

18 March 2024



Marina Afonso Maia Goncalves
3 / 1 A The Corso
MANLY NSW 2095

Dear Sir/Madam

Application Number: Mod2024/0003
Address: Lot B DP 382992 , 199 - 205 Pittwater Road, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA2022/0193 granted for Alterations and additions to shop top housing

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,



Stephanie Gelder
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0003 PAN-403303
Applicant:	Marina Afonso Maia Goncalves 3 / 1 A The Corso MANLY NSW 2095
Property:	Lot B DP 382992 199 - 205 Pittwater Road MANLY NSW 2095
Description of Development:	Modification of Development Consent DA2022/0193 granted for Alterations and additions to shop top housing
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	15/03/2024
Date from which the consent operates:	15/03/2024

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 Stephanie Gelder, Planner

Date 15/03/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-403303	The date of this notice of determination	Modification of Development Consent DA2022/0193 granted for Alterations and additions to shop top housing Add Condition 1A - Modification of Consent - Approved Plans and supporting documentation Add Condition 2A - Compliance with Other Department, Authority or Service Requirements Add Condition 11A - Amendments to the approved plans Add Condition 27A - Signage details Modify Condition 28 - Waste and Recycling Requirements Modify Condition 43 - Waste/Recycling Requirements (Waste Plan Submitted) Delete Condition 47 - Mechanical Servicing of car stackers Modify Condition 50 - Fire Safety Matters Modify Condition 51 - Waste and Recycling Facilities Certificate of Compliance Modify Condition 52 - Waste/Recycling Compliance Documentation Modify Condition 56 - Tandem and Stacked Parking Space Modify Condition 57 - Allocation of Spaces

Modified conditions

A. Add Condition 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
A-DA-003	03	Site Plan	Chrofi Architects	10 January 2024
A-DA-101	06	Ground Floor Plan	Chrofi Architects	6 March 2024
A-DA-102	05	First Floor Plan	Chrofi Architects	14 December 2023
A-DA-201	05	Elevations - Sheet 1	Chrofi Architects	14 December 2023

A-DA-202	05	Elevations - Sheet 2	Chrofi Architects	14 December 2023
A-DA-203	05	Elevations - Sheet 3	Chrofi Architects	14 December 2023
A-DA-204	05	Elevations - Sheet 4	Chrofi Architects	14 December 2023
A-DA-301	05	Sections - Sheet 1	Chrofi Architects	14 December 2023
A-DA-302	05	Sections - Sheet 2	Chrofi Architects	14 December 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1272545M_02	Gradwell Consulting	09 January 2024
NatHERS Certificate	0007016470	Gradwell Consulting	09 January 2024
Traffic Report	21455	The Transport Planning Partnership	23 November 2023
Waste Management Report	1.1	MRA Consulting Group (MRA)	6 March 2024

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. Add Condition 2A - 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:

Other Department, Authority or Service	EDMS Reference	Dated
Transport for New South Wales	Referral Response - TfNSW	20 February 2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website 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 11A - Amendments to the approved plans to read as follows:

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

- The entry door to Unit 1, Unit 2, and Unit 3 on the First Floor shall be clearly shown on the plans.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

D. Add Condition 27A - Signage details to read as follows:

The details of the proposed signage for the retail premises, including the location, size and colour scheme are to be submitted to the Council's Heritage Advisor for written approval prior to the issue of the Construction Certificate.

Reason: To ensure the proposed works are compatible with the significance of the HCA.

E. Modify Condition 28 - Waste and Recycling Requirements to read as follows:

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

F. Modify Condition 43 - Waste/Recycling Requirements (Waste Plan Submitted) to read as follows:

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated 6 March 2024.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

G. Delete Condition 47 - Mechanical Servicing of car stackers to read as follows:

DELETED.

H. Modify Condition 50 - 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.

I. Modify Condition 51 - Waste and Recycling Facilities Certificate of Compliance to read as follows:

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

J. Modify Condition 52 - Waste/Recycling Compliance Documentation to read as follows:

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

K. Modify Condition 56 - Tandem and Stacked Parking Spaces to read as follows:

Tandem parking spaces are to be assigned to the same residential unit.

Reason: To minimize conflicts regarding parking areas.

L. Modify Condition 57 - Allocation of Spaces to read as follows:

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 7 - Residential
- 1 - Retail

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site.

Important Information

This letter should therefore be read in conjunction with DA2022/0193 dated 5 October 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.