

10 May 2018



Karimbla Constructions Services (NSW) Pty Ltd  
Level 11, 528 Kent Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** Mod2018/0140

**Address:** Lot 3 DP 212382 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot B DP 371110 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot A DP 371110 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 2 DP 212382 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 1 DP 212382 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 1 DP 209503 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 1 DP 307937 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 3 DP 307937 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot A DP 416469 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 1 DP 504212 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 10 DP 231418 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot 11 DP 231418 , 884 - 896 Pittwater Road, DEE WHY NSW 2099  
Lot A DP 339410 , 884 - 896 Pittwater Road, DEE WHY NSW 2099

**Proposed Development:** Modification of Development Consent DA2016/0705 granted for Construction of a Mixed Use Development comprising retail commercial and residential uses and a child care centre

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,



Lashta Haidari  
Principal Planner

**NOTICE OF DETERMINATION**

<b>Application Number:</b>	Mod2018/0140
<b>Determination Type:</b>	Modification of Development Consent

## APPLICATION DETAILS

<b>Applicant:</b>	Karimbla Constructions Services (NSW) Pty Ltd
<b>Land to be developed (Address):</b>	<p>Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
<b>Proposed Development:</b>	Modification of Development Consent DA2016/0705 granted for Construction of a Mixed Use Development comprising retail commercial and residential uses and a child care centre

## DETERMINATION - APPROVED

<b>Made on (Date)</b>	10/05/2018
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The request to modify the above-mentioned Development Consent has been approved as follows:

### A. Modify Condition <9 - Work Bonds> to read as follows:

#### (a) Construction, Excavation and Associated Works Bond (Road and kerb and gutter works)

A Bond of \$1,000,000 as security against any damage or failure to complete half road construction

works and kerb and gutter works including traffic control devices and line marking as specified, along with the Oaks Avenue and Howard Avenue frontages as required as part of this consent.

(b) Construction, Excavation and Associated Works Bond (Footpath Paving works and associated street furniture)

A Bond of \$1,000,000 as security against any damage or failure to complete the construction of any vehicular crossings, footpath paving/streetscape and associated works required as part of this consent. This bond is also to cover associated street furniture works, bus shelters, street lighting and street tree planting.

(c) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$100,000 as security to ensure that there is no transmission of material, soil etc. off the site and onto the public road and/or drainage systems.

(d) Construction, Excavation and Associated Works Bond (Damage to Councils Roads and Stormwater Drainage systems)

A Bond of \$500,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

(d) Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$500,000. The maintenance bond is required to be submitted to Council after all road and footpath construction works are completed and accepted in writing by Council. This maintenance bond can be exchanged upon agreement with Council for all the other engineering works bonds that are held. The Maintenance Bond will only be refunded on completion of the 12-month maintenance period if work has been completed in accordance with the approved plans to the satisfaction of Council.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each road and footpath works inspection as determined by Council (minimum (20) twenty inspections).

All bonds and fees shall be deposited with Council prior to Construction Certificate or commencement, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

The Bonds lodged to Council can be in the form of an unconditional Bank Guarantee with no expiration date.

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

## **Important Information**

This letter should therefore be read in conjunction with DA2016/0705, 10 May 2017.

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



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**Name**            Lashta Haidari, Principal Planner

**Date**             10/05/2018