

16 March 2006

IPM PTY LTD
P O BOX 42
BALMAIN NSW 2041

2003/0574 MOD 2
LP (PAS)

Dear Sir / Madam,

**RE: NO.14 OAKS AVENUE, DEE WHY
MODIFICATION OF DEVELOPMENT CONSENT NO. 2003/0574DA**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 14 March 2006 and determined as follows:

- **The following Conditions Numbered 67, 69 and 36 to be Deleted.**

- **Condition No. 67**

Realignment of the kerb, extension of the footpath and street planting are required I the road reserve fronting Oaks Avenue in accordance with the “Dee why town centre Study”, Drawing No. 98/158/SK – 04E, dated November 1998.

Engineering drawings for the above works are to be in accordance with Council’s standards specification for civil works – “Auspec”, and are to be submitted to Council’s Team Leader – Development Engineering for assessment prior to release of the Construction Certificate.

- **Condition No. 69**

The submission to Council’s Senior Development Engineer of four (4) copies of Civil Engineering plans for the design of footpath works required in Oaks Avenue, including long and cross sections, details of proposed structures and specifications.

Such design shall be:

- a. Prepared and submitted on A1 size sheets,
- b. Undertaken by a Consulting Civil Engineer (or by such other person as may be approved by Council),
- c. Approved and stamped by Council prior issue of the construction certificate,
- d. Subject to the prescribed Engineering Development Fees paid to Council prior to the release of the Construction Certificate (to be paid into Account WCP 20340 0999),

- e. Upon completion of the works, the applicant is to provide to Council 2 copies of “work as executed plans”. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the applicant is to provide to Council in an approved format details of all public infrastructure created as part of the works,
- f. All Civil Engineering works in the site are to be fully supervised by the consultant responsible for their design, or by such person as may be approved by Council, and on completion certified to be in accordance with the approved plans, conditions of construction and Council’s standard specification for engineering works,
- g. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved in writing by Council or the Principal Certifying Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council’s specifications, or as would reasonably be expected under the design conditions.

Council will require a Security Deposit/Bank Guarantee prior to issue of the final compliance certificate or subdivision certificate to ensure rectification of any defects during the maintenance period. (C93)

- **Condition No. 36**

The existing trees at the front of the site, one on the front boundary of the site and the other on Council’s land are to be removed to facilitate better pedestrian access across on the footpath in front of the site. See Conditions 60 and 68.

This letter should therefore be read in conjunction with Development Consent 2003/0574DA dated 29 January 2004 and Modification 1 dated 15 November 2005. Please find attached a consolidated set of conditions incorporating both modifications of consent.

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 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

The appropriately stamped plan/s to which the modification of consent has now been granted is available for collection at Councils Customer Service Centre. Please note that if you nominate Council to assess your Construction Certificate, associated forms and information regarding what to submit is also enclosed in the determination kit.

It is Council's policy not to forward these by mail to ensure safe receipt of these important documents. When collecting your Modified Consent and accompanying documents, please bring this letter with you for identification purposes. The Customer Service Centre is open between 8.30am and 5pm Monday to Friday (excluding Public Holidays).

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

Should you require any further information on this matter, please contact **M Edwards** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully,

Rebecca Fisher
Team Leader
Development Assessment

