

10 May 2018



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

Dear Sir/Madam

Application Number: Mod2018/0141

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

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:	Mod2018/0141
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 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)	10/05/2018
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Modify the following Conditions to read as follows:

15. Flood

c) Basement Car Parking

The basement car park must have a ramp with a crest set at or above the relevant Flood Planning

Level. All potential basement water access points, including fire stairs, shall be protected from flooding up to the relevant Flood Planning Level. A registered surveyors report is to be prepared certifying that the driveway crests are above the flood planning level. Details are to be provided to the PCA Prior to the issue of the Occupation Certificate for the relevant basement car park

54. Loading Dock Management Plan

A Loading Dock Operational Management Plan shall be submitted to Council detailing the daily operation of the loading docks, including the following:

- a) Location of the loading bays, truck routes and size of vehicles that are permitted at the loading docks.
- b) Servicing arrangements, including hours of operation, frequency and types of deliveries and information regarding the transport of goods within the development.
- c) Management procedures including details of the loading dock manager, loading dock booking arrangements, induction, driver responsibilities, complaints management systems and monitoring.
- d) The procedure for vehicles with a greater height than 3.6m requiring use of the Howard Avenue loading dock, and internal circulation map for the transport of goods from this loading dock to the residential, retail and commercial tenancies (including the buildings fronting Oaks Avenue and Pittwater Road).

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the first loading dock

Reason: To ensure the safety of the development

55. Howard Avenue Delivery Dock

Vehicles servicing the site from the Howard Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.
- b) All deliveries to the premises shall be made to the loading bay provided.
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby streets.
- d) No vehicle over 15m long shall access the driveway to the delivery dock off Howard Avenue.
- e) No other movements other than left-in and left-out are permitted at the access driveway to the loading dock fronting Howard Avenue. A suitable raised non-mountable median island shall be installed to physically restrict unpermitted movements into/out of the driveway. Relevant plans and engineering details of the median island shall be submitted to Council for approval prior to installation.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the Howard Avenue Delivery Dock

Reason: To manage traffic flow and deliveries to the development

56. Oaks Avenue Delivery Dock

Vehicles servicing the site from the Oaks Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.
- b) All deliveries to the premises shall be made to the loading bay provided.
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby public roads.
- d) No vehicle over 8.8m long and 3.6m high shall access the access driveway. Appropriate regulatory and warning signs shall be installed to indicate the available to the loading dock entrance clearance

prior to the loading entrance.

e) That reviews of the operation of the loading dock access driveway at Oaks Avenue be undertaken six months after the completion of the development. The review report shall be submitted to Council for consideration.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the Oaks Avenue Delivery Dock

Reason: To manage traffic flow and deliveries to the development

57. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineer's certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

59. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To facilitate the preservation of on-street car parking spaces. (DACENF03)

60. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval (DACENF04)

61. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Final Occupation Certificate

Note: The following Standards and Codes applied at the time of determination:

- a) AS/NZS 3500.3 - 2003 - Plumbing and drainage - Stormwater drainage;
- b) AS/NZS 3500.3 - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage; and
- c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development (DACENF05)

62. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a work-as-executed drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally, a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Final Occupation Certificate

Reason: To ensure stormwater disposal is constructed to Council's satisfaction (DACENF10)

77. Required Planting

Trees shall be planted in accordance with the following schedule:

No. of Trees Required	Species	Location
All trees & palms	As indicated on Landscape Plans - Ground Level, drawing numbers 201 and 202, Rev. B dated 14.01.2016 prepared by Arcadia Landscape Architecture	As indicated on the Landscape Plans

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To maintain environmental amenity (DACLAF01)

82. Paving

Paving shall be installed over the sewer easement on the eastern side of Block C (Building 1), between the eastern elevation of the building and Council's Triangle Park in accordance with Council's Dee Why Town Centre Streetscape specification

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: to ensure consistency with Council's vision for Dee Why Town Centre Place Making and Public Art and integration of this space with the adjoining Council park. (DACHPCPC1)

83. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure bushland management. (DACPLF01)

84. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap-in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the garbage store

Reason: To prevent pollution of the environment and to protect the amenity of the area.(DACPLF03)

87. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade

Details demonstrating compliance are to be submitted to the Certifying Authority Prior to the issue of the Occupation Certificate for the relevant building. Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard

Reason: Statutory requirement under Part 9 Division 4 & 5 of the EP&A Regulation 2000 (DACPLF07)

91. Access to Loading Facilities

The applicant is to provide a signal system at the entry to the loading docks to indicate that a respective loading dock is in use.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the relevant loading dock.

Reason: To ensure that heavy vehicles

92. Speed Humps at Control Points

Speed humps shall be provided at all control points within the property to reduce approach vehicle speeds. Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the relevant basement

Reason: To minimise conflicts at control points.

94. Parking Allocation for Child Care Centre

Twenty four (24) car parking spaces are to be provided for the Child Care Centre and located close to the elevator with direct access to the child care centre facility. The car parking spaces shall be conspicuously signposted with operation times and days, with line marking to restrict its use for the Child Care Centre pick-up/drop-off activities during its operation times.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the childcare centre.

Reason: To ensure that parking spaces for the child care centre are allocated and available to users of the centre during the operating hours of the centre.

95. Residential Stacked Parking

Stacked car parking spaces are to be assigned to the same residential unit (each stacked module to one apartment only)

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the relevant building

Reason: To minimise conflicts regarding parking areas

96. Disabled Car Parking Areas

The development shall provide a total of eleven (11) disabled non-residential car parking spaces in compliance with AS2890.6

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To meet the Disability (Access to Premises – Buildings) Standards 2010

99. Design Quality Statement On Completion

The Project Architect and Landscape Architect are to provide a Design Verification Statements which confirm that the completed development meets the design qualities of the approved development, including the architectural design, colours, materials and finishes and landscape treatment as contained in the consent and conditions

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure the design quality of the project is consistent with the development consent

100. Section 138 Roads Act approval – Howard Avenue Traffic Median

c) An application for works to be approved in Council's Roadway (Section 138 and 139 of the Roads Act 1993) is to be lodged to Council together with the approval fee (in accordance with Council's Fees and Charges) prior to the issue of the construction certificate. The Traffic Median reconstruction works are to be completed Prior to the commencement of use of either of the Howard Avenue vehicle driveways

101. A Binding Agreements

A binding agreement between the applicant, Council and/or Transport for NSW, is to be developed that ensures clearly defined responsibilities for streetscape maintenance (paving, lighting, furniture, transport information systems, etc.) within the Pittwater Road colonnade area. A similar agreement shall be established for the Oaks Avenue pedestrian footpath area (adjacent to the loading dock and parking entrance near 14-16 Oaks Avenue)

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure Council's interests as Road Authority are appropriately managed. (DACHPCPC1)

117. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 453 spaces – Residential component

- 35 spaces – Residential visitors
- 523 spaces – Retail component
- 24 spaces – Child Care Centre

Car parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit/tenancy shall be line marked and numbered or signposted to indicate the unit/tenancy to which it is allocated

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the basement

118. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure that visitors are aware that parking

Important Information

This letter should therefore be read in conjunction with DA2016/0705, dated 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 10/05/2018

