

21 April 2021



Micronest Pty Ltd
Level 8 123 Pitt Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2020/0655
Address: Lot 2 DP 589654 , 197 Sydney Road, FAIRLIGHT NSW 2094
Lot 87 DP 1729 , 195 Sydney Road, FAIRLIGHT NSW 2094
Proposed Development: Modification of Development Consent DA2018/1708 granted for
demolition works and construction of a boarding house

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,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2020/0655
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Micronest Pty Ltd
Land to be developed (Address):	Lot 2 DP 589654 , 197 Sydney Road FAIRLIGHT NSW 2094 Lot 87 DP 1729 , 195 Sydney Road FAIRLIGHT NSW 2094
Proposed Development:	Modification of Development Consent DA2018/1708 granted for demolition works and construction of a boarding house

DETERMINATION - APPROVED

Made on (Date)	14/04/2021
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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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A00.01[A] Site Plan	19 November 2020	Mostaghim
A01.00[C] Level 0 Plan	18 February 2021	Mostaghim
A01.01[B] Level 1 Plan	02 February 2021	Mostaghim
A01.02[A] Level 2 Plan	19 November 2020	Mostaghim
A01.03[B] Level 3 Plan	02 February 2021	Mostaghim
A01.04[A] Level 4 Plan	19 November 2020	Mostaghim
A01.05[A] Level 5 Plan	19 November 2020	Mostaghim
A01.06[A] Roof Plan	19 November 2020	Mostaghim
A02.01[A] Typical Unit Plans	19 November 2020	Mostaghim
A03.01[B] North & South Elevations	02 February 2021	Mostaghim
A03.02[B] East & West Elevations	02 February 2021	Mostaghim
A04.01[B] Sections AA+BB	02 February 2021	Mostaghim
A04.02[B] Sections CC+DD	02 February 2021	Mostaghim

A08.01[A] Demolition Plan	25 November 2020	Mostaghim
A08.02[A] Excavation Plan	25 November 2020	Mostaghim

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BCA Assessment Report	15 November 2020	Steve Watson & Partners
Access Report	13 November 2020	Access-i
Traffic Parking Statement	19 November 2020	PDC Consultants

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
L000(C) Cover Sheet	16 December 2020	Sydney Design Collective
L100(C) Ground Floor & Level 1	16 December 2020	Sydney Design Collective
L101(C) Level 2	16 December 2020	Sydney Design Collective
L102(C) Level 3	16 December 2020	Sydney Design Collective
L103(C) Level 4	16 December 2020	Sydney Design Collective
L104(C) Level 5 & Roof	16 December 2020	Sydney Design Collective

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

B. Delete Condition 12, Bin Room and Path, which reads as follows:

The bin room is to be able to accommodate 13 x 660L bins with 1000mm aisle width between each rows. The bins must not be stacked as shown in the plan. A separate and unobstructed pedestrian path must be constructed to allow Council and its agents safe passage and unrestricted access to and from the bin room.

Reason: To ensure all bins can be adequately stored in a dedicated room away from public view and easily accessible by the occupants and Council and its agents.

C. Delete Condition 22, Deletion of Cafe, which reads as follows:

Plans and documentation are to be amended to delete reference to the proposed cafe. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To delete prohibited development.

D. Modify Condition 08, On-site Stormwater Detention, to read as follows:

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003 and generally in accordance with the concept drainage plans prepared by Integrated Group Service, project Number EN-N18_89, drawing number SW101- SW400,

dated 09/03/2021 and Rev 05. Detailed drainage plans are to be prepared by a qualified experienced practicing Civil Engineer in the related field.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

E. Modify Condition 17, Amended Landscape Plans, to read as follows:

Amended Landscape Plans, shall be amended by the modification application to read as follows:

Amended Landscape Plans shall be submitted to the Certifying Authority and to the Council for approval indicating the following alterations on the submitted Landscape Plans:

- a) Generally, landscape plans are to be documented to satisfy the DA Lodgement requirements.
- b) Along the side boundary setback, the landscape plans shall be amended as follows:
 - i) the side boundary paths are to be aligned against the building, with the maximum 1200mm width,
 - ii) continuous deep planters to approximately 1 metre depth are to be provided to support small tree planting growth, with tree planting to be generally set 3 metres apart, except where change in levels require planter walling stepping. For such situations tree planting shall be set 2 metres from the step down wall (ie. 4 metres apart),
 - iii) a minimum internal planter walling width of 1.4 metres is to be provided to provide sufficient soil area and soil volume,
 - iv) tree planting species shall achieve a height of 6 metres at maturity, with trees selected for their dense canopy, including *Elaeocarpus*, *Syzygium*, *Acmena*, *Banksia*, and *Glochidion*,
 - v) all tree planting is to be installed at 100 litre container size,
 - vi) all tree planting shall comply with 3.3.1 Landscaping Design, section b) item iii) where trees should be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight as described in the clause, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
 - vii) side boundary planters shall include only tree and groundcovers to ensure soil volume availability is maximised for tree root growth,
 - viii) dripline irrigation is to be provided to the planters for planting establishment and to control root distribution.
- c) The Level 01 podium fronting Sydney Road shall be landscaped as follows:
 - i) deep soil planters approximately 1 metre depth, are to provide landscaping across the frontage to accommodate small tree planting to achieve 5-6 metres at maturity and inclusive of understorey planting,
 - ii) at least 5 small trees shall be provided,
 - iii) all tree planting is to be installed at 100 litre container size,
 - iv) all tree planting shall comply with 3.3.1 Landscaping Design, section b) item iii) where trees should be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight as described in the clause, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
 - v) planter widths shall be a minimum of 1.4 metres,
 - vi) dripline irrigation is to be provided to the planters for planting establishment and to control root distribution.
- d) The front setback shall be landscaped to support tree canopy planting and mixed understorey planting.
 - i) at least 4 small trees shall be provided, equally spaced along the landscape area, installed at 100 litre container size,
 - ii) all mixed understorey planting shall be planted at minimum 900mm centres for shrubs and 500mm

centres for all other groundcovers and accent planting, and shrub planting shall be installed at a minimum 200mm container size.

e) Street tree planting, replacing the existing poor specimen, shall be provided in accordance with the Manly Council Street Tree Masterplan 2015, consisting of:

- i) 1 x Buckinghamiana celsissima, planted at 200 litre container size,
- ii) tree pit excavation 1m x 1m x 700mm depth, excavated to loosen all compacted sides of the tree pit, and backfilled with sandy loam soil mix,
- iii) surface finish consisting of dark gray coloured porous paving,
- iv) timber tree guard 1m x 1m square, with 50x50x1800 posts and 30x70 top and mid rail,
- v) all street tree works are subject to Council inspections and approvals,
- vi) a 12 month establishment period shall apply for the street tree planting works. Any tree failure is to be replaced within this period.

Reason: To provide consistency with the landscape character of the local area.

F. Add Condition 12, Building Code of Australia Upgrade requirements and Fire Safety Upgrade, to read as follows:

The Building Code of Australia works as detailed and recommended in the Building Code of Australia Assessment Report prepared by Steve Watson & Partners, dated November 2020, Report Ref No. 2020/1802/R1.0 are to be taken into consideration as part of the assessment of the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

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

G. Add Condition 22, Access and Facilities for People with Disabilities, to read as follows:

Access and facilities to and within the building is to be provided for Persons with a Disability in accordance with the Access Report prepared by Access-i, dated 26/11/2020, reference no. 20281, the Building Code of Australia and AS 14281.

Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

Important Information

This letter should therefore be read in conjunction with DA2018/1708 dated 27 June 2019.

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 Rodney Piggott, Manager Development Assessments

Date 14/04/2021