

10 August 2020



Platform Architects Pty Ltd
503 / 39 East Esplanade
MANLY NSW 2095

Dear Sir/Madam

Application Number: Mod2020/0139
Address: Lot CP SP 11874 , 5 Commonwealth Parade, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA436/2008 granted for alterations and additions to a residential flat building

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,



Jordan Davies
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2020/0139
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Platform Architects Pty Ltd
Land to be developed (Address):	Lot CP SP 11874 , 5 Commonwealth Parade MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA436/2008 granted for alterations and additions to a residential flat building

DETERMINATION - APPROVED

Made on (Date)	10/08/2020
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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
A0.00 - Rev 4.55	13/03/2020	Platform Architects
A1.00 - Rev 4.55	13/03/2020	Platform Architects
A1.01 - Rev 4.55	13/03/2020	Platform Architects
A1.02 - Rev 4.55	13/03/2020	Platform Architects
A1.03 - Rev 4.55	13/03/2020	Platform Architects
A1.04 - Rev 4.55	13/03/2020	Platform Architects
A1.05 - Rev 4.55	13/03/2020	Platform Architects
A1.06 - Rev 4.55	13/03/2020	Platform Architects
A2.01 - Rev 4.55a	29/07/2020	Platform Architects
A2.02 - Rev 4.55a	29/07/2020	Platform Architects
A2.03 - Rev 4.55a	29/07/2020	Platform Architects
A2.04 - Rev 4.55a	29/07/2020	Platform Architects
A3.01 - Rev 4.55a	29/07/2020	Platform Architects

A3.02 - Rev 4.55a	29/07/2020	Platform Architects
A3.03 - Rev 4.55a	29/07/2020	Platform Architects
A3.04 - Rev 4.55a	29/07/2020	Platform Architects
A5.01 - Rev 4.55	13/03/2020	Platform Architects
A5.04 - Rev 4.55	13/03/2020	Platform Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
C-1000 Rev B	30/03/2020	BG&E Engineering
C-1010 Rev B	30/03/2020	BG&E Engineering
C-1200 Rev B	30/03/2020	BG&E Engineering
C-1201 Rev B	30/03/2020	BG&E Engineering
C-1350 Rev B	30/03/2020	BG&E Engineering

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
External Finishes Board	13/03/2020	Platform Architects
BASIX Certificate No.315056M_07	3/03/2020	AGA Consultants
Access Report, Ref PRO-04686-J3F9	26/02/2020	Building Innovations Australia
Geotechnical Report, Ref 23373SD2rpt Rev 1	8/07/2020	JK Geotechnics

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

d) 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.

Add Condition 'Amended Landscape Plan' Prior to Issue of a Construction Certificate to read as follows:

The landscape plans under Mod2018/0575 shall be amended to co-ordinate with the architectural plans, and shall be issued to the Certifying Authority for approved prior to the issue of the Construction Certificate.

Reason: Co-ordination of proposed landscape works with updated architectural plans.

Add Condition 'On-site stormwater detention details' Prior to Issue of a Construction Certificate 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 Momentum Projects, Project number S19156, drawing number C-1350, dated 30/3/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

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.

Add Condition 'Positive Covenant and Restriction as to Use for On-site Stormwater Disposal Structures' Prior to Issue of a Occupation Certificate to read as follows:

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

Add Condition 'Submission Road Act Application for Civil Works in the Public Road' Prior to Issue of a Construction Certificate to read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing and footpath along The Crescent and Commonwealth Parade which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information: The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

Add Condition 'Central Median Island' prior to the issue of a Construction Certificate to read as follows:

As per Development Consent Condition No: 5, Council prefers to construct central median island extension along Commonwealth Parade to prevent right turn movements into and out of the site.

In this regard, Council acknowledges the design constraints and suggest reducing the length of extension to suit the design. Also, the Island can be mountable for larger vehicles to mount if necessary. Design of the median island should satisfy the following:

- Prevent right turn movements into and out of the site
- No impacts on parking
- Vehicles not encroaching on the wrong side of the road.

Plans prepared by a suitably qualified Engineer shall be submitted to and approved by the accredited certifier prior to the issue of the Construction Certificate.

In addition, the plan including signs and line markings shall be submitted to and approved by Council's Local Traffic Committee prior to the issue of the Construction Certificate.

Reason: To ensure the safety and unimpeded traffic flow on Commonwealth Parade and safe exit from the property.

Add Condition 'Vehicle Access & Parking' Prior to Issue of a Construction Certificate to read as follows:

All internal driveways, vehicle turning areas, garages and vehicle parking space 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;

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 accredited certifier prior to the issue of a Construction Certificate.

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

Add Condition 'Visitor parking spaces locate behind roller door' Prior to Issue of a Construction Certificate to read as follows:

The installation of any security roller shutter for parking areas shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure visitor car parking is accessible to visitors.

Add Condition 'Work Zones and Permits' Prior to Issue of a Construction Certificate to read as follows:

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit if it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management / Control Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly

Add Condition 'Traffic Management' During Works to read as follows:

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: Traffic management plan is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation

Add Condition 'Removal of Redundant Driveways' Prior to Issue of an Occupation Certificate to read as follows:

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy

Add Condition 'Reinstating the damaged road reserve during construction' Prior to Issue of an Occupation Certificate to read as follows:

Any damages to road reserve shall be reinstated to Council standard. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maintain road reserve to the standards

Add Condition 'Accessibility of parking spaces' Prior to Issue of an Occupation Certificate to read as follows:

The parking facilities including visitor parking are to be accessible and identifiable at all times. Necessary signs and markings have to be maintained throughout the lifetime of the development.

Reason: To ensure residents, retailers and visitors are not forced to park on public streets when parking has been provided within the development.

Add Condition 'Parking Enclosure' as an On-going Condition to read as follows:

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

Important Information

This letter should therefore be read in conjunction with DA236/2008 dated 3 March 2009 (as amended), MOD2018/0161 dated 11 July 2018, MOD2018/0575 dated 27 February 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 Jordan Davies, Planner

Date 10/08/2020