

20 October 2022



Alexius Chan
22 Frenchs Forest Road East
FRENCHS FOREST NSW 2086

Dear Sir/Madam

Application Number: Mod2022/0353
Address: Lot 86 DP 20077 , 22 Frenchs Forest Road East, FRENCHS FOREST NSW 2086
Proposed Development: Modification of Development Consent DA2018/1598 granted for Demolition Works and Construction of a Boarding House with basement car park

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,



Adam Susko
Principal Planner

NOTICE OF DETERMINATION

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|----------------------------|-------------------------------------|
| Application Number: | Mod2022/0353 |
| Determination Type: | Modification of Development Consent |

APPLICATION DETAILS

| | |
|--|--|
| Applicant: | Alexius Chan |
| Land to be developed (Address): | Lot 86 DP 20077 , 22 Frenchs Forest Road East FRENCHS FOREST NSW 2086 |
| Proposed Development: | Modification of Development Consent DA2018/1598 granted for Demolition Works and Construction of a Boarding House with basement car park |

DETERMINATION - APPROVED

| | |
|-----------------------|------------|
| Made on (Date) | 20/10/2022 |
|-----------------------|------------|

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

| Architectural Plans - Endorsed with Council's stamp | | |
|--|--------------|--------------------|
| Drawing No. | Dated | Prepared By |
| A-050 Rev. 01 - Demolition + Site Management Plan | 17 May 2022 | BKA Architecture |
| A-100 Rev. 01 - Basement | 17 May 2022 | BKA Architecture |
| A-101 Rev. 01 - Ground Floor Plan | 17 May 2022 | BKA Architecture |
| A-102 Rev. 01 - Level 1 Floorplan | 17 May 2022 | BKA Architecture |
| A-103 Rev. 01 - Roof Plan | 17 May 2022 | BKA Architecture |
| A-200 Rev. 01 - Elevations Sheet 1 | 17 May 2022 | BKA Architecture |
| A-201 Rev. 01 - Elevations Sheet 2 | 17 May 2022 | BKA Architecture |
| A-300 Rev. 01 - Sections | 17 May 2022 | BKA Architecture |
| A-450 Rev. 01 - Finishes Board | 17 May 2022 | BKA Architecture |
| A-800 Rev. 01 - Waste Management Plan | 17 May 2022 | BKA Architecture |

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| Reports / Documentation – All recommendations and requirements contained within: |
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| Report No. / Page No. / Section No. | Dated | Prepared By |
|---|--------------|-------------------|
| Access Design Assessment Report (ref: P218_051-6(Access)KG) | 7 June 2022 | Design Confidence |
| BASIX Certificate no. 1042472M_02 | 3 June 2022 | EPS |
| BCA Design Assessment Report (ref: P218_051-6 (BCA)JR) | 10 June 2022 | Design Confidence |

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:

| Landscape Plans | | |
|--|------------|------------------------------|
| Drawing No. | Dated | Prepared By |
| LPS4.56 18-254 Rev. G - Landscape Plan | 9 May 2022 | Conzept Landscape Architects |
| LPS4.56 18-254 Rev. G - Specification & Detail | 9 May 2022 | Conzept Landscape Architects |

| Waste Management Plan | | |
|------------------------------------|----------|---------------------------|
| Report Title | Dated | Prepared By |
| Waste Management Plan (ref: 22100) | May 2022 | Dickens Solutions Pty Ltd |

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

B. Add Condition 18A - Access to Bin Room - to read as follows:

Prior to the issue of a Construction Certificate, the plans must be amended so that the door to the bin room opens outwards and away from the direction of travel when taking the bins to be emptied. The door to the bin room must be able to be latched in an open position.

Reason: To prevent obstructing waste collection staff when servicing bins.

C. Modify Condition 37 - Required Planting - to read as follows:

i) Trees shrubs and groundcovers shall be planted in accordance with the Landscape Plan Dwg No. LPS4.56 18-254 Rev. G and LPS4.56 18-254 Rev. G dated 9 May 2022, prepared by Konzept Landscape Architects.

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

Reason: To maintain environmental amenity.

D. Add Condition 40A - Garbage and Recycling Facilities - to read as follows:

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.

E. Add Condition 40B - Waste / Recycling Compliance Documentation - to read as follows:

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

F. Add Condition 40C - Positive Covenant for Council and Contractor Indemnity - to read as follows:

A positive covenant shall be created on the title of the land prior to the issue of any 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.

G. Add Condition 40D - Authorisation of Legal Documentation Required for Waste Services - to read as follows:

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final 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. Where required by Council or the Certifying Authority, a Compliance Certificate 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.

H. Add Condition 40E - Waste and Recycling Facilities Certificate of Compliance - to read as follows:

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

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

Reason: To ensure waste and recycling facilities are provided.

Important Information

This letter should therefore be read in conjunction with DA2018/1598 dated 24 September 2019.

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 must be lodged on the NSW Planning portal within 28 days 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 Adam Susko, Principal Planner

Date 20/10/2022