

20 May 2024

57 The Avenue Pty Ltd  
173 Sussex Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** Mod2024/0210  
**Address:** Lot 3 DP 210342 , 128 Crescent Road, NEWPORT NSW 2106  
Lot 21 DP 545339 , 57 The Avenue, NEWPORT NSW 2106  
Lot 1 DP 503390 , 126 Crescent Road, NEWPORT NSW 2106  
Lot 2 DP 210342 , 55 The Avenue, NEWPORT NSW 2106  
Lot 111 DP 556902 , 122 Crescent Road, NEWPORT NSW 2106  
Lot 112 DP 556902 , 122 Crescent Road, NEWPORT NSW 2106  
**Proposed Development:** Modification of Development Consent DA2022/2152 granted for Demolition works and subdivision of land into 8 lots including tree removal and infrastructure work

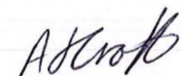
Please find attached the Notice of Determination for the above mentioned Application.

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

Regards,



Adam Croft  
**Principal Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2024/0210 PAN-428321
<b>Applicant:</b>	57 The Avenue Pty Ltd 173 Sussex Street SYDNEY NSW 2000
<b>Property:</b>	Lot 3 DP 210342 128 Crescent Road NEWPORT NSW 2106 Lot 21 DP 545339 57 The Avenue NEWPORT NSW 2106 Lot 1 DP 503390 126 Crescent Road NEWPORT NSW 2106 Lot 2 DP 210342 55 The Avenue NEWPORT NSW 2106 Lot 111 DP 556902 122 Crescent Road NEWPORT NSW 2106 Lot 112 DP 556902 122 Crescent Road NEWPORT NSW 2106
<b>Description of Development:</b>	Modification of Development Consent DA2022/2152 granted for Demolition works and subdivision of land into 8 lots including tree removal and infrastructure work
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	20/05/2024
<b>Date from which the consent operates:</b>	20/05/2024

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.

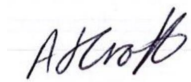
## Objector's right of appeal against the determination

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                Adam Croft, Principal Planner

Date                 20/05/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN 428321 Mod2024/0210	The date of this notice of determination	Modification of Development Consent DA2022/2152 granted for Demolition works and subdivision of land into 8 lots including tree removal and infrastructure work.  Modify Condition No. 7 Delete Condition No. 32

### Modified conditions

**A. Modify Condition 7. Construction, Excavation and Associated Works Security Bond (Road works) to read as follows:**

#### **7. Construction, Excavation and Associated Works Security Bond (Road works)**

The applicant is to lodge a bond with Council for the following:

##### **Drainage Works**

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$150,000.00. (one hundred and fifty thousand)

##### **Crossing / Kerb & Gutter / Footpath Works**

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$20,000.00 (twenty thousand).

##### **Road Works**

As security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works required as part of this consent a bond of \$100,000.00 (one hundred thousand)

##### **Maintenance for Civil Works**

A maintenance bond of \$50,000.00 (fifty thousand) for the construction of kerb & gutter, pavement and drainage works. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate and Subdivision Works Certificate.

Reason: Protection of Council's infrastructure.

**C. Delete Condition 32. Pre-Construction Road Reserve Dilapidation Report to read as follows:**

## 32. DELETED

### Important Information

This letter should therefore be read in conjunction with DA2022/2152 dated 6 December 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.