

10 April 2024



Royal Far West
C/- Greg Boston 1/9 Narabang Way
BELROSE NSW 2085

Dear Sir/Madam

Application Number: Mod2023/0720
Address: Lot 101 DP 1247422 , 22 Wentworth Street, MANLY NSW 2095
Lot 100 DP 1276056 , 19 - 21 South Steyne, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA2022/1000 granted for
Demolition works, alterations and additions to existing buildings
and construction of new mixed use buildings including 2 levels
of basement and stratum subdivision

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Jordan Davies
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0720 PAN-402035
Applicant:	Royal Far West C/- Greg Boston 1/9 Narabang Way BELROSE NSW 2085
Property:	Lot 101 DP 1247422 22 Wentworth Street MANLY NSW 2095 Lot 100 DP 1276056 19 - 21 South Steyne MANLY NSW 2095
Description of Development:	Modification of Development Consent DA2022/1000 granted for Demolition works, alterations and additions to existing buildings and construction of new mixed use buildings including 2 levels of basement and stratum subdivision
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	10/04/2024
Date from which the consent operates:	10/04/2024

Under Section 4.55 (1a) Minor Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed

On behalf of the Consent Authority



Name

Jordan Davies, Principal Planner

Date

10/04/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
MOD2023/0720 #PAN-402035	The date of this notice of determination	<p>Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, as follows:</p> <ul style="list-style-type: none"> - Modification of basement level plans including adjustment of setbacks from site boundaries, internal re-planning of basement levels and coordination of structural services and lift cores. - Minor modification to accommodate the retention of an existing fire egress stair within C.C.K building. - Modifications to the upper level plans to coordinate with re-planning of basement egress stairs, lifts cores and car parking exhaust riser locations. - A 15m² reduction in commercial/retail floor space. - The revised basement design proposes a total supply of 213 car parking spaces, comprising of 50 CCK/ Drummond House spaces (including two van spaces), 89 residential spaces, 5 residential visitor spaces, 69 commercial spaces and no car share space. <p>Amend Condition 14 - To refer to the amended civil and stormwater plans</p> <p>Add Condition 40A Building Code of Australia Upgrade requirements and Fire Safety Upgrade</p> <p>Amend condition 52 Dewatering Management</p> <p>Amend Condition 89 Garbage and Recycling Facilities</p> <p>Add Condition 96A Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval</p> <p>Add Condition 96B Fire Safety Matters</p> <p>Add condition 96C Long Term Environmental Management Plan</p> <p>Add condition 96D Positive Covenant for encapsulated contamination</p> <p>Add condition 96E Parking space management</p> <p>Add condition 96F Resident Parking Permits</p> <p>Add condition 105A Landscaping adjoining vehicular access</p> <p>Modification of the description of the approved development to include the wording 'including 2 levels of basement and stratum subdivision.</p> <p>Update Site address</p>

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
S4.55-100	A	Cover Sheet	Murcutt Candalepas	11/12/2023
S4.55-101	A	Site Analysis	Murcutt Candalepas	11/12/2023
S4.55-102	A	Site Plan	Murcutt Candalepas	11/12/2023
S4.55-103	A	Demolition Plan - Level Ground	Murcutt Candalepas	11/12/2023
S4.55-104	A	Demolition Plan - Level 1	Murcutt Candalepas	11/12/2023
S4.55-105	A	Demolition Plan - Level 2	Murcutt Candalepas	11/12/2023
S4.55-106	A	Demolition Plan - Level 3	Murcutt Candalepas	11/12/2023
S4.55-110	A	Basement 2 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-111	A	Basement 1 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-112	A	Ground Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-113	A	Level 1 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-114	A	Level 2 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-115	A	Level 3 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-116	A	Level 4 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-117	A	Level 5 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-118	A	Level 6 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-119	A	Level 7 Floor Plan	Murcutt Candalepas	11/12/2023
S4.55-120	A	Level 8 Floor Plan (Roof Terrace)	Murcutt Candalepas	11/12/2023

S4.55-125	A	Section A	Murcutt Candalepas	11/12/2023
S4.55-126	A	Section B	Murcutt Candalepas	11/12/2023
S4.55-127	A	Section C	Murcutt Candalepas	11/12/2023
S4.55-128	A	Section D	Murcutt Candalepas	11/12/2023
S4.55-135	A	North Elevation	Murcutt Candalepas	11/12/2023
S4.55-136	A	East Elevation	Murcutt Candalepas	11/12/2023
S4.55-137	A	South Elevation	Murcutt Candalepas	11/12/2023
CV-8000	2	COVER SHEET, DRAWING SCHEDULE AND LOCALITY PLAN	Northrop	18/12/2023
CV-8001	2	SPECIFICATION NOTES	Northrop	18/12/2023
CV-8050	2	SEDIMENT AND SOIL EROSION CONTROL PLAN	Northrop	18/12/2023
CV-8051	2	DETAILS - SEDIMENT AND SOIL EROSION CONTROL	Northrop	18/12/2023
CV-8110	2	BULK EARTHWORKS PLAN	Northrop	18/12/2023
CV-8210	2	STORMWATER MANAGEMENT PLAN	Northrop	18/12/2023
CV-8220	2	DETAILS - ROAD CROSSING SECTION	Northrop	18/12/2023
CV-8230	2	DETAILS	Northrop	18/12/2023
CV-8250	2	WSUD CATCHMENT PLAN	Northrop	18/12/2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Geotechnical Desktop Assessment 72252.12	0	Douglas Partners	14/12/2023
Waste Management Plan WM-RPT-0001	04	LID Consulting	13/12/2023
BCA Compliance Capability Assessment Report Number: 210376	02	City Plan	14/12/2023

In the event of any inconsistency between the approved plans, reports and documentation, the

approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Modify Condition 14 Detailed Design of Stormwater Treatment Measures to read as follows:

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with NORTHROP CIVIL AND STORMWATER PLANS rev 02 18/12/2023 and Council's Water Management for Development Policy shall be submitted to the Certifying Authority prior to the release of the relevant Construction Certificate.

Reason: Protection of the receiving environment.

C. Add Condition 40A Building Code of Australia Upgrade requirements and Fire Safety Upgrade to read as follows:

The BCA Compliance Capability Assessment Report prepared by City Plan Services P/L, dated 14/12/2023, Report Ref No. 210376 Rev 2 is to be considered as part of the assessment of the relevant Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

D. Amend condition 52 Dewatering Management to read as follows:

A permit from Council is required for any dewatering of groundwater.

The groundwater/tailwater to be discharged must be compliant with the WaterNSW General Terms of Approval (IDAS1145460) issued on 5 October 2022/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

E. Modify Condition 89 Garbage and Recycling Facilities to read as follows:

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

F. Add Condition 96A Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval to read as follows:

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 Roads Act Application. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to Council for acceptance and Council's acceptance submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

G. Add Condition 96B 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 Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or 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 Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

H. Add condition 96C Long Term Environmental Management Plan to read as follows:

If some amount of capping of contaminated materials is deemed necessary, by the Environmental Consultant, in any part of the site and / or long-term management of residual contamination is required (such as residual groundwater contamination) then a long-term Environmental Management Plan may be required. If required, the EMP must include:

- a) Details the extent of contaminated soils that remain present at the site;
- b) A description of the expected conditions at the site;
- c) Details the remediation works completed at the site;
- d) The management and maintenance protocols for the capping system or other management system;
- e) The protocols for future works at the site within contaminated areas;
- f) The hazards associated with the contaminated materials at the site and the corresponding management controls; and
- g) The responsibilities of the appropriate parties to the EMP.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the relevant Occupation Certificate.

Reason: Protection of the environment

I. Add condition 96D Positive Covenant for encapsulated contamination to read as follows:

If required based on the completion of the Remediation Action Plan and in consultation with the Environmental Consultant, a covenant is to be registered on the title of the land, giving notice of the former use, level of site contamination and its former location on the land.

If required, the covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by Northern Beaches Council or any State or Federal Department/Authority.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Reason: Environmental Protection.

J. Add condition 96E Parking Space Management to read as follows:

The parking spaces within the development to be managed as follows:

- a) The Building Management Committee shall ensure that five (5) commercial parking spaces in close proximity to the residential secure line, being spaces numbered 37 to 41 on the approved basement plan, are signposted and made available for residential visitor use outside of business hours (weekdays from 5pm to 9am) and on weekends. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.
- b) The modification application includes 17 retail/commercial tandem spaces. The rear tandem parking spaces are to be assigned for retail staff, and the front tandem parking spaces are reserved for retail customers.

Reason: To ensure parking availability for residents, visitors, retail staff and retail customers in accordance with Council's Development Control Plan.

K. Add condition 96F Resident Parking Permits to read as follows:

Any residents and/or tenants of the subject site are not eligible for resident parking permits even if they reside in a Permit Parking Scheme area. This condition is to be provided on the property Title, prior to the issue of the relevant occupation certificate.

Reason: To encourage sustainable transport alternatives and ensure that residents/tenants are aware that they are not entitled to a permit.

L. Add condition 105A Landscaping adjoining vehicular access to read as follows:

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1,140mm

Reason: To maintain unobstructed sight distance for motorists.

Important Information

This letter should therefore be read in conjunction with DA2022/1000 dated 15 December 2022.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater,

the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.