

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Nick England, Planner
Date:	13 February 2015
Application Number:	Mod2014/0268
Address:	Lot 50 DP 1125295 , 277 - 283 Condamine Street MANLY VALE NSW 2093
Proposed Modification:	Modification of Development Consent DA2014/0630 granted for signage

Background

Council granted development consent to DA2014/0630 for "Signage" on the subject site on 14 August 2014. The application primarily sought modification to existing and additional signage for the "Dan Murphy's" retail outlet on the site, however three (3) wall signs were proposed on the south elevation of the building, which related to other commercial premises operating from the site, specifically located on the first floor of the building. Investigation of Council records was that there were no specific consents granted for the use of these premises and the application did not state which premises the business signage would relate to. For this reason, a special condition of development consent was recommended, being:

"6. Deletion of signage

The signage annotated on the architectural plans as "K", "L" and "M" are to be deleted from the approved plans.

Details demonstrating compliance with this condition is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure all that business identification signage relates to lawfully approved land uses (DACPLCPCC1)"

Proposed Modification

The application seeks to delete Condition No.6, as an error was made in the assessment of the original application, in that effective consent for the offices that relate to the signage was already in place with the original consent.

Assessment

The application has provided additional information to clarify that the original consent for the building (No.2006/0262) included approved plans which state that the first floor area (which consists of 8 tenancies) was approved as an "office area" and as the signs relate to offices being used on the first floor for the business purposes related to the signage. The applicant has also clarified which tenancies on the first floor are related to the proposed signs.

Consideration of the original plans show that the first floor is notated as "office area", which upon re-

consideration is effective as a land-use consent for the first floor as "offices". An examination of the original Notice of Determination does not show that there is any condition requiring further land use consent in respect to this floor space. In this aspect of the original proposal for signage, this was considered an oversight on behalf of Council in the original assessment.

However, the purpose of the condition was nonetheless considered valid as no specific link was made to the signage and which tenancies the business signage related to. The applicant has nonetheless verified that signs K, L and M relates to tenancies 7, 6 and 2 respectively.

Recommendation

That the proposed modification is consistent with the provisions of Section 96(1) and that Condition No.6 is invalid and can be deleted from the Notice of Determination for Development Consent No.DA2014/0630.

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. Mod2014/0268 for Modification of Development Consent DA2014/0630 granted for signage on land at Lot 50 DP 1125295 as follows:

A. Delete Condition No.6 - Deletion of Signage

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

Nick England, Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager












ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2014/379087	Report Section 96(1) Statement of Environmental Effects - CD	02/12/2014
 2014/379209	Appendix C - Copy of Development Consent No. DA2006-0262	02/12/2014
 2014/379213	Appendix C - Plans Copy of Approved Plan Development Consent No. DA2006-0262 - CD	02/12/2014
 2014/379145	Appendix B - Copy of Development Consent No. DA2014-0630 - CD	02/12/2014
 2014/379162	Appendix B - Copy of Approved Plans Development Consent No. DA 2014-0630 - CD	02/12/2014
 2014/379090	Appendix A - Architectural Plans - Master Set - CD	02/12/2014
 MOD2014/0268	277-283 Condamine Street MANLY VALE NSW 2093 - Section 96 Modifications - Section 96 (1) Misdescription	04/12/2014
 2014/373229	DA Acknowledgement Letter - Milestone Aust Pty Ltd	04/12/2014
 2014/379077	Modification Application Form	10/12/2014
 2014/379082	Applicant Details	10/12/2014
 2014/385885	File Cover	17/12/2014