

3 February 2022

Squillace Architects
C/- Squillace Architects 1/80 Albion Street
SURRY HILLS NSW 2010

Dear Sir/Madam

Application Number: Mod2021/0647
Address: Lot 101 DP 1110110 , 96 - 97 North Steyne, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA 272/2017 for Alterations and additions to an existing Residential Flat Building

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,



Rebecca Englund
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2021/0647
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Squillace Architects
Land to be developed (Address):	Lot 101 DP 1110110 , 96 - 97 North Steyne MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA 272/2017 for Alterations and additions to an existing Residential Flat Building

DETERMINATION - APPROVED

Made on (Date)	02/02/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1AA - "Modification of Consent - Approved Plans and supporting Documentation" to the 'General Conditions' section of the consent 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
Dwg No. DA1003 Issue C - Demolition - Proposed Ground Floor Plan	12 January 2022	Squillace Architects
Dwg No. DA1004 Issue C - Demolition - Proposed Levels 1 & 2 Floor Plans	12 January 2022	Squillace Architects
Dwg No. DA1005 Issue C - Demolition - Proposed Level 3 Floor Plan	12 January 2022	Squillace Architects
Dwg No. DA1006 Issue C - Demolition - Proposed Level 4 Floor Plan	12 January 2022	Squillace Architects
Dwg No. DA1007 Issue B - Demolition - Proposed Roof Plan	11 August 2021	Squillace Architects
Dwg No. DA3000 Issue B - Proposed Building Section AA	11 August 2021	Squillace Architects
Dwg No. DA2000 Issue C - Demolition - Proposed West Elevation (Pine Lane) / Proposed North	12 January 2022	Squillace Architects

Elevation		
Dwg No. DA2001 Issue C - Demolition - Proposed East Elevation (North Steyne) / Proposed South Elevation (Pine Street)	12 January 2022	Squillace Architects
Dwg No. DA3005 Issue A - Detail Section	17 January 2022	Squillace Architects
Dwg No. DA3006 Issue A - Proposed Section through Ground Spa	18 January 2022	Squillace Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 880579M_02	19 August 2021	EPS
Condenser Unit Noise Review	5 May 2021	Acoustic Logic
Arboricultural Impact Assessment	13 July 2021	All Arbour Solutions

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Dwg No.000 - Landscape Coversheet (Issue B)	20 July 2021	Site Image Landscape Architects
Dwg No. 101 - Landscape Plan - Ground Floor (Issue C)	20 July 2021	Site Image Landscape Architects
Dwg No. 102 - Landscape Character (Issue A)	12 July 2021	Site Image Landscape Architects
Dwg No. 501 - Landscape Details (issue A)	12 July 2021	Site Image Landscape Architects

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

B. Add Condition No. 7A "Amendments to Approved Plans" prior to the 'Conditions to be satisfied prior to the issue of the Construction Certificate' section of the consent to read as follows:

The following amendments are to be made to the approved plans:

- The mechanical plant louvred screening is limited to a maximum of 1.55m in height above the approved top of the roof (RL20.79) and is not to exceed an overall height greater than RL22.34.
- Delete the extension to the ground floor terrace for Unit 2 and Unit 3.
- Delete the proposed wall along the eastern boundary.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

C. Add Condition No. 7B "Noise - Design of Mechanical Plant" prior to the 'Conditions to be satisfied prior to the issue of the Construction Certificate' section of the consent to read as follows:

Prior to the issue of a Construction Certificate the specifications of the condenser units are to be provided to the Principal Certifying Authority. An acoustic assessment is to be undertaken by a suitably qualified professional such as an acoustic engineer to determine acoustic treatments to control noise emissions from the condenser units in accordance with the recommendations within the Condenser Unit Noise Review by Acoustic Logic Consultancy Pty Ltd dated 5 May 2021 (ref: 20180678.2/2707A/R3/HC).

Any design recommendations made by the consultant must be implemented into the plans prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To maintain amenity of the surrounding area.

D. Add Condition No. 7C "Structural Certification" prior to the 'Conditions to be satisfied prior to the issue of the Construction Certificate' section of the consent to read as follows:

The terraces at level 4 for Unit 18 and Unit 19 shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. This is to ensure the spas will not impact the structural integrity of the building.

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

Reason: Public and private safety.

E. Add Condition No. 11A "Project Arborist" prior to the 'Conditions to be satisfied prior to any commencement' section of the consent to read as follows:

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites and the recommendations of the Arboricultural Impact Assessment. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the

Arboricultural Impact Assessment, including:

i) section 4.3 - trunk protection battens to existing trees, 4, 6, 7, 9, 10 and 11.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Reason: Tree protection.

F. Add Condition No. 11B "Project Arborist" prior to the 'Conditions to be satisfied prior to any commencement' section of the consent to read as follows:

Tree Removal Within the Property This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- trees 2, 3, 5, 6 and 8 - Cabbage Tree Palms

Note: Exempt species as listed in the development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal

Reason: To enable authorised building works.

G. Add Condition No. 19B "Acoustic Certification" prior to the 'Conditions to be satisfied prior to the issue of the Occupation Certificate' section of the consent to read as follows:

An acoustic review by an Acoustic Engineer, shall be undertaken prior to occupation to determine that acoustic treatments/plant and equipment are compliant with the measures to control noise emissions as required by Acoustic Logic (ref: 20180678.2/2707A/R3/HC 5/05/2021) and comply with legislation to prevent offensive noise.

Reason: To prevent noise nuisance.

H. Add Condition No. 19B "Landscape Completion" prior to the 'Conditions to be satisfied prior to the issue of the Occupation Certificate' section of the consent to read as follows:

Landscaping is to be implemented in accordance with the approved Landscape Plans, inclusive of the following conditions:

- i) two (2) *Livistona australis* (Cabbage Tree Palm) shall be installed within the existing landscape area at the corner of Pine Street and Pine Lane not impacted by the development works, at a minimum 75 litre or larger pot container size,
- ii) one (1) *Livistona australis* (Cabbage Tree Palm) shall be installed within the existing landscape area between existing Cabbage Trees identified as tree 4 and tree 7, at a minimum 75 litre or larger pot container size.

Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

I. Add Condition No. 20A "Swimming Pool/Spa Motor Noise" to the 'Ongoing Conditions relating to the ongoing operation of the premises or development' section of the consent to read as follows:

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

J. Delete Condition ANS04A.

Important Information

This letter should therefore be read in conjunction with DA272/2017 dated 4 April 2018.

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

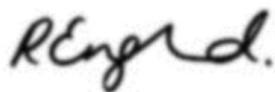
You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be submitted to Council within 28 days of this determination, to enable the assessment and determination 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 Rebecca Englund, Manager Development Assessments

Date 02/02/2022