

4 February 2021



Boston Blyth Fleming Pty Ltd  
1 / 9 Narabang Way  
BELROSE NSW 2085

Dear Sir/Madam

**Application Number:** Mod2020/0552  
**Address:** Lot 101 DP 611231 , 26 Whistler Street, MANLY NSW 2095  
**Proposed Development:** Modification of Development Consent DA2019/0645 granted for demolition works, construction of a residential flat building 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,



Catriona Shirley  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2020/0552
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Boston Blyth Fleming Pty Ltd
<b>Land to be developed (Address):</b>	Lot 101 DP 611231 , 26 Whistler Street MANLY NSW 2095
<b>Proposed Development:</b>	Modification of Development Consent DA2019/0645 granted for demolition works, construction of a residential flat building and strata subdivision

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	03/02/2021
-----------------------	------------

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>
FSR Calculation Drawing A-8020 Rev 1	16/07/2020	Gardner Wetherill Associates
FSR Calculation Drawing A-8021 Rev 1	10/09/2020	Gardner Wetherill Associates
Basement A-DA01 Rev 1	10/09/2020	Gardner Wetherill Associates
Ground A-DA02 Rev 1	10/09/2020	Gardner Wetherill Associates
Level 1 A-DA03 Rev 1	10/09/2020	Gardner Wetherill Associates
Level 2 A-DA04 Rev 1	10/09/2020	Gardner Wetherill Associates
Level 3 A-DA05 Rev 1	10/09/2020	Gardner Wetherill Associates
Level 4 A-DA06 Rev 1	10/09/2020	Gardner Wetherill Associates
Level 5 A-DA07 Rev 1	10/09/2020	Gardner Wetherill Associates
Level 6 A-DA08 Rev 1	10/09/2020	Gardner Wetherill Associates
Level 7 A-DA09 Rev 1	10/09/2020	Gardner Wetherill Associates
Roof A-DA10 Rev 1	10/09/2020	Gardner Wetherill Associates
West Elevation A-DA11 Rev 1	10/09/2020	Gardner Wetherill Associates

East Elevation A-DA12 Rev 1	10/09/2020	Gardner Wetherill Associates
South Elevation A-DA13 Rev 1	10/09/2020	Gardner Wetherill Associates
West Elevation A-DA14 Rev 1	10/09/2020	Gardner Wetherill Associates
Long Section A-DA15 Rev 1	10/09/2020	Gardner Wetherill Associates
Section with Substation A-DA16 Rev 1	10/09/2020	Gardner Wetherill Associates
Detailed Plan & Section with Substation A-DA17 Rev 1	10/09/2020	Gardner Wetherill Associates
Detailed Plan & Section with Substation A-DA18 Rev 1	10/09/2020	Gardner Wetherill Associates
Pre and Post Adaptation Plans A-DA19 Rev 1	10/09/2020	Gardner Wetherill Associates

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Statement of Compliance Access for People with a Disability	29/09/2020	Accessible Building Solutions
Acoustic Review	19/09/2020	Acoustic Logic
Heritage Report	22/09/2020	Heritage 21
Traffic Report	23/09/2020	Transport and Traffic Planning Associates
Waste Management Report	12/09/2020	Senica Consultancy Group

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:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Ground Floor and level 1 Plan Sheet 1 of 2	16/09/2020	Paul Scrivener
Roof Terrace Sheet 1 of 2	16/09/2020	Paul Scrivener

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

#### **B. Modify Condition No. 42 Landscape Works to read as follows:**

Landscaping is to be implemented in accordance with the Landscape Plan referenced as 19/2064 (Sheet 1 of 2 and Sheet 2 of 2 dated 16/09/2020) prepared by Paul Scrivener Landscape Architecture, inclusive of the following requirements:

- i) the proposed landscape areas at ground level shall be serviced by a 'below the surface' dripline irrigation system, in accordance with the recommendations on the Landscape Plan,
- ii) all landscape construction elements shall be in accordance with the material recommendations on the Landscape Plan,
- iii) any replacement paving within Council land shall be approved by Council prior to installation,
- iv) a pre-order contract arrangement shall be utilised to ensure the 200 litre *Ulmus parvifolia* is delivered to site as proposed in the Landscape Plan,
- v) all other tree planting shall be installed at 75 litre container size,
- vi) all Level 1 planting within the rectangular planters shall be shade tolerant species, and capable of attaining 1 metre in height at maturity,

- vii) all planters on Level 1 shall be serviced by a 'below the surface' drip-line irrigation system, in accordance with the recommendations on the Landscape Plan,
- viii) landscape establishment maintenance for 12 months shall be undertaken, followed by ongoing maintenance commitments in accordance with the requirements of the Landscape Plan.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

**C. Delete Condition No. 15 Amendments to Plans to read as follows:**

Delete

**D. Add Condition No. 27(A) Louvers and Awning Extension to read as follows:**

Ausgrid requires 2.4m height for the louvres on level 3, therefore the proposed the height of the louvres should remain as approved DA. The extension to the awning is not approved as part of the application and should remain as approved in DA2019/0645. Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To preserve the heritage significance of the the adjacent heritage item and the items within the vicinity.

**E. Add Condition No.27 (B) Glass Balustrade to Level 3 to read as follows:**

Glazed balustrade to level 3 is preferred to be frameless and recessed from the external face of the brick facade. Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To preserve the heritage significance of the the adjacent heritage item and the items within the vicinity.

**F. Add Condition No.27 (C) Colour Scheme to read as follows:**

Details of the face brick colour to be clearly identified and submitted to the satisfaction of the Council's Heritage prior to the issue of the Construction Certificate.

Reason: To preserve the heritage significance of the the adjacent heritage item and the items within the vicinity.

**G. Add Condition No. 27 (D) Decorative Screening to read as follows:**

A decorative screening solution is required to be provided over the horizontal slat screening to the structure housing the gas and water meters on the Ground Level. The screening is to enhance the ground level of the Plaza as an architectural feature with visual interest to compliment the urban setting.

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

Reason: To enhance the visual interest to compliment the urban setting.

## Important Information

This letter should therefore be read in conjunction with DA2019/0645 dated 19 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                      Catriona Shirley, Planner

Date                      03/02/2021