

26 September 2023



Susan Elizabeth Rothwell  
6 Goodchap Street  
SURRY HILLS NSW 2010

Dear Sir/Madam

**Application Number:** Mod2023/0109  
**Address:** Lot 151 DP 6937 , 40 Sunrise Road, PALM BEACH NSW 2108  
**Proposed Development:** Modification of Development Consent DA2021/0900 granted for Construction of a dwelling house including a swimming pool and spa

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,



Steven Findlay  
**Manager Development Assessments**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0109 PAN-310109
<b>Applicant:</b>	Susan Elizabeth Rothwell 6 Goodchap Street SURRY HILLS NSW 2010
<b>Property:</b>	Lot 151 DP 6937 40 Sunrise Road PALM BEACH NSW 2108
<b>Description of Development:</b>	Modification of Development Consent DA2021/0900 granted for Construction of a dwelling house including a swimming pool and spa
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	20/09/2023
<b>Date from which the consent operates:</b>	20/09/2023

Under Section 4.55 (2) Environmental Impact 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                          Steven Findlay, Manager Development Assessments

Date                            20/09/2023

## Modification Summary

The development consent is modified 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>
DA100 - Site and Roof Plan, Issue D	13/03/2023	Susan Rothwell Architects
DA101 - Lower Ground Floor Plan, Issue E	13/03/2023	Susan Rothwell Architects
DA102 - Ground Floor Plan, Issue E	13/03/2023	Susan Rothwell Architects
DA103 - First Floor Plan, Issue E	13/03/2023	Susan Rothwell Architects
DA104 - North Elevation, Issue D	13/03/2023	Susan Rothwell Architects
DA105 - South Elevation, Issue E	13/03/2023	Susan Rothwell Architects
DA106 - East and West Elevation, Issue E	13/03/2023	Susan Rothwell Architects
DA107 - Section, Issue D	13/03/2023	Susan Rothwell Architects
DA108 - Section, Issue E	13/03/2023	Susan Rothwell Architects
DA109 - Section, Issue D	13/03/2023	Susan Rothwell Architects
DA110 - Section, Issue D	13/03/2023	Susan Rothwell Architects

<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	14/03/2023	Andrew Spaille & Associates Pty Ltd
NatHERS Certificate	13/03/2023	Susan Rothwell Architects
Geotechnical Assessment	13/03/2023	JK Geotechnics
Addendum to Arboricultural IA and MS (letter)	17/03/2023	Naturally Trees

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.

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

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

**B. Condition 26A - Adherence to Natural Environment Consent Conditions to read as follows:**

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2021/0900, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

**C. Modify Condition 17 - Amendments to the approved plans to read as follows:**

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

a) **"Ground Floor" Windows (W202 and W203)** - Privacy screens are to be installed on the "ground floor" eastern windows labelled W202 and W203 adjoining the "garage" as shown on the approved plans. The privacy screens shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle, in materials that complement the design of the approved development. Alternatively, these windows shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

b) **"Ground Floor" Windows (W211; W209 and W208)** - Privacy screens are to be installed on the "ground floor" western windows labelled W211 (adjoining the "kitchen") and W209 and W208 (adjoining the "living room") as shown on the approved plans. The privacy screens shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle, in materials that complement the design of the approved development. Alternatively, these windows shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

c) **"First Floor" Window (W302)** - A Privacy screen is to be installed on the "first floor" eastern window labelled W302 (adjoining the "ensuite") as shown on the approved plans. The privacy screen shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle, in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

d) **"First Floor" Window (W307)** - A Privacy screen is to be installed on the "first floor" western window labelled W307 (adjoining "Bed 2") as shown on the approved plans. The privacy screen shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle, in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

e) **"Lower Ground Floor" Windows (W110 and W109)** - Privacy screens are to be installed on the "lower ground floor" western windows labelled W110 and W109 (adjoining "Bed 5 ensuite" and "Bed 6

ensuite") as shown on the approved plans. The privacy screens shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle, in materials that complement the design of the approved development. Alternatively, these windows shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

f) **"Terrace 1" Privacy Screen** - A 1.5 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost western and eastern edges of the "first floor" terrace labelled "Terrace 1" located off the "Bed 1 & Bed 2" as shown on the approved plans. The privacy screen shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle (angled from the terrace outwards), in materials that complement the design of the approved development.

g) **"Terrace 3" Privacy Screen** - A 1.5 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost western edge of the "ground floor" terrace labelled "Terrace 3" located off the "living room" as shown on the approved plans. The privacy screen shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle, in materials that complement the design of the approved development.

h) **DELETED.**

i) **"Swimming Pool Lawn" Privacy Screen** - A 1.5 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost western edge of the "lower ground floor" lawn area adjoining the proposed swimming pool as shown on the approved plans. The privacy screen shall be of vertical louver style construction with 250mm long blades at a maximum 120mm spacing at a 45 degree angle (angled from the lawn outwards), in materials that complement the design of the approved development.

j) **"Swimming Pool and Spa" Balustrading/fence** - The proposed swimming pool and spa is to incorporate solid balustrading/fencing for the entire length of the eastern elevation. This balustrading is to be constructed of nontransparent material or opaque glazing measured at a height of at least 1.0m above the finished floor level.

k) **Swimming Pool and OSD wall** - The exterior of the wall below the proposed swimming pool and OSD tank shall be covered in sandstone cladding or similar which uses dark, earthy and natural coloured finishes and materials of low reflectivity

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.

## Important Information

This letter should therefore be read in conjunction with **YOU MUST ENTER THE PREVIOUS DETAILS OF MODS AND ORIGINAL DA in Assessment Finish**

## 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.