

12 May 2022



Manly Vale Developments No 3 Pty Ltd  
C/- Gartner Trovato Architects Po Box 1122  
MONA VALE NSW 1660

Dear Sir/Madam

**Application Number:** Mod2022/0073  
**Address:** Lot 100 DP 1270372 , 267 - 269 Condamine Street, MANLY VALE  
NSW 2093  
**Proposed Development:** Modification of Development Consent DA2019/0114 granted for  
Demolition of the existing building and construction of a shop top  
housing development, comprising 27 dwellings, 4 retail tenancies  
and carparking

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Alex Keller  
**Principal Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2022/0073
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Manly Vale Developments No 3 Pty Ltd
<b>Land to be developed (Address):</b>	Lot 100 DP 1270372 , 267 - 269 Condamine Street MANLY VALE NSW 2093
<b>Proposed Development:</b>	Modification of Development Consent DA2019/0114 granted for Demolition of the existing building and construction of a shop top housing development, comprising 27 dwellings, 4 retail tenancies and carparking

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	11/05/2022
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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:**

"1A. Modification of Consent - Approved plans and supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-01 J Site Plan	30.11.2021	Gartner Trovato Architects
DA-02 J Basement B2 Plan	30.11.2021	Gartner Trovato Architects
DA-03 J Basement B1 Plan	30.11.2021	Gartner Trovato Architects
DA-04 J Ground Floor Plan	30.11.2021	Gartner Trovato Architects
DA-05 J Level 1 Plan	30.11.2021	Gartner Trovato Architects
DA-06 J Level 2 Plan	30.11.2021	Gartner Trovato Architects
DA-07 K Level 3 Plan	30.11.2021	Gartner Trovato Architects
DA-08 J Level 4 Plan	30.11.2021	Gartner Trovato Architects
DA-09 K North and East Elevations	30.11.2021	Gartner Trovato Architects

DA-10 J South and West Elevations	30.11.2021	Gartner Trovato Architects
DA-12 K Section A and C	30.11.2021	Gartner Trovato Architects
DA-13 J Sections 1 and 2	30.11.2021	Gartner Trovato Architects
DA-14 K Sections 3 and 6	30.11.2021	Gartner Trovato Architects

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate 963230M_02	5.2.2022	Gartner Trovato Architects
Geotechnical Assessment 2018-0130	31.1.2022	Crozier Geotechnical Consultants
BCA Assessment Report 109774-BCA-r4	15.11.2021	BCA Logic
Noise Impact 5445	24.11.2021	Acoustic Dynamics

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

e) The development is to be undertaken generally in accordance with the following:

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

**B. Add Condition 2B Compliance with Other Department, Authority or Service Requirements (Ausgrid), to read as follows:**

"2B. Compliance with Other Department, Authority or Service Requirements (Ausgrid)

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	26.4.2022

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies."

**C. Modify Condition 24, Amendments to the approved plans, to read as follows:**

"24. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- a) [deleted]
- b) Fixed ceilings are to be incorporated within Retail Tenancies 1-3, to facilitate a 300mm cavity space below the Level 1 slab. The ceilings of these retail spaces must be designed and maintained below RL 15.0m AHD, being the minimum floor level of Level 1 residential apartments.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure that the amenity of the proposal is optimised and consistency with the shop top housing definition, as prescribed by WLEP 2011"

**D. Add Condition 37A Weatherproofing of External Walls, to read as follows:**

"37A Weatherproofing of External Walls

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard the Access Assessment Report prepared by BCA Access, dated 15/11/2021, Ref 109774-Access-r4 is to be taken into consideration as part of the assessment of the Construction Certificate.

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."

**E. Add Condition 37B Building Code of Australia Fire Safety, to read as follows:**

"37B. Building Code of Australia Fire Safety

The Building Code of Australia works and fire safety measures as detailed and recommended in the BCA Assessment Report prepared by BCA Logic, dated 15/11/2021, Report Ref No. 109774-BCA-r4 are to be considered 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.."

**F. Add Condition 37C Building Code of Australia Access, to read as follows:**

"37C Building Code of Australia Access

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard the Access Assessment Report prepared by BCA Access, dated 15/11/2021, Ref 109774-Access-r4 is to be taken into consideration as part of the assessment of the Construction Certificate.

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 DA2019/0114 dated 3 July 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 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



Name Alex Keller, Principal Planner

Date 11/05/2022