

11 December 2020



Motaland Pty Ltd  
42 O'Dea Street  
WATERLOO NSW 2017

Dear Sir/Madam

**Application Number:** Mod2020/0623  
**Address:** Lot 2 DP 543012 , 4 Cross Street, BROOKVALE NSW 2100  
**Proposed Development:** Modification of Development Consent DA2020/0433 granted for the construction of a building for use as a storage premises

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Catriona Shirley  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2020/0623
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Motaland Pty Ltd
<b>Land to be developed (Address):</b>	Lot 2 DP 543012 , 4 Cross Street BROOKVALE NSW 2100
<b>Proposed Development:</b>	Modification of Development Consent DA2020/0433 granted for the construction of a building for use as a storage premises

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	11/12/2020
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The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Modify Condition Number 38 Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures 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 stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of any final/whole Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

### **Important Information**

This letter should therefore be read in conjunction with DA2020/0433 16 September 2020.

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



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Name                      Catriona Shirley, Planner

Date                      11/12/2020