

29 May 2014



Frank Minnici
17 Bennett Street
CURL CURL NSW 2096

Dear Sir/Madam

Application Number:	Mod2014/0052
Address:	Part Lot 394 DP752038 , 5 Lawrence Street, FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2007/0856 granted for Demolition of the existing buildings, construction of a mixed use development comprising basement car parking, 3 storey retail/ commercial building, 10 residential apartments in two buildings and a detached dwelling and stratum subdivision

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,

Kevin Short
Development Assessment Officer

NOTICE OF DETERMINATION

Application Number:	Mod2014/0052
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Frank Minnici
Land to be developed (Address):	Part Lot 394 DP752038 , 5 Lawrence Street FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2007/0856 granted for Demolition of the existing buildings, construction of a mixed use development comprising basement car parking, 3 storey retail/ commercial building, 10 residential apartments in two buildings and a detached dwelling and stratum subdivision

DETERMINATION - APPROVED

Made on (Date)	29/05/2014
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Delete Condition 114. Lawrence St Median Strip, 116. Tree Protection and 117. Acoustic Fencing.

B. Add Condition 99A. Lawrence St Median Strip, 99B. Tree Protection and 99C. Acoustic Fencing, which read as follows:

99A. Lawrence St Median Strip

The extension to the median strip in Lawrence Street and shown on plan DA07D, shall be constructed by the Applicant at its cost, but only if approval is granted by the local traffic committee.

Reason: Traffic safety

99B. Tree Protection

The brush box tree on the road reserve in Marmora Street adjacent to the proposed access driveway and depicted as tree 13 in the Tree Report dated 9 July 2007 by S Hannan Landscape Design ("tree report") shall be retained and the driveway construction works are not to cause injury or damage to the tree. To this end the driveway works shall be undertaken in accordance with the recommendations as set out in the tree report.

Reason: Tree protection

117. Acoustic Fencing

An acoustic barrier, being a lapped and capped timber fence (the fence), shall be erected at the applicant's expense on the boundary between numbers 18 and 20 Marmora Street. The fence shall be 1.8 metres in height from the southern most point of the boundary to 9 metres from the northern most point of the boundary. For the remaining 9m of the boundary, the fence shall taper down to be 1 metre in height for the majority of the 9 metre length.

Reason: To preserve neighbour amenity

Important Information

This letter should therefore be read in conjunction with DA2010/1446 dated 3 April 2009 and Mod2013/0112 dated 6 September 2013.

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 Kevin Short, Development Assessment Officer

Date 29/05/2014