

Memo

Environment

To:	Teresa Gizzi , Acting Development Assessment Manager
From:	Phil Lane, Development Assessment Officer
Date:	5 March 2013
Application Number:	Mod2013/0036
Address:	<p>Lot 47 DP 3674 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 784268 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 5 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 6 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 651395 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 114027 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 6 DP 785409 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot B DP 966128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 4 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 5 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 3 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 2 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 6 DP 22257 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 2 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 3 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 4 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 2 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 3 DP 1141128 , 9999 Pittwater Road BROOKVALE NSW 2100</p>

	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
Proposed Modification:	Modification of Development Consent DA2011/0544 granted for Demolition works, alterations and additions to a recreation facility and use of premises as a shop (kiosk)

Background

The abovementioned development consent was granted by Council on 10 October 2011 for Demolition works, alterations and additions to a recreation facility and use of premises as a shop (kiosk).

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 modify condition(s) No. 24 & 27, which reads as follows:

24. **Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

27. **On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

This application is sought as a interim occupation certificate can not be issued until these above conditions have been satisfied, which may that sometime and therefore prevents the use of building.

Consideration of error or mis-description

A referral was sent to Council's Development Engineers and consent recommended subject to the following amendments:

24. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed requested forms (Department of Lands standard forms 13 PVP and/ or 13RVP) must be submitted to council, with a copy of the Works-as-Executed plan(s) (details overdrawn on a copy of the approved drainage plan), an installation certificate from the installer and an engineers certification that the consultants OSD /drainage system design complies with the relevant Australian Standards and the approved drainage plans.

Details demonstrating compliance are to be submitted to the Principal certifying Authority prior to the issue of an Occupation Certificate.

Reason: To create encumbrances on the Land. (DACENF01)

27. On-site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system an engineers certification that the consultants OSD /drainage system design complies with the relevant Australian Standards and the approved drainage plans, Work as executed drawings and a installation certificate from the installer is to be provided.

Details demonstrating compliance are to be submitted to the Principal certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to councils satisfaction. (DACENF10)

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. Mod2013/0036 for Modification of Development Consent DA2011/0544 granted for Demolition works, alterations and additions to a recreation facility and use of premises as a shop (kiosk) on land at Lot 47 DP 3674 as follows:

A. Modify Condition 24 - Authorisation of Legal Documentation Required for On-site Stormwater Detention to read as follows:

The original completed requested forms (Department of Lands standard forms 13 PVP and/ or 13RVP) must be submitted to council, with a copy of the Works-as-Executed plan(s) (details overdrawn on a copy of the approved drainage plan), an installation certificate from the installer and an engineers certification that the consultants OSD /drainage system design complies with the relevant Australian Standards and the approved drainage plans.

Details demonstrating compliance are to be submitted to the Principal certifying Authority prior to the issue of an Occupation Certificate.

Reason: To create encumbrances on the Land. (DACENF01)

B. Modify Condition 27 - On-site Stormwater Detention Compliance Certification to read as follows:

Upon completion of the on-site stormwater detention (OSD) system an engineers certification that the consultants OSD /drainage system design complies with the relevant Australian Standards and the approved drainage plans, Work as executed drawings and a installation certificate from the installer is to be provided.

Details demonstrating compliance are to be submitted to the Principal certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to councils satisfaction. (DACENF10)

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

Phil Lane, Senior Development Assessment Officer

The application is determined under the delegated authority of:

Teresa Gizzi, Acting Development Assessment Manager








ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2013/062701	Modification application form	27/02/2013
 2013/062703	Applicants Detail	27/02/2013
 2013/062735	Amendments to DA Conditions 24 & 27 For Brookvale Oval	27/02/2013
 2013/065995	DA Acknowledgement Letter - Warringah Council	01/03/2013
 2013/066002	File Cover	01/03/2013
 2013/066015	Referral to Development Engineers	01/03/2013
 2013/066757	Parks, Reserves and Foreshores Referral Response	04/03/2013