

NORTHERN BEACHES COUNCIL

13 December 2016



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

Dear Sir/Madam

Application Number: Mod2016/0307

Address: Lot 3 DP 307937 , 896 Pittwater Road, DEE WHY NSW 2099
Lot 1 DP 307937 , 896 Pittwater Road, DEE WHY NSW 2099
Lot A DP 416469 , 894 Pittwater Road, DEE WHY NSW 2099
Lot 7 DP 8172 , 9 Howard Avenue, DEE WHY NSW 2099
Lot 1 DP 209503 , 11 Howard Avenue, DEE WHY NSW 2099
Lot A DP 339410 , 884 Pittwater Road, DEE WHY NSW 2099
Lot 11 DP 231418 , 888 Pittwater Road, DEE WHY NSW 2099
Lot 10 DP 231418 , 890 Pittwater Road, DEE WHY NSW 2099
Lot 1 DP 504212 , 892 Pittwater Road, DEE WHY NSW 2099
Lot 1 DP 212382 , 15 Howard Avenue, DEE WHY NSW 2099
Lot 2 DP 212382 , 17 Howard Avenue, DEE WHY NSW 2099
Lot A DP 371110 , 14 Oaks Avenue, DEE WHY NSW 2099
Lot B DP 371110 , 16 Oaks Avenue, DEE WHY NSW 2099
Lot 3 DP 212382 , 28 Oaks Avenue, DEE WHY NSW 2099

Proposed Development: Modification of Development Consent DA2015 granted for
Drainage and Stormwater Management works and Installation of
shoring walls and bulk excavation

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,

Lashta Haidari
Senior Development Planner

NOTICE OF DETERMINATION

Application Number:	Mod2016/0307
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Karimbla Constructions Services (Nsw) Pty Ltd
Land to be developed (Address):	Lot 3 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469 , 894 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172 , 9 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 209503 , 11 Howard Avenue DEE WHY NSW 2099 Lot A DP 339410 , 884 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418 , 888 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418 , 890 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212 , 892 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 212382 , 15 Howard Avenue DEE WHY NSW 2099 Lot 2 DP 212382 , 17 Howard Avenue DEE WHY NSW 2099 Lot A DP 371110 , 14 Oaks Avenue DEE WHY NSW 2099 Lot B DP 371110 , 16 Oaks Avenue DEE WHY NSW 2099 Lot 3 DP 212382 , 28 Oaks Avenue DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2015 granted for Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation

DETERMINATION - APPROVED

Made on (Date)	13/12/2016
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The request to modify the above-mentioned Development Consent has been approved as follows:

Add Condition No.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) Approved Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise and Vibration Impact Assessment	16/06/2016	Acoustic Logic

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Noise and Vibration Management Plan (Ref: 20160147.3/0407A/R1/GW)	04/07/2016	Acoustic Logic
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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.

In particular, Condition No. 4(a) does not give approval for excavation works between 7.00am and 8.00am on Saturdays.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

Modify Condition 4. General Requirements to read as follows:

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 4.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

Excavation works are restricted to:

- 7.00 am to 5.00 pm Monday to Friday - the extended hours is for weekdays only and is granted for a period not exceeding four (4) months from the date of the determination of Modification Application No. MOD2016/0307.
- 8.00 am to 2.00 pm inclusive on Saturday - subject to the works being undertaken to include machinery that only requires the excavation of material that does not include rock sawing, rock hammering and the like. No approval is granted for excavation works between 7.00am and 8.00am on Saturdays.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain on site at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not

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required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(i) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room (s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

B. Modify Condition <2 - Compliance with Other Department, Authority or Service Requirements> to read as follows:

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	21 July 2015 & 30 November 2015
NSW Office of Water	Response NSW Office of Water	14 September 2015 & 21 October 2016
Road & Maritime Services	Response NSW RMS	27 September 2016

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

(NOTE: For a copy of the above-referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

Important Information

This letter should therefore be read in conjunction with DA2015/0612 dated 22 December 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.

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 Lashta Haidari, Senior Development Planner

Date 13/12/2016