

# Memo

## Environment

<b>To:</b>	Steven Findlay , Development Assessment Manager
<b>From:</b>	Lashta Haidari, Planner
<b>Date:</b>	1 June 2018
<b>Application Number:</b>	Mod2018/0244
<b>Address:</b>	<p>Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 7 DP 8172 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
<b>Proposed Modification:</b>	Modification to amend the Notice of Determination in respect of Mod2018/0158 to correct the Plan reference and documents

## Background

The modified consent was granted by Council on 10 May 2018 for Modification of Development Consent DA2016/0705 granted for a mixed-use development to carry out minor alterations and install additional air conditioning condensers.

## Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or misdescription 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(a) No (Modification Approved Plans) to reference the correct plans and documents that were submitted as part of Mod2018/0158 and is 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 (changes highlighted in Red circles)

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
0011 (Revision H)	16/03/2018	Crone Architects
0015 (Revision H)	16/03/2018	Crone Architects
0025 (Revision F)	20/03/2018	Crone Architects
0042 (Revision D)	19/03/2018	Crone Architects

<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>
Statement of Environmental Effects	21 March	Meriton

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

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**

Condition (a) of the modified consent specifies a requirement to comply with certain plans and documents, which was submitted with the modified application. However, there was drafting error as these plans and documents with Condition (a) did not match these documents lodged in support of the modified application.

### **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. Mod2018/0244 for Modification to amend the Notice of Determination in respect of Mod2018/0158 to correct the Plan reference and documents on land at Lot 3 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot B DP 371110,884 - 896 Pittwater Road, DEE WHY, Lot A DP 371110,884 - 896 Pittwater Road, DEE WHY,

Lot 2 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 209503,884 - 896 Pittwater Road, DEE WHY, Lot 7 DP 8172,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 307937,884 - 896 Pittwater Road, DEE WHY, Lot 3 DP 307937,884 - 896 Pittwater Road, DEE WHY, Lot A DP 416469,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 504212,884 - 896 Pittwater Road, DEE WHY, Lot 10 DP 231418,884 - 896 Pittwater Road, DEE WHY, Lot 11 DP 231418,884 - 896 Pittwater Road, DEE WHY, Lot A DP 339410,884 - 896 Pittwater Road, DEE WHY, 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 (changes highlighted in Red circles)

<b>Architectural Plans - Endorsed with Council's stamp</b>		
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Statement of Environmental Effects	21 March	Meriton

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

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

**b) Add new Condition 1A <Noise Impact > to read as follows**

Any noise generated from the condenser shall not exceed more than 5dB(A) above the background level when measured from property boundary and individual units within the development site. Any noise generated from the condenser needs to comply with the Environment Protection Authority's NSW Industrial Noise Policy/Noise Policy for Industry (2017) and any appropriate legislation to prevent offensive noise.

Reason: To ensure that noise generated from the premise does not create offensive (DACHPGOG5)

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Lashta Haidari, Principal Planner**

The application is determined under the delegated authority of:



**Steven Findlay, Manager Development Assessments**








**ATTACHMENT A**

No notification plan recorded.

**ATTACHMENT B**

No notification map.

## ATTACHMENT C

Reference Number	Document	Date
 2018/313207	ASIC - Company Details	27/04/2018
 2018/313204	S4.55(1) Application Letter	16/05/2018
 MOD2018/0244	9 Howard Avenue DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (1) Misdescription	21/05/2018
 2018/313199	Modification Application Form	24/05/2018
 2018/313202	Applicant Details	24/05/2018
 2018/313223	DA Acknowledgement Letter - Karimbla Constructions Services (NSW) Pty Ltd	24/05/2018
 2018/334766	Assessment Report	01/06/2018