

13 August 2025



S & A Apartments Pty Ltd
1 / 9 Narabang Way
BELROSE NSW 2085

Dear Sir/Madam

Application Number: DA2024/1684
Address: Lot 1 DP 1001963 , 638 Pittwater Road, BROOKVALE NSW 2100
Proposed Development: Alterations and additions to a shop top housing development approved under Development Consent DA2019/0239

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Thomas Burns
Acting Manager, Development Assessments

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application Number:	DA2024/1684 PAN-494466
Applicant:	S & A Apartments Pty Ltd 1 / 9 Narabang Way BELROSE NSW 2085
Property:	Lot 1 DP 1001963 638 Pittwater Road BROOKVALE NSW 2100
Description of Development:	Alterations and additions to a shop top housing development approved under Development Consent DA2019/0239
Determination:	Approved Consent Authority: Northern Beaches Local Planning Panel
Date of Determination:	06/08/2025
Date from which the consent operates:	06/08/2025
Date on which the consent lapses:	06/08/2030

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged to and determined by the consent authority within 6 months from the date that the original determination was registered on the NSW Planning Portal. Prospective applicants for a Review of Determination are encouraged to lodge a review application with Council as soon as possible, to enable a full review and determination.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Thomas Burns, A/Manager Development Assessments

Date 06/08/2025

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under sections 4.17(1)(b) & (5) and 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A02B	B	Basement Level B3	Barry Rush & Associates	5 July 2024
A03B	B	Basement Level B2	Barry Rush & Associates	5 July 2024
A04B	B	Basement Level B1	Barry Rush & Associates	5 July 2024
A05A	A	Ground Floor Level	Barry Rush & Associates	5 July 2024
A06B	B	First Floor Level	Barry Rush & Associates	17 April 2025
A07B	B	Second Floor Level	Barry Rush & Associates	17 April 2025
A20B	B	Third Floor Level	Barry Rush & Associates	17 April 2025
A08B	B	Roof Plan	Barry Rush & Associates	17 April 2025
A09B	B	Elevations	Barry Rush & Associates	17 April 2025
A10B	B	Elevations	Barry Rush & Associates	17 April 2025
A11B	B	Sections	Barry Rush & Associates	17 April 2025
A18A	B	External Colour Schedule	Barry Rush & Associates	17 April 2025
A19A	A	Mezzanine Floor Level	Barry Rush & Associates	14 May 2024
DWG Sheet 1	SK1	Rooftop Concept Plan	Conzept Landscape Architects	15 April 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1747596M_02	Building Sustainability Assessments	28 October 2024
Access Report	20156, Issue A	Vista Access Architects Pty. Ltd.	26 April 2024
Noise Impact Assessment	Report 200230R1, Revision 2	Rodney Stevens Acoustics Pty Ltd	1 May 2024
BCA Assessment Report	110121, Revision 2	Jensen Hughes	12 April 2024
Waste Management Plan for 638 Pittwater Road, Brookvale NSW 2100	-	APEX Engineers	June 2025
Geotechnical Addendum Report	15076-GR-2-1 Rev A	Alliance Geotechnical Pty Ltd	7 July 2025

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Referral - Ausgrid	N/A
Transport for NSW (TfNSW)	Referral - Transport NSW (TfNSW Reference: SYD24-02079/01)	10 January 2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

4. **General Requirements**

(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 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.

- (g) Prior to the release of the Construction Certificate, payment of the following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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 on or in the public place
 - 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.

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

5. **Limitations of this Amending Consent (as it relates to parent Development Consent DA2019/0239)**

This amending consent does not approve the following works which are covered by the parent Development Consent No. DA2019/0239:

- (a) Demolition works,
- (b) Tree removal,

(c) Excavation,

(d) Below ground works consisting of foundation construction and structural basement construction including footings, columns, slabs and walls, excluding the minor layout changes relating to bike rack storage, the commercial lift core for L5 and the bulky goods waste storage that are hatched in orange on the Stamped Plans referenced in Condition 1 of this consent,

(e) The use, fit-out or operating hours of the commercial tenancies on the ground floor, excluding the bin storage and commercial lift core for L5 amendments that are hatched in orange on the Stamped Plans referenced in Condition 1 of this consent, and

(f) The use, fit-out and layout of the residential apartments located on the first floor plan and second floor plan, excluding the amendments to the glazing and awnings located on the corner of the Pittwater Road and Orchard Road frontages and the amendments to the finished floor level of second floor plan that are hatched in orange on the Stamped Plans referenced in Condition 1 of this consent.

Reason: To prevent any inconsistencies between consents applying to the site (pursuant to section 4.17 of Environmental Planning and Assessment Act 1979 & section 68 Environmental Planning and Assessment Regulation 2021).

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$60,158.26 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$6,015,826.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended). The development contributions for this development and Development Consent DA2019/0239 must be paid prior to the commencement of construction.

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any

damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development 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, and details demonstrating payment are to be submitted to the Certifier 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.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

8. **Housing and productivity contribution - Development consents**

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$ 200,000.00
Total:	\$ 200,000.00

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted.

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. **National Construction Code (BCA) upgrade requirements and Fire Safety upgrade**
The National Construction Code works and fire upgrading measures to upgrade the building as detailed and recommended in the BCA Assessment Report referenced in Condition 1 of this consent are to be carried out in full to the building or considered as part of the assessment of the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

10. Acoustic Design

A suitably qualified acoustic consultant must provide written certification demonstrating that the noise mitigation design recommendations within the approved Noise Impact Assessment referenced in Condition 1 of this consent have been incorporated into the construction plans.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure that adequate amenity is provided to the residential apartments.

11. Amended Landscape Plans - Public Domain

Amended Landscape Plans shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

a) amendments to drawing Public Domain Plan 01 Revision D

i) delete all shrub and groundcover planting skirting the building edge and replace with paving,

ii) extend the paving to the kerb in front of the main entry doors to commercial unit 1 on the corner of Pittwater and Orchard Road,

iii) change the tree species on Pittwater Road to *Xanthostemon chrysanthus* and install in accordance with Northern Beaches Standard Drawing 1300 - Tree Pit Details, Plan and Section, including strata cell system, 1600 x 1200 tree pit opening finished with mulch and Liriope 'Evergreen Giant' groundcover planting installed at 6 per square metres and at 140mm pot size,

iv) change the tree species on Orchard Road to *Tristaniopsis laurina* 'Luscious' and install as per detail on drawing Detail & Specification Revision B,

b) amendments to drawing Public Domain Plan 02 Revision D

i) delete all shrub and groundcover planting skirting the building edge and replace with paving,

ii) change the tree species on Orchard Road to *Tristaniopsis laurina* 'Luscious' and install as per detail on drawing Detail & Specification Revision B,

iii) extend the footpath to Charlton Lane including an appropriate kerb ramp.

c) all public domain works shall be completed in accordance with Northern Beaches Public Space Vision & Design Guidelines.

d) certification shall be submitted to the Certifier that these amendments have been documented.

Note: as part of any works within the road reserve, Public Domain Plans shall also be submitted under a Section 138 application to Council.

Reason: Landscape amenity.

12. On Slab Landscape Works

a) Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

b) The following soil depths are required to support planting: 300-450mm for ground covers; 500-600mm for shrubs; 800mm for small trees and 1000mm for medium trees.

c) Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

13. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the proposed buildings and paved areas. Stormwater shall be conveyed from the site to the approved on-site stormwater detention system approved in consent DA2019/0239.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal of stormwater management arising from the development.

14. **Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space / loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken to the car park layout and parking allocation shown on the Basement Level plans, Drawing Nos A02B, A03B and A04B Revision B.

a) Basement Level B3 - Residential Parking (66 spaces including 4 adaptable (AS4299) and 2 accessible (AS2890.6) spaces)

- Convert accessible spaces No.32 and 33 and Shared Area to provide 3 standard spaces (2.4m wide x 5.4m long).
- Convert space No.28 to an adaptable space (3.8m wide) by relocating columns and space Nos.26-28 westwards by approximately 1m.
- Convert space No.31 to an adaptable space. Relocate row of 9 double bike racks to eastern wall and remove one small storage cage to provide new access to the resident bicycle storage area.
- Convert space No.39 to an adaptable space with the removal of excess columns between space No.34 and 35 (alternatively relocate columns within the Shared Area).
- Convert space No.64 to an adaptable space by relocating column westwards. Relocate motorcycle parking space MC3 to the southern wall between space No.61 and the stairs. Swap locations of motorcycle parking space MC2 with 6 bike racks.

b) Basement Level B2 - Commercial Unit 1 (17 spaces including 2 accessible (AS2890.6) spaces), SOHO Units 1-8 (15 spaces including 1 accessible (AS2890.6) space), Resident Visitor parking (12 spaces including 1 accessible (AS2890.6) space), and Visitor/Customer parking (15 spaces including 2 accessible (AS2890.6) spaces).

- Relocate accessible spaces No.4 and 5 with adjacent Shared Area one space westwards with the Shared Area situated between the new accessible spaces No.3 and 4.
- Resident parking spaces Nos. 1-3, and 13-21 allocated to Resident Visitor parking.
- Resident parking spaces Nos. 4-12 and 22 allocated to Commercial Unit 1 parking.
- Visitor car spaces 1-5 allocated to Commercial Unit 1 parking.
- Commercial parking spaces Nos. 15-16 allocated to Commercial Unit 1 parking.
- Visitor car spaces Nos. 6-9 allocated to SOHO unit parking.
- Commercial parking spaces Nos. 17-27 allocated to SOHO unit parking.
- Commercial parking spaces Nos. 1-14 and 28 allocated to visitor/customer parking.

c) Basement Level B1 - Commercial Unit 1 Basement (19 spaces including 2 accessible (AS2890.6) spaces), and Retail/Business Unit 2 & 3 parking (9 spaces including 2 accessible (AS2890.6) spaces),

- Parking spaces Nos. 8, 11-18 allocated to Retail/Business Unit 2 & 3.
- Parking spaces Nos. 1-7, 9-10 and 19-28 allocated to Commercial Unit 1 Basement.

These amendment(s) must be clearly marked on the updated plans and submitted to Council's Transport Network team for review prior to the issue of a Construction Certificate.

Reason: To ensure allocation of parking spaces for the development and compliance with Australian Standards and WDCP relating to manoeuvring, access and parking.

15. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The fixed privacy screens to the north-facing balconies of Apartments 48 and 49 must be at least 1.7 metres above the finished floor level and the openings between the battens must not be more than 20 millimetres.
- The draft watermark on the approved Rooftop Concept Plan referenced in Condition 1 of this consent must be deleted from the Construction Certificate documentation.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

16. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property

boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

17. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

18. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

19. Modification of Parent Development Consent DA2019/0239

Prior to the issue of any Construction Certificate or commencement of any works approved under this consent, the applicant must submit for approval by Council, a marked-up document with track changes to the conditions in Development Consent DA2019/0239, which was granted by the Northern Beaches Local Planning Panel (as modified by Northern Beaches Council), which removes all of the development approved under Development Consent DA2019/0239, pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, except for the following:

(a) demolition works,

(b) tree removal,

(c) excavation,

(d) below ground works consisting of foundation construction and structural basement construction including footings, columns, slabs and walls, excluding the minor layout changes relating to bike rack storage, the commercial lift core for L5 and the bulky goods waste storage that are hatched in orange on the Stamped Plans referenced in Condition 1 of this consent,

(e) the use, fit-out or operating hours of the commercial tenancies on the ground floor, excluding the bin storage and commercial lift core for L5 amendments that are hatched in orange on the Stamped Plans referenced in Condition 1 of this consent, and

(f) The use, fit-out and layout of the residential apartments located on the first floor plan and second floor plan, excluding the amendments to the glazing and awnings located on the corner of the Pittwater Road and Orchard Road frontages and the amendments to the finished floor level of second floor plan that are hatched in orange on the Stamped Plans referenced in Condition 1 of this consent.

The modifications to Development Consent DA2019/0239 proposed in the marked-up document must not authorise or require anything that is inconsistent with the conditions of this consent. The conditions of this consent and directions of Northern Beaches Council prevail to the extent of any inconsistency, ambiguity or conflict.

The applicant is to provide written notice to Northern Beaches Council pursuant to section 67 of the Environmental Planning and Assessment Regulation 2021 to modify Development Consent DA2019/0239 in accordance with this conditions of consent.

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

Reason: To prevent any inconsistencies between consents applying to the site (pursuant to section 4.17 of Environmental Planning and Assessment Act 1979 & section 68 Environmental Planning and Assessment Regulation 2021).

20. Access Requirements

A suitably qualified access consultant must provide written certification demonstrating that the access design recommendations within the approved Access Report referenced in Condition 1 of this consent have been incorporated into the construction plans.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure equitable access for persons with a disability.

21. Bicycle Parking and End of Trip Facilities

All bicycle parking and end of trip facilities must be designed and constructed to comply with AS 2890.3 (Bicycle Parking) and Part C3(A) of the WDCP.

The development is to provide 66 bicycle parking spaces for the residential component, comprising 60 spaces for residents and 6 spaces for resident visitors (6 vertical racks on Basement Level B2); and 25 bicycle parking spaces including end of trip facilities for the non-residential component, comprising 15 spaces for staff and 10 spaces for visitors (5 double-bicycle rails on Basement Level B1).

With respect to this, the following revision(s) must be undertaken to the Basement Level plans, Drawing Nos A02B, A03B and A04B Revision B.

- a) Reduce the size of the of the secure storage enclosure for staff bicycle parking (8m long x 3.4m wide), to accommodate 15 vertical bicycle racks on one side and 15 lockers (0.5m depth x 0.35m wide x 0.9m height) on the other side separated by a minimum 1.5m aisle.
- b) Provide a bathroom/change area (2.5m long x 3.4m wide), including toilet, wash basin shower, and changing facilities on Basement Level B1.
- c) Provide 40 resident bicycle parking spaces (one row of 11 double-bicycle rails and row of 9 double-bicycle rails) within a secure storage enclosure located behind parking spaces Nos.29-31 on Basement Level B3.
- d) Provide 20 resident bicycle parking spaces (two parallel rows of 8 vertical bicycle racks and one row of 4 racks) within a secure storage enclosure (5.5m wide x 4.5m long) located between parking space No.3 and the security boom gate on Basement Level B2.

These amendment(s) must be clearly marked on the updated plans and submitted to Council's Transport Network team for review prior to the issue of a Construction Certificate.

Reason: To ensure the adequate provision of bicycle parking and end of trip facilities for the development and compliance with Australian Standards and WDCP.

22. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

DURING BUILDING WORK

23. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

24. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan referenced in Condition 1 of this consent.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

25. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

26. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

27. **Acoustic Design**

A suitably qualified acoustic consultant must provide written certification demonstrating that the noise mitigation design recommendations within the approved Noise Impact Assessment referenced in Condition 1 of this consent have been incorporated into the as-built development.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that adequate amenity is provided to the residential apartments.

28. **Landscape Completion**

a) landscape works are to be implemented in accordance with the approved Amended Landscape Plans - Public Domain and generally in accordance with the Rooftop Concept Plan dated April 2025.

b) prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

29. Accessible Parking Spaces

Where accessible parking spaces are provided they must be in accordance with AS2890.6.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with Australian Standards.

30. Access Requirements

A suitably qualified access consultant must provide written certification demonstrating that the access design recommendations within the approved Access Report referenced in Condition 1 of this consent have been incorporated into the as-built development.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure equitable access for persons with a disability.

31. Provision and Signposting of a Waste Truck Loading Bay

An indented waste truck loading bay is to be provided at kerbside adjacent to (or within 6.5m of) the both of the street level bin storage rooms and are to be signposted to be only to be used for the servicing of waste bins and the removal of bulky goods from the property on collection days.

The parking of vehicles within the waste truck loading bay is prohibited.

Reason: To ensure ongoing waste truck access to the site for the collection of bins and removal of bulky goods.

32. Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

33. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings

and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

34. **Adaptable parking spaces**

Adaptable parking spaces provided must be allocated to the adaptable units and linemarked 3.8m wide in accordance with AS4299. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure adequate width to comply with Australian Standards.

35. **Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

36. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

37. **Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of an Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

38. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of an Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

39. Landscape Maintenance

a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

d) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

Reason: To maintain local environmental amenity.

40. Graffiti removal

During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.

Reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

41. Use of Waste Truck Loading Bay

The truck loading bays are to be reserved for the servicing of waste bins and the removal of bulky goods from the property on service day.

Reason: To ensure ongoing waste truck access to the site for the collection of bins and removal of bulky goods.

42. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

43. Allocation of Spaces

The development is to maintain the following parking allocation for the life of the development (unless they must be removed to comply with the condition requiring vehicle access to No.640 Pittwater Road):

- a) 66 x resident parking spaces (including 4 adaptable (AS4299) and 2 accessible (AS2890.6) spaces) marked with the number of the respective unit

- b) 12 x resident visitor spaces (including 1 accessible (AS2890.6) space), marked with the number of the respective unit
- c) 15 x SOHO unit spaces (including 1 accessible (AS2890.6) space), marked with the number of the respective unit
- d) 9 x Retail/Business unit spaces (including 2 accessible (AS2890.6) spaces), marked with the number of the respective unit
- e) 17 x Commercial Unit 1 spaces (including 2 accessible (AS2890.6) spaces)
- f) 19 x Commercial Unit 1 Basement spaces (including 2 accessible (AS2890.6) spaces)
- g) 15 x Visitor/Customer parking spaces (including 2 accessible (AS2890.6) spaces)
- h) 4 x resident motorcycle parking spaces (1.2m wide x 2.5m long)
- i) 4 x visitor motorcycle parking spaces (1.2m wide x 2.5m long)

Car parking provided should be used solely for the designated uses within the development. Each car parking space allocated to a particular unit/tenancy shall be linemarked and numbered and/or signposted to indicate the unit/tenancy to which it is allocated.

Manoeuvring areas must be kept clear of obstructions at all times.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure the appropriate management of parking on site.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has

been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.