

Memo

Environment

To:	Matthew Edmonds , Development Assessment Manager
From:	Claire Ryan, Planner
Date:	1 August 2019
Application Number:	Mod2019/0361
Address:	Lot 1 DP 76807 , 29 - 33 Pittwater Road MANLY NSW 2095
Proposed Modification:	Modification of Development Consent DA2019/0083 granted for alterations and additions to an existing Mixed Use Development

Background

The above-mentioned development consent was granted by Council's Development Determination Panel (DDP) on 10 July 2019 for alterations and additions to an existing Mixed Use Development;

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Manly Development Control Plan 2013 does not require the notification of Section 4.55 (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:

- Relocate Condition **Rectification and Certification of Southern Wall** to the section of the Notice of Determination labeled Conditions Which Must Be Complied With Prior To The Issue Of The Occupation Certificate. The condition was originally recommended to be complied with prior to the issue of the Construction Certificate. However, in deliberation of the original application, it was established that this may result in the requirement to undertake unauthorised work. The DDP required the condition to be relocated to be complied with prior to the issue of the Occupation Certificate, but this amendment was not brought into the Notice of Determination in error.
- Amend Condition **No Boundary Encroachment** to allow for the construction of the approved awnings outside the property boundaries. The current wording may be interpreted to restrict all development to be wholly within all boundaries. thus preventing the construction of the awnings. The amended condition is to read as follows:
No Boundary Encroachment
No portion of the proposed building or works are to encroach upon any other land, with the exception of the awnings approved on the northern and eastern elevations of the development. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate.
Reason: To ensure structures are contained within the site.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

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It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2019/0361 for Modification of Development Consent DA2019/0083 granted for alterations and additions to an existing Mixed Use Development on land at Lot 1 DP 76807,29 - 33 Pittwater Road, MANLY, as follows:

A. Delete Condition No. 12 Rectification and Certification of Southern Wall:

12. DELETED

B. Add Condition No. 19A Rectification and Certification of Southern Wall to read as follows:

19A. Rectification and Certification of Southern Wall

The existing southern wall is to be rectified to be wholly within the subject site's property boundaries. Certification shall be provided by a suitably qualified structural engineer that the remaining section of the southern wall can be made structurally sound. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate.
Reason: To ensure development is wholly contained within the relevant property boundaries.

C. Amend Condition No. 21 No Boundary Encroachment to read as follows:

21. No Boundary Encroachment

No portion of the proposed building or works are to encroach upon any other land, with the exception of the awnings approved on the northern and eastern elevations of the development. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate.
Reason: To ensure structures are contained within the site.

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

Signed



Claire Ryan, Planner

The application is determined on 31/07/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments