

## Memo

### Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Daniel Milliken, Planner
<b>Date:</b>	20 April 2017
<b>Application Number:</b>	Mod2017/0074
<b>Address:</b>	Lot 1 DP 1208984 , 1320 Pittwater Road NARRABEEN NSW 2101
<b>Proposed Modification:</b>	Modification of Development Consent 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 November 2016 for alterations and additions for shop top housing including basement carparking and strata subdivision.

MOD2017/0008, a Section 96(1) application, was granted approval by Council on 31 January 2017 to add strata plans to the list of approved plans.

The strata plans approved under MOD2017/0008 did not exactly match the architectural plans approved under DA2016/0850 due to the applicant deciding to keep several existing internal elements of the building that were originally approved to be changed. This has triggered the applicant lodging the subject modification to correct the architectural plans to match the strata plans.

### 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 the architectural plans approved under DA2016/0850 to match the strata plans approved under MOD2017/0008.

The plans submitted with this application show two changes highlighted plus several other changes that are not highlighted.

The highlighted changes involve:

- A set of access stairs on the northern side of the development. These stairs already exist but were to be deleted in the original stamped plans.
- Allocating a bedroom to Unit 2 that is currently approved as part of Unit 1. The bedroom is existing, is currently a part of Unit 2 and is internal.

The changes to the plans that are not highlighted include:

- The deletion of an approved study to Unit 1.

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- Reducing the size of the Unit 2 balcony.
- The addition of what appears to be a void space on the eastern side of the Unit 2 balcony.
- The conversion of a space to a small room that appears to be titled "new balc".
- The deletion of a "Bin" space in the corridor leading to Unit 3.

As these non-highlighted changes are more substantial than what can be dealt with under a Section 96 (1) application, they would require a Section 96(1A) application to be approved. In this regard, only the highlighted changes will be assessed as part of this modification.

The application proposes modifications to condition No. 1 Modification of Consent - Approved Plans and supporting Documentation which currently reads:

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

a) *Approved Plans*

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
<i>a2001 Issue - ai</i>	<i>31 October 2016</i>	<i>RFA Architects</i>
<i>a2101 Issue - ai</i>	<i>31 October 2016</i>	<i>RFA Architects</i>
<i>a2102 Issue - ai</i>	<i>31 October 2016</i>	<i>RFA Architects</i>
<i>a3001 Issue - ai</i>	<i>31 October 2016</i>	<i>RFA Architects</i>
<i>a3002 Issue - ai</i>	<i>31 October 2016</i>	<i>RFA Architects</i>
<i>a4001 Issue - ai</i>	<i>31 October 2016</i>	<i>RFA Architects</i>
<i>12160Cstg1 Strata 1 Sheet 1 of 5 Location Plan Levels 1 and 2 Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 2 of 5 Location Plan Level 3 and Above Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 3 of 5 Level 1 Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 4 of 5 Level 2 Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 5 of 5 Level 3 Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 1 of 6 Levels 1 &amp; 2 Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 2 of 6 Levels 3 and above Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 3 of 6 Level 1 Basement Level Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 4 of 6 Level 2 Ground Floor Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 5 of 6 Level 3 First Floor Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>
<i>12160Cstg1 Strata 1 Sheet 6 of 6 Level 4 Second Floor Issue 3</i>	<i>20 December 2016</i>	<i>C.M.S Surveyors</i>

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<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>
<i>Flood Risk Management Report</i>	<i>11 December 2015</i>	<i>Northern Beaches Consulting Engineers</i>
<i>Geotechnical Investigation</i>	<i>20 November 2015</i>	<i>D. Katauskas Consulting Geotechnical Engineer</i>
<i>BCA Fire Safety Assessment Report</i>	<i>23 July 2015</i>	<i>GRS Building Reports</i>
<i>Access Review</i>	<i>26 July 2016</i>	<i>Wall to Wall Design and Consulting</i>

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**

The changes highlighted are internal and will retain existing elements of the building. In this regard, the highlighted changes are considered to be minor errors and can be dealt with under this application.

All other changes listed above are not minor errors and will require a Section 96 (1A) application to be lodged. It is not recommended that these changes be included in the conditions of consent for this modification.

Therefore, it is recommended that condition No. 1 not be modified, but that a new condition, No. 1A, be added that details the new plans. It is also recommended that the new condition state that only the highlighted works are the subject of this modification and that no other changes are approved.

## **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. Mod2017/0074 for Modification of Development Consent 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. Add Condition No.1A - Modification of Consent - 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>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
a2001 Revision AM	13 March 2017	RFA Architects
a2101 Revision AM	13 March 2017	RFA Architects
a2102 Revision AM	13 March 2017	RFA Architects
a3001 Revision AM	13 March 2017	RFA Architects
a3002 Revision AM	13 March 2017	RFA Architects
a4001 Revision AM	13 March 2017	RFA Architects
a4002 Revision AM	13 March 2017	RFA Architects

Only the changes highlighted in pink on plan No. a2101 Revision AM (i.e. the changes to the access stairs and the layout of Unit 2 and Unit 1) are approved as part of this modification. No other changes shown on the plans are included. Separate consent under Section 96(1A) of the *Environmental Planning and Assessment Act 1979 No 203* must be obtained for any non highlighted changes.

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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**Daniel Milliken, Senior Development Planner**


The application is determined under the delegated authority of:

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**Steven Findlay, Development Assessment Manager**

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## ATTACHMENT A











Notification Plan	Title	Date
 2017/090506	Plans - Notification	31/03/2017

## ATTACHMENT B

No notification map.

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## ATTACHMENT C

Reference Number	Document	Date
 MOD2017/0074	1320 Pittwater Road NARRABEEN NSW 2101 - Section 96 Modifications - Section 96 (1) Misdescription	28/03/2017
 2017/085723	DA Acknowledgement Letter - Volcano Pty Ltd	28/03/2017
 2017/090503	Modification Application Form	31/03/2017
 2017/090504	Applicant Details	31/03/2017
 2017/090506	Plans - Notification	31/03/2017
 2017/090526	Plans - External	31/03/2017
 2017/090530	Plans - Internal	31/03/2017
 2017/090507	Plans - External - Existing	31/03/2017
 2017/090511	Plans - Existing - Internal	31/03/2017
 2017/090531	Plans - Master Set	31/03/2017