

7 September 2022

Lindsay Little & Associates Pty Ltd
77 Telegraph Road
PYMBLE NSW 2073

Dear Sir/Madam

Application Number: Mod2022/0174
Address: Lot 3 DP 29283 , 87 Alexandra Crescent, BAYVIEW NSW 2104
Proposed Development: Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house

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,



Brittany Harrison
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0174
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Lindsay Little & Associates Pty Ltd
Land to be developed (Address):	Lot 3 DP 29283 , 87 Alexandra Crescent BAYVIEW NSW 2104
Proposed Development:	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house

DETERMINATION - APPROVED

Made on (Date)	07/09/2022
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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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
EP-01B, Excavation Plan, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
DP-01B, Demolition Plan, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A02B, Site Analysis Plan, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A03B, Carport Plan, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A04B, Lower Ground Floor Plan, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A05B, Ground Floor Plan, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A06B, First Floor Plan, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A07B, North Elevation, Issue B	18 February	Lindsay Little & Associates Pty

	2022	Ltd.
A08B, West Elevation, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A09B, South Elevation, Driveway Sections, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A10B, East Elevation, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.
A11B, Section A-A, Issue B	18 February 2022	Lindsay Little & Associates Pty Ltd.

Engineering Plans		
Drawing No.	Dated	Prepared By
DS-01 A, Driveway Long Sections, Issue A	5 August 2022	Lindsay Little & Associates Pty Ltd.
DS-02A, Driveway Plan, Issue A	2 August 2022	Lindsay Little & Associates Pty Ltd.

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (No. A378343_02)	24 February 2022	Leech Harmon Architects
Ground Testing Report (Ref. J2784B)	20 October 2021	White Geotechnical Group
Arboricultural Impact Assessment Report	30 March 2022	Urban Arbor Pty Ltd.

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. Amend Condition No. 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans to read as follows:

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Whites Geotechnical Group Pty Ltd dated 13 July 2020, Preconstruction Meeting summary dated 24/9/2021 & Ground testing dated 20/10/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

C. Amend Condition No. 13 - Submission Roads Act Application for Civil Works in the Public Road to read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing, retaining wall and pedestrian access stairs and pathway which are to be generally in

accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

1. 6.5 metre wide driveway crossing in accordance with concept plans prepared by Lindsay Little & Associates, drawing no DS-01 A, dated 5/8/2022 and Northern Beaches Council specifications.
2. Retaining wall bordering the western side of the driveway
3. Details of the relocation of the pedestrian access stairs and pathway.
4. Engineering long-sections along the edges and centerline of the proposed driveway to the proposed carport to demonstrate compliance with AS2890.1.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

D. Add Condition No. 15A - External Finishes to Roof to read as follows:

The external finish to the roof shall match the existing roof of the dwelling house or be of a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

E. Add Condition No. 15B - External Colours and Materials to read as follows:

The external finishes are to compliment the surrounding natural and built environment and be of low glare and low reflective materials and colours. A satisfactory specification which achieved this shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate in the form of a Schedule of Finishes.

Reason: To ensure the external colours and material comply with Council's requirements

F. Amend Condition No. 18 - Project Arborist to read as follows:

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

- i) Temporary Irrigation to Tree 1 as listed in section 7.4,
- ii) All measures listed under section 8 Recommendations and section 9 Tree Protection Requirements and specifically 9.2, 9.4, 9.5, 9.6, 9.8, 9.9, 9.10 and 9.14,
- iii) Certification by a Project Arborist to satisfy section 9 Tree Protection Requirements item 9.9,
- iv) Any landscaping works within the TPZ of existing trees to be retained.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

G. Add Condition No. 25A - Protection of Rock and Sites of Significance to read as follows:

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

H. Add Condition 25B - Condition of Trees to read as follows:

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from the Project Arborist during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Project Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

I. Add Condition No. 29A - Condition of Retained Vegetation - Project Arborist to read as follows:

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

Important Information

This letter should therefore be read in conjunction with DA2020/820 dated 11 December 2020..

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





northern
beaches
council

Name Brittany Harrison, Planner

Date 07/09/2022