

## Application to Modify a Consent (Section 96)

Made under the Environmental Planning and Assessment Act 1979 (Section 78A),  
Roads Act 1993 (Section 138), Local Government Act 1993 (Section 68) and  
Privacy and Personal Information Protection Act 1998

### Address the application to:

- ☒ The General Manager  
Warringah Council  
Civic Centre, 725  
Pittwater Rd  
Dee Why NSW 2099

**Or**

- ☒ Customer Service Centre  
Warringah Council  
DX 9118  
Dee Why

### If you need help lodging your application

- ☒ Phone our Customer  
Service Centre on  
  
(02) 9942 2111

**or**

come in and talk to us

*100 230352*

### Office Use Only

- ☐ WLEP 2000 Locality  
☐ WLEP 2011 Zone

M O D 2 0 1 4 / 0 7 1 7

D A 2 0 0 7 / 0 8 5 6

- |  |  |
|--|--|
| <input type="checkbox"/> Locality LEP 2000 | <input type="checkbox"/> Bushfire Zone |
| <input type="checkbox"/> Category LEP 2000 | <input type="checkbox"/> Heritage      |
| <input type="checkbox"/> Owners Consent    | <input type="checkbox"/> Wave Impact   |
| <input type="checkbox"/> Lot and DP        | <input type="checkbox"/> Slip Zone     |
| <input type="checkbox"/> 40 Metre Buffer   | <input type="checkbox"/> Flood Zone    |
| <input type="checkbox"/> Acid Sulfate      | <input type="checkbox"/> Vegetation    |

**For applicable fees and charges, please refer to Council's website. [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) or contact our Customer Service Centre.**

April 2014

## Privacy and Personal Information Protection Notice

The personal information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 and will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application, (2) contact you in relation to your application should that be necessary, and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on E-Services Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager see s 739 of the Local Government Act 1993 (NSW).

## Part 1 Summary Applicant Details

**MASTERCOPY**

Applicant(s) name(s)

Owner(s) name(s)

If any owner/applicant of this development application is a current employee or elected representative of Warringah Council

Warringah Council employee Yes ☐ Elected representative Yes ☐

Full applicant details to be completed in Part 3 of the application

## Part 2 Application Details

2 1 Location of the property	Unit no <input type="text"/>	House no <input type="text"/>	Street <input type="text"/>
We need this to correctly identify the land. These details are shown on your rates notice, property title etc.	Suburb <input type="text" value="Freshwater"/>	5-7 Lawrence st Lot A and B in DP375558 18 Marmora st Lot 9 Sec 2 in DP10321	
Legal property description	Lot <input type="text" value="394"/>	Sect <input type="text"/>	DP/SP <input type="text" value="752 038"/>
This information must be supplied			

2 2 Development consent	Development consent no <input type="text" value="2007/0856 NSWLEC file no 11108 of 2008"/>
Date of determination	<input type="text" value="3/3/09"/>
Description of consent	Demolition of existing buildings and construction of a mixed use development comprising basement car parking, three-storey retail/commercial building, 10 residential apartments in two buildings and a detached dwelling and stratum subdivision at 5 and 5A Lawrence Street and 18 Marmora Street, Freshwater being Lots A & B in DP 37558 and Lot 9 in DP 103521

2 3 Details of modification	(a) Give details of manner and extent of modification	<div style="border: 1px solid black; padding: 5px;"> <p><i>Modification of Development Consent DA 2007/0856 granted for the demolition of existing buildings and construction of a mixed use development comprising of basement car parking, three storey retail/commercial building, 16 residential apartments in 2 buildings and a detached dwelling and subdivision into 2 lots and the staged construction and occupation of the development consisting of</i></p> <ul style="list-style-type: none"> <li>- Proposed modification to the description of the proposed development, and</li> <li>- Proposed modification to Conditions 1, 23, 27 and 94 of Development Consent DA2007/0856 relating to amended DA plans for the residential component of the mixed use proposal,</li> </ul> </div>
	(b) Modification Type	<ul style="list-style-type: none"> <li>▪ <b>Section 96(1)</b> Modification to correct a minor error, misdescription or miscalculation <input type="checkbox"/></li> <li>▪ <b>Section 96AA</b> Modification to a consent issued by the Land &amp; Environment Court <input checked="" type="checkbox"/></li> <li>▪ <b>Section 96 (1A)</b> Modification involving changes with a minimal environmental impact <input type="checkbox"/></li> <li>▪ <b>Section 96 (2)</b> Modification involving changes other than minimal environmental impact * <input type="checkbox"/></li> </ul>

\* most modifications are normally this type

## Part 2 Application Details cont

### 2 4 Details of original consent

Was the consent integrated?

YES NO

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☐

Approval under s68 Local Government Act 1993

☐
☐

Approval under s138 Roads Act 1993

☐
☐

Heritage item or within conservation area

☐
☐

### 2 5 Trees

Drip line is the outermost edge of the canopy of the tree

Does the modification involve works within the drip line of a tree? (either on your property or an adjoining site)

YES NO

☐
☒

Does this proposal involve removal of tree(s)?

☐
☒

### 2 6 BASIX/Nathers Certificate

The proposed modification remains consistent with the current BASIX certificate

YES NO

☐
☒

If no, a new BASIX certificate must be submitted with modifications

### 2 7 Disclosure of political donations and gifts

**Note** gift means a gift within the meaning of section 84 of the Election Funding & Disclosures Act 1981. Failure to disclose relevant information is considered an offence under Part 6 section 96H of the Election Funding and Disclosures Act 1981

Under section 147 of the Environmental Planning and Assessment Act 1979 any reportable political donation to an elected representative of Warringah Council (Mayor or Councillor) and/or any gift to an elected representative or Warringah Council employee within a two (2) year period commencing two (2) years before the date of this application and ending when the application is determined must be disclosed

Are you aware of any person with a financial interest in this application who made a reportable donation or gave a gift in the last two (2) years?

☐ Yes

☒ No

If yes, complete the Political Donation Declaration and lodge it with this application. If no, in signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of its determination.

For further information visit Council's website at [www.warringah.nsw.gov.au/plan\\_dev/PoliticalDonationsBill.aspx](http://www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx)

### 2 8 Agreement to Accept Consent Plan on CD

**YOU ARE ADVISED THAT BY LODGING THIS APPLICATION, YOU AGREE TO ACCEPT AN ELECTRONIC COPY OF THE CONSENT PLANS ONLY.**

## Modify a Consent Checklist

REQUIRED	SUPPLIED
<p>Contact Council if you are unsure what details will be required for your modification application</p>	<p>YES NO - WHY NOT</p>
<p><b>PREPARING YOUR APPLICATION</b></p> <p><input type="checkbox"/> Three (3) copies of all documentation, <u>including the application form</u> are required ONLY one (1) copy of the checklist is required Additional copies of documentation may be requested Highlight in colour all proposed modifications on the plans</p> <p><b>OR</b></p> <p><input checked="" type="checkbox"/> Major development new commercial, industrial and residential flat buildings Seven (7) copies of all documentation, <u>including the application form</u> are required Additional copies of documentation may be requested Highlight in colour all proposed modifications on the plans</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>
<p><input checked="" type="checkbox"/> <b>A4 PLANS FOR NOTIFICATION PURPOSES (7 copies)</b> <b>Proposed modifications must be highlighted, or otherwise identified.</b></p> <p><input type="checkbox"/> Provide seven (7) copies of A4 reductions of site plan and elevations (preferably 1 page), to be double-sided (excluding floorplans)</p> <p><input type="checkbox"/> These plans need not include interior detail which may effect your rights to privacy However if such plans are provided, then the signature on the Development Application Form acknowledges and accepts that all relevant A4 plans submitted will be used for public notification purposes</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>
<p><input type="checkbox"/> <b>Non Notification Checklist</b></p> <p>If this was submitted with the original development application and the proposed modification still meets the criteria on the relevant checklist available from <a href="http://www.warringah.nsw.gov.au/plan_dev/online_forms.aspx">www.warringah.nsw.gov.au/plan_dev/online_forms.aspx</a> Planning and Development /Online forms/Development Applications - Non Notification</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>
<p><input checked="" type="checkbox"/> <b>PLANS</b></p> <p>Plans must be drawn to scale (preferably 1:100 or 1:200) Free hand, single line or illegible drawings will not be accepted The following information should be included on all plans and documents</p> <p><input type="checkbox"/> Applicant(s) name(s)</p> <p><input type="checkbox"/> Property address (block/house/shop/flat number)</p> <p><input type="checkbox"/> Lot number, Section number and Deposited Plan / Strata Plan number</p> <p><input type="checkbox"/> Measurements in metric</p> <p><input type="checkbox"/> The position of true north</p> <p><input type="checkbox"/> Draftsman/architect name, date, plan name and number, plan version, and revision</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>
<p><input checked="" type="checkbox"/> <b>SURVEY PLAN</b></p> <p>A survey plan will be required if the proposed modification involves changes to the works footprint and the original survey submitted with the development application is more than two (2) years old</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>
<p><input checked="" type="checkbox"/> <b>SITE ANALYSIS PLAN</b></p> <p>An amendment site analysis plan must be submitted if the proposed modification involves external changes to the building</p> <p>A site plan is a birds-eye view of the existing approved and proposed development on the site and its position in relation to boundaries and neighbouring developments</p> <p>Please refer to the Development Application Checklist for details to be included in a site analysis plan</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>

**REQUIRED****SUPPLIED**☐ **FLOOR PLAN**

An amended floor plan must be submitted if the proposed modification involves changes to the internal layout

A floor plan is a birds-eye view of your existing and/or proposed layout of rooms within the development

Please refer to the Development Application Checklist for details to be included in a floor plan

YES NO - WHY NOT

☒ ☐☐ **ELEVATION PLAN**

Amended elevations must be submitted if the proposed modification involves external changes to the building

Elevation plans are a side-on view of your proposal. Include drawings of all affected elevations (north, south, east and west facing) of your development

Please refer to the Development Application Checklist for details to be included in a elevation plan

☒ ☐☐ **SECTION PLAN**

Amended sections must be provided where relevant

A section is a diagram showing a cut through the development at the most typical and critical points

☒ ☐☐ **SECOND STOREY**

Amended elevations and sections showing proposed external finishes and heights, side boundaries and relevant side boundary envelope under WLEP 2011/WDCP are to be provided if the proposed modification involves external changes to the building

☒ ☐☐ **REVISED STATEMENT OF ENVIRONMENTAL EFFECTS**

This is a written statement which demonstrates the applicant has considered the impact of the proposed modification on the natural and built environments both during and after construction, and the proposed method of mitigating any adverse effects. The revised statement of environmental effects must address how the development responds to the relevant provisions of State Environmental Planning Policies, the relevant Warringah Local Environment Plan and Warringah Development Control Plan as relating to the modification proposal and all existing conditions of consent which will be affected by the modifications

In addition, indicate that the proposed modification does not substantially alter the original proposal and justify the form of the application (ie, s96 (1), s96 AA, s96 (1A) or s96 (2) )

Please refer to the Development Application Checklist for details to be included in the revised statement of environmental effects

☒ ☐☐ **REVISED SHADOW DIAGRAMS**

☒ Amended shadow diagrams must be submitted for proposals that involve external changes to the height, bulk or setbacks of the building

☒ All shadow diagrams must be accompanied by the Certification of Shadow Diagrams form available from [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au), Planning and Development /Online Forms /Development Applications

☒ ☐☐ **REVISED SUBDIVISION PLAN** (Torrens or Strata)

If you are planning to amend your approved subdivision you will need to supply a plan showing the approved subdivision and proposed changes, with land title details (including number of lots)

☐ ☒ NA☐ **REVISED LANDSCAPING PLAN**

An amended landscape plan is to be submitted if the proposed modification results in changes to approved landscape areas

☒ ☐

**REQUIRED****SUPPLIED**☐ **REVISED BASIX AND NATHERS CERTIFICATE**

A revised BASIX certificate may be required

Please refer to [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au) or phone the BASIX Help Line on 1300 650 908

☐ **REVISED ADVERTISING STRUCTURE/SIGN** (Advertising applications only)

If you are planning to modify an advertising structure or sign you will need to supply relevant details as contained in the Development Application checklist for advertising structures

☐ **REVISED STATEMENT OF HERITAGE IMPACT**

A revised statement of heritage impact is required for all modifications involving heritage items or works to buildings in conservation areas

☐ **REVISED EROSION AND SEDIMENT CONTROL PLAN**

A revised erosion and sediment control plan is required for all works that require excavation if proposed changes affect the approved erosion and sediment control plan

☐ **REVISED WASTE MANAGEMENT PLAN**

A revised waste management plan is required for new multi-unit residential or commercial developments if proposed changes affect the approved waste management program

☐ **REVISED CONTAMINATED LAND MANAGEMENT**

A revised contamination report must be submitted if the site was identified under the original application as being a contaminated site, or if previous activities on site indicate a potential for contamination,

☐ **REVISED ON-SITE STORMWATER DETENTION CHECKLIST/ STORMWATER PLANS**

If proposed changes will affect stormwater disposal please provide amended stormwater drainage plan in accordance with Council's Stormwater Technical specification (including submission of the On-site Stormwater Detention Checklist) IIsax or drains model are to be supplied on CD in accordance with Council's OSD Technical Specification

☐ **REVISED GEOTECHNICAL REPORT - LAND SLIP AREA**

A revised geotechnical report is required for developments located in a slip zone if approved footprint or excavation is proposed to be amended

☐ **BUSHFIRE HAZARD ASSESSMENT REPORT**

A revised Bushfire Hazard Assessment report is required to be submitted with all applications

The Report shall be commensurate to the scope of the modifications and shall address how the development (as modified) responds to the requirements of Planning for Bushfire Protection (most recent version)

☐ **REVISED ARCHAEOLOGICAL REPORT**

A revised archaeological report is required where the site may be impacted by items of archaeological significance if approved footprint or excavation is proposed to be amended

☐ **REVISED FLORA AND FAUNA ASSESSMENT**

A revised flora/fauna impact report under section 5A of Environmental Planning and Assessment Act 1979 as amended is required where proposed changes will further impact on a protected species

☐ **REVISED ACID SULPHATE SOIL MANAGEMENT PLAN**

A revised acid sulphate management plan is required for prone sites if approved footprint or excavation is proposed to be amended

YES NO - WHY NOT

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**REQUIRED****SUPPLIED**☐ **INTEGRATED DEVELOPMENT**

If the original application was identified as an integrated development

☒ Two (2) additional copies of documentation as determined by consent authority

☒ Fees made out to each integrating authority

☐ **FIRE SAFETY MEASURES SCHEDULE (BCA Class 2 TO 9)**

A statement from an accredited certifier is required detailing whether the proposed modification will affect any fire safety measures

☐ **REVISED FLOOD REPORT**

A revised flood risk assessment is to be provided if the site is flood prone and any proposed changes involve building footprints or floor levels

☐ **REVISED HYDROLOGICAL REPORT (WATERTABLE)**

A revised hydrological report is to be provided if proposed changes involve enlarging or deeper excavations

☐ **REVISED ARBORIST REPORT**

A revised arborist report is required if proposed changes will impact on any trees

☐ **REVISED TREE CONSTRUCTION IMPACT STATEMENT**

A revised tree construction impact statement is required if proposed changes will impact on any trees

☐ **REVISED ACCESS REPORT**

A revised access report will be required if proposed changes will impact on access requirements under the Disability Discrimination Act 1992

☐ **REVISED TRAFFIC AND PARKING REPORT**

A revised traffic and parking report is required if proposed changes involve parking layout, number of parking spaces, or traffic generation

☐ **REVISED MONTAGE**

A revised montage is required (where originally submitted) if the modification involves significant colour/design changes to the external facade

☐ **REVISED COLOURS AND FINISHES SAMPLE BOARD**

A revised colour and finishes sample board is required (where originally submitted) if the modification involves significant colour/design changes to the original facade

☐ **REVISED BUILDING CODE OF AUSTRALIA (BCA) REPORT**

A revised BCA report is required where modifications have impacted on the original BCA report submitted

**NOTE SPECIFIC DETAILS OF INFORMATION TO BE SUBMITTED IN ANY OF THE ABOVE DOCUMENTS CAN BE FOUND IN THE DEVELOPMENT APPLICATION CHECKLIST**

YES NO - WHY NOT

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**OFFICE USE ONLY**

Quality Checking Officer

Comments \_\_\_\_\_

Checked by \_\_\_\_\_

Quality Checking Officer \_\_\_\_\_ Duty Officer \_\_\_\_\_