to a two year trial from the date of commencement of operation of the facility. The trial hours of operation are to be restricted to:

#### **PCYC Facility**

6am to 10pm	Monday to Thursday
6am to 12 midnight	Friday to Saturday
7am to 10pm	Sundays and Public Holidays

#### **Car park**

5.30am to 12.30pm	Monday to Thursday
5.30am to 12.30am	Friday to Saturday
6.30am to 12.30pm	Sundays and Public Holidays

During the trial period a Complaints Register should be kept by Council and at the end of the two year trial Council should conduct a review of the level of compliance with the Final Operational Plan of Management.

# NORTHERN BEACHES COUNCIL

At the end of the two year trial period, an application may be lodged to continue the hours of operation on a permanent basis. Council's consideration of whether the hours of operation should be made permanent should be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, submissions received following notification of the review and any views expressed by the Police.

**Reason:** To ensure that amenity of the surrounding locality is maintained. (DACPLG08)

## Consideration of error or mis-description

A review of the assessment report and the proposed hours of operation for the PCYC indicates that the carpark hours of operation should read as follows:

### **Car park**

5.30am to 12.30am	Monday to Thursday
5.30am to 12.30am	Friday to Saturday
6.30am to 12.30am	Sundays and Public Holidays

The hours for Monday to Thursday together with the hours for Sundays and public holidays refer to a PM closing time in error and thus it is considered that the amendment from PM to AM may be dealt with under the provisions of Section 96(1).

## Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 96 (1) of the EPA Act 1979 and is therefore recommended for approval.

## Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2016/0172 for Modification of Development Consent DA2014/0344 granted for Demolition of existing car parking and construction of a Multi-Purpose Community facility (Police and Citizens Youth Club) including car parking, landscaping and signage on land at Lot 1 DP 1193308,40 Kingsway, DEE WHY, Part Lot 100 DP 1041823,725 Pittwater Road, DEE WHY, as follows:

### **B. Modify Condition 54 Trial Hours of Operation, to read as follows:**

#### **54. Trial Hours of Operation**

The hours of operation of the facility are to be subject to a two year trial from the date of commencement of operation of the facility. The trial hours of operation are to be restricted to:

### **PCYC Facility**

6am to 10pm	Monday to Thursday
6am to 12 midnight	Friday to Saturday
7am to 10pm	Sundays and Public Holidays

### **Car park**

5.30am to 12.30am	Monday to Thursday
5.30am to 12.30am	Friday to Saturday

# NORTHERN BEACHES COUNCIL

6.30am to 12.30am      Sundays and Public Holidays

During the trial period a Complaints Register should be kept by Council and at the end of the two year trial Council should conduct a review of the level of compliance with the Final Operational Plan of Management.

At the end of the two year trial period, an application may be lodged to continue the hours of operation on a permanent basis. Council's consideration of whether the hours of operation should be made permanent should be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, submissions received following notification of the review and any views expressed by the Police.

**Reason:** To ensure that amenity of the surrounding locality is maintained. (DACPLG08)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

---

**Mitchell Drake, Planner**

The application is determined under the delegated authority of:

---

**Steven Findlay, Development Assessment Manager**

**ATTACHMENT A**






No notification plan recorded.

**ATTACHMENT B**

No notification map.

# NORTHERN BEACHES COUNCIL

## ATTACHMENT C

Reference Number	Document	Date
 MOD2016/0172	40 Kingsway DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (1) Misdescription	01/07/2016
 2016/216387	DA Acknowledgement Letter - Warringah Council - Warringah Council	01/07/2016
 2016/221237	Modification Application Form	06/07/2016
 2016/221240	Applicant Details	06/07/2016
 2016/241358	Notice of Determination	19/07/2016