

# Memo

## Environment

<b>To:</b>	Rodney Piggott , Development Assessment Manager
<b>From:</b>	Luke Perry, Planner
<b>Date:</b>	11 January 2016
<b>Application Number:</b>	Mod2015/0279
<b>Address:</b>	Lot 7 DP 8172 , 9 Howard Avenue DEE WHY NSW 2099 Lot 2 DP 212382 , 17 Howard Avenue DEE WHY NSW 2099
<b>Proposed Modification:</b>	Modification of Development Consent 2015/0745 granted for Construction of a temporary building and use of premises as a commercial premises

### Background

The abovementioned development consent was granted by Council on 11 November 2015 for the Construction of a temporary building and use of premises as a commercial premises;

### 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 they are considered to be for minor changes that do not affect the development or the amenity of adjoining properties.

The application seeks to modify condition(s) No. 4 Temporary construction and use of building, which reads as follows:

#### 4. Temporary construction and use of building

Development consent is granted for the use of the construction of a temporary structures and use as a commercial premises (NAB Bank) for a maximum temporary period of two (2) years from the date of this consent after which time the use is to cease and structures are to be removed.

An application pursuant to Section 96 of the Act may be submitted to Council for the continuation of the use of the temporary structures as a newsagency/post office prior to the expiration of the 2 year period.

Reason: To ensure the temporary structure is removed and use as a commercial premises (NAB bank) within Council's Road Reserve ceases after a maximum 2 year period. (DACPLBOC2)

### Consideration of error or mis-description

The condition incorrectly refers to a newsagency/post office. This is considered to be a minor typographical error on Council's behalf and should be corrected to read as a NAB Bank.

Condition No. 4 is to modified to read as follows:

#### 4. Temporary construction and use of building

Development consent is granted for the use of the construction of a temporary structures and use as a commercial premises (NAB Bank) for a maximum temporary period of two (2) years from the date of this consent after which time the use is to cease and structures are to be removed.

An application pursuant to Section 96 of the Act may be submitted to Council for the continuation of the use of the temporary structures as a NAB Bank prior to the expiration of the 2 year period.

Reason: To ensure the temporary structure is removed and use as a commercial premises (NAB bank) within Council's Road Reserve ceases after a maximum 2 year period. (DACPLBOC2)

## **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. Mod2015/0279 for Modification of Development Consent 2015/0745 granted for Construction of a temporary building and use of premises as a commercial premises on land at Lot 7 DP 8172 as follows:

**A. Modify Condition 4. Temporary construction and use of building to read as follows:**

### **4. Temporary construction and use of building**

Development consent is granted for the use of the construction of a temporary structures and use as a commercial premises (NAB Bank) for a maximum temporary period of two (2) years from the date of this consent after which time the use is to cease and structures are to be removed.

An application pursuant to Section 96 of the Act may be submitted to Council for the continuation of the use of the temporary structures as a NAB Bank prior to the expiration of the 2 year period.

Reason: To ensure the temporary structure is removed and use as a commercial premises (NAB bank) within Council's Road Reserve ceases after a maximum 2 year period. (DACPLBOC2)

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**

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**Luke Perry, Planner**

The application is determined under the delegated authority of:

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**Rodney Piggott, Development Assessment Manager**







**ATTACHMENT A**

No notification plan recorded.

**ATTACHMENT B**

No notification map.

**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 2015/376336	Report Statement of Environmental Effects -Amended Condition 4	19/11/2015
 MOD2015/0279	9 Howard Avenue DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (1) Misdescription	14/12/2015
 2015/370186	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd - Karimbla Properties (No41) Pty Ltd	14/12/2015
 2015/376315	Modification Application Form	17/12/2015
 2015/376318	Applicant Details	17/12/2015
 2016/001539	File Cover	05/01/2016