

NORTHERN BEACHES COUNCIL

7 April 2017



Northern Beaches Council Central
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam

Application Number: Mod2017/0067
Address: Lot 1 DP 1193308 , 40 Kingsway, DEE WHY NSW 2099
Part Lot 100 DP 1041823 , 725 Pittwater Road, DEE WHY NSW 2099
Proposed Development: Modification of Development Consent DA2014/0344 granted for
Demolition of existing car parking and construction of a Multi-
purpose Community Facility Police and Citizens Youth Club,
including car parking landscaping and signage

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at www.warringah.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to council@warringah.nsw.gov.au

Regards,

Adam Mitchell
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2017/0067
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Northern Beaches Council Central
Land to be developed (Address):	Lot 1 DP 1193308 , 40 Kingsway DEE WHY NSW 2099 Part Lot 100 DP 1041823 , 725 Pittwater Road DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2014/0344 granted for Demolition of existing car parking and construction of a Multi-purpose Community Facility Police and Citizens Youth Club, including car parking landscaping and signage

DETERMINATION - APPROVED

Made on (Date)	07/04/2017
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The request to modify the above-mentioned Development Consent has been approved as follows:

Modify Condition No. 39 - Authorisation of Legal Documentation Required for OSD - to read as follows:

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

Modify Condition No. 40 - Registration of Encumbrances for OSD - to read as follows:

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for onsite storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

Modify Condition No. 41 - Restriction as to User for OSD - to read as follows:

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands.

Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

Modify Condition No. 44 - Positive Covenant for the Maintenance of Stormwater Pump out Facilities- to read as follows:

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

Modify Condition No. 45 - Positive Covenant for OSD- to read as follows:

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

Modify Condition No. 46 - Creation of Positive Covenant and Restriction as a User - to read as follows:

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

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A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

Modify Condition No. 47 - Certification of Road Works & WAE Data - to read as follows:

A suitably qualified Civil Engineer shall certify that the completed road works including the kerb, gutter, footpath, bus bay and associated road works have been constructed in accordance with this consent and the approved Construction Certificate plans. Work as Executed data certified by a registered surveyor prepared in accordance with Council's requirements shall be submitted to Council for approval prior to the issue of the Occupation Certificate.

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

Reason: To ensure compliance of road works with Council's specification for engineering works. (DACENFPOC2)

Modify Condition No. 48 - Road Widening Dedication - to read as follows:

The proposed bus bay on Fisher Road may require the relocation of public utility services within the site to ensure that they are located within the road reserve.

Where required to facilitate the location of the services, the dedication to Council of a strip of land a minimum of 2.5 metres wide and variable to enable the widening of the road reserve in order to permit the construction of the proposed bus bay, associated footpath alignment and public utility service relocation along the Fisher Road frontage. All affected services are to be relocated in accordance with respective service authority requirements. Documentation of the approval for the relocated services from each public service authority is to be provided prior to dedication of the land.

The dedication is to be registered with the 'Land and Property Information NSW' prior to release of the Occupation Certificate. The original documentation for the dedication is to be submitted to Council for authorisation. All costs associated with the dedication are to be borne by the developer/applicant. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a final Occupation Certificate.

Reason: To facilitate the construction of the bus bay and ensure the new footpath and associated public utility services are located within the road reserve. (DACENFPOC3)

Add Condition No. 53 A - Stormwater Management for the Development - to read as follows:

The approved stormwater management for the development must be completed and functional, generally in accordance with the approved stormwater management plans, prior to the issue of any occupation certificate.

Reason: To ensure stormwater management is provided for the development.

Important Information

This letter should therefore be read in conjunction with DA2014/0344 dated 6 August 2014.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority

Signature _____

Name Adam Mitchell, Planner

Date 07/04/2017