

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No: Mod2023/0416
Development Consent modified: DA2021/1805

Description of development to be carried out under the consent (as previously modified): Demolition of all structures, excavation and construction of a part-two/part-three storey seniors housing development consisting of 5 self contained dwellings and basement carparking

Address and particulars of title of land on which development to be carried out: Lot A in DP379308, known as 4 Alexander Street, Collaroy, NSW 2097.

Description of modification to the development consent: Modification of development consent DA2021/1805 for refinement in the architectural, landscape, stormwater and flood management detailing of the approved development to enhance internal layout efficiency, serviceability and constructability

Determination: The development consent is modified as follows:

1A- Modification of Consent Mod2023/0416 - 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
DA002 – Issue D - Site Plan	29/02/2024	PBD Architects
DA050 – Issue C – Basement Plan	29/02/2024	PBD Architects
DA100 - Issue G – Ground Floor Plan	29/02/2024	PBD Architects
DA101 - Issue G – Level 1 Plan	29/02/2024	PBD Architects
DA102 - Issue E – Level 2 Plan	29/01/2024	PBD Architects
DA103 - Issue E – Roof Plan	29/01/2024	PBD Architects
DA200 - Issue E – Elevations 01	29/01/2024	PBD Architects
DA201 - Issue E – Elevations 02	29/01/2024	PBD Architects

DA202 – Issue D – Southern Boundary Interface	29/01/2024	PBD Architects
DA300 - Issue F – Section A and B	29/02/2024	PBD Architects
DA301 – Issue C – Boundary Condition Study	29/01/2024	PBD Architects

Engineering Plan		
Drawing No.	Dated	Prepared By
22-359 C101 P6C	29/01/2024	Woolacotts

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation Report	23 September 2021	Alliance Geotechnical Pty Ltd
Arboricultural Impact Assessment	31 August 2021	Advanced Treescape Consulting
Access Report	3 September 2021	Vista Access Architects
Overland Flow Assessment Report	30 June 2023	Woolacotts Consulting Engineers
Addendum 2 to the Report 13625-GR-1-1 (Geotechnical Addendum)	30 June 2023	Alliance
Access Addendum (Ref: 116057-r1)	4 July 2023	Jensen Hughes
Building Code of Australia Assessment Statement	3 July 2023	Blackett Maquire and Goldsmith
Genesis Traffic Engineering Assessment	25 January 2024	Genesis Traffic
BASIX Certificated 1232829M_02	7 July 2023	Aspire Sustainability Consulting Pty Ltd

- 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
LP-S4.55-1, Sheet 1, issue J	1.03.2024	Conzept Landscape Architects
LP-S4.55-2, Sheet 2, issue J	1.03.2024	Conzept Landscape Architects

LP-S4.55-3, Sheet 3, issue J	1.03.2024	Conzept Landscape Architects
LP-S4.55-4, Sheet 4, issue J	1.03.2024	Conzept Landscape Architects
LP-S4.55-5, Sheet 5, issue J	1.03.2024	Conzept Landscape Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	September 2021	Auswide Consulting

7. Amendment of condition – Modification of Consent – Condition 7 to read as follows:

7. On Slab Landscape Works

Details shall be submitted to the Certifying Authority 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 Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The ***following*** soil depths are required to support landscaping ***are*** as proposed ***in landscape plans prepared by Konzept Landscape Architects, dated 1 March 2024 as referred to in condition 1A:***

- ~~i) 300mm for lawn~~***
- ~~ii) 600mm for shrubs~~***
- ~~iii) 1m for small trees~~***

Design certification shall be submitted to the Certifying Authority 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 secure waterproofing and drainage is installed..

8. Deletion of condition – Modification of Consent – Condition 8 to read as follows:

8. Green-Roof

~~A green/sedum rooftop shall be installed and planted for the entirety of the rooftop area located above Level 2.~~

~~A detailed planting schedule including species and numbers of plantings shall be provided along with a maintenance strategy.~~

~~Details demonstrating compliance are to be submitted for written approval to the Executive Manager Development Assessment prior to the issue of any Construction Certificate.~~

Reason: To provide an appropriate landscaped outcome.

10. Amendment of condition – Modification of Consent – Condition 10 to read as follows:

10. Car Parking Standards

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays ~~and aisle widths~~ in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004. ***The aisle widths shown on the plans are accepted on the basis of the advice provided by Genesis Traffic in it's letter dated 25 January 2024.***

12. Amendment of condition – Modification of Consent – Condition 12 to read as follows:

12. Vehicular Swept Paths

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking, ***with the exception of the blind aisle dimension.***

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of the construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

15. Amendment of condition – Modification of Consent – Condition 15 to read as follows:

15. Vehicle Access and 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 the exception of the blind aisle dimension.***

With respect to this, the following revision(s) must be undertaken;

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

16. Amendment of condition – Modification of Consent – Condition 16 to read as follows:

16. Building Code of Australia Requirements

The Building Code of Australia works as detailed and recommended in ~~the Building Code of Australia Assessment Report prepared by BCA Logic, dated 3/9/2021, Report Ref No. 114581-BCA-r1~~ **the Building Code of Australia Statement prepared by Blackett Maquire and Goldsmith dated 3 July 2023 and Access Addendum prepared by Jensen Hughes dated 4 July 2023** are to be considered as part of the assessment of the Construction Certificate). Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

17. Amendment of condition – Modification of Consent – Condition 17 to read as follows:

17. Building Code of Australia Access

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard the works and recommendations contained in the Access Report prepared by Vista Access Architects dated 3/9/2021, Ref. 21290 **and Access Addendum prepared by Jensen Hughes dated 4 July 2023** are to be taken into consideration as part of the assessment of the Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

27. Amendment of condition – Modification of Consent – Condition 27 to read as follows:

27. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management Policy for Development, and generally in accordance with the concept drainage plans prepared by ~~Woolacotts, drawing number 22-359 C101 P6 C&M Consulting Engineers.~~

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

28. Deletion of condition – Modification of Consent – Condition 28 to read as follows:

~~The basement entry flood gate is to be a hydraulically activated system. The top level of the activated flood gate is to be at the 1/100 AEP level plus 500mm. Details of the flood gate system are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.~~

~~Reason: To ensure appropriate provision for the management of flooding and protection of the basement carpark.~~

33A. Additional condition – Modification of Consent – Condition 33A to read as follows:

33A Tanking of Basement Level

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of Water NSW are to be complied with and a copy of the approval must be submitted to the Certifier.

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

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

57. Amendment of condition – Modification of Consent – Condition 57 to read as follows:

57 Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, inclusive of the following conditions:

- i) substitute the proposed *Rhaphiolepis indica* 'Snow Maiden' with a native alternative, minimum 200mm pot size. Suggested species include: *Banksia spinulosa*, *Grevillea sericea*, or *Westringia fruticosa*,

ii) substitute the proposed *Elaeocarpus reticulatus* with a native alternative, capable of reaching a maximum height of 6 metres at maturity, minimum pot size 45L, and planted with a maximum spacing of 1.5m. Suggested species include: *Acmena smithii* 'Firescreen', *Acmena smithii* 'Minor', '*Elaeocarpus eumundi*' or *Callistemon viminalis* 'Prolific'.

iii) substitute the proposed *Bambusa textilis gracilis* 'Slender Weaver' with *Thysanodaena maxima*.

Tree planting shall be located ~~within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees in accordance with the landscape plan in condition 1A.~~

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list:
www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

58. Amendment of condition – Modification of Consent – Condition 58 to read as follows:

58. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the Construction Certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. ~~Vegetated measures must exhibit an 80 percent survival rate of plantings.~~

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

63. Deletion of condition – Modification of Consent – Condition 63 to read as follows:

63 Disabled Parking Spaces

~~Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.~~

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

~~Reason: To ensure compliance with Australian Standards.~~

64. Deletion of condition – Modification of Consent – Condition 64 to read as follows:

64 Shared Zone Bollard

~~A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.~~

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

~~Reason: To ensure compliance with Australian Standards.~~

80. Deletion of condition – Modification of Consent – Condition 80 to read as follows:

80 Positive Covenant and Restriction as to User for Self Actuating Flood Gate

~~A restriction as to user shall be created on the title over the self actuating flood gate in order to:~~

- ~~1. Prohibit the removal or modification of the self actuating flood gate.~~
- ~~2. The flood protection offered by the self actuating flood gate must be continuous and at a minimum level of RL4.53 in operation. Such levels are to be detailed to Australian Height Datum on the Section 88B instrument and submitted to Council for approval.~~

~~Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.~~

~~Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.~~

Positive Covenant

~~The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) to be created on the final plans and accompanying 88B instrument, requiring the proprietor of the land to maintain the self actuating flood gate structures in accordance with the industry and manufacturing standards to ensure ongoing flood protection.~~

~~The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.~~

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

~~Reason: To ensure the flood gate system is maintained to an appropriate operational standard.~~

86. Amendment of condition – Modification of Consent – Condition 86 to read as follows:

86 Parking Facilities and Access

The parking facilities and vehicular access should be maintained to the Standards and accessible throughout the lifetime of the development, **noting the exception to the blind isle requirement.**

Reason: To ensure parking facilities are maintained and minimise the on-street parking impact