

5 September 2011

Dee Why Property Development Pty Ltd
Suite 1003, 6a Glen St
MILSONS POINT NSW 2119

CA (SDS)

Dear Sir / Madam,

RE: Modification Application No: Mod2011/0117 - (DA201/1839)
Description: Modification of Development Consent DA2010/1839 granted for Demolition works and construction of residential flat buildings and associated basement car park including landscape/site works
Address: 2 Mooramba Road and 10 Painters Parade DEE WHY

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 31 August 2011 as follows:

A. Condition No. 1 to be modified as follows:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA06 Site/Roof	05/11/2010	JAA Studio
DA11 Carpark	05/11/2010	JAA Studio
DA12 Ground Level	05/11/2010	JAA Studio
DA13 Level 1	05/11/2010	JAA Studio
DA14 Level 2	05/11/2010	JAA Studio
DA15 Level 3	05/11/2010	JAA Studio
DA16 Level 4	05/11/2010	JAA Studio
DA17 Level 5	05/11/2010	JAA Studio
DA20 Typical Building Plan Types	05/11/2010	JAA Studio
DA21 Apartment Types	05/11/2010	JAA Studio
DA30 Elevations – East and South	05/11/2010	JAA Studio
DA31 Elevation – North and Section G-G	05/11/2010	JAA Studio
DA35 Elevations – Typical 1 Bedroom Apartment Building	05/11/2010	JAA Studio
DA36 Elevations – Typical 1 & 2 Bedroom Apartment Building	05/11/2010	JAA Studio
DA40 Sections A-A & B-B	05/11/2010	JAA Studio
DA41 Sections D-D & E-E	05/11/2010	JAA Studio
DA50 Sections – Typical 1 & 2 Bedroom Apartment Building	05/11/2010	JAA Studio
DA55 Design Study	05/11/2010	JAA Studio
DA70 Colours and Finishes Sample Board	05/11/2010	JAA Studio

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1018/A (1 of 3) Stormwater Pipeline Augmentation Layout	24/09/2010	Stefani Group
1018/A (2 of 3) Pipeline Long Sections and Details	24/09/2010	Stefani Group
1018/A (3 of 3) Stormwater Pipeline and Easement Sections	24/09/2010	Stefani Group

Engineering Plans - Endorsed with Council's stamp		
HDA01/P3 Hydraulic Services Street Location Plan	30/11/2010	Whipps-Wood
HDA02/P3 Hydraulic Services Catchment Plan	30/11/2010	Whipps-Wood
HDA03/P4 Hydraulic Services Carpark Plan	02/12/2010	Whipps-Wood
HDA04/P3 Hydraulic Services Ground Level plan	30/11/2010	Whipps-Wood
HDA05/P3 Hydraulic Services Stormwater Details	30/11/2010	Whipps-Wood
HDA06/P1 Hydraulic Services Tank & Easement Sections	30/11/2010	Whipps-Wood

Reports/Documentation		
Report/Document	Dated	Prepared By
All recommendations made in <i>Additional Environmental Site Investigation & Remedial Action Plan</i> (Ref: E21637F-RPT)	December 2007	Environmental Investigation Services
All recommendations made in <i>Geotechnical Investigation</i> (Ref: 21637SB-RPT)	28/11/2007	Jeffery and Katauskas Pty Ltd

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

The development is to be undertaken generally in accordance with the following:

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
10-074 L01(G) Landscape Plan	30/11/2010	Habitation
10-074 L02(E) Landscape Sections	30/11/2010	Habitation
10-074 L03(E) Landscape Sections	30/11/2010	Habitation
10-074 L04(E) Landscape Details	30/11/2010	Habitation

Waste Management Plan - Endorsed with Council's stamp		
Plan Number	Dated	Prepared By
Site and Waste Management Report	04/11/2010	JAA Studio

As modified by the Section 96 application Mod2011/0117 received by Council on 30 May 2011, and endorsed with Council's approval stamp;

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA06(A) Site/Roof	26/05/2011	JAA Studio
DA11 Carpark	05/11/2010	JAA Studio
DA12(A) Ground Level	26/05/2011	JAA Studio
DA13(A) Level 1	26/05/2011	JAA Studio
DA14(A) Level 2	26/05/2011	JAA Studio
DA15(A) Level 3	26/05/2011	JAA Studio
DA16(A) Level 4	26/05/2011	JAA Studio
DA17(A) Level 5	26/05/2011	JAA Studio
DA20(A) Typical Building Plan Types	26/05/2011	JAA Studio
DA21(A) Apartment Types	26/05/2011	JAA Studio
DA30(A) Elevations – East and South	26/05/2011	JAA Studio
DA31(A) Elevation – North and Section G-G	26/05/2011	JAA Studio
DA32(A) Elevation - West	26/05/2011	JAA Studio
DA35(A) Elevations – Typical Building A-F	26/05/2011	JAA Studio
DA36(A) Elevations – Typical Building G-J	26/05/2011	JAA Studio

Architectural Plans - Endorsed with Council's stamp		
DA40(A) Sections A-A & B-B	26/05/2011	JAA Studio
DA41(A) Sections D-D & E-E	26/05/2011	JAA Studio
DA50(A) Sections – Typical Buildings	26/05/2011	JAA Studio
DA55 Design Study	05/11/2010	JAA Studio
DA70 Colours and Finishes Sample Board	05/11/2010	JAA Studio

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

The development is to be undertaken generally in accordance with the following:

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
10-074 L01-REVB Landscape Plan	25/05/2011	Habitation
10-074 L02-REVB Landscape Sections	25/05/2011	Habitation
10-074 L03-REVB Landscape Sections	25/05/2011	Habitation
10-074 L04(E) Landscape Details	30/11/2010	Habitation

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

B. Condition No. 8 to be modified as follows:

8. Privacy Screens

Privacy screens are to be installed to the following units:

Units C08 and C11

Privacy screens at a height of 1.65 metre high (measured from finished floor level) are to be erected on north-western corner of the balconies to Units C08 and C11 for a length of 1.5m along the north-facing edge of each respective balcony.

D07 and D10

Privacy screens at a height of 1.65 metre high (measured from finished floor level) are to be erected on north-eastern corner of the balconies to Units D07 and D10 for a length of 1.5m along the north-facing edge of each respective balcony.

The privacy screens shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement in design of the approved development.

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

Reason: In order to maintain privacy to the adjoining property.

C. Condition No. 10 to be deleted.

D. Condition No. 11 to be modified as follows:

11. Planter boxes

The areas indicated as having a 'soil depth of 600mm over podium' on Plan Nos. L01-REVB; L02-REVB and L03-REVB each dated 25 May 2011 and prepared by habitation are to be replaced with raised planter boxes. The planter boxes are to be setback 1.0m from the abutting face of each respective building and are to accommodate a consistent soil depth of 1.0m.

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

Reason: To achieve compliance with the Landscape Open Space Built Form Control

under WLEP 2000.

E. Condition No. 18 to be modified as follows:

18. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. (including fences). Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure.

F. Condition No. 22 to be modified as follows:

22. Landscaping within the overland flow path along the northern side of the development

The proposed landscaping is to be amended to remove any trees within the proposed drainage easement benefiting Council and replaced with grass or the like.

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

Reason: To provide adequate access to Council's future drainage pipeline and adequate overland flow provisions through the development."

G. Condition No. 25 to be modified as follows:

25. Amended Landscape Plan

Prior to the issue of a construction certificate, the Landscape Plan L01-REVB is to be amended as follows:

- (a.) The 8 trees indicated to be planted within the Mooramba Road frontage of the site are to be replaced with local native species capable of attaining a minimum height at maturity of 10m and a minimum pot size of 45 litres.
- (b.) The landscape area at the western part of the site facing Painters Parade indicated as "Hydro-seed grasses" is to be amended to provide a minimum 40% coverage of local native plant species (shrubs and trees) with the remainder of the area turfed with suitable grass species.

Details are to be submitted to the nominated Certifying Authority for approval prior to issue of a Construction Certificate.

Reason: Control of erosion and maintenance of local amenity.

H. Condition No. 51 to be modified as follows:

51. Certification Civil Works

The Civil Engineer responsible for the supervision of the civil drainage works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed data certified by a registered surveyor prepared in accordance with Council's requirements is to be provided to Council.

Full details of the information is to be submitted to Council, as part of the Works as Executed Data, are outlined in Council's 'Guideline for preparing Works as Executed data for Council's stormwater assets' which is available from Council's Natural Environment

Unit. The Works as Executed data is to be verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not limited to the following:

- (a) Works as Executed (WAE) Plan,
- (b) a Spreadsheet Schedule of all stormwater asset attributes and
- (c) a CCTV Report of the completed pipeline.

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 compliance of drainage works with Council's specification for engineering works. (DACENF06)

I. Condition No. 52 to be deleted.

J. Addition of Condition No. 73 to read as follows:

73. Structures Located Adjacent to Council Pipeline or Council Easement

All structures including fences are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. A statement of compliance with this condition is required by the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure

K. Addition of Condition No. 74 to read as follows:

74. Landscaping within the overland flow path along the northern side of the development

The proposed landscaping is to be amended to remove any trees within the proposed drainage easement benefiting Council and replaced with grass only or the like.

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

Reason: To provide adequate access to Council's future drainage pipeline and adequate overland flow provisions through the development.

This letter should therefore be read in conjunction with Development Consent DA2010/1839 dated 10 February 2011. Please find attached a consolidated set of conditions incorporating the modifications of consent.

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.

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.

Should you require any further information on this matter, please contact **Tony Collier** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit Applications (eServices) at www.warringah.nsw.gov.au.

Yours faithfully

Rod Piggott

**Team Leader Development Assessments
Strategic and Development Services**

