

15 April 2020



Hamptons By Rose Pty Ltd
51 Riley Street
WOOLLOOMOOLOO NSW 2011

Dear Sir/Madam

Application Number: Mod2020/0097
Address: Lot 11 DP 577062 , 23 Fisher Road, DEE WHY NSW 2099
Proposed Development: Modification of Development Consent DA2018/1574 granted for Construction of a mixed development comprising three residential flat buildings commercial use of a heritage listed building car parking infrastructure and landscaping

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,



Tony Collier
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2020/0097
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Hamptons By Rose Pty Ltd
Land to be developed (Address):	Lot 11 DP 577062 , 23 Fisher Road DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2018/1574 granted for Construction of a mixed development comprising three residential flat buildings commercial use of a heritage listed building car parking infrastructure and landscaping

DETERMINATION - APPROVED

Made on (Date)	15/04/2020
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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
A2.01(D) - Basement Parking Plan 1	06/02/2020	Rose Architectural Design
A2.02(D) - Basement Parking Plan 2	06/02/2020	Rose Architectural Design
A5.01(C) - External Materials & Finishes Palette	27/02/2020	Rose Architectural Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate 944202M-02	27 February 2020	Rose Management Services Pty Ltd

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

B. Modify Condition 20 - External Finishes to read as follows:

**20.
External Finishes**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the schedule of materials and finishes, sample board, and specifications referenced as Plan No. A5.01(C) - 'External Materials & Finishes Palette' in Condition 1A.

A full schedule of external colours, finishes and colours for the approved development demonstrating compliance with the requirement of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

Reason: To ensure that the visual impact is appropriately minimised.

C. Modify Condition 21 - BASIX Requirements to read as follows:

21. BASIX Requirements

BASIX affected development must comply with the schedule of BASIX commitments specified within the amended BASIX Certificate referenced in Condition 1A of this consent.

Details demonstrating compliance are to be included on the plans/specifications is required prior to the issue of the Construction Certificate.

Reason: Legislative requirement.

D. Modify Condition 22 - Amendments to Approved Plans to read as follows:

22. Amendments to Approved Plans

Prior to the issuance of the construction certificate, the Approved Architectural Plans referenced in Condition 1 and 1A of this consent are to be amended, as follows:

- (a) The deletion of the residential common room, to be replaced with a sub floor area that is setback 1m from the alignment of the balcony above.
- (b) The deletion of the paved area adjacent to the common room, with the retention of natural ground levels in this area.
- (c) An adjustment to the setback of the south-eastern corner of the balcony associated with Apartments C.G01, such that no part of the structure is within 4m of the eastern property boundary, whilst ensuring the retention of the proposed planter boxes.
- (d) An adjustment to the setback of the south-eastern corner of the balcony and courtyard associated with Apartments C.101, such that no part of the structure is within 6m of the eastern property boundary, whilst ensuring the retention of the proposed planter boxes.
- (e) The incorporation of 1.7m high privacy screens to separate the courtyards/balconies adjacent to:
 - i. Apartments C.G01 and C.G02
 - ii. Apartments C.101 and C.102
 - iii. Apartments C.401 and C.402
 - iv. Apartment C.204
- (f) The incorporation of a 1.7m high privacy screen on the eastern elevation of the balcony associated with Apartment C.204.
- (g) The deletion of the balconies associated with:
 - i. Bedroom 1 in Apartment C.110
 - ii. Bedroom 2 in Apartment C.112

- iii. Bedroom 2 in Apartment B.101
- iv. Bedroom 2 in Apartment B.106

With the sliding doors to be replaced with windows of the same size and design as the respective windows on the level above.

(h) The incorporation of a light-weight roof above the two letter box areas.

(i) The incorporation of a garage door at the entrance of the garage, setback 1m from the façade of the parapet above, that automatically opens as vehicles approach from both inside and outside the development between 7am and 9pm, and when the commercial tenancy is open for trading.

Reason: To ensure an appropriate level of amenity and consistency with relevant plans and policies.

E. Modify Condition 77 - BASIX Requirements to read as follows:

77. BASIX Requirements

Prior to the issuance of the Occupation Certificate, certification is to be provided to confirm that the commitments identified in the amended BASIX Certificate referenced in Condition 1A of this consent have been fulfilled.

Reason: Legislative requirement.

F. Modify Condition 88 - Parking to read as follows:

88. Parking

All parking spaces are to be maintained free of obstruction and used solely for the parking of vehicles. The development is to maintain the following spaces for the life of the development:

- (a) 185 dedicated car spaces for the 126 residential apartments, with at least 1 space for each one and two bedroom apartments and 2 spaces for each three bedroom apartments,
- (b) 12 dedicated spaces for Pacific Lodge, clearly marked "commercial",
- (c) 26 dedicated visitor parking spaces, clearly marked "visitor", including 1 parking space for people with disabilities compliant with the provisions of AS2890.6, and
- (d) 2 x dedicated spaces for small delivery vehicles, clearly marked "deliveries"

The 12 dedicated spaces for Pacific Lodge and the 2 dedicated delivery spaces must be accessible at all times and must not be located behind the 'residential carpark control door'.

Reason: To ensure that off-street parking is maintained for the life of the development.

G. Add Condition 97 to read as follows:

97. Use of terraces and balconies

The hanging of washing and/or the storing of items in a terrace or on a balcony is to be kept below the height of the balustrade and must not be visible from the street or common property.

Reason: To maintain the visual appearance of the development.

H Add Condition 98 to read as follows:

**98.
Access to Civic Drive**

Civic Drive is private land and not a public road. Therefore, access to Civic Drive from the pedestrian egress doorway locate at the south-eastern corner of Basement Level 1C in Building C (adjacent to the sub-floor) is not permitted. Pedestrian access from this egress point is to be directed to the existing and proposed internal pathways within the site and towards Fisher Road.

Reason: To maintain integrity of the property boundary.

Important Information

This letter should therefore be read in conjunction with **YOU MUST ENTER THE PREVIOUS DETAILS OF MODS AND ORIGINAL DA in Assessment Finish**

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 Tony Collier, Principal Planner

Date 15/04/2020