

14 June 2018



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

Dear Sir/Madam

Application Number: Mod2018/0219

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 7 DP 8172 , 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

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,



Lashta Haidari
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2018/0219
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Karimbla Constructions Services (NSW) Pty Ltd
Land to be developed (Address):	<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 7 DP 8172 , 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>
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

DETERMINATION - APPROVED

Made on (Date)	14/06/2018
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add a new Condition No. 8 (A) (Street Lighting Bond) to read as follows:

A Bond of \$106,094.00 as security against any failure to complete the street lighting works along the Howard Avenue and Oaks Avenue frontages of the development site.

This bond shall be deposited with Council prior to the issue of any interim Occupation Certificate, details demonstrating payment are to be submitted to the Principal Certifying Authority prior to the issue any interim Occupation Certificate.

To process the bond payment a Bond Lodgement Form must be completed with the payment (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/yourcouncil/forms).

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

In the event the applicant fails to complete the street lighting works in accordance with conditions 43 and 72 of the Consent when the Final Occupation Certificate is issued, Council will draw upon this bond in full to undertake the works.

Reason: To ensure completion of street lighting works.

B. Modify Condition No. 72 (Section 138 Roads Act Approval - Road and Streetscape Works) to read as follows:

a) Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four copies of Civil Engineering plans for the design and construction of half road reconstruction works, kerb & gutter, footpath paving, street tree planting and garden beds, construction of bus shelters, street lights, street signage, pedestrian ramps and crossings, kerb blisters and associated drainage works (Pittwater Road, Oaks Avenue and Howard Avenue frontages) which are to be in accordance with the streetscape upgrade plans prepared by Tract for the Dee Why Town centre and approved with the Development Application, Warringah Public Spaces Design Guidelines and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

Where kerb and gutter and road reconstruction works are required within the Pittwater Road frontage the Engineering Plans are to be approved by the Roads and Maritime Services and Transport for NSW.

The Engineering design plans are to include:

- i. Details of all public utility services which are to be located and detailed on the plan and cross sections. Utility services must be relocated at applicant's expense if they are in conflict with the required engineering works.
- ii. Removal of the indented car parking spaces in Oaks Avenue and reconstruction as road pavement.
- iii. Full-width construction of Pedestrian Crossings along the Oaks Avenue and Howard Avenue frontages.

b) The Section 138 and 139 engineering plan approval fee is to be lodged with the assessment and approval of the plans in accordance with Council's Fees and Charges prior to the issue of the construction certificate.

c) Should the street lighting not form part of the approved engineering plans required under this condition, the bond as required by Condition 8A will cover this aspect of the works within the public

domain.

Reason: To ensure compliance with Council's Streetscape upgrade plans and specification for engineering works. (DACENFPOC2)

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



Name Lashta Haidari, Principal Planner

Date 14/06/2018