

26 August 2015



FW Projects Pty Limited
C/- Jta 10/281 Pacific Highway
NORTH SYDNEY NSW 2060

Dear Sir/Madam

Application Number: Mod2015/0120
Address: Lot 1 DP 830423 , 22 - 26 Albert Street, FRESHWATER NSW 2096
Proposed Development: Modification of Development Consent DA2012/1235 granted for Demolition works and Construction of a mixed use development comprising commercial and residential

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,

Tony Collier
Senior Development Planner

NOTICE OF DETERMINATION

Application Number:	Mod2015/0120
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	FW Projects Pty Limited
Land to be developed (Address):	Lot 1 DP 830423 , 22 - 26 Albert Street FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2012/1235 granted for Demolition works and Construction of a mixed use development comprising commercial and residential

DETERMINATION - APPROVED

Made on (Date)	26/08/2015
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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
S9602 (Issue C) - Basement 2 & Basement 1 Plan	2015	Jack Taylor Architects Pty Ltd
S9603 (Issue H) - Ground Floor & Level 1 Plan	2015	Jack Taylor Architects Pty Ltd
S9604 (Issue E) - Level 2 & Roof Plan	2015	Jack Taylor Architects Pty Ltd
S9613 (Issue A) - Urban Elevations	2015	Jack Taylor Architects Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Additional Groundwater Modelling (Ref: 22337VYrpt3rev2)	27 May 2015	JK Geotechnics

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.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

B. Add Condition No. 2A - Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Referral Response - Ausgrid	30 July 2015
NSW Office of Water	Referral Response - NSW Office of Water	8 July 2015

(Note: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au).

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

C. Modify Condition No. 14 to read as follows:

Waterproofing/Tanking of Basement Level - Design

The basement area is to be partially tanked or waterproofed in accordance with the Sydney Coastal Councils Group : Groundwater Management Handbook, A Guide for Local Government, First Edition, dated September 2006 and General Terms of Approval from NSW Office of Water dated 8/7/2015.

All requirements of NSW Office of Water must be complied with.

Details of the waterproofing/ tanking and certification stating that that the basement level is partially tanked or waterproofed to allow ingress of sub-surface flows / groundwater into the basement area of a maximum of 3 megalitres per year in total, are to be prepared by a suitably practicing and qualified Engineer.

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Water. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water must be complied with and a copy of the approval must be submitted to the Certifying Authority.

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

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements. (DACENC14)

D. Modify Condition No. 36 to read as follows:

Waterproofing/Tanking of Basement Level - Certification

Certification certifying that the basement level is partially tanked or waterproofed to allow ingress of sub-surface flows / groundwater into the basement area. Certification is to be provided by an Accredited Certifier suitably accredited with the Building Professionals Board in the relevant area of expertise.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to pouring of concrete for the ground floor level of the building.

Reason: To prevent the ingress of sub-surface flows / groundwater into the basement area.
(DACENEDW1)

E. Modify Condition No. 54 to read as follows:

Positive Covenant for the Maintenance of Stormwater Pump-out Facilities

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 in accordance with the General Terms of Approval from NSW Office of Water dated 8/7/2015.

NSW Office of Water shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. NSW Office of Water'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 interim / 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)

F. Modify Condition No. 57 to read as follows:

Waterproofing/Tanking of Basement Level - Certification

Certification stating that the basement level is partially tanked or waterproofed to allow ingress of sub-surface flows/groundwater into the basement area of a maximum of 3 megalitres per year in total, are to be prepared by a suitably qualified Engineer. Certification is to be provided by an Accredited Certifier suitably accredited with the Building Professionals Board in the relevant area of expertise.

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

Reason: To ensure compliance with State Government Requirements. (DACENFPO1)

Important Information

This letter should therefore be read in conjunction with DA2012/1235 made on 13 February 2013.

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 Tony Collier, Senior Development Planner

Date 26/08/2015