



Lashta Haidari
Principal Planner
Northern Beaches Council
PO Box 82 Manly NSW 1655

21 April 2022

Dear Lashta,

S4.55(1) MODIFICATION TO DA2021/2226

This letter has been prepared by Urbis on behalf of Scentre Group ('the applicant') in support of a Section 4.55(1) modification to D/2021/2226 to correct an error in the approved plans by appropriately describing the drawing revision for Level 1 and Level 2 for 145 Old Pittwater Road (Warringah Mall).

Section 4.55(1) of the EP & A Act can be utilised to modify a development consent "*to correct a minor error, misdescription or miscalculation*".

This submission is accompanied with email correspondence from Northern Beaches Council ('Council') confirming the error.

1. BACKGROUND

Development Consent D/2021/2226 was approved on 30th March 2022 for "*Alterations and additions to Warringah Mall including four (4) new retail premises, reconfiguration of an existing loading dock and car park, landscaping works and signage.*" This development description referenced the incorrect drawing revision and date for the approved Level 1 and 2 plans in Condition 1 – Approved Plans. After discussions between Urbis and Council and as included in **Appendix A**, it was agreed that this was an error which could be rectified with a s4.55(1) application.

2. PROPOSED MODIFICATION

In order to rectify this error, it is proposed that the description of the approved plans within Condition 1 be amended as follows:

Table 1 – Approved Plans

Architectural Plans – Endorses with Council's stamp		
Drawing No.	Dated	Prepared By
01.0804 – PROPOSED PLAN – LEVEL 1 MEZZ	Revision C 12/5/2021	Scentre Group



Architectural Plans – Endorses with Council’s stamp		
01.0805 – PROPOSED PLAN – LEVEL 2	Revision D – 25/2/2022	

3. ENVIRONMENTAL PLANNING & ASSESSMENT ACT PROVISIONS

Pursuant to section 4.55(1) of the Environmental Planning & Assessment Act:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, **modify a development consent granted by it to correct a minor error, misdescription or miscalculation.** (our emphasis in bold).*

4. CONCLUSION

A Section 4.55(1) application is required to further amend the condition of consent to refer to the correct drawing revision reference and date for the Level 1 and 2 plans which was an error in the Notice of Determination. We trust that the information contained in this letter is sufficient to address this matter.

If you have any further questions, please do not hesitate to contact Naomi Daley or myself on 8233 9900.

Kind regards,

Kate Riley
Consultant
+61 2 8233 7647
kriley@urbis.com.au