

13 November 2018



Karimbla Properties (No41) Pty Ltd
C/- Meriton Group Level 11 Meriton Tower 528 Kent Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2018/0283
Address: Lot 2 DP 1241568 , 888 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:	Mod2018/0283
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Karimbla Properties (No41) Pty Ltd
Land to be developed (Address):	Lot 2 DP 1241568 , 888 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

DETERMINATION - APPROVED

Made on (Date)	13/11/2018
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Modify (Condition No. 22. Submission of Engineering Plans) to read as follows:

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four copies of Civil Engineering plans for the design of road and footpath/streetscape construction works in Pittwater Road, Howard Avenue and Oaks Avenue, which are to be generally in accordance with drawings numbered DRW 0214 -0356 - 22WD-LD 300 rev7, 301 rev7, 302 rev7 ,401,402,403 (Howard Ave Works) and DRW 0214 -0356 - 21WD-LD 300 rev7, 301 rev7, 302 rev7 ,401,402,403 (Oaks Ave) and Council's specification for engineering works – AUS-SPEC #1 and or Council's Minor Works Policy.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

B. Modify (Condition No. 43. Footpath / Streetscape Upgrade Works) to read as follows:

The applicant shall reconstruct the footpaths in Pittwater Road, Howard Avenue and Oaks Avenue. The works shall be in accordance with the following:

a) All footpath works are to be constructed in accordance with Council's minor works policy and the engineering plans approved by Council in respect of the Section 138 application for the project.

The works are also to include the construction of street furniture, bus shelters, street lighting, landscaping and signage.

b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with the Council's policies and specifications.

Details demonstrating compliance are to be submitted to the PCA.

C. Modify (Condition No. 47. Footpath Paving works Pittwater Road Frontage) to read as follows:

The pedestrian area beneath the colonnade fronting Pittwater Road is to be fully paved in accordance with the engineering plans approved by Council in respect of the Section 138 application for the project (as required by Condition 72 below). The works are to be designed and integrated with the specification and levels of the adjacent footpath area.

D. Modify (Condition No. 72. Section 138 Roads Act Approval – Road and Streetscape Works) to read as follows"

a) Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four copies of Civil Engineering plans for the design and construction of half road reconstruction works, kerb & gutter, footpath paving, street tree planting and garden beds, construction of bus shelters, street lights, street signage, pedestrian ramps and crossings, kerb blisters and associated drainage works (Pittwater Road, Oaks Avenue and Howard Avenue frontages) which are to be in accordance with the DRW 0214 -0356 - 22WD-LD 300 rev7, 301 rev7, 302 rev7 ,401,402,403 (Howard Ave Works) and DRW 0214 -0356 - 21WD-LD 300 rev7, 301 rev7, 302 rev7 ,401,402,403 (Oaks Ave), and Warringah Public Spaces Design Guidelines and Council's specification for engineering works – AUS-SPEC #1 and or Council's Minor Works Policy.

Where kerb and gutter and road reconstruction works are required within the Pittwater Road frontage and Engineering Plans are to be approved by the Roads and Maritime Services and Transport for NSW.

The Engineering design plans are to include:

- i. Details of all public utility services which are to be located and detailed on the plan and cross sections. Utility services must be relocated at the applicant's expense if they are in conflict with the required engineering works.
- ii. Removal of the indented car parking spaces in Oaks Avenue and reconstruction as road pavement.
- iii. Full-width construction of Pedestrian Crossings along the Oaks Avenue and Howard Avenue frontages.

b) Section 138 and 139 engineering plan approval fee is to be lodged with the assessment and approval of the plans in accordance with Council's Fees and Charges prior to the issue of the construction certificate.

Important Information

This letter should therefore be read in conjunction with DA2016/0705, 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 13/11/2018