

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No: MOD2024/0473

Development Consent modified: DA2020/0393

Description of development to be carried out under the consent (as previously modified): Demolition of existing structures and construction of a mixed-use development comprising of retail uses and shop top housing containing 49 dwellings, basement car parking for 238 vehicle spaces, landscaping and a central public square.

Address and particulars of title of land on which development to be carried out: Lot 1 DP 1199795 otherwise known as 28 Lockwood Avenue, Belrose.

Description of modification to the development consent: Modification of Development Consent DA2020/0393 for demolition works and construction of a shop top housing development comprising retail premises, 47 dwellings, basement carparking and landscaping

Determination: The development consent is modified as follows:

Modified conditions

A. Add Condition No.1C - 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.

Approved Plans				
Architectural Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-101	8	Basement 04 Plan	Urbana Corp	December 2024

DA-102	8	Basement 03 Plan	Urbana Corp	December 2024
DA-103	8	Basement 02 Plan	Urbana Corp	December 2024
DA-104	8	Lower Ground Floor Plan	Urbana Corp	December 2024
DA-105	8	Ground Floor Plan	Urbana Corp	December 2024
DA-106	8	Level 01 Plan	Urbana Corp	December 2024
DA-107	8	Roof Plan	Urbana Corp	December 2024
DA-201	8	Elevations	Urbana Corp	December 2024
DA-202	8	Elevations	Urbana Corp	December 2024
DA-301	8	Sections	Urbana Corp	December 2024
Landscape Plans				
Sheet 1	P	Sheet set-out	Paul Scrivener Landscape	25.11.2024
Sheet 2	P	Planting Schedule & Irrigation notes	Paul Scrivener Landscape	25.11.2024
Sheet 3	P	Details	Paul Scrivener Landscape	25.11.2024
Sheet 4	P	Detail plan – Area A (ground)	Paul Scrivener Landscape	25.11.2024
Sheet 5	P	Detail plan – Area B (ground)	Paul Scrivener Landscape	25.11.2024
Sheet 6	P	Detail plan – Area C (ground)	Paul Scrivener Landscape	25.11.2024
Sheet 7	P	Detail plan – Area D (ground)	Paul Scrivener Landscape	25.11.2024
Sheet 8	P	Detail plan – Area E (ground)	Paul Scrivener Landscape	25.11.2024
Sheet 9	P	Detail plan – Level 1	Paul Scrivener Landscape	25.11.2024
Sheet 10	P	Detail plan – Lower ground	Paul Scrivener Landscape	25.11.2024
Sheet 11	P	Garden lighting plan – Ground	Paul Scrivener Landscape	25.11.2024
Sheet 12	P	Garden lighting plan – Lower ground	Paul Scrivener Landscape	25.11.2024
Sheet 13	P	Garden lighting plan – Level 1	Paul Scrivener Landscape	25.11.2024
Sheet 14	P	Maintenance notes	Paul Scrivener Landscape	25.11.2024
Sheet 15	P	Blank	Paul Scrivener Landscape	25.11.2024
Sheet 16	P	Pot specifications & details	Paul Scrivener Landscape	25.11.2024
Sheet 17	P	Irrigation zones – All levels	Paul Scrivener Landscape	25.11.2024
Sheet 18	P	Notes A	Paul Scrivener	25.11.2024

			Landscape	
Sheet 19	P	Notes B	Paul Scrivener Landscape	25.11.2024
Sheet 20	P	Notes C	Paul Scrivener Landscape	25.11.2024
Sheet 21	P	Notes D	Paul Scrivener Landscape	25.11.2024

Approved Reports and Documentation				
Document Title	Version Number	Prepared By	Date of Document	
BASIX Certificate No. 1061176M_07	-	Ecoplus Consultants Pty Ltd	16 January 2025	
Traffic Assessment Report	220040.08FA	McLaren Traffic Engineering.	15 August 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.

B. Add Condition 10C. Building Code of Australia Report (Classes 2-9), to read as follows:

A 'Building Code of Australia (BCA) Assessment Report' from an appropriately qualified Registered Certifier* will need to be submitted with the Construction Certificate application addressing the following:

The report is to detail the extent to which the proposed building does or does not comply with the deemed-to satisfy provisions of Sections C, D, E and F of the Building Code of Australia.

*To be regarded as an "appropriately qualified registered certifier" the certifier must hold the relevant level of accreditation that would enable the certifier to issue a construction certificate for the subject building.

The 'Building Code of Australia (BCA) Assessment Report' is to be submitted to the Certifying Authority and considered as part of the assessment of the Construction Certificate application.

Reason: To ensure adequate provision is made for Health, Amenity, Access and Fire Safety for building occupant health and safety.

C. Delete Condition 13. Planter Boxes in the Road Reserve.

D. Add Condition 22A. Vehicle Access & Parking, to read as follows:

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off- street Parking standards).

With respect to this, the following revision(s) must be undertaken;

The basement 4 parking layout must be amended around the two parallel parking bays denoted Ret 07 to the south of Ramp 01. The layout to be adjusted to ensure that adequate aisle width is available for passing of a B85 & B99 vehicle and adequate space for access to/from all parking spaces is available around those spaces. Swept path plots to be provided to confirm the above

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

E. Modify Condition 36. Tree and Vegetation Protection, to read as follows:

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees and vegetation not indicated for removal on Landscape Plans Issue P dated 25.11.24 prepared by Paul Scrivener Landscape
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the approved Tree Protection Plan and Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,

- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property

Reason: Tree and vegetation protection.

F. Add Condition 40A. Work Zones and Permits, to read as follows:

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

Reason: To ensure Work zones are monitored and installed correctly.

G. Modify Condition 57. Required Planting, to read as follows:

Trees, shrubs and groundcovers shall be planted in accordance with Landscape Plans Issue P dated 25.11.24 prepared by Paul Scrivener Landscape.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity.

H. Modify Condition 58. Street Tree Planting, to read as follows:

a) Street trees shall be planted in accordance with the following schedule:

No. of Trees	Species	Location
7	<i>Eleaocarpus reticulatus</i>	Glenrose Place as indicated on the Landscape Plans Issue P dated
7	<i>Tristaniopsis laurina</i> 'Luscious'	Lockwood Ave/Glen St road reserve as indicated on Landscape Plans Issue P dated 25.11.24 prepared by Paul Scrivener Landscape

b) All street trees shall be a minimum planting size of 75 litres, or as otherwise conditioned, and shall meet the requirements of Natspec - Specifying Trees.

c) All street trees shall be planted into a prepared planting hole 2m x 1m x 600mm depth, or as otherwise conditioned, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths and generally in alignment with other street trees.

Reason: To maintain environmental amenity.

I. Add Condition 68A. Stacked Parking Spaces (retail), to read as follows:

Retail stacked parking space pairs are to be assigned as the same retail tenancy. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any

Occupation Certificate.

Reason: To minimise conflicts regarding parking areas.

J. Modify Condition 88. Landscape Maintenance, to read as follows:

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with Landscape Plans Issue P dated 25.11.24 prepared by Paul Scrivener Landscape.

Reason: To maintain local environmental amenity.