

NORTHERN BEACHES COUNCIL

18 May 2017



Champion Homes Sales Pty Ltd
Po Box 95
HOXTON PARK NSW 2171

Dear Sir/Madam

Application Number:	Mod2017/0110
Address:	Lot 6 DP 11252 , 105 McIntosh Road, NARRAWEENA NSW 2099
Proposed Development:	Modification of Development Consent DA2017/0201 granted for Construction of a dwelling house and secondary dwelling including demolition 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 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,

Isaac Toledano
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2017/0110
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Champion Homes Sales Pty Ltd
Land to be developed (Address):	Lot 6 DP 11252 , 105 McIntosh Road NARRAWEENA NSW 2099
Proposed Development:	Modification of Development Consent DA2017/0201 granted for Construction of a dwelling house and secondary dwelling including demolition works

DETERMINATION - APPROVED

Made on (Date)	18/05/2017
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Delete Condition Number 1 - Stormwater Drainage Design which reads as follows:

Plans indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent areas, must be submitted to Council for written approval. Stormwater must be conveyed by gravity from the site to the kerb in McIntosh Road. All proposals must be in accordance with Warringah Council's Stormwater Drainage Design Guidelines for Minor Developments.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENA04)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

B. Delete Condition Number 7 - Work Bonds which reads as follows:

(a) Construction, Excavation and Associated Works Bond (Crossing/Kerb)

A Bond of \$5000.00 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

(b) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$ 5000.00 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(c) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$5000.00 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

C. Delete Condition Number 27 - Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979 which reads as follows:

A Maintenance Period of six (6) months shall apply to the drainage and vehicle access works located in, on or over a public road as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective. (DACENG01)

D. Add Condition Number 20A - 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 any interim / final Occupation Certificate.

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

E. Add Condition Number 20B - 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 any interim / final Occupation Certificate.

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

F. Add Condition Number 20C - 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 any interim / final Occupation Certificate.

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

Important Information

This letter should therefore be read in conjunction with DA2017/0201 dated 20 April 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

Signature _____

Name Isaac Toledano, Planner

Date 18/05/2017