

24 April 2019

General Manager
Northern Beaches Council
PO Box 82 Manly
NSW 1655

RE: SECTION 4.55(1) – FIX ERROR ON DEVELOPMENT APPLICATION REV2018/0001 FOR THE USE AND FIT OUT OF PREMISES AS A RECREATION FACILITY (INDOOR) AT 1344 PITTWATER ROAD, NARRABEEN

1.0 INTRODUCTION

We are pleased to enclose this application under *Section 4.55(1) Modifications involving minor error, misdescription or miscalculation* of the *Environmental Planning and Assessment Act 1979* (the Act) for modifications to the approved 'review of determination of application use and fitout of premises as a recreation facility indoor' at 1344 Pittwater Road, Narrabeen (REV2018/0001).

The application was approved with a condition (*Condition 11 Allocation of Spaces*) that required two car spaces be provided including 1 x employee car space and 1 x space for persons with a disability. However, there is only space on site to provide for either 2 x regular car spaces (for employees and/or visitors) or 1 x space for persons with a disability.

The plans submitted with the application showed 1 x space for persons with a disability and the Section 8.2 (then 82A) report stated the existing space on the site could provide either 2 x regular car spaces or 1 x disabled car space. The Parking Demand Assessment submitted with the application made reference to 2 x regular car spaces.

Council's Assessment Report (Report to Development Determination Panel for the meeting held on 9 May 2018) made reference to 2 parking spaces as well as 1 x disabled car space.

The resultant condition (Condition 11) appears to have combined both references in the assessment report. It is not possible to comply with the condition due to the limited on-site space available for car parking.

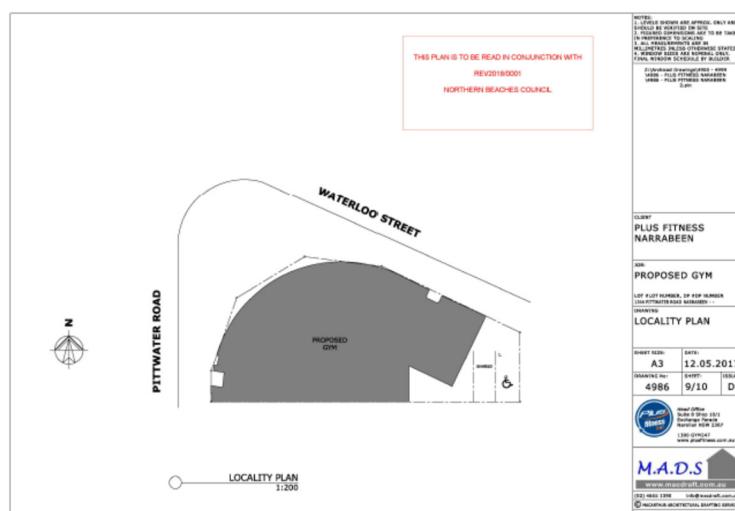


Figure 1

Extract of the approved site plan showing 1 x car space for persons with a disability

2.0 PROPOSED MODIFICATIONS OF CONSENT

This application seeks to rectify the error with Condition 11 by either deleting the condition and relying on the approved plans or by amending the condition to reference either 2 x regular car spaces (for employees and/or visitors) or 1 x space for persons with a disability.

Condition 11 states:

11. Allocation of Spaces

Two (2) car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

1 - Employees

1 - Spaces for persons with a disability

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space shall be line marked and numbered or signposted to indicate the use to which it is allocated.

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

*Reason: To ensure that adequate parking facilities to service the development are provided on site.
(DACPLG01)*

3.0 ASSESSMENT UNDER SECTION 4.55(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Clause 4.55(1) states:

(1) Modifications involving minor error, misdescription or miscalculation

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. Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.

This proposal forms the application made by the applicant on a consent authority to correct a minor error with Condition 11 in relation to the provision of car parking on the site.

4.0 CONCLUSION

It is considered that the nature of the proposal to delete or amend Condition due to a minor is inconsequential to the original approval and use, will have no environmental impact on the locality, will result in a development which is substantially the same as that which was approved on the land and is consistent with the relevant provisions of Council's LEP and DCP. Therefore, the modification is consistent with Section 4.55(1) of the EP&A Act and can be supported by Council.

We look forward to Council's favourable consideration of this application and would be pleased to discuss any aspects of the proposal with you during your consideration of this application.

Should you have any queries or require clarification on any matters please do not hesitate to contact me on 4648 2099 or 0414402203.

Yours sincerely,



Craig Schulman BSc. MURP
Planning Approvals Manager