

NORTHERN BEACHES COUNCIL

8 June 2016

Reitsma Construction Pty Ltd
Po Box 642
SEVEN HILLS NSW 1730

Dear Sir/Madam

Application Number: Mod2016/0107
Address: Lot 1 DP 1068612 , 776 - 780 Pittwater Road, BROOKVALE NSW 2100
Proposed Development: Modification of development consent DA2013/0594 granted for the construction of a vehicle sales showroom

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,

Phil Lane
Senior Development Planner

NOTICE OF DETERMINATION

Application Number:	Mod2016/0107
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Reitsma Construction Pty Ltd
Land to be developed (Address):	Lot 1 DP 1068612 , 776 - 780 Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Modification of development consent DA2013/0594 granted for the construction of a vehicle sales showroom

DETERMINATION - APPROVED

Made on (Date)	08/06/2016
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Modify Condition 8 - On-site Stormwater Detention Compliance Certification to read as follows:

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by ACOR Consultants, drawing number SY13.0025, dated 3 April 2013.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. Maximum discharge from the OSD tank must not exceed the following Permissible Site Discharges:
- 13 Litres per second for the 1 in 5 year ARI storm event
 - 46 Litres per second for the 1 in 100 year ARI storm event

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

B. Modify Condition 14 - Authorisation of Legal Documentation Required for On-site Stormwater

Detention to read as follows:

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 engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

C. Modify Condition 15 - Registration of Encumbrances for On-site Stormwater Detention to read as follows:

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

D. Modify Condition 18 - On-Site Stormwater Detention Compliance Certification to read as follows:

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) 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 Principal Certifying Authority prior to the issue of Final Occupation Certificate.

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

E. Modify Condition 19 - Positive Covenant for On-site Stormwater Detention 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 on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

F. Modify Condition 20 - Creation of Positive Covenant and Restriction as a User to read as follows:

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

Important Information

This letter should therefore be read in conjunction with DA2013/0594 dated 17 July 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 Phil Lane, Senior Development Planner

Date 08/06/2016