

7 March 2023

Krikor Simonian
28 Lockwood Avenue
BELROSE NSW 2085

Dear Sir/Madam

Application Number: Mod2022/0559
Address: Lot 1 DP 1199795 , 28 Lockwood Avenue, BELROSE NSW 2085
Proposed Development: Modification of Development Consent DA2020/0393 granted for Demolition works and construction of a shop top housing development comprising retail premises, 49 dwellings, basement carparking 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,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	Mod2022/0559
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Krikor Simonian
Land to be developed (Address):	Lot 1 DP 1199795 , 28 Lockwood Avenue BELROSE NSW 2085
Proposed Development:	Modification of Development Consent DA2020/0393 granted for Demolition works and construction of a shop top housing development comprising retail premises, 49 dwellings, basement carparking and landscaping

DETERMINATION - APPROVED

Made on (Date)	03/03/2023
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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
Basement 04 plan - Issue A	4 August 2022	Urbana Corp
Basement 03 plan - Issue A	4 August 2022	Urbana Corp
Basement 02 plan - Issue A	4 August 2022	Urbana Corp
Lower ground floor plan - Issue A	4 August 2022	Urbana Corp
Ground floor plan - Issue A	4 August 2022	Urbana Corp
Level 01 - Issue A	4 August 2022	Urbana Corp
Roof plan - Issue A	4 August 2022	Urbana Corp
Elevations - Issue A	4 August 2022	Urbana Corp
Sections - Issue A	4 August 2022	Urbana Corp
New windows and doors schedule - Issue A	4 August 2022	Urbana Corp

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Access 2019 report (ref: C21844-Access-Report-r1)	27 September 2022	Credwell
BASIX Certificate no. 1061176M_04	7 September 2022	Ecomode Design
BCA Assessment Report (ref: C21844-BCA-Report-r2)	27 September 2022	Credwell
Letter: Groundwater Monitoring and Inflow Investigation Report (ref: GS8579-1A)	24 August 2022	Aargus
S4.55 Traffic and Parking Letter (ref: 220040.06FA)	24 August 2022	McLaren Traffic Engineering
Operational Waste Management Plan (ref: SO358 Rev. J)	24 August 2022	Elephants Foot Recycling Solutions
Letter: Supporting Letter re/ Impact of Lowering Basement on Dewatering Components (ref: ES8636-A)	28 September 2022	Aargus

b) 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. Add Condition 10A - Building Code of Australia Requirements and Fire Safety Measures to read as follows:

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA Assessment Report prepared by Credwell Consulting, dated 27/9/2022, Ref No.C21844-BCA Report-r2 including any Fire Engineered Solutions 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.

C. Add Condition 11A - Access and Facilities for Persons with a Disability to read as follows:

Access and facilities to and within the building are to be provided for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Access 2019 Report, prepared by Credwell Consulting, Ref 21844-Access Report-r1 are to be included as part of the Construction Certificate assessment. 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.

D. Modify Condition 30 - Pre-Dilapidation Report to read as follows:

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc), **and including nos. 1 and 1A Ashworth Avenue, and 24 Lockwood Avenue, Belrose.** In relation to stormwater infrastructure, the report must

be prepared in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

Reason: Protection of Council's and Private Parties' Infrastructure during construction.

E. Add Condition 35A - Amended Bicycle Parking Arrangements to read as follows:

That the basement 03 & basement 04 carpark plans be amended to demonstrate that adequate provision for bicycle parking in compliance with AS2890.3:2015 and the Warringah DCP (minimum of 66 tenant spaces and 10 visitor spaces) is present.

Plans prepared by a suitably qualified Traffic Engineer shall be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: to ensure adequate space is available for bicycle access to and from bicycle lockers.

F. Add Condition 35B - Relocate Residential Video Intercom to read as follows:

The location of the residential video intercom is to be shifted to the north and protected by a kerb consistent with details shown on Figure 2 of the Traffic and Parking Letter prepared by McLaren Traffic Engineering dated 24 August 2022.

The above change is to be reflected in amended plans for the Basement 03 carpark and is to be prepared by a suitably qualified Traffic Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To prevent blocking of adjacent parking spaces.

G. Modify Condition 74 - Post-Dilapidation Report to read as follows:

The applicant is to engage a suitably qualified person to prepare a post-dilapidation report of the condition of adjoining public and private properties **including nos. 1 and 1A Ashworth Avenue, and 24 Lockwood Avenue, Belrose** and public infrastructure (including roads, gutter, footpaths, stormwater assets etc) following the completion of works. Any noted damage is to be rectified by the applicant, to the satisfaction of Council, prior to the release of the security bond. The post construction dilapidation report must be submitted to the Council for review and the certifying authority prior to the issue of the occupation certificate.

Reason: To ensure all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.

Important Information

This letter should therefore be read in conjunction with DA2020/0393 dated 8 November 2021.

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 Peter Robinson
 Executive Manager Development Assessment

Date 03/03/2023

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 03/03/2023.