

2 August 2022



Lucas Allan Laxale
PO Box 7297
WARRINGAH MALL NSW 2100

Dear Sir/Madam

Application Number: Mod2022/0229
Address: Lot 8 DP 6984 , 18 Alexander Street, COLLAROY NSW 2097
Lot 9 DP 6984 , 18 Alexander Street, COLLAROY NSW 2097
Proposed Development: Modification of Development Consent DA2021/1766 granted for Demolition works and construction of a housing development comprising five (5) self-contained apartments including basement car parking pursuant to SEPP (Housing for Seniors or People with a Disability) 2004

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,



Kye Miles
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0229
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Lucas Allan Laxale
Land to be developed (Address):	Lot 8 DP 6984 , 18 Alexander Street COLLAROY NSW 2097 Lot 9 DP 6984 , 18 Alexander Street COLLAROY NSW 2097
Proposed Development:	Modification of Development Consent DA2021/1766 granted for Demolition works and construction of a housing development comprising five (5) self-contained apartments including basement car parking pursuant to SEPP (Housing for Seniors or People with a Disability) 2004

DETERMINATION - APPROVED

Made on (Date)	02/08/2022
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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
DA111 Undercroft Floor Plan Rev. D	28 July 2022	Walsh Architects
DA113 Level 2 Floor Plan Rev. C	21 April 2022	Walsh Architects
DA201 Sections Rev. C	28 July 2022	Walsh Architects
DA300 Elevations Rev. C	21 April 2022	Walsh Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1238507M_03	13 April 2022	Building Sustainability Assessments

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
LS501.1 Ground Level - Landscape Plan - Sheet 1 Issue E	28 July 2022	Plot Design Group
LS501.3 Level 2 - Landscape Plan - Sheet 3 Issue D	14 April 2022	Plot Design Group

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

B. Add Condition No. 52A - Landscape Completion, to read as follows:

Landscape works under the modification shall be implemented in accordance with the approved Landscape Plans LS501.1 issue E, and LS501.3 issue D, inclusive of the following conditions:

- i) the retaining wall as part of the pool setting for apartment 1 shall be setback from the common boundary a minimum of 900mm to the back of walling,
- ii) the proposed *Crocea saligna* planting along the boundary behind the retaining wall shall be substituted to provide the following tall shrub planting indicated under the development consent: *Syzygium 'resilience'* planted at 900mm centres apart and at minimum 200mm pot containers,
- iii) the proposed mulch surface finish is not approved and shall be substituted with the following: shrubs along the base of the retaining wall planted at 900mm centres apart and 500mm from the wall base and at minimum 200mm pot containers; and groundcovers planted at four per m² and at minimum 140mm pot containers to the remaining area marked as 'mulch', with the exception of paverslab access from the gate to the pool edge.

Reason: Landscape amenity.

C. Add Condition No. 76A - Swimming Pool Requirements, to read as follows:

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life.

D. Add Condition No. 82 - Pool Pump Acoustic Enclosures, to read as follows:

Pool pumps must be placed in acoustic enclosures to prevent audible noise beyond the property boundary between 8 pm and 7 am.

Reason: Maintain acoustic amenity according to State legislation

Important Information

This letter should therefore be read in conjunction with DA2021/1766 dated 16 March 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



northern
beaches
council

A handwritten signature in blue ink, appearing to read 'Kye Miles', positioned above a horizontal line.

Name Kye Miles, Planner

Date 02/08/2022