

29 August 2022



Colin Patrick O'Reilly  
C/- Blue Sky Building Designs 41 Sunshine Street  
MANLY VALE NSW 2093

Dear Sir/Madam

**Application Number:** Mod2022/0334  
**Address:** Lot 102 DP 11320 , 41 Sunshine Street, MANLY VALE NSW 2093  
**Proposed Development:** Modification of Development Consent DA2019/0075 granted for Alterations and additions to a dwelling house including a 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,



Dean Pattalis  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2022/0334
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Colin Patrick O'Reilly
<b>Land to be developed (Address):</b>	Lot 102 DP 11320 , 41 Sunshine Street MANLY VALE NSW 2093
<b>Proposed Development:</b>	Modification of Development Consent DA2019/0075 granted for Alterations and additions to a dwelling house including a swimming pool

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	27/08/2022
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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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A101-1 (Site Plan)	3 May 2022	Blue Sky Building Designs
A102-1 (Garage Level)	3 May 2022	Blue Sky Building Designs
A103-1 (Ground Floor Level)	3 May 2022	Blue Sky Building Designs
A104-1 (FFL & Pool Plan)	3 May 2022	Blue Sky Building Designs
A105-1 (Elevations)	3 May 2022	Blue Sky Building Designs
A106-1 (Elevations & Section)	3 May 2022	Blue Sky Building Designs
A107-1 (Sections)	3 May 2022	Blue Sky Building Designs

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate (A336213_02)	13 May 2022	Blue Sky Building Designs
Geotechnical Investigation	24 May 2022	White Geotechnical Group

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

c) The development is to be undertaken generally in accordance with the following:

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	16 June 2022	Blue Sky Building Designs

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

## **B.**

### **Add Condition 9(A). Pre-Construction Dilapidation Report to read as follows:**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property: 43 Sunshine Street, Manly Vale

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

### **Add Condition 15. Post-Construction Dilapidation Report to read as follows:**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

## Important Information

This letter should therefore be read in conjunction with DA2019/0075.

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                      Dean Pattalis, Planner

Date                      27/08/2022