

30 March 2022



Scentre Management Ltd
C/- Urbis Pty Ltd Level 8 123 Pitt Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2021/0768
Address: Lot 103 DP 1247294 , 145 Old Pittwater Road, BROOKVALE NSW 2100
Proposed Development: Modification of Development Consent DA2008/1742 for construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works

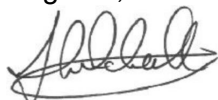
Please find attached the Notice of Determination for the above mentioned Application.

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,



Adam Mitchell
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0768
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Scentre Management Ltd
Land to be developed (Address):	Lot 103 DP 1247294 , 145 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Modification of Development Consent DA2008/1742 for construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works

DETERMINATION - APPROVED

Made on (Date)	29/03/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Modify Condition No. 57 - Registration of Encumbrances for Trunk Drainage network and Flood Barrier - to read as follows:

A copy of the certificate of title demonstrating the creation of a public positive covenant and restriction as to user, for the trunk drainage network and floor barrier system is to be submitted to Council for approval and execution.

Details demonstrating compliance as relevant to each stage of construction as shown on the approved staging plans SW-001-SW-004 (Rev B) are to be submitted to the Certifying Authority prior to the issue of the interim / Occupation certificate for each stage.

Reason: To identify encumbrances on land.

B. Modify Condition No. 61 - Creation of Positive Covenant and Restriction as a User - to read as follows:

Where any conditions of this Consent require the creation of a public positive covenant and/or restriction as to user, positive covenant and easement, the dealing forms shall be provided to Northern Beaches Council for approval and as necessary, execution.

A certified copy of the documents shall be provided to Northern Beaches Council after final approval and registration has been affected by the NSW Land Registry Services.

Details demonstrating compliance as relevant to each stage of construction as shown on the approved staging plans SW001-SW004 (Rev B) are to be submitted to the Principle Certifying Authority prior to the issue of the Interim / Occupation certificate for each stage.

Reason: To identify encumbrances on land.

C. Modify Condition No. 63 - Positive Covenant to Allow Access for Maintenance and Rectification - to read as follows:

a) A Form 13PC Public Positive Covenant approved by Northern Beaches Council is to be registered on the title of Lot 100 DP 1015283C and Lot 100 DP 1015283D to require the owners of Lot 100 DP 1015283C and Lot 100 DP 1015283D to access Lot 30 DP 204107 in order to meet the obligations of conditions 66 and 67 of this Development Consent and to meet the obligations of conditions 66 and 67 of this Development Consent in respect to Lot 2 DP600059.

b) A Positive Covenant and Easement (under Section 88B of the Conveyancing Act 1919 (NSW)) approved by Council to allow the owners of Lot 100 DP 1015283C and Lot 100 DP 1015283D to access Lot 2 DP 600059 in order to meet the obligations of conditions 66 and 67 of this Development Consent.

c) Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify the Form 13PC Public Positive Covenant referred to in condition 63(a) and the Positive Covenant and Easement referred to on condition 63(b).

(d) All reasonable costs related to the review and approval of the positive covenant by Council shall be borne by the applicant.

e) Details demonstrating compliance with this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the final occupation certificate.

Reason: To ensure unimpeded access and to ensure the conditions of this consent are met.

Important Information

This letter should therefore be read in conjunction with DA2008/1742 dated 14 April 2015.

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.



northern
beaches
council

Signed On behalf of the Consent Authority

A handwritten signature in black ink, appearing to read 'Adam Mitchell', written over a horizontal line.

Name Adam Mitchell, Principal Planner

Date 29/03/2022