

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Alex Keller, Planner
Date:	19 October 2017
Application Number:	Mod2017/0266
Address:	Lot 131 DP 12315 , 5 Waimea Street NORTH BALGOWLAH NSW 2093
Proposed Modification:	Section 96(1) to modify DA2015/0859 granted for demolition works and construction of a dwelling house

Background

The abovementioned development consent was granted by Council on 23 November 2015 for "demolition works and construction of a dwelling house";

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 delete condition(s) No.31 Sydney Water, which reads as follows:

"31. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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 compliance with the statutory requirements of Sydney Water."

Consideration of error or mis-description

The development application is for the construction of a dwelling house, following demolition of the existing house on the site. As such no additional dwellings or subdivision is proposed and the land already has access to Sydney Water service connections and a meter. The development only needs a "Quick Check" procedure with Sydney Water. This requirement is already included in the consent under condition No.14 "Sewer / Water Quickcheck". Therefore, condition No.31 is an error on the consent and should be deleted.

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. Mod2017/0266 for Section 96(1) to modify DA2015/0859 granted for demolition works and construction of a dwelling house on land at Lot 131 DP 12315,5 Waimea Street, NORTH BALGOWLAH, as follows:

A. Delete Condition No.31 "Sydney Water", to read as follows:

31. [Deleted]

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

Alex Keller, Principal Planner

The application is determined under the delegated authority of:

Steven Findlay, Manager Development Assessments

ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 MOD2017/0266	5 Waimea Street NORTH BALGOWLAH NSW 2093 - Section 96 Modifications - Section 96 (1) Misdescription	16/10/2017
 2017/399244	Modification Application Form	17/10/2017
 2017/399245	Applicant Details	17/10/2017
 2017/399248	E-mail - Sydney Water	17/10/2017
 2017/399299	DA Acknowledgement Letter - Classic Country Cottages	17/10/2017