

4 September 2024



Ultraflex Holdings Pty Ltd  
11/20 Young Street  
NEUTRAL BAY NSW 2089

Dear Sir/Madam

**Application Number:** Mod2024/0472  
**Address:** Lot 11 DP 1258355 , 5 Skyline Place, FRENCHS FOREST NSW 2086  
**Proposed Development:** Modification of Development Consent DA2021/0212 granted for demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Jordan Davies  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2024/0472 PAN-464813
<b>Applicant:</b>	Ultraflex Holdings Pty Ltd 11/20 Young Street NEUTRAL BAY NSW 2089
<b>Property:</b>	Lot 11 DP 1258355 5 Skyline Place FRENCHS FOREST NSW 2086
<b>Description of Development:</b>	Modification of Development Consent DA2021/0212 granted for demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	04/09/2024
<b>Date from which the consent operates:</b>	04/09/2024

Under Section 4.55 (1) Misdescription of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

### Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

## Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

## Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

**Signed**                      On behalf of the Consent Authority



Name                          Jordan Davies, Planner

Date                            04/09/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN#464813 MOD2024/0472	Date of this determination	<ul style="list-style-type: none"> <li>S4.55 (1) to correct an error to Condition 1A in relation to the reference number of the Landscape Plan.</li> </ul>
PAN #387614 MOD2023/0617	25 July 2024	<ul style="list-style-type: none"> <li>Relocate the communal area from the Ground Floor of the western building to the Ground Floor of the central building;</li> <li>Delete commercial uses at Level 1 of the eastern building and replace with 8 ILUs (resulting in overall increase of 6 ILU's, as apartment reconfiguration is proposed on other levels);</li> <li>Revise design of pool and recreation facilities on Level 2;</li> <li>Revise landscape design;</li> <li>Minor changes to floor levels at each level to ensure floor to floor heights comply with the National Construction Code 2023 (NCC 2023) resulting in an increase in height to the western building of 0.5m;</li> <li>Minor changes to layout of Independent Living Units and change to unit mix.</li> <li>Minor changes to basement levels, including minor changes to floor levels, location of mechanical plant rooms, the waste collection and storage areas and deletion of garbage lift;</li> <li>Relocate lift shaft in the eastern building to improve entrance and circulation; and</li> <li>Reallocation of a minor area of communal space at Level 7 to apartment floor area in the eastern tower.</li> </ul> <p><b>Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation</b>  <b>Amend Condition No 2 Compliance with Other Department, Authority or Service Requirements</b>  <b>Amend Condition 6 Employment Generating Uses</b>  <b>Add Condition 9A Northern Beaches Section 7.12 Development Contributions Plan 2022</b>  <b>Amend Condition 10 Amended Landscape Plan</b>  <b>Amend Condition 11 Amended Arboricultural Impact Appraisal and Method Statement</b>  <b>Amend Condition 34 Project Arborist</b>  <b>Amend Condition 58 Required Tree Planting</b></p>

		<p><b>Amend Condition 100 Presentation of Waste Bins for Collection</b>  <b>Add Condition 105 Deliveries, waste and recycling collection hours</b></p>
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**Modified conditions**

**A. Amend Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
DA000	G	Cover Page	PA Studio	31/10/2023
DA201	G	Lower Basement Carpark	PA Studio	31/10/2023
DA202	I	Basement Carpark	PA Studio	31/05/2024
DA203	I	Ground Floor Plan	PA Studio	31/05/2024
DA204	G	Level 1 Floor Plan	PA Studio	31/10/2023
DA205	G	Level 2 Floor Plan	PA Studio	31/10/2023
DA206	G	Level 3 Floor Plan	PA Studio	31/10/2023
DA207	G	Level 4 Floor Plan	PA Studio	31/10/2023
DA208	G	Level 5 Floor Plan	PA Studio	31/10/2023
DA209	G	Level 6 Floor Plan	PA Studio	31/10/2023
DA210	G	Level 7 Floor Plan	PA Studio	31/10/2023
DA2111	G	Roof Plan	PA Studio	31/10/2023
DA301	G	Sections S1 and S2	PA Studio	31/10/2023
DA302	G	Sections S3 and S4	PA Studio	31/10/2023
DA303	G	Sections S5	PA Studio	31/10/2023
DA401	G	East Elevation	PA Studio	31/10/2023
DA402	G	North Elevation	PA Studio	31/10/2023
DA403	G	West Elevation	PA Studio	31/10/2023
DA404	G	South Elevation	PA Studio	31/10/2023
DA218	G	Draft Stratum Subdivision	PA Studio	31/10/2023
2046-01	1	Title sheet: Drawing Register, General Notes & Extent of Works Plan	Paddock Studio	08/11/2023
2046-02	1	Design Statement, Design Principles, Location Plan	Paddock Studio	08/11/2023
<b>2046-04</b>	1	Overall Site Plan	Paddock Studio	08/11/2023
<b>2046-06</b>	1	Landscape S.455 Plan 1 of 2 (Ground floor)	Paddock Studio	08/11/2023

2046-07	1	Landscape S.455 Plan 2 of 2 (Roof terrace & green roof)	Paddock Studio	08/11/2023
2046-08	1	Elevation A, Elevation B	Paddock Studio	08/11/2023
2046-09	1	Sectional Elevation C, NSW RFS Asset Protection Zone Requirements	Paddock Studio	08/11/2023
2046-10	1	Landscape Area Plan, Deep Soil Plan	Paddock Studio	08/11/2023
2046-11	1	Planting S.455 Plan 1 of 2   Ground floor building surrounds	Paddock Studio	08/11/2023
2046-12	1	Planting S.455 Plan 2 of 2   Buffer zones	Paddock Studio	08/11/2023
2046-13	1	Plant Schedule 1 of 2   Ground floor Building Surrounds, Green Roof & Roof Terrace	Paddock Studio	08/11/2023
2046-14	1	Plant Schedule 2 of 2   Buffer zones	Paddock Studio	08/11/2023
2046-15	1	Existing Tree Canopy Cover Diagram Proposed Tree Canopy Cover Diagram	Paddock Studio	08/11/2023

<b>Approved Reports and Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
Bushfire Letter Ref210979C	-	Bushfire Code and Bushfire Hazard Solutions	23/11/2023
BCA Report Ref D2023-054	R00	Technical Inner Sight	5/12/2023
Access Report Ref 21026 - R1.3	R1.3	Code Performance	6/12/2023
BASIX Certificate No 117769M_09	09	Aspire Sustainability Consulting Pty Ltd	7/12/2023
Arboricultural Impact Appraisal and Method Statement	A	Naturally Trees	5/05/2024
Acoustic Addendum Report	0	GHD Pty Ltd	23/02/2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that

applies to the development.

## Important Information

This letter should therefore be read in conjunction with MOD2023/0617 dated 25 July 2024 and DA2021/0212 dated 20 April 2023.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the

subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel.