



16<sup>th</sup> December 2021

Northern Beaches Council

## SECTION 4.55 (1) APPLICATION

REV2021/0034

### REVIEW OF DETERMINATION OF APPLICATION DA2020/0442 FOR DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING SHOP TOP HOUSING AND RETAIL PREMISES, WITH ASSOCIATED CARPARKING, LANDSCAPING AND STRATA SUBDIVISION

Dear Sir/Madam,

Please find following Section 4.55(1) submission to Northern Beaches Council in relation to the above application.

This application is made under the ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 4.55

*(1) Modifications involving minor error, misdescription or miscalculation A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation.*

The minor error is due to contradictory requirements between the submitted plans (Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting) and conditions of consent No 15 and 75.

Please do not hesitate to contact the office if you have any queries.

Yours faithfully,

Richard Cole  
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## Re: Condition of Consent No. 15 and 75

We seek to amend the Conditions of Consent REV2021/0034 Dated 1/12/2021 - Conditions 15 and 75.

Conditions of consent No. 15 and 75 for REV2021/0034 at 231 Whale Beach Rd, Whale Beach are conflicting with other approved documentation (Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting) which forms part of the DA consent. Without amended conditions full compliance would be unachievable.

Due to the existing gradients of Surf Road and despite exhaustive efforts by our traffic consultant, it was not possible to design a driveway with access to the basement carpark which complied with every aspect of Australian/New Zealand Standard AS/NZS 2890.1:2004 – Parking facilities – Off-street car parking. The design of the driveway was accepted by Council's Development Engineer and documented in Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting, which is referenced on page 3 of the Conditions of Consent under Section 1 Approved Plans and Supporting Documentation. There is therefore a conflict with Condition 15:

Current condition:

**15. Car Parking Standards**

*The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 – Parking facilities – Off-street car parking.*

We request that Council amend Condition 15 to the following:

Proposed condition:

**15. Car Parking Standards**

*The car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 – Parking facilities – Off-street car parking. The driveway/access ramp grades and access must comply with Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting.*

To be consistent, we also request that Council amend Condition 75 as follows:

Current condition:

**75. Driveway and Parking Facility Work**

*The Applicant shall submit a Traffic Engineers' certificate certifying that the driveway and parking facility was constructed in accordance with this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking.*

Proposed condition:

**75. Driveway and Parking Facility Work**

*The Applicant shall submit a Traffic Engineers' certificate certifying that the parking facility was constructed in accordance with this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking and the driveway/access ramp grades and access was constructed in accordance with this development consent and Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting.*