

28 June 2021



Ming Hong Zhou  
3 Berith Street  
WHEELER HEIGHTS NSW 2097

Dear Sir/Madam

**Application Number:** Mod2021/0160  
**Address:** Lot A DP 411784 , 3 Berith Street, WHEELER HEIGHTS NSW 2097  
**Proposed Development:** Modification of Development Consent DA2019/1173 granted for demolition of existing development and construction of a Seniors Housing development comprising 6 x infill self care housing units and basement parking, and strata 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 website at [www.northernbeaches.nsw.gov.au](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



**Lasta Haidari, Acting Development Assessment Manager**

## NOTICE OF DETERMINATION

|                            |                                     |
|----------------------------|-------------------------------------|
| <b>Application Number:</b> | Mod2021/0160                        |
| <b>Determination Type:</b> | Modification of Development Consent |

### APPLICATION DETAILS

|  |   |
|--|---|
| <b>Applicant:</b>                      | Ming Hong Zhou  |
| <b>Land to be developed (Address):</b> | Lot A DP 411784 , 3 Berith Street WHEELER HEIGHTS NSW 2097  |
| <b>Proposed Development:</b>           | Modification of Development Consent DA2019/1173 granted for demolition of existing development and construction of a Seniors Housing development comprising 6 x infill self care housing units and basement parking, and strata subdivision |

### DETERMINATION - APPROVED

|                       |            |
|-----------------------|------------|
| <b>Made on (Date)</b> | 23/06/2021 |
|-----------------------|------------|

The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:**

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

##### a) Modification Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                                   |
|--|--------------|-----------------------------------|
| <b>Drawing No.</b>   | <b>Dated</b> | <b>Prepared By</b>                |
| A02 Basement version S4.55                                 | 07.11.2018   | Barry Rush and Associates Pty Ltd |
| A02 Site and Ground Floor Plan version S4.55               | 07.11.2018   | Barry Rush and Associates Pty Ltd |
| A03 First Floor Plan version S4.55                         | 31.05.2021   | Barry Rush and Associates Pty Ltd |
| A05 Roof Plan version S4.55                                | 07.11.2018   | Barry Rush and Associates Pty Ltd |
| A06 Elevations version S4.55                               | 31.05.2021   | Barry Rush and Associates Pty Ltd |
| A07 North Elevation internal elevations version S4.55      | 03.08.2020   | Barry Rush and Associates Pty Ltd |
| A08 Sections version S4.55                                 | 16.02.2021   | Barry Rush and Associates Pty     |

| Reports / Documentation – All recommendations and requirements contained within: |               |                |
|--|---------------|----------------|
| Report No. / Page No. / Section No.  | Dated         | Prepared By    |
| Geotechnical Report Ref: 32859SFprtRev1<br>Section 4                             | 26 March 2021 | JK Geotechnics |

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

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

**B. Modify Condition 10 Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans to read as follows:**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Investigation Report; White Group, Reference No: J2436, Dated: 17 October 2019, the JK Geotechnical Peer Review Report Ref: 32859YFlet dated 13 December 2019 and the JK Geotechnical Investigation Report Ref: 32859SFprt, Dated: 20 January 2020 **and the Geotechnical Report Ref: 32859SFprt Rev1 prepared by JK Geotechnics dated 26 March 2021** are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

**C. Modify Condition 11 to read as follows:**

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

a) Ancillary Structures

Plans detailing the footpath installation along Berith Street are to be amended to reflect the recommendations of the Arboricultural Impact Assessment Report dated 12 June 2019 prepared by Jackson Nature Works with regards to tree protection, offsets from trees and pavement materials to be used. Amended landscape plans are required to show the revision to the accessible footpath.

b) Seniors Living Buildings

Secondary colours and material changes to the upper wall side walls for Units 5 and Unit 6 contained within the approved plans to be maintained.

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

Reason: Reasons: In the interest of protecting residential amenity, the quality of the streetscape and the natural environment and maintaining the requirements of the WDCP and SEPP HSPD

c) Side and rear boundary fencing

The applicant is to replace all side and rear boundary fencing (above ground) with the agreement and at no cost to, the adjoining property owners Wheeler Heights Public School, 25 Rose Avenue, Wheeler Heights, 27 Rose Avenue Wheeler Heights, 1 Berith Street, Wheeler Heights and 5 Berith Street

Wheeler Heights with 1.8m lapped and capped timber paling fencing as indicated on the plans. All boundary fencing behind the front setback shall maintain, at a minimum, the relative height of existing fencing when observed from the adjoining properties. Any fence forward of the building line shall be 1.2m in height.

Details to be provided to the satisfaction of the Certifying Authority prior to any Occupation Certificate.

Reason: To maintain visual privacy.

d) Privacy Screens

All privacy screens as detailed on the approved plans shall be maintained in place for the life of the development.

Reason: To ensure amenity is protected to surrounding development.

## Important Information

This letter should therefore be read in conjunction with DA2019/1173 dated 4 March 2020.

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.

## Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

## Right of Appeal

Section 8.10 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.

*NOTE: A fee will apply for any request to review the determination.*

**Signed**

On behalf of the Consent Authority



Name

**Lasta Haidari, Acting Development Assessment Manager**

Date

23/06/2021