

## Memo

### Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Mitchell Drake, Planner
<b>Date:</b>	25 January 2017
<b>Application Number:</b>	Mod2016/0339
<b>Address:</b>	Lot 1 DP 1208984 , 1320 Pittwater Road NARRABEEN NSW 2101
<b>Proposed Modification:</b>	Modification of DA2016/0850 granted for alterations and additions for shop top housing including basement carparking and strata subdivision

### Background

The abovementioned development consent was granted by Council on 18/11/2016 for "Alterations and additions for shop top housing including basement carparking and strata subdivision";

### 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 *No. 1 Approved Plans and Supporting Documentation*, which reads as follows:

#### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

#### Architectural Plans - Endorsed with Council's stamp

Drawing No.	Dated	Prepared By
a2001 Issue - ai	31 October 2016	RFA Architects
a2101 Issue - ai	31 October 2016	RFA Architects
a2102 Issue - ai	31 October 2016	RFA Architects
a3001 Issue - ai	31 October 2016	RFA Architects
a3002 Issue - ai	31 October 2016	RFA Architects
a4001 Issue - ai	31 October 2016	RFA Architects

#### Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Flood Risk Management Report Engineers	11 December 2015	Northern Beaches Consulting Engineers

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Geotechnical Investigation Geotechnical Engineer	20 November 2015	D. Katauskas Consulting
BCA Fire Safety Assessment Report Access Review Consulting	23 July 2015 26 July 2016	GRS Building Reports Wall to Wall Design and

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

### Consideration of error or mis-description

Council has failed to stamp the required Strata Subdivision Plan and include the plan within the conditions of consent. This is an administrative error and is appropriately addressed by the provisions of Section 96(1) of The Act.

### 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. Mod2016/0339 for Modification of DA2016/0850 granted for alterations and additions for shop top housing including basement carparking and strata subdivision on land at Lot 1 DP 1208984, 1320 Pittwater Road, NARRABEEN, as follows:

#### A. Modify Condition No.1 - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
Drawing No.	Dated	Prepared By
a2001ilssue - ai	31 October 2016	RFA Architects
a2101ilssue - ai	31 October 2016	RFA Architects
a2002ilssue - ai	31 October 2016	RFA Architects

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a3001ilssue - ai	31 October 2016	RFA Architects
a3002ilssue - ai	31 October 2016	RFA Architects
a4001ilssue - ai	31 October 2016	RFA Architects
12160Cstg1 Strata 1 Sheet 1 of 5 Location Plan Levels 1 and 2 Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 2 of 5 Location Plan Level 3 and Above Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 3 of 5 Level 1 Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 4 of 5 Level 2 Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 5 of 5 Level 3 Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 1 of 6 Levels 1 & 2 Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 2 of 6 Levels 3 and above Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 3 of 6 Level 1 Basement Level Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 4 of 6 Level 2 Ground Floor Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 5 of 6 Level 3 First Floor Issue 2	16 September 2016	C.M.S Surveyors
12160Cstg1 Strata 1 Sheet 6 of 6 Level 4 Second Floor Issue 2	16 September 2016	C.M.S Surveyors

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Flood Risk Management Report	11 December 2015	Northern Beaches Consulting Engineers
Geotechnical Investigation	20 November 2015	D. Katauskas Consulting Geotechnical Engineer
BCA Fire Safety Assessment Report	23 July 2015	GRS Building Reports
Access Review	26 July 2016	Wall to Wall Design and Consulting

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

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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**Mitchell Drake, Planner**

The application is determined under the delegated authority of:

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**Steven Findlay, Development Assessment Manager**

**ATTACHMENT A**









No notification plan recorded.

**ATTACHMENT B**

No notification map.

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## ATTACHMENT C

Reference Number	Document	Date
 MOD2016/0339	1320 Pittwater Road NARRABEEN NSW 2101 - Section 96 Modifications - Section 96 (1) Misdescription	23/12/2016
 2016/418009	DA Acknowledgement Letter - Volcano Pty Ltd	23/12/2016
 2017/001197	Modification Application Form	03/01/2017
 2017/001199	Applicant Details	03/01/2017
 2017/004797	DElete - Error	06/01/2017
 2017/023138	Delete - Error	24/01/2017
 2017/023160	Stamped Strata Plans	25/01/2017
 2017/023171	Stamped Strata Plans part 2	25/01/2017