

18 October 2023



James de Soyres & Associates Pty Ltd  
PO Box 657  
NEWPORT BEACH NSW 2106

Dear Sir/Madam

**Application Number:** Mod2023/0489  
**Address:** Lot 9 DP 15762 , 11 Bruce Street, MONA VALE NSW 2103  
**Proposed Development:** Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Kye Miles  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0489 PAN-367685
<b>Applicant:</b>	James de Soyres & Associates Pty Ltd PO Box 657 NEWPORT BEACH NSW 2106
<b>Property:</b>	Lot 9 DP 15762 11 Bruce Street MONA VALE NSW 2103
<b>Description of Development:</b>	Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	18/10/2023
<b>Date from which the consent operates:</b>	18/10/2023

Under Section 4.55 (1) Misdescription 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 Kye Miles, Planner

Date 18/10/2023

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-367685 - Mod2023/0489	The date of this notice of determination	<p>Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool</p> <ul style="list-style-type: none"> <li><b>Modify</b> - Condition No . 11: Amendments to the approved plans</li> <li><b>Add</b> - Condition No. 23A: Submission of Minor Encroachment Application for Works in the Public Road</li> </ul>
PAN-118786 - Mod2021/0522	23 August 2021	<p>Modification of Development Consent DA2020/1289 granted for Demolition works and construction of a dwelling including swimming pool</p> <ul style="list-style-type: none"> <li><b>Add</b> - Condition No.1A: Modification of Consent - Approved Plans and supporting Documentation</li> </ul>

### Modified conditions

#### A. Modify Condition No.11 - Amendments to the approved plans, to read as follows:

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

- The design of the driveway shall be amended so that the first 2m of the slab be on the ground all the way to the edge of carriageway with edge kerbing and battered off (between railing and road edge/kerb). The amended design shall be assessed as part of the Section 138 application.
- The colour of the driveway and any ancillary structures in the reserve shall be a dark recessive colour.
- The windows to the Walk in Robe and the ensuite to bedroom 1 (ground floor) in the south elevation shall use obscure glazing.

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.

#### B. Add Condition No.23A - Submission of Minor Encroachment Application for Works in the Public Road, to read as follows:

The applicant is to submit a Minor Encroachments/ Constructions with Road Reserve Application for approval (Form #4033) for the stairway and landscaping .

The applicant is to enter into any appropriate agreements with Council. All costs related to the above application are to be borne by the applicant.

No work shall commence until written approval has been obtained from Council.

Reason: To ensure private works within the public road reserve are constructed in accordance with relevant standards and Council's specification and assign the responsibility for the structures on Council's Road reserve to the property owner.

## Important Information

This letter should therefore be read in conjunction with DA2020/1289 dated 9 February 2021 and Mod2021/0522 dated 23 August 2021.

## 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.