

13 December 2022



Peter Downes Designs Pty Ltd
77 Riviera Avenue
AVALON BEACH NSW 2107

Dear Sir/Madam

Application Number: Mod2022/0390
Address: Lot 61 DP 771456 , 188 McCarrs Creek Road, CHURCH POINT NSW 2105
Lot PO 169846 , 188 McCarrs Creek Road, CHURCH POINT NSW 2105
Proposed Development: Modification of Building Consent No.3233-87 granted for erection of additions

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,



Megan Surtees
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0390
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Peter Downes Designs Pty Ltd
Land to be developed (Address):	Lot 61 DP 771456 , 188 McCarrs Creek Road CHURCH POINT NSW 2105 Lot PO 169846 , 188 McCarrs Creek Road CHURCH POINT NSW 2105
Proposed Development:	Modification of Building Consent No.3233-87 granted for erection of additions

DETERMINATION - APPROVED

Made on (Date)	13/12/2022
-----------------------	------------

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
A2 2146-P 01 Site Plan	5.7.22	Peter Downes
A2 2146-P 02 North	5.7.22	Peter Downes
A2 2146-P 03 West	5.7.22	Peter Downes
A2 2146-P 04 Sectional Elevation - South	5.7.22	Peter Downes

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 10. Amendments to the approved plans to read as follows:

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

- A privacy screens to a height of 1.8 metres from the finished floor levels is to be provided along the length of the southern side of the lower ground terrace and upper ground balcony.
- The proposed 1.0 metre high glass balustrade along a portion of the northern elevation of the upper ground balcony shall be deleted from the architectural plans and be replaced with a privacy screen to a height of 1.8 metres when measured from the finished floor level of the upper ground balcony. This privacy screen shall be design and engineered to function as a balustrade as prescribed by the Building Code of Australia and National Construction Code.

These privacy screen works are to be completed prior to occupation.

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

Important Information

This letter should therefore be read in conjunction with Mod2021/0079, dated 2 July 2021.

Planning Principles

In a merit consideration of the proposal, consideration of the development has been given against the Land and Environment Court Planning Principle in relation to The extent of demolition - alterations and additions or a new building detailed in Edgar Allan Planning Pty Limited v Wollahra Municipal Council [2006] NSWLEC 790 as follows:	
Will the development result in an alteration to an existing by more than half (50%) of the existing external fabric of the building is demolished? (Note: The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof measured in plan and the area of the lowest habitable floor)	No
Is the development considered to be Alterations and additions; or	Yes
Is the development considered to be a new building	No

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.

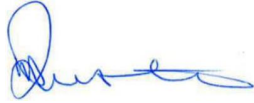
Right of Appeal

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

Megan Surtees, Planner

Date

13/12/2022