

Memo

Environment

To:	Rodney Piggott , Development Assessment Manager
From:	Julie Edwards, Planner
Date:	8 April 2016
Application Number:	Mod2016/0061
Address:	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100
Proposed Modification:	Modification of DA2008/1741 granted for the partial demolition of existing buildings & construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail & a multi level carpark

Background

The abovementioned development consent was granted by Council on 28 April 2010 for partial demolition of existing buildings & construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail & a multi level carpark;

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 No. **63B. Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of tenancies within the North Court**, which reads as follows:

The Level 02 tenancy, car wash bay and associated office and reconfigured tenancies within the North Court which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the HCF/Godfathers building and Bing Lee buildings are demolished or are no longer occupied/trading.

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

Reason: To ensure consistency with development consents applying to the site.

Consideration of error or mis-description

During the assessment of MOD2015/0246 the Gross Leasable Floor Area (GLA) Breakdown was not provided with the application and Council could not be certain that the proposal would not exceed the GLA on the site.

The applicant requested that the condition be modified and has provided evidence to support this in the form of a GLA Breakdown. It is recommended that the above condition be corrected to read as follows:

63B. Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of

tenancies within the North Court

The car wash bay and associated office spaces in the Level 01 car park, and reconfigured tenancies within the North Court, which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the Bing Lee building is demolished or no longer occupied/trading.

The Level 02 tenancy, which is the subject of this application and as shown on the approved plans, is not to be occupied until such time as the HCF/Godfathers building is demolished or is no longer occupied/trading.

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

Reason: To ensure consistency with development consents applying to the site.

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. Mod2016/0061 for Modification of DA2008/1741 granted for the partial demolition of existing buildings & construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail & a multi level carpark on land at Lot 100 DP 1015283,145 Old Pittwater Road, BROOKVALE, as follows:

A. Modify Condition 63B. Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of tenancies within the North Court to read as follows:

The car wash bay and associated office spaces in the Level 01 car park, and reconfigured tenancies within the North Court, which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the Bing Lee building is demolished or no longer occupied/trading.

The Level 02 tenancy, which is the subject of this application and as shown on the approved plans, is not to be occupied until such time as the HCF/Godfathers building is demolished or is no longer occupied/trading.

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

Reason: To ensure consistency with development consents applying to the site.

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

Julie Edwards, Planner

The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager






ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2016/084001	Report Statement of Environmental Effects - Condition 63B	16/03/2016
 MOD2016/0061	Warringah Mall 145 Old Pittwater Road BROOKVALE NSW 2100 - Section 96 Modifications - Section 96 (1) Misdescription	16/03/2016
 2016/082821	DA Acknowledgement Letter - Scentre Management Ltd	16/03/2016
 2016/083982	Modification Application Form	17/03/2016
 2016/083984	Applicant Details	17/03/2016