

25 November 2020



Pasquale Pagliaro
22 Loch Street
FRESHWATER NSW 2096

Dear Sir/Madam

Application Number: Mod2020/0313
Address: Lot 6 DP 18433 , 17 Maretimo Street, BALGOWLAH NSW 2093
Proposed Development: Modification of Development consent No. DA219/2016 granted for demolition of the existing garage, construction of a driveway, four hardstand car parking spaces, a vehicle turning platform, drainage works and two lot Torrens Title Land Subdivision

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 website at www.northernbeaches.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 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Jordan Davies
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2020/0313
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Pasquale Pagliaro
Land to be developed (Address):	Lot 6 DP 18433 , 17 Maretimo Street BALGOWLAH NSW 2093
Proposed Development:	Modification of Development consent No. DA219/2016 granted for demolition of the existing garage, construction of a driveway, four hardstand car parking spaces, a vehicle turning platform, drainage works and two lot Torrens Title Land Subdivision

DETERMINATION - APPROVED

Made on (Date)	25/11/2020
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Proposed Subdivision Plan - 1133SDa.dwg	27 September 2018	Pinnacle Land Surveyors

Engineering Plans		
Drawing No.	Dated	Prepared By
DR-000 Rev 3	10/05/2020	Stellen
DR-001 Rev 4	16/12/2019	Stellen
DR-002 Rev 4	10/05/2020	Stellen
DR-003 Rev 0	10/05/2020	Stellen

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 'Positive Covenant for On-site Stormwater Detention Prior to the issue of a Subdivision Certificate' to read as follows:

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, 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, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate

Reason: To ensure ongoing maintenance of the on-site detention system.

C. Add Condition 'Right of Carriageway Prior to the issue of a Subdivision Certificate' to read as follows:

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

D. Add Condition 'Restriction as to User (On-site Stormwater Detention) Prior to the Issue of a Subdivision Certificate' to read as follows:

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements. 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 the Subdivision Certificate.

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval.

E. Add Condition 'Services Prior to the issue of a Subdivision Certificate' to read as follows:

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the

issue of the Subdivision Certificate.

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

F. Add Condition 'Certification of On-site Detention System Prior to the Issue of a Subdivision Certificate' to read as follows:

A Certificate is to be submitted by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the on-site stormwater detention has been constructed in accordance with the plans nominated on the Development Consent and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifying Authority has confirmed that this condition has been satisfied.

Reason: To ensure the On-site Detention System has been built to the appropriate standard

G. Add Condition 'Sydney Water Compliance Certification Prior to the Issue of a Subdivision Certificate' to read as follows:

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by 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 fees to be paid. Please make early contact with the coordinator, 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 the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

H. Add Condition 'Release of Subdivision Certificate Prior to the Issue of a Subdivision Certificate' to read as follows:

The final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

I. Add Condition 'Subdivision Certificate Application Prior to the Issue of a Construction Certificate' to read as follows:

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all

relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two

Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

J. Add Condition 'Title Encumbrances Prior to the Issue of a Subdivision Certificate' to read as follows:

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land.

K. Add Condition 'No Approval for Garage or Dwelling Design under this application' to read as follows:

No consent is granted or implied to be granted for the design of the garage and dwelling as shown in the submitted stormwater plans. All future dwelling and garage design is subject to a separate development application.

Reason: To ensure the approved development is consistent with what is applied for under the application.

Important Information

This letter should therefore be read in conjunction with DA219/2016 dated 9 November 2016.

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.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 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.

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

Signed On behalf of the Consent Authority



Name Jordan Davies, Planner

Date 25/11/2020