

27 January 2022



Leslie Anthony Cassar  
3/231 Whale Beach Road  
WHALE BEACH NSW 2107

Dear Sir/Madam

**Application Number:** Mod2021/0987  
**Address:** Lot B DP 316404 , 231 Whale Beach Road, WHALE BEACH NSW 2107  
**Proposed Development:** Modification of Development Consent REV2021/0034 granted for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping 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,



Dean Pattalis  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2021/0987
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Leslie Anthony Cassar
<b>Land to be developed (Address):</b>	Lot B DP 316404 , 231 Whale Beach Road WHALE BEACH NSW 2107
<b>Proposed Development:</b>	Modification of Development Consent REV2021/0034 granted for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	27/01/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

**A.**

#### **Modify Condition 15. Car Parking Standards to read as follows:**

The car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 – Parking facilities – Off-street car parking. The driveway/access ramp grades and access must comply with Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting.

Details demonstrating compliance with this condition are to 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.

#### **Modify Condition 75. Driveway and Parking Facility Work to read as follows:**

The Applicant shall submit a Traffic Engineers' certificate certifying that the parking facility was constructed in accordance with this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking and the driveway/access ramp grades and access was constructed in accordance with this development consent and Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting.

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

issue of the Occupation Certificate.

Reason: Compliance with this consent.

## Important Information

This letter should therefore be read in conjunction with REV2021/0034.

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 submitted to Council 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                          Dean Pattalis, Planner

Date                            27/01/2022