

17 June 2025

Brett Rodney Jeffries
10 Taminga Street
BAYVIEW NSW 2104

Dear Sir/Madam

Application Number: Mod2025/0186
Address: Lot 10 DP 27133 , 10 Taminga Street, BAYVIEW NSW 2104
Proposed Development: Modification of Development Consent DA2021/0060 granted for Alterations and additions to a dwelling house

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,



Anaiis Sarkissian
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2025/0186 PAN-528312
Applicant:	Brett Rodney Jeffries 10 Taminga Street BAYVIEW NSW 2104
Property:	Lot 10 DP 27133 10 Taminga Street BAYVIEW NSW 2104
Description of Development:	Modification of Development Consent DA2021/0060 granted for Alterations and additions to a dwelling house
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	17/06/2025
Date from which the consent operates:	17/06/2025

Under Section 4.55 (2) 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 Anais Sarkissian, Planner

Date 17/06/2025

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-528312 MOD2025/0186	The date of this notice of determination	Modification of Development Consent DA2021/0060 granted for alterations and additions to a dwelling house Modify Condition 1A - Modification of Consent - Approved Plans and supporting documentation Add Condition 3A - Extent of Approved Works Add Condition 11A - Additional Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans Add Condition 11B - Stormwater disposal from Right of Way Driveway Add Condition 11C - Construction Traffic Management Plan Add Condition 13A - Project Arborist Modify Condition 15 - Tree and Vegetation Protection Add Condition 18A - Implementation of Construction Traffic Management Plan Add Condition 18B - Condition of Trees Add Condition 25A - Condition of Retained Vegetation
PAN-371341 MOD2023/0507	23 October 2023	Modification of Development Consent DA2021/0060 granted for alterations and additions to a dwelling house Add Condition 1A - Modification of Consent - Approved Plans and supporting documentation Modify Condition 9 - Amendments to the approved plans

Modified conditions

A. Modify 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
MOD.01	O	Site Analysis Plan	JJ Drafting	18 October 2023
MOD.02	O	Proposed Upper Level Plan	JJ Drafting	18 October 2023
MOD.03	O	Proposed Entry Level Plan	JJ Drafting	18 October 2023

MOD.04	O	Proposed Lower Level Plan	JJ Drafting	18 October 2023
MOD.05	O	Proposed Gym & Mezzanine Level Plan	JJ Drafting	18 October 2023
MOD.06	O	South Elevation	JJ Drafting	18 October 2023
MOD.07	O	West Elevation	JJ Drafting	18 October 2023
MOD.08	O	North Elevation	JJ Drafting	18 October 2023
MOD.09	O	East Elevation	JJ Drafting	18 October 2023
MOD.10	O	Section A-A	JJ Drafting	18 October 2023
MOD03	-	Site Plan	Action Plans	28 May 2025
MOD04	-	Proposed Entry Level Plan (only portion shaded orange)	Action Plans	28 May 2025
D02	C	Site Stormwater Drainage Plan	NB Consulting Engineers	29 May 2025
D10	B	Stormwater Drainage Details and Sections	NB Consulting Engineers	17 February 2025
C02	C	Site Layout Plan	NB Consulting Engineers	17 February 2025
C03	C	Driveway Access Plans	NB Consulting Engineers	17 February 2025
C04	C	Driveway Access Plans - Sheet 2	NB Consulting Engineers	17 February 2025
C10	C	Proposed Contour & Spot Levels Layout Plan (Approximate) - Sheet 1	NB Consulting Engineers	17 February 2025
C11	C	Proposed Contour & Spot Levels Layout Plan (Approximate) - Sheet 2	NB Consulting Engineers	17 February 2025
C12	C	Proposed Contour & Spot Levels Layout Plan (Approximate) - Sheet 3	NB Consulting Engineers	17 February 2025
C20	C	Longitudinal Sections - Sheet 1	NB Consulting Engineers	17 February 2025
C21	C	Longitudinal Sections - Sheet 2	NB Consulting Engineers	17 February 2025
C22	C	Longitudinal Sections - Sheet 3	NB Consulting Engineers	17 February 2025
C23	C	Longitudinal Sections - Sheet 4	NB Consulting Engineers	17 February 2025
C24	C	Longitudinal Sections - Sheet 5	NB Consulting Engineers	17 February 2025
C25	C	Longitudinal Sections - Sheet 6	NB Consulting Engineers	17 February 2025
C26	C	Longitudinal Sections - Sheet 7	NB Consulting Engineers	17 February 2025

S02	B	Retaining Wall and Driveway Plan and Details	NB Consulting Engineers	17 February 2025
S03	B	Retaining Wall and Driveway Detail Sheet	NB Consulting Engineers	17 February 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate A398756_02	N/A	JJ Drafting Australia Pty Ltd	13 September 2023
Geotechnical Statement	SRE/953/BV/23	Soilsrock Engineering	13 September 2023
Arboricultural Impact Assessment	-	Hugh The Arborist	7 March 2025
Addendum to Geotechnical Report	SRE/1375/BV/25	Soilsrock Engineering	25 March 2025
Waste Management Plan	-	Author Unknown	n.d.

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 3A - Extent of Approved Works, to read as follows:

This consent applies only to the land at 10 Taminga Street and does not imply approval for works to any other land.

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

C. Add Condition 11A - Additional Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans, to read as follows:

The recommendations identified in the additional Geotechnical Report by Soilsrock dated 25.03.2025 referenced in Condition 1 of this consent are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

D. Add Condition 11B - Stormwater disposal from Right of Way Driveway, to read as follows:

Stormwater from the right of way driveway development shall be disposed of in accordance with the Stormwater Management plans prepared by NB Consulting Engineers, Job No. 2405100, rev C dated

29.05.2025.

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

Reason: To ensure appropriate provision for disposal of stormwater management arising from the development.

E. Add Condition 11C - Construction Traffic Management Plan, to read as follows:

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.

- A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

F. Add Condition 13A - Project Arborist, to read as follows:

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with the Arboricultural Impact Assessment dated 7 March 2025 prepared by Hugh the Arborist and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment.

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 Principal Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the 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.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

G. Modify Condition 15 - Tree and Vegetation Protection, to read as follows:

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees within the site,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated and AS4970-2009 Protection of trees on development sites, and any recommendation:

Assessment,

- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained by the Project Arborist,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consent of Council,
- iv) no excavated material, building material storage, site facilities, nor landscape material storage or other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone of any tree on the lot or any tree on an adjoining site, with the Project Arborist including advice on root protection measures,
- vii) any excavation or all of v) or vi) occur during site establishment and construction works, in accordance with the Project Arborist's recommendations for tree protection measures. Details including photographic evidence to be provided by the Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of any tree on the lot or any tree on an adjoining site, during the construction works is to be undertaken using the protection measures specified in the 2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not be undertaken within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of an AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences, ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction period.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by the Project Arborist, and any recommendations of an approved Arboricultural Impact Assessment are followed.

Reason: Tree and vegetation protection.

H. Add Condition 18A - Implementation of Construction Traffic Management Plan, to read as follows:

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

I. Add Condition 18B - Condition of Trees, to read as follows:

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from the Project Arborist during the works.

In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

J. Add Condition 25A - Condition of Retained Vegetation, to read as follows:

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

Important Information

This letter should therefore be read in conjunction with DA2021/0060 dated 24 May 2021 and MOD2023/0507 dated 23 October 2023.

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.