

# Memo

## Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Keith Wright, Development Assessment Officer
<b>Date:</b>	12 February 2013
<b>Application Number:</b>	Mod2013/0014
<b>Address:</b>	Lot 1 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 2 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 3 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 4 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 5 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100 Lot 6 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100
<b>Proposed Modification:</b>	Modification of Development Consent DA2010/0899 granted for Demolition works and removal of trees

### Background

The abovementioned development consent was granted by Council on 26/07/10 for demolition works of a dwelling and removal of trees on Council owned land located on the corner of Federal Avenue and Pine Avenue, Brookvale. The site is part of the Brookvale Oval surrounds and is addressed to Pittwater Road.

### 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 it is considered to be of minor change not affecting the development or adjoining properties.

The application seeks to delete condition No. 7, which reads as follows:

#### Bonds

A bond (determined from type of works) of \$2,000 and an inspection fee paid of \$220 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of demolition or the transportation of materials and equipment to and from the development site.

A fee of \$220.00 is payable to Council for each kerb inspection as determined by

Council (minimum of one (1) inspection).

**Reason:** To ensure adequate protection of Council infrastructure. (DACENC01)

### **Consideration of error or mis-description**

Being Council owned property, it is claimed that a bond and kerb inspection fee do not apply.

### **Assessment**

No objection is raised to the deletion of the condition for the reason that any bond or fee is not relevant in these circumstances.

### **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. Mod2013/0014 for Modification of Development Consent DA2010/0899 granted for Demolition works and removal of trees on land at Lot 1 DP 1141128 as follows:

### **Delete Condition 7 - Bonds to read as follows:**

DELETE

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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**Keith Wright, Development Assessment Officer**

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.

**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 2013/036220	DA Acknowledgement Letter - Mike Chow - Warringah Council	05/02/2013
 2013/038444	modification application form	06/02/2013
 2013/038448	applicant details	06/02/2013
 2013/042004	Parks, Reserves and Foreshores Referral Response	11/02/2013
 2013/042283	File Cover	11/02/2013