

Memo

Environment

To:	Rodney Piggott , Development Assessment Manager
From:	Maxwell Duncan, Planner
Date:	28 March 2018
Application Number:	Mod2018/0143
Address:	Lot 1 DP 88842 , 13 The Corso MANLY NSW 2095
Proposed Modification:	Modification of Development Consent DA2017/1277 granted for Change of use to a food & drink premises (Café) & alterations to the existing building.

Background

The abovementioned development consent was granted by Council on 6 February 2018 for Change of use to a food and drink premises (Cafe) and alterations to the existing building.

Details of Modification Application

Under Section 96(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. Manly DCP does not require the notification of Section 96(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 delete condition(s) No. ANS07, which reads as follows:

ANS07

Outdoor seating is not approved under this application and is subject to a separate outdoor dining application.

Reason: To uphold the amenity to surrounding properties.

Consideration of error or mis-description

Condition ANS07 was imposed as the proposed outdoor seating was considered to be located on the Council reserve. However the proposed outdoor seating is entirely within the subject site. Accordingly a outdoor dining application is not needed, an therefore the condition is an error.

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. Mod2018/0143 for Modification of Development Consent DA2017/1277 granted for Change of use to a food & drink premises (Café) & alterations to the existing building. on land at Lot 1 DP 88842,13 The Corso,

MANLY, as follows:

C. Delete Condition ANS07 as follows:

**ANS07
DELETED**

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

Signed



Maxwell Duncan, Planner

The application is determined under the delegated authority of:



Rodney Piggott, Manager Development Assessments







ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 MOD2018/0143	13 The Corso MANLY NSW 2095 - Section 96 Modifications - Section 96 (1) Misdescription	22/03/2018
 2018/196938	Applicant Details	23/03/2018
 2018/196939	Letter - Cover	23/03/2018
 2018/196941	Notes - Notice of Determination - DA2017/1277	23/03/2018
 2018/196917	DA Acknowledgement Letter - Simon Taylor Foale	23/03/2018
 2018/196935	Modification Application Form	23/03/2018