

# Memo

## Environment

<b>To:</b>	Rodney Piggott , Development Assessment Manager
<b>From:</b>	Julie Edwards, Planner
<b>Date:</b>	7 March 2016
<b>Application Number:</b>	Mod2016/0033
<b>Address:</b>	Lot 7356 DP 1167221 , 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099
<b>Proposed Modification:</b>	Modification of Development Consent DA2015/0538 for Alterations and additions to a recreation facility

### Background

The abovementioned development consent was granted by Council on 20 August 2013 for alterations and additions to a recreation facility;

### 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. 2 A. Add Condition No. 2A Compliance with Other Department, Authority or Service Requirements to read as follows:, which reads as follows:

The development must be carried out in compliance with the following:

<b>Other Department, Authority or Service</b>	<b>eService Reference</b>	<b>Dated</b>
NSWRFS	Response NSWRFS Referral	7 September 2015
NSW Police	Response NSW Police	24 August 2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

### Consideration of error or mis-description

It is normal practice for Council to only condition the recommended conditions from a referral body unless an assessments of the application deems it necessary to include the general advice. The applicant has provided advice from the NSWRFS dated 28 January 2016 that the NSWRFS referral response received 7 September 2015 contained a recommended condition (a suggested requirement) and an item of general advice (not a requirement unless stipulated as such) and that Council has the right to provide Conditions of Consent as they see fit. An assessment of the application and the NSWRFS referral response has determined that the item of general advice is not required as part of the application. The applicant has requested that the condition be modified to remove the item

of general advice.

It is recommended that the condition be modified to remove that the item of general advice from the condition.

### 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. Mod2016/0033 for Modification of Development Consent DA2015/0538 for Alterations and additions to a recreation facility on land at Lot 7356 DP 1167221,7356 / 1167221 Huston Parade, NORTH CURL CURL, as follows:

#### A. Modify Condition No.2A - Compliance with Other Department, Authority or Service to read as follows:

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eService Reference	Dated
NSWRFS	Response NSWRFS Referral - excluding 'General Advice – consent authority to note'	7 September 2015
NSW Police	Response NSW Police	24 August 2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

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

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**Julie Edwards, Planner**

The application is determined under the delegated authority of:

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**Rodney Piggott, Development Assessment Manager**








**ATTACHMENT A**

No notification plan recorded.

**ATTACHMENT B**

No notification map.

**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 2016/049982	RFS Comments	28/01/2016
 MOD2016/0033	Lot 7356/1167221 Huston Parade NORTH CURL CURL NSW 2099 - Section 96 Modifications - Section 96 (1) Misdescription	12/02/2016
 2016/046054	DA Acknowledgement Letter - North Curl Curl Surf Life Saving Club - Dept Of Lands	12/02/2016
 2016/048160	Modification Application Form	15/02/2016
 2016/048166	Applicant Details	15/02/2016
 2016/048169	Letter of Support for Owners Consent	15/02/2016
 2016/050988	File Cover	17/02/2016