

24 November 2021



Humel Architects Pty Ltd
Po Box 1666
DEE WHY NSW 2099

Dear Sir/Madam

Application Number: Mod2021/0231
Address: Lot 202 DP 1126065 , 8 Coastview Place, FRESHWATER NSW 2096
Proposed Development: Modification of Development Consent DA2010/1191 granted for alterations and additions to a residential flat building and change of use to a dwelling house with attached granny flat

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,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2021/0231
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Humel Architects Pty Ltd
Land to be developed (Address):	Lot 202 DP 1126065 , 8 Coastview Place FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2010/1191 granted for alterations and additions to a residential flat building and change of use to a dwelling house with attached granny flat

DETERMINATION - APPROVED

Made on (Date)	10/11/2021
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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 applications DA2010/1191 dated 4/11/2010, Mod2011/0170 dated 15/09/2011, Mod2012/0098 dated 23/07/2012, Mod2012/0258 dated 13/03/2013, Mod2013/0140 dated 3/10/2013, Mod2013/0264 dated 06/06/2014, Mod2014/0165 dated 19/11/2014, and Mod2015/0001 dated 27/03/2015 and the following amended plans:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site and Analysis Plan DA1	1/4/2021	Humel Architects
Lower Ground Floor Plan DA3.1	9/10/2021	Humel Architects
Mid Level Floor Plan DA3.2	1/4/2021	Humel Architects
Ground Floor Plan DA3.3	9/10/2021	Humel Architects
First Floor Plan DA3.4	1/4/2021	Humel Architects
Roof Plan DA3.5	1/4/2021	Humel Architects
East and North Elevations DA4	1/4/2021	Humel Architects
West and South Elevations DA5	9/10/2021	Humel Architects
Sections A-A & B-B DA6	1/4/2021	Humel Architects
Sections C-C & D-D DA7	1/4/2021	Humel Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Response Ausgrid Referral	25/5/2021	AUSGRID

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) 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. Add Condition No.1B Amendments to the approved plans to read as follows:

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

- a) The bay window is to be deleted and the glazing is to remain in line with the previous approval.
- b) The area adjoining the granny flat designated as 'foundation' shall not be converted to a trafficable area and is not to contain flooring, wall or ceiling lining which could make the area usable for habitable purposes or non-habitable purposes such as storage. There is to be no direct doorway access to this area from any habitable floorspace from the secondary dwelling. Any access to this space from within any part of the building is to have a maximum height opening of 1200mm.

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. 15 Approved Land Use to read as follows:

Nothing in this consent shall authorise the use of the secondary dwelling as detailed on the approved plans for any land use of the site beyond the definition of a secondary dwelling.

A secondary dwelling is defined as:

“secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

Note—

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.”

(development is defined by the Warringah Local Environment Plan 2011 Dictionary)

Any variation to the approved land use and/occupancy of the secondary dwelling beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

Important Information

This letter should therefore be read in conjunction with DA2010/1191 dated 4/11/2010, Mod2011/0170 dated 15/09/2011, Mod2012/0098 dated 23/07/2012, Mod2012/0258 dated 13/03/2013, Mod2013/0140 dated 3/10/2013, Mod2013/0264 dated 06/06/2014, Mod2014/0165 dated 19/11/2014, and Mod2015/0001 dated 27/03/2015.

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 submitted to Council 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 Rodney Piggott, Manager Development Assessments

Date 10/11/2021