

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Lashta Haidari, Planner
Date:	18 February 2016
Application Number:	Mod2016/0034
Address:	Lot 3 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469 , 894 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212 , 892 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418 , 890 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418 , 888 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410 , 884 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172 , 9 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 209503 , 11 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 212382 , 15 Howard Avenue DEE WHY NSW 2099 Lot 2 DP 212382 , 17 Howard Avenue DEE WHY NSW 2099 Lot 3 DP 212382 , 28 Oaks Avenue DEE WHY NSW 2099 Lot A DP 371110 , 14 Oaks Avenue DEE WHY NSW 2099 Lot B DP 371110 , 16 Oaks Avenue DEE WHY NSW 2099
Proposed Modification:	Modification of Consent No. DA2015/0612 granted for Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation

Background

The abovementioned development consent was granted by Council on 22 December 2015 for Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation.

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. 25 , which reads as follows:

- 25** A photographic survey of adjoining properties (being No.96 Ocean Street and No. 5 Albert Street) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the commencement of any works. This survey is to be prepared by an appropriately qualified person.

Consideration of error or mis-description

Condition 25 of the consent specifies a requirement to undertake dilapidation survey of properties at No.96 Ocean Street & No. 5 Albert Street. These properties are not located within the vicinity of the subject, and therefore its drafting error. Accordingly, Condition 25 should be amended as follows:

25. A photographic survey of adjoining properties (being No. 882A Pittwater Road Dee Why, No. 880 Pittwater Road Dee Why, also known as No. 10 Oaks Avenue Dee Why and No. 23 Howard Avenue Dee Why detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the commencement of any works.

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. Mod2016/0034 for Modification of Consent No. DA2015/0612 granted for Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation on land at Lot 3 DP 307937,896 Pittwater Road, DEE WHY, Lot 1 DP 307937,896 Pittwater Road, DEE WHY, Lot A DP 416469,894 Pittwater Road, DEE WHY, Lot 1 DP 504212,892 Pittwater Road, DEE WHY, Lot 10 DP 231418,890 Pittwater Road, DEE WHY, Lot 11 DP 231418,888 Pittwater Road, DEE WHY, Lot A DP 339410,884 Pittwater Road, DEE WHY, Lot 7 DP 8172,9 Howard Avenue, DEE WHY, Lot 1 DP 209503,11 Howard Avenue, DEE WHY, Lot 1 DP 212382,15 Howard Avenue, DEE WHY, Lot 2 DP 212382,17 Howard Avenue, DEE WHY, Lot 3 DP 212382,28 Oaks Avenue, DEE WHY, Lot A DP 371110,14 Oaks Avenue, DEE WHY, Lot B DP 371110,16 Oaks Avenue, DEE WHY, as follows:

A. Modify Condition <25 -Dilapidation Survey> to read as follows:

A photographic survey of adjoining properties, being No. 882A Pittwater Road, No. 880 Pittwater Road (also known as No. 10 Oaks Avenue) and No. 23 Howard Avenue Dee Why detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the commencement of any works. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority. If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

Reason: Proper management of records and protection of adjoining properties.

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

Lashta Haidari, Senior Development Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager








ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2016/046481	Report - Amended Condition 25	11/02/2016
 MOD2016/0034	896 Pittwater Road DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (1) Misdescription	12/02/2016
 2016/046093	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd	12/02/2016
 2016/046473	Development Application Form	12/02/2016
 2016/046477	Applicant Details	12/02/2016
 2016/046747	Email - Meriton - Condition 25	12/02/2016
 2016/049345	File Cover	16/02/2016