

27 September 2022



Architecture Design Studio Pty Ltd
11 Egerton Street
SILVERWATER NSW 2128

Dear Sir/Madam

Application Number: Mod2022/0070
Address: Lot 1 DP 5055 , 8 Forest Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings

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,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	Mod2022/0070
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Architecture Design Studio Pty Ltd
Land to be developed (Address):	Lot 1 DP 5055 , 8 Forest Road WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings

DETERMINATION - APPROVED

Made on (Date)	20/09/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1C - 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
A001 Rev. 06 - Preliminary Site Plan	11 February 2022	ADS Architects
A099.1 Rev. 05 - Floor Plans - Basement 1 - East	11 February 2022	ADS Architects
A099.2 Rev. 05 - Floor Plans - Basement 1 - West	11 February 2022	ADS Architects
A100.1 Rev. 05 - Floor Plans - Ground Floor Plan - East	11 February 2022	ADS Architects
A100.2 Rev. 05 - Floor Plans - Ground Floor Plan - West	11 February 2022	ADS Architects
A101.1 Rev. 04 - Floor Plans - Level 1 - East	11 February 2022	ADS Architects
A101.2 Rev. 04 - Floor Plans - Level 1 - West	11 February 2022	ADS Architects
A102.1 Rev. 04 - Floor Plans - Level 2 - East	11 February 2022	ADS Architects
A102.2 Rev. 04 - Floor Plans - Level 2 - West	11 February 2022	ADS Architects
A103.1 Rev. 03 - Floor Plans - Roof Level - East	11 February 2022	ADS Architects
A103.2 Rev. 03 - Floor Plans - Roof Level - West	11 February 2022	ADS Architects
A200 Rev. 04 - Sections	11 February 2022	ADS Architects

A300 Rev. 04 - Elevations Building A and B	11 February 2022	ADS Architects
A301 Rev. 04 - Elevations Building C and D	11 February 2022	ADS Architects
A302 Rev. 04 - Elevations Townhouses	11 February 2022	ADS Architects
FF&E Schedule - Pages 1 - 8	9 February 2022	ADS Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Assessment Report (114511-BCA-r3)	7 September 2022	BCA Logic
Report on Geotechnical Assessment (81022041)	17 February 2022	Cardno
Ecological Matters Letter (1377.07)	22 December 2021	AEP
Response to Request for Additional Information for Ecological Matters Letter (1377.08)	25 February 2022	AEP
Rooftop Mechanical Plant Review (20220591.1/3005A/R0/HD)	30 May 2022	Acoustic Logic
Thermal Comfort and BASIX Assessment (Issue. D)	17 December 2021	Efficient Living
Traffic and Parking Review (20027101B-220118)	18 January 2022	MLA Transport Planning

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
L-01 Rev. I - Landscape Master Plan	19 January 2022	Site Design + Studios
L-02 Rev. I - Existing Trees Plan	19 January 2022	Site Design + Studios
L-03 Rev. I - Ground Floor East Landscape Plan	19 January 2022	Site Design + Studios
L-04 Rev. I - Ground Floor West Landscape Plan	19 January 2022	Site Design + Studios
L-05 Rev. I - Riparian Planting	19 January 2022	Site Design + Studios
L-06 Rev. I - Sections	19 January 2022	Site Design + Studios
L-07 Rev. I - Sections	19 January 2022	Site Design + Studios
L-08 Rev. I - Sections	19 January 2022	Site Design + Studios
L-09 Rev. I - Typical Details and Notes	19 January 2022	Site Design + Studios

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

B. Modify Condition B21 - Visitor Parking to read as follows:

The visitor parking is to be accessible at all times, and a sign post erected at the vehicular entry point(s) of the development indicating the location of the visitor parking.

Reason: To ensure visitors are not forced to park on public streets when visitor parking has been provided and is available within the development.

C. Modify Condition B28 - Rooftop Mechanical Systems to read as follows:

The area shaded in light blue on approved plans no. A103.1 Rev. 03 AND 103.2 Rev. 03 are to be encircled for their perimeter by a 1400mm high vertical louver screen, measured from the finished slab level of the roof. Any air conditioning unit, condenser or associated mechanical ventilation components are not to be of a height greater than the screen. Details and dimensions of the screen are to be provided on the cc plans.

D. Add Condition B45.1 - Maintenance of Asset Protection Zones to read as follows:

Vegetation clearing for ongoing APZ maintenance must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.

E. Modify Condition B67 - Apartment Mix to read as follows:

The residential flat building must comprise of the following unit mix:

- a. 1 x 1 bedroom apartment
- b. 9 x 2 bedroom apartments
- c. 55 x 3 bedroom apartments
- d. 1 x 4 bedroom apartment

(note: the above does not include the approved townhouses).

Reason: To ensure the development density is in accordance with the approved plans.

F. Add Condition B73 - Parking Enclosure to read as follows:

With the exception of the parking cages / garages beneath the townhouses as shown on the approved plans, no parking spaces or access thereto shall be constrained or enclosed by any form of structure (including fencing, cages, walls, storage space or the like) without the prior consent of Council.

Reason: To ensure accessibility is maintained.

G. Modify Condition C8 - Construction Traffic Management Plan to read as follows:

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of the relevant Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times

- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable accreditation for any activities involving the management of vehicle and pedestrian safety
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

H. Add Condition D21 - Staff and Contractor Parking to read as follows:

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All staff and contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement, including lighting in the basement, security cameras etc.

Reason: To ensure minimum impact of construction activity on the local parking network.

I. Add Condition E22 - Acoustic Review to read as follows:

Prior to the issue of an Occupation Certificate, an acoustic review of the rooftop mechanical plant shall be carried out by a suitably qualified person to ensure compliance under the provisions of the Protection of the Environment Operations Act 1997.

Details demonstrating compliance shall be issued to the certifier prior to the issue of an Occupation Certificate.

Reason: To ensure adequate acoustic amenity is afforded to future occupiers.

J. Add Condition E23 - Clearing for Asset Protection Zones - Project Ecologist to Certify

Clearing of vegetation for APZ establishment must only occur within the surveyed and permanently marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife.

Important Information

This letter should therefore be read in conjunction with N0440/15 dated 03 May 2017; N0440/15/S96/1 dated 09 April 2018; MOD2018/0019 dated 10 June 2018; MOD2018/0566 dated 13 December 2018 and; MOD2021/0816 dated 24 February 2022.

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 Peter Robinson
Executive Manager Development Assessment

Date 20/09/2022

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 20/09/2022.