

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

REC-100260009

Contact Us	
The General Manager, 725 Pittwater Road, Dee Why NSW 2099 or Customer Service Centre, Warringah Council DX9118 Dee Why	
Email	council@warringah.nsw.gov.au
Fax	9942 2606
If you need help lodging your application call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why.	

Office Use Only											
<input type="radio"/> WLEP 2000 Locality						<input checked="" type="radio"/> WLEP 2011 Zone B2					
M	O	D	2	0	1	5	1	0	1	2	0
D	A	2	0	1	2	1	1	2	3	5	
<input type="radio"/> Locality LEP 2000				<input type="radio"/> 40 Metre Buffer				<input type="radio"/> Wave Impact			
<input type="radio"/> Category LEP 2000				<input type="radio"/> Acid Sulfate				<input checked="" type="radio"/> Slip Zone A			
<input type="radio"/> Owners Consent				<input type="radio"/> Bushfire Zone				<input type="radio"/> Flood Zone			
<input checked="" type="radio"/> Lot and DP				<input type="radio"/> Heritage				<input type="radio"/> Vegetation			

For applicable fees and charges, please refer to Council's website warringah.nsw.gov.au or contact our Customer Service Centre.

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 Application Details

1.1 APPLICANT(S) DETAILS	
Applicant(s) name	FW Projects Pty Ltd.
Owner(s) name	FW Projects Pty Ltd.
If any owner/applicant of this development application is a current employee or elected representative of Warringah Council.	<input type="radio"/> Warringah Council Employee <input type="radio"/> Elected Representative
Full applicant details to be completed in Part 3 of the application form.	



Part 2: Application Details

2.1 LOCATION OF THE PROPERTY

We need this to correctly identify the land. These details are shown on your rates notice, property title etc.

Unit Number		House Number	22-26
Street	ALBERT	Suburb	FRESHWATER
Legal Property Description <i>This information must be supplied.</i>	Lot	1	
	Sect	-	
	DP/SP	830423	

2.2 DEVELOPMENT CONSENT

Development consent no.	DA 2012/1235
Date of Determination	19 February 2013
Description of Consent	Demolition works and Construction of a mixed use development comprising commercial + residential

2.3 DETAILS OF MODIFICATION

(a) Give details of manner and extent of modification	See schedule and Planning Report.	
	Internal modifications to carparking, retail and residential layouts of a minor nature.	
	Minimal changes externally with minimal environmental impact.	
	Note a significant number of the proposed modifications could be undertaken as complying development.	
(b) Modification Type	Section 96(1) - Modification to correct a minor error, misdescription or miscalculation	<input type="radio"/>
	Section 96AA - Modification to a consent issued by the Land & Environment Court	<input type="radio"/>
	Section 96 (1A) - Modification involving changes with a minimal environmental impact	<input checked="" type="radio"/>
	Section 96 (2) - Modification involving changes other than minimal environmental impact *	<input type="radio"/>
* most modifications are normally this type		

2.4 DETAILS OF ORIGINAL CONSENT

Was the consent integrated?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Approval under s68 Local Government Act 1993	<input type="radio"/> Yes <input checked="" type="radio"/> No
Approval under s138 Roads Act 1993	<input type="radio"/> Yes <input checked="" type="radio"/> No
Heritage item or within conservation area	<input type="radio"/> Yes <input checked="" type="radio"/> No

Part 2: Application Details**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)?

☐ Yes ☒ No

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 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**

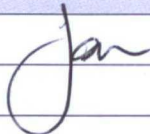
Contact Council if you are unsure what details will be required for your modification application.

	Yes	No	Why Not
PREPARING YOUR APPLICATION			
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 additions/amendments on the plans.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Not application form
OR			
Major development: new commercial, industrial and residential flat buildings. Seven (7) 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 additions/amendments on the plans.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A4 PLANS Proposed modifications must be highlighted, or otherwise identified.			
<ul style="list-style-type: none"> Provide one (1) copy of A4 size reductions of the site plan and elevations to be double-sided (excluding floorplans). Plans are to be legible, including dimensions and wording. These plans need not include interior detail that may affect 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. 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
NON NOTIFICATION CHECKLIST			
If this was submitted with the original development application and the proposed modification still meets the criteria on the relevant checklist available from warringah.nsw.gov.au/plan_dev/online_forms.aspx Planning and Development /Online forms/Development Applications - Non Notification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
PLANS			
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: <ul style="list-style-type: none"> Applicant(s) name(s) Property address (block/house/shop/flat number) Lot number, Section number and Deposited Plan / Strata Plan number. Measurements in metric The position of true north Draftsman/architect name, date, plan name and number, plan version, and revision 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SURVEY PLAN			
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SITE ANALYSIS PLAN			
An amendment site analysis plan must be submitted if the proposed modification involves external changes to the building. 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. Please refer to the Development Application Checklist for details to be included in a site analysis plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Required

	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Section
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 build 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
REVISED SHADOW DIAGRAMS			
<ul style="list-style-type: none"> 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 warringah.nsw.gov.au, Planning and Development /Online Forms /Development Applications 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED LANDSCAPING PLAN			
An amended landscape plan is to be submitted if the proposed modification results in changes to approved landscape areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED BASIX AND NATHERS CERTIFICATE			
A revised BASIX certificate may be required. Please refer to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908	<input checked="" type="checkbox"/>	<input type="checkbox"/>	?
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

	Yes	No	Why Not
REVISED WASTE MANAGEMENT PLAN		<input checked="" type="checkbox"/>	
A revised waste management plan is required for new multi-unit residential or commercial developments if proposed changes affect the approved waste management program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED CONTAMINATED LAND MANAGEMENT		<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED ON-SITE STORMWATER DETENTION CHECKLIST/STORMWATER PLANS		<input checked="" type="checkbox"/>	
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). Ilisax or drains model are to be supplied on CD in accordance with Council's OSD Technical Specification.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED GEOTECHNICAL REPORT - LAND SLIP AREA		<input checked="" type="checkbox"/>	
A revised geotechnical report is required for developments located in a slip zone if approved footprint or excavation is proposed to be amended.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
BUSHFIRE HAZARD ASSESSMENT REPORT		<input checked="" type="checkbox"/>	
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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED ARCHAEOLOGICAL REPORT		<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED FLORA AND FAUNA ASSESSMENT		<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED ACID SULPHATE SOIL MANAGEMENT PLAN		<input checked="" type="checkbox"/>	
A revised acid sulphate management plan is required for prone sites if approved footprint or excavation is proposed to be amended.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
INTEGRATED DEVELOPMENT		<input checked="" type="checkbox"/>	
If the original application was identified as an integrated development <ul style="list-style-type: none"> Two (2) additional copies of documentation as determined by consent authority Fees made out to each integrating authority 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
FIRE SAFETY MEASURES SCHEDULE (BCA Class 2 TO 9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A statement from an accredited certifier is required detailing whether the proposed modification will affect any fire safety measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
REVISED FLOOD REPORT		<input checked="" type="checkbox"/>	
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED HYDROLOGICAL REPORT (WATERTABLE)		<input checked="" type="checkbox"/>	
A revised hydrological report is to be provided if proposed changes involve enlarging or deeper excavations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED ARBORIST REPORT		<input checked="" type="checkbox"/>	
A revised arborist report is required if proposed changes will impact on any trees.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
REVISED TREE CONSTRUCTION IMPACT STATEMENT		<input checked="" type="checkbox"/>	
A revised tree construction impact statement is required if proposed changes will impact on any trees.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

OFFICE USE ONLY	
Quality Checking Officer	
Comments	
Checked by	
Quality Checking Officer	
Duty Officer	



11 June 2015

The General Manager,
Warringah Shire Council,
Dee Why

Dear Sir/Madam,
Attention Tony Collier.

**Re: Section 96 (1A) modification to Development Consent
DA 2012/1235,
22-26 Albert Street,
Freshwater.**

On behalf of our Client, FW Projects Pty Ltd, we submit the documentation necessary in support of a modification to the development application in respect of the above-mentioned properties.

- * Three (3) copies of a completed application form signed by applicant.
 - * Three (3) copies of solicitors letter of regarding ownership of property,
 - * An authority for the sum of \$1,310.00 to cover the cost of the application,
 - * Three (3) reduced A4 copies notification plan NP 01 -02 prepared by Jack Taylor Architects Pty Ltd and RAW,
 - * Three (3) copies of architectural drawings s96 02 C, s96 03 G, s96 04 E and s96 14 A inclusive prepared by Jack Taylor Architects Pty Ltd and DRAW,
 - * Three (3) copies of A3 architectural drawings s96 101-106 AND s96 13 Issue A, inclusive prepared by Jack Taylor Architects Pty Ltd and DRAW,
 - * Three (3) copies of a Parking and Traffic Study prepared by Transport and Traffic Planning Associates,
 - * Three (3) copies of a Basix and ABSA Certificates prepared by SLR Consulting Pty Ltd,
 - * Three (3) copies of shadow diagrams da 05,06,07 issue B prepared by Jack Taylor Architects Pty Ltd
 - * Three (3) copies of certification of Shadow Diagrams.
- A CD Disk with all documentation submitted in pdf format.

Should you require additional information and/or clarification please do not hesitate to ask.

Yours sincerely

Jack Taylor
Director

Jack Taylor Architects Pty Ltd.
NSW Architects Registration No. 7042
cc. QPS Developments Pty Ltd

JACK TAYLOR ARCHITECTS Pty Ltd

ACN 076 874 489

10/281 Pacific Highway
North Sydney, NSW 2060

Nominated Architect: Jack Taylor
NSW Architects Registration Board No.7042
Queensland Architects Board No 3571

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