

7 June 2019



Paul Andrew Bolliger  
37 Tunks Street  
NORTHBRIDGE NSW 2063

Dear Sir/Madam

**Application Number:** Mod2019/0201  
**Address:** Lot 2 DP 512736 , 2177 Pittwater Road, CHURCH POINT NSW 2105  
**Proposed Development:** Modification of Development Consent DA2018/1651 granted for demolition works and construction of a dwelling house including secondary dwelling

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



David Auster  
**Principal Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2019/0201
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Paul Andrew Bolliger
<b>Land to be developed (Address):</b>	Lot 2 DP 512736 , 2177 Pittwater Road CHURCH POINT NSW 2105
<b>Proposed Development:</b>	Modification of Development Consent DA2018/1651 granted for demolition works and construction of a dwelling house including secondary dwelling

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	07/06/2019
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The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Modify Condition 18 to read as follows:**

##### **18. Authorisation of Legal Documentation Required for Onsite Detention**

An application for the authorization of legal documents is to be submitted to Council for approval. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) with a copy of the Works-as-Executed plan(details overdrawn on the copy of the approved drainage plan), hydraulic engineers certification and photographs of the completed system.

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

Reason: To create encumbrances on the land.

#### **B. Modify Condition 19 to read as follows:**

##### **19. Registration of Encumbrances for On-site Stormwater Detention**

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 any final Occupation Certificate.

Reason: To identify encumbrances on land.

#### **C. Modify Condition 20 to read as follows:**

##### **20. Positive Covenant and Restriction as to User for On-site Stormwater Detention**

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 at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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 at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. 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 Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

**Add Condition 3A to read as follows:**

**3A Staging of Development**

The approved works may be staged so that an interim occupation certificate can be issued for the secondary dwelling (subject to satisfaction of the Principle Certifier that all other relevant conditions of consent are satisfied), prior to demolition of the existing dwelling and existing driveway and existing hardstand parking area on site, and prior to construction of the approved new driveway and parking area for the secondary dwelling.

Reason: To allow for the staging of the works.

**Important Information**

This letter should therefore be read in conjunction with DA2018/1651 dated 19/03/2019.

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 should be submitted to Council within 3 months 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



northern  
beaches  
council

A handwritten signature in blue ink, appearing to read "David Auster", on a light-colored rectangular background.

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Name David Auster, Principal Planner

Date 07/06/2019