

9 March 2022



Minto Planning Services Pty Ltd  
Po Box 424  
BEROWRA NSW 2081

Dear Sir/Madam

**Application Number:** Mod2021/0859  
**Address:** Lot 3 DP 25050 , 723 Warringah Road, FORESTVILLE NSW 2087  
Lot 2 DP 25050 , 725 Warringah Road, FORESTVILLE NSW 2087  
Lot 1 DP 25050 , 727 Warringah Road, FORESTVILLE NSW 2087  
**Proposed Development:** Modification of Development Consent DA2018/0697 granted for demolition works and construction of a centre-based child care facility for a maximum of 146 children

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,



Maxwell Duncan  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2021/0859
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Minto Planning Services Pty Ltd
<b>Land to be developed (Address):</b>	Lot 3 DP 25050 , 723 Warringah Road FORESTVILLE NSW 2087 Lot 2 DP 25050 , 725 Warringah Road FORESTVILLE NSW 2087 Lot 1 DP 25050 , 727 Warringah Road FORESTVILLE NSW 2087
<b>Proposed Development:</b>	Modification of Development Consent DA2018/0697 granted for demolition works and construction of a centre-based child care facility for a maximum of 146 children

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	08/03/2022
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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:**

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>
A002/ Revision G	5 October 2021	Liquid Design
A2000/ Revision Q	5 October 2021	Liquid Design
A2001/ Revision P	5 October 2021	Liquid Design
A2002/ Revision P	5 October 2021	Liquid Design
A2005/ Revision N	5 October 2021	Liquid Design
A2100/ Revision E	5 October 2021	Liquid Design
A2101/ Revision E	5 October 2021	Liquid Design
A2102/ Revision E	5 October 2021	Liquid Design
A2105/ Revision B	5 October 2021	Liquid Design

A3000/ Revision N	5 October 2021	Liquid Design
A3001/ Revision M	5 October 2021	Liquid Design
A3500/ Revision J	5 October 2021	Liquid Design
A3501/ Revision I	5 October 2021	Liquid Design
A3502/ Revision I	5 October 2021	Liquid Design
A4000/ Revision K	5 October 2021	Liquid Design

<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>
Acoustic Assessment	8 February 2022	NG Child and Associates
Detailed Geotechnical Report	9 November 2021	Marten and Associates
Access Report	22 September 2021	AED Group
NCC Building Code of Australia Compliance Assessment	22 September 2021	AED Group

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Concept and Landscape Plan	31 January 2022	Urban Landscape Projects
Elevation Drawing	31 January 2022	Urban Landscape Projects
Concept and Landscape Plan	31 August 2021	Urban Landscape Projects
Concept and Landscape Plan - School Readiness Balcony	31 August 2021	Urban Landscape Projects

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

**B. Modify Condition 3- Compliance with Other Department, Authority or Service Requirements - to read as follows:**

**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	N/A
NSW Roads & Maritime Services letter dated 5 June 2018	Response - NSW RMS	8 April 2019

(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. Add Condition 17A - Building Code of Australia Requirements - to read as follows:**

The Building Code of Australia works and fire safety measures as detailed and recommended in the Building Code of Australia Assessment Report prepared by AED Group, dated 22/9/2021, Report Ref No. 8245(BCA)-Rev 2 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 39A - Fire Safety Matters - to read 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 the NSW Fire Brigade.

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 the NSW Fire Brigade 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.

**D. Add Condition 17B - Amended Landscape Plan - to read as follows:**

i) Landscape Plans are to be amended to delete *Cupaniopsis anacardioides* from the planting list and substitute with *Corymbia maculata*, minimum pot size 75 litre.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Environmental amenity.

**E. Add Condition 17C - External Finishes to Roof - to read as follows:**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

## Important Information

This letter should therefore be read in conjunction with DA2018/0697 approved 3 May 2019 and MOD2020/0575 2 February 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 submitted to Council 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                Maxwell Duncan, Planner

Date                 08/03/2022