

15 November 2021

The Crest Joint Venture
50 Meatworks Avenue
OXFORD FALLS NSW 2100

Dear Sir/Madam

Application Number: Mod2021/0624
Address: Lot 100 DP 1023183 Part Lot 1046 DP 752038 Part Lot 1047 DP 752038 Part Lot 1053 DP 752038 Permissive Occupancy 88/31 A/C 174235 Closed Crown Road Licence 199961 , 100 / 0 Meatworks Avenue, OXFORD FALLS NSW 2100
Proposed Development: Modification of Development Consent DA2011/0985 granted for demolition works and construction of a light industrial/warehouse and office development

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,



Phil Lane
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0624
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	The Crest Joint Venture
Land to be developed (Address):	Lot 100 DP 1023183 Part Lot 1046 DP 752038 Part Lot 1047 DP 752038 Part Lot 1053 DP 752038 Permissive Occupancy 88/31 A/C 174235 Closed Crown Road Licence 199961 , 100 / 0 Meatworks Avenue OXFORD FALLS NSW 2100
Proposed Development:	Modification of Development Consent DA2011/0985 granted for demolition works and construction of a light industrial/warehouse and office development

DETERMINATION - APPROVED

Made on (Date)	15/11/2021
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Insert Condition 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

Engineering Plans		
Drawing No.	Dated	Prepared By
CC180469 K1 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
CC180469 K2 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
CC180469 K3 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
CC180469 K4 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd

CC180469 K5 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Modification	4 August 2021	ACOR Consultants

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

B. Delete Condition 22 – Stormwater Management to read as follows:

DELETED

C. Delete Condition 23 – On-site Stormwater Detention to read as follows:

DELETED

D. Modify Condition 24- Erosion and Sediment Control Plan to read as follows:

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations,

location of any stormwater pits on the site and how they are going to be protected.

· I North point and scale.

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

Reason: Protection of the receiving environment.

E. Add Condition 30A - Detailed Design of Stormwater Treatment Measures - Major to read as follows:

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the CC180469 K1 – K5 (Issue A) dated 9 November 2021 prepared by ACOR Consultants (CC) Pty Ltd showing the proposed swale along the Northern property boundary and Council's Water Management for Development Policy.

The detail design shall include 6 SPEL stormsacks 900*900 and 11 SPEL stormsacks 600*600 fitted to the stormwater inlet pits network prior connection to the swale.

The Southern catch drain is to be connected to the proposed stormwater swale/flow spreader or be connected to a vegetated flow spreader (sandstone material) located within the lot.

Subject to hydraulics sizing and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

F. Add Condition 47A - Installation and Maintenance of Sediment and Erosion Controls to read as follows:

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

G. Add Condition 47B - Substitution of Stormwater Treatment Measures to read as follows:

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

H. Delete Condition 51 – Authorisation of Legal Documentation Required for On-site Stormwater Detention to read as follows:

DELETED

I. Delete Condition 52 – Registration of Encumbrances for On-site Stormwater Detention to read as follows:

DELETED

J. Delete Condition 53 – Restriction as to User for On-site Stormwater Detention to read as follows:

DELETED

K. Delete Condition 56 – Positive Covenant for On-site Stormwater Detention to read as follows:

DELETED

L. Add Condition 61A - Certification for the Installation of Stormwater Treatment Measures to read as follows:

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate detail design plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

M. Add Condition 61B - 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 the Final 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.

N. Add Condition 61C - Stormwater Treatment Measures Operation and Maintenance Plan to read as follows:

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:

- a) Work as executed drawings
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates
- c) Site detail showing catchment for each device
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure
- e) Impervious area restrictions to maintain the water balance for the site
- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements

- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

O. Add Condition 61D - Stormwater Treatment Measures Operation and Maintenance Plan to read as follows:

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

P. Add Condition 61E - Works as Executed Drawings - Stormwater Treatment Measures to read as follows:

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

Q. Add Condition 61F - Strata Management Statement to read as follows:

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

R Add Condition 75A - Maintenance of Stormwater Treatment Measures – Major to read as follows:

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

Important Information

This letter should therefore be read in conjunction with DA2011/0985 dated 26 April 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.

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 must be submitted to Council within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

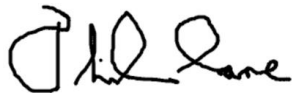
Right of Appeal

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



Name

Phil Lane, Principal Planner

Date

15/11/2021