

6 July 2018



Dickson Rothschild Pty Ltd
65-69 Kent Street
MILLERS POINT NSW 2000

Dear Sir/Madam

Application Number: Mod2018/0149
Address: Lot 21 DP 1080979 , 7 Macpherson Street, WARRIEWOOD NSW 2102
Lot 1 DP 314508 , 5 Macpherson Street, WARRIEWOOD NSW 2102
Proposed Development: Modification of consent N0248/16 for the consolidation of two allotments demolition of existing structures and construction of multi dwelling housing comprising nine dwellings associated car parking 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,



Tyson Ek-Moller
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2018/0149
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Dickson Rothschild Pty Ltd
Land to be developed (Address):	Lot 21 DP 1080979 , 7 Macpherson Street WARRIEWOOD NSW 2102 Lot 1 DP 314508 , 5 Macpherson Street WARRIEWOOD NSW 2102
Proposed Development:	Modification of consent N0248/16 for the consolidation of two allotments demolition of existing structures and construction of multi dwelling housing comprising nine dwellings associated car parking and landscaping

DETERMINATION - APPROVED

Made on (Date)	06/07/2018
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The request to modify the above-mentioned Development Consent has been approved as follows:

Plans:

- Site analysis Plan, prepared by Dickson Rothschild, Rev. A, dated 16 March 2018
- Site Plan, prepared by Dickson Rothschild, Rev. D, dated 16 March 2018
- Demolition Plan, prepared by Dickson Rothschild, Rev. C, dated 16 March 2018
- Garage Level Plan, prepared by Dickson Rothschild, Rev. E, dated 16 March 2018
- Ground/Entry Level Plan, prepared by Dickson Rothschild, Rev. F, dated 16 March 2018
- First Floor Plan, prepared by Dickson Rothschild, Rev. F, dated 16 March 2018
- Second Floor Plan, prepared by Dickson Rothschild, Rev. F, dated 16 March 2018
- Roof Plan, prepared by Dickson Rothschild, Rev. E, dated 16 March 2018
- North Elevations, prepared by Dickson Rothschild, Rev. F, dated 16 March 2018
- South Elevations, prepared by Dickson Rothschild, Rev. D, dated 16 March 2018
- East & West Elevations, prepared by Dickson Rothschild, Rev. E, dated 16 March 2018
- Section AA & BB, prepared by Dickson Rothschild, Rev. F, dated 16 March 2018
- Section CC, DD & EE, prepared by Dickson Rothschild, Rev. F, dated 16 March 2018
- Section FF & GG, prepared by Dickson Rothschild, Rev. F, dated 16 March 2018

- External Material & Finishes Schedule, prepared by Dickson Rothschild, Rev. B, dated 16 March 2018
- Landscape Plan - Ground Floor, prepared by Greenland Design, Drawing No. 1823.GD.01, Rev. A, dated 12 March 2018
- Landscape Plan - Level 2, prepared by Greenland Design, Drawing No. 1823.GD.02, Rev. A, dated 12 March 2018
- Landscape Detail & Specification, prepared by Greenland Design, Drawing No. 1823.GD.03,

Rev. A, dated 12 March 2018

- Pool Fence, prepared by Sammy Fedele, Sheet no. DA15, Rev. C, dated 10 March 2016;
- Basement Plan, Notes & Details, prepared by ING Consulting Engineers Pty Ltd, Drawing No. 07610-02/6, Issue A, dated 28 February 2018
- Erosion & Sediment Control Plan, prepared by ING Consulting Engineers Pty Ltd, Drawing No. 07610-01/5, Issue A, dated 28 February 2018
- Site Plan, prepared by ING Consulting Engineers Pty Ltd, Drawing No. 07610-04/6, Issue A, dated 28 February 2018
- Ground Floor Plan, prepared by ING Consulting Engineers Pty Ltd, Drawing No. 07610-03/6, Issue A, dated 28 February 2018
- Notes & Details, prepared by ING Consulting Engineers Pty Ltd, Drawing No. 07610-05/06, Issue A, dated 28 February 2018
- Notes & Details 2, prepared by ING Consulting Engineers Pty Ltd, Drawing No. 07610-06/6, Issue A, dated 28 February 2018

- Survey Plan, prepared by DP Surveying, Ref. No. 2672, dated 29 April 2016

Documents:

- BASIX Certificate No. 893808M, prepared by Eco Certificates Pty Ltd, dated 19 March 2016
- Site Water Cycle Management Report, prepared by Martens Consulting Engineers, Report Ref. P1605698JR01V03, Rev. 3, dated 9 December 2016;
- Site Water Management Report, prepared by ING Consulting Engineers Pty Ltd, Version 2, dated 10 March 2018
- Preliminary Site Investigation, prepared by Alliance Geotechnical, Report No. 1644/ER-1-1, dated 7 June 2016
- Geotechnical Investigation and Acid Sulphate Soil Assessment, prepared by STS GeoEnvironmental Pty Ltd, Report Ref. 17/2251A, dated March 2018
- Bushfire Risk Assessment, prepared by Ronald Coffey, Ref. No. 912-R, dated 27 February 2016
- Arborist Report, prepared by Malcolm Bruce, dated 3 December 2014
- Access Report, prepared by Ergon Consulting, Rev. B, dated 3 June 2016
- Preliminary BCA Assessment, prepared by APEX Engineers, dated April 2016
- Waste Management Plan, prepared by APEX Engineers, dated April 2016

Condition B15 is to be added as follows:

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

Condition B16 is to be added as follows:

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Condition B17 is to be added as follows:

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Condition B18 is to be added as follows:

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

1. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Condition B19 is to be added as follows:

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Condition B20 is to be added as follows:

The windows adjacent to the stairway on:

- The eastern elevation of Lot 6 (i.e. the eastern elevation of Block C); and
- The western elevation of Lot 7 (i.e. the western elevation of Block D),

shall be fitted with screens and/or obscured glass to prevent direct views into Lots 6 and 7. Any screens shall be constructed from colours and materials that are consistent with the approved external colours and materials.

Condition C18 is to be added as follows:

The dimensions of all car parking bays and aisle widths in the carpark are to comply with the requirements of AS/NZS 2890.1-2004 - off-street carparking.

Reason: To ensure compliance with standards relating to manoeuvring, access and parking (DACTRCPC1)

Condition D28 is to be added as follows:

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed

Condition D29 is to be added as follows:

Should a Works Zone be required an application shall be submitted using Council's Works Zone application form no less than 2 weeks in advance of the date the Works Zone is required.

Reason: To allow for processing, assessment and installation of signage (DACTRDPC1)

Condition D30 is to be added as follows:

There are existing underground electricity network assets in Macpherson Street.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia–Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Condition E11 is to be added as follows:

The following planting amendments shall be completed:

- i. all trees shall be planted at 75 litre pot size,
- ii. an additional 7 trees, selected from the scheduled trees, shall be planted along southern boundary,
- iii. *Pittosporum* 'miss muffett' shall be substituted for a similar sized shrub as the species has a high failure rate,
- iv. *Rhapiolepis indica* shall be substituted for a similar sized shrub as the species is exempt and is invasive.

Reason: to satisfy the requirements of Control C1.1.

Condition E12 is to be added as follows:

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

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

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACBCFPOC1)

Condition E13 is to be added as follows:

A parking signal system shall be installed that indicates when the visitor parking bays are occupied by vehicles.

Reason: To ensure efficient use of available offstreet parking (DACTRFPOC1)

Condition E14 is to be added as follows:

All visitor parking spaces be marked on site as "VISITOR" parking.

Reason: To ensure visitor spaces remain available for visitor use. (DACTRFPOC2)

Important Information

This letter should therefore be read in conjunction with N0248/16 dated 18 January 2017.

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.

Section 97AA 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.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Tyson Ek-Moller, Planner

Date 06/07/2018