

2 November 2022



Troy John Taylor
5 Hubert Street
FRESHWATER NSW 2096

Dear Sir/Madam

Application Number: Mod2022/0540
Address: Lot 70 DP 12072 , 5 Hubert Street, FRESHWATER NSW 2096
Proposed Development: Modification of Development Consent DA2022/0502 granted for construction of a carport

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,



Stephanie Gelder
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0540
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Troy John Taylor
Land to be developed (Address):	Lot 70 DP 12072 , 5 Hubert Street FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2022/0502 granted for construction of a carport

DETERMINATION - APPROVED

Made on (Date)	02/11/2022
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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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Ground Floor Plan - 2, Issue Q	8 February 2022	Bettswhite Home Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report	21 September 2022	The Tree MD Pty Ltd

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

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

B. Modify Condition 2 - 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
Ausgrid	Ausgrid Referral Response	19 October 2022

(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. Modify Condition 14 - Protection of Existing Street Trees to read as follows:

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the Brushbox street tree fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

The Project Arborist shall be in attendance during any required excavation works within the tree protection zone and shall provide recommendations for the Brushbox street tree root pruning and arboricultural care to ensure the tree remains viable. Driveway construction levels, techniques and materials shall be advised. Certification from the Project Arborist to the Principal Certifier shall be submitted including a report on inspections and shall provide photographic evidence of the works.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

D. Modify Condition 19 - Vehicle Crossings to read as follows:

The Applicant is to construct one vehicle crossing 3.5 metres wide at kerb in accordance with driveway drawing by Bettswite Home Design, Drawing No- 2203 DA1, Issue Q, Dated 08/02/2022 and Northern Beaches Council Drawing No A4-3330/3 NL and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

All existing street trees in the vicinity of the works shall be retained and the driveway must be constructed at least half a metre (500mm) from street tree, construction must be in a tree sensitive manner, and excavation for the driveway shall be supervised and certified by project Arborist.

Existing Telstra pit should not be disturbed during construction and proposed driveway to be constructed at an adequate distance from Telstra pit.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

Important Information

This letter should therefore be read in conjunction with DA2022/0502 dated 3 June 2022.

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 lodged on the NSW Planning portal 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 Stephanie Gelder, Planner

Date 02/11/2022