

20 May 2021



J & G Knowles & Associates Pty Ltd
C/- David Kettle Po Box 230
PENNANT HILLS NSW 1715

Dear Sir/Madam

Application Number: Mod2021/0004
Address: Lot 2 DP 1248056 , 25 - 27 Warriewood Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent DA2020/0579 granted for construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road

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,



Rebecca Englund
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0004
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	J & G Knowles & Associates Pty Ltd
Land to be developed (Address):	Lot 2 DP 1248056 , 25 - 27 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent DA2020/0579 granted for construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road

DETERMINATION - APPROVED

Made on (Date)	20/05/2021
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Amend Part (e) of Condition No.3 'Approved Plans and Supporting Documentation and Staged Construction and Occupation' to read as follows:

(e) Staged Subdivision, Construction and Occupation

The following conditions refer to the staged subdivision, construction and occupation of the development as detailed in the approved plans, including:

Stage 1

- i. The consolidation of Pt.2 (393.9m²) of DP 1248056 (the small area of land on the southern side of Lorikeet Grove) to be part of Lot 1 of DP 1248056 (the residential care facility lot), to facilitate the creation of future Lot 11 and future Lot 12.

Stage 2

- ii. The construction of the residential flat building (on future Lot 2).
- iii. The construction of the laneway and common open space, associated landscaping and stormwater infrastructure (on future Lot 1).
- iv. The landscaping of the small area of land on the southern side of Lorikeet Grove, excised from Pt.2 (393.9m²) of DP 1248056 in Stage 1.
- v. The Community Title subdivision of Lot 12, to create three lots:
 - Lot 1 - Community Association Property containing the laneway, common open space, associated landscaping and stormwater infrastructure.
 - Lot 2 - Containing the residential flat building (the subject of a future strata subdivision)
 - Lot 3 - To contain the dwelling and semi-detached dwellings fronting Warriewood Road.

The Community Title subdivision must not be issued until all physical works required in Stage 2 are complete and an occupation certification has been issued with respect to the

construction of the residential flat building on future Lot 2 and the construction of the laneway and common open space, associated landscaping and stormwater infrastructure on Future Lot 1.

Note: The landscaping on the eastern side of the internal accessway is to be completed as part of Stage 3.

Stage 3

- vi. The construction of the dwelling and semi-detached dwellings fronting Warriewood Road.
- vii. All remaining landscaping, including the landscaping to the eastern side of the internal accessway, is to be completed.
- viii. The Community Title subdivision of future Lot 3 into 11 lots. The Community Title Subdivision must not be issued until all works required in Stage 3 are complete and an occupation certificate has been issued with respect to the construction of the dwelling and semi-detached dwellings fronting Warriewood Road.

For the avoidance of doubt, a subdivision works certificate is not required as part of this development consent.

Nothing in this consent prevents the commencement of Stage 3 works prior to the completion of Stage 2 works. However, an occupation certificate for Stage 3 must not be issued prior to the issue of an occupation certificate for Stage 2.

B. Delete Part (f) of Condition No.3 'Approved Plans and Supporting Documentation and Staged Construction and Occupation'.

C. Add Condition No.3A - 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 Approved Plans and Documents listed in Condition 3, as modified by the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-020, revision DA7, Proposed Site Plan	17.12.2020	VIA Architects
DA-021, revision DA7, Site Plan - Northern Boundary	17.12.2020	VIA Architects
DA-052, revision DA6, Site Diagram - Landscape Area	17.12.2020	VIA Architects
DA-052, revision DA6, Site Diagram - Landscape Area	11.12.2020	VIA Architects
DA-100, revision DA12, Proposed Apartment Ground Floor Plan / Dwelling Lower Level Floor Plan	23.04.2021	VIA Architects
DA-101, revision DA9, Proposed Apartment First Floor Plan / Dwelling Mid Level Floor Plan	17.12.2020	VIA Architects
DA-102, revision DA8, Proposed Apartment Second Floor Plan / Dwelling Upper Level Floor Plan	17.12.2020	VIA Architects
DA-104, revision DA8, Proposed Overall Roof Plan	17.12.2020	VIA Architects
DA-105, revision DA11, Overall Floor Plan - Basement	23.04.2021	VIA Architects
DA-200, revision DA6, Proposed Elevations	17.12.2020	VIA Architects

DA-201, revision DA5, Proposed Elevations	17.12.2020	VIA Architects
DA-250, revision DA5, Proposed Sections	14.12.2020	VIA Architects
DA-251, revision DA7, Proposed Sections	28.01.2021	VIA Architects
DA-260, revision DA5, Section Details - Roof Plant & Bi-Fold Shutter	14.12.2020	VIA Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
Stormwater Plans SW200, SW201, SW202, SW300, SW301, SW400, and SW500, all revision E	03.05.2021	SGC Consulting Engineers

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan - Composite Ground, First and Second Floor, revision G	29.04.2021	CDA Design Group Pty Ltd

Subdivision Plans		
Drawing No.	Dated	Prepared By
Proposed Subdivision Plan Sheet 1 of 6, revision D	03.05.2021	Survey Plus
Stage 1 - Facilitating Subdivision, sheet 2 of 6, revision D	03.05.2021	Survey Plus
Stage 1 - Facilitating Subdivision, sheet 3 of 6, revision D	03.05.2021	Survey Plus
Stage 2 - Community Title Subdivision, sheet 4 of 6, revision D	03.05.2021	Survey Plus
Stage 3 - Community Title Subdivision, sheet 5 of 6, revision D	03.05.2021	Survey Plus
Detail Survey Plan, sheet 6 of 6, revision D	03.05.2021	Survey Plus

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate 964173M_03	22 December 2020	Partners Energy Management
Access Performance Solution Report	22 December 2020	3D Access Pty Ltd

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

D. Delete Condition 10 'Surrender of consent'.

E. New Condition 89 ' Surrender of Consent' to read as follows:

Evidence of the surrender of Development Consent DA2018/1826 is to be provided to the Principal

Certifying Authority prior to the issuance of the subdivision certificate for Stage 1.

Reason: To ensure the orderly development of the land.

F. Delete Condition 11 'Subdivision Works Certificate'.

G. Delete Condition 12 'Utilities Services'.

H. Delete Condition 13 'Pre-Commencement Dilapidation Report'.

I. New Condition 36A 'Pre-Commencement Dilapidation Report' to read as follows:

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected properties.

The pre-construction/demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the construction certificate for Stage 2 and the commencement of any works including demolition.

Reason: Protection of public infrastructure.

H. Delete Condition 14 'Traffic Management and Control'.

I. Amend Condition 16 'On-site Stormwater Detention Details' to read as follows:

The Applicant is to submit stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Warriewood Valley Water Management Specification dated 2001, and generally in accordance with the concept drainage plans **referenced in Condition 3, as modified by Condition 3A**. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to National Professional Engineers Register (NER) or RPENG (Professionals Australia) 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 for Stage 2 and 3.

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

J. Delete Condition 18 'Tanking of Basement Level'.

K. Amend Condition 23 'Construction Certificate Drainage Details' to read as follows:

The applicant is to provide drainage plans including specifications and details showing the site stormwater management to the Accredited Certifier for approval prior to the issue of the construction certificates for Stage 2 and 3. Such details are to be accompanied by a certificate from qualified practicing Civil Engineer with NER or RPENG accreditation, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage.

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

L. Amend Condition 33 'External Finishes' to read as follows:

The external finishes of the development are to be consistent with the materials nominated on the approved 'Proposed Elevations' and as shown on the Approved Material Palette referenced in Condition 3 of this consent. For the avoidance of doubt:

- a. "Render Finish – Mid Tone" shall be a grey tone equivalent to or darker than Colorbond "Windspray",
- b. "Render Finish – Dark Grey Tone" shall be a grey tone equivalent to or darker than Colorbond "Basalt",
- c. "Roof Sheeting – Colorbond – Dark Grey" shall be a tone equivalent to Colorbond "Monument".
- d. The lift overruns are to be finished in the same colour as the roof sheeting.
- e. ***The screens surrounding the roof plant areas are to be finished in the same colour as the roof sheeting.***

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the construction certificate for Stage 2 and 3.

Reason: To ensure that the visual impact is appropriately minimised.

M. New Condition 36B 'Driveway Detail' to read as follows:

As the driveway ramp to the basement car park does not comply with AS2890.1:2004, the following details are to be incorporated into the construction certificate plans and maintained for the life of the development:

- a. A 2m x 2.5m sight triangle is to be provided on the eastern side of the boundary wall, adjacent to the basement driveway, to improve visibility, and
- b. A 'Watch for Pedestrians' warning sign is to be installed to the western side of the basement driveway to alert motorists leaving the basement of pedestrians.

Evidence of compliance with this condition is to be provided to the Certifying Authority prior to the issue of the construction certificate for Stage 2.

Reason: To maximise pedestrian safety.

N. New Condition 36C 'Submission Roads Act Application for Civil Works in the Public Road' to read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. These works include alterations to the existing road drainage network and relocation of the entry drive/vehicle crossing to the private internal laneway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of drainage and driveway entrance works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information: The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the any Construction Certificate for Stage 2.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

O. Delete Condition 60 'Registration of community title subdivision'.

P. New Condition 76A ' Stage 1 Completion' to read as follows:

Evidence of the completion of Stage 1 is to be provided to the Principal Certifying Authority prior to the issue of the occupation certificate for Stage 2.

Reason: To ensure that Stage 1 works are completed in an orderly time frame.

Q. New Condition 79A 'Sightlines' to read as follows:

The safe sight lines and signage required by this consent in relation to the basement driveway are to be maintained for the life of the development. The relevant Community Association or Owners Corporation is to ensure that landscaping is maintained to ensure clear sight lines when entering and exiting the basement.

Reason: To maximise pedestrian safety.

Important Information

This letter should therefore be read in conjunction with DA2020/0579 dated 28 October 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



northern
beaches
council

REnglund.

Name Rebecca Englund, Principal Planner

Date 20/05/2021