

29 October 2024



Ella Maree Miles
28 Tasman Street
DEE WHY NSW 2099

Dear Sir/Madam

Application Number: Mod2024/0355

Address: Lot 9 DP 752046 , 120 Prince Alfred Parade, NEWPORT NSW 2106
Lot 34 DP 13457 , 120 Prince Alfred Parade, NEWPORT NSW 2106
Lot 35 DP 13457 , 120 Prince Alfred Parade, NEWPORT NSW 2106
Lot B DP 391307 , 120 Prince Alfred Parade, NEWPORT NSW 2106
Lot LIC 190387 , 120 Prince Alfred Parade, NEWPORT NSW 2106

Proposed Development: Modification of consent to DA2022/0246 granted for demolition works, subdivision of 4 lots into 2 lots and the construction of 1 dwelling on each lot including swimming pools and landscaping works

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

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

Regards,

Adam Richardson
Manager Development Assessments

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0355 PAN-447347
Applicant:	Ella Maree Miles 28 Tasman Street DEE WHY NSW 2099
Property:	Lot 9 DP 752046 120 Prince Alfred Parade NEWPORT NSW 2106 Lot 34 DP 13457 120 Prince Alfred Parade NEWPORT NSW 2106 Lot 35 DP 13457 120 Prince Alfred Parade NEWPORT NSW 2106 Lot B DP 391307 120 Prince Alfred Parade NEWPORT NSW 2106 Lot LIC 190387 120 Prince Alfred Parade NEWPORT NSW 2106
Description of Development:	Modification of consent to DA2022/0246 granted for demolition works, subdivision of 4 lots into 2 lots and the construction of 1 dwelling on each lot including swimming pools and landscaping works
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	23/10/2024
Date from which the consent operates:	23/10/2024

Under Section 4.55 (1a) Minor 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 Adam Richardson, Manager Development Assessments

Date 23/10/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
MOD2024/0355	The date of this notice of determination	<p>Modification of Development Consent DA2022/0246 granted for the demolition works, subdivision of four lots into two lots and the construction of one dwelling on each lot including swimming pools and landscape works.</p> <p>Add Condition 1A – Modification of Consent – Approved Plans and Supporting Documentation</p> <p>Add Condition 2A – Modification of Consent – Amendments to the approved plans</p> <p>Add Condition 60A – Certification of Civil Works and Works ad Executed Data in accordance with Roads Act Approval.</p>

Modified Conditions

A. Add Condition 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) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Driveway profile, DA01, revision D	11.11.2022	Corben Architects
Site plan, MOD101, revision B	28.08.2024	ARCLAB Pty Ltd
Ground level plan, MOD102, revision B	28.08.2024	ARCLAB Pty Ltd
First floor plan, MOD103, revision B	28.08.2024	ARCLAB Pty Ltd
Entry level plan, MOD104, revision B	28.08.2024	ARCLAB Pty Ltd
North and south elevations, MOD105, revision B	28.08.2024	ARCLAB Pty Ltd
Eastern elevations, MOD106, revision B	28.08.2024	ARCLAB Pty Ltd
Western elevations, MOD107, revision B	28.08.2024	ARCLAB Pty Ltd
Sections, MOD108, revision B	28.08.2024	ARCLAB Pty Ltd
Sections Driveway, MOD109, revision B	28.08.2024	ARCLAB Pty Ltd
Section Stairs MOD110, revision B	28.08.2024	ARCLAB Pty Ltd

Streetscape and materials/finishes schedule, DA12, revision D	11.11.2022	Corben Architects
Building envelope section, DA13, revision D	11.11.2022	Corben Architects
Sediment and Erosion, MOD114, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P1, MOD115, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P2, MOD116, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P3, MOD 117, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P4, MOD 118, revision B	28.08.2024	ARCLAB Pty Ltd

Engineering Plans		
Report No. / Page No. / Section No.	Dated	Prepared By
Subdivision Plan	15.07.2022	DP Surveying
Stormwater Management Plan – 120A Prince Alfred Pde	14.04.2022	Taylor Consulting
Stormwater Management Details – 120A Prince Alfred Pde	04.02.2022	Taylor Consulting
Excavation plan	4.02.2022	Taylor Consulting
Driveway plan – 120A Prince Alfred Pde	4.02.2022	Taylor Consulting
Stormwater Management Plan – 120 Prince Alfred Pde	14.04.2022	Taylor Consulting
Stormwater Management Details – 120 Prince Alfred Pde	04.02.2022	Taylor Consulting
Excavation plan	4.02.2022	Taylor Consulting
Driveway plan and long sections – 120 Prince Alfred Pde	4.02.2022	Taylor Consulting
Swept path analysis TX16422.00, C1.00, C1.01, C2.00, C2.01, C2.02	11.02.2022	Taylor Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Environmental Effects	11 February 2022	Four Towns Pty Ltd
Statement of Modification	26 June 2024	Four Towns Pty Ltd
Geotechnical Report Ref: J3814B	27 September 2024	White Geotechnical Group
BASIX Certificate 1258806S_02 (120A Prince Alfred Pde)	26 June 2024	Chapman Environmental Services Pty Ltd
BASIX Certificate 1258883S_03 (120 Prince Alfred Pde)	26 June 2024	Chapman Environmental Services Pty Ltd
Arboricultural Impact Assessment	11 February 2022	Michael Shaw

Letter - Existing Crib Retaining Wall - 120 & 120a Prince Alfred Parade, Newport	13 September 2022	Taylor Consulting
NatHERS Certificate 000955177 (120 Prince Alfred Pde)	26 June 2024	Chapman Environmental Services Pty Ltd
NatHERS Certificate 0009565193 (120a Prince Alfred Pde)	26 June 2024	Chapman Environmental Services Pty Ltd

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

- 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:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape concept plan, sheet 1, issue F	21.11.2022	Interlink
Landscape concept plan, sheet 2, issue F	21.11.2022	Interlink

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	08.02.2022	Ella and Luke Miles

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

B. Add Condition 2A - Modification of Consent - Amendments to the approved plans, to read as follows:

The following amendments are to be made to the approved landscape plan:

A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant to a scale of 1:100 or 1:200 and conforming to the Pittwater 21 Development Control Plan and relevant conditions of this Consent, must be submitted to Council's Executive Manager of Development Assessments for approval prior to issue of a Construction Certificate application. The plan shall be consistent with the approved landscape plan referenced in Condition 1A of this consent, subject to the following amendments:

- a) The removal of the Cabbage Tree Palms from the landscape plan and planting schedule;
- b) Replacement with suitable native canopy trees to offset the removal of the Cabbage Tree Palms. The canopy trees shall grow to a maximum height of 8.5m at maturity. The new trees shall be planted at a minimum pot size of 100L and grown to Australian Standard 2303:2018 Tree stock for landscape use.
- c) The landscape plan is to reflect latest approved Architectural Plans (MOD2024/0355) and nominate a Blueberry Ash (*Elaeocarpus reticulatus*) with a minimum 75L pot size within the southern setback (adjacent to the pantry for Dwelling 120).

The following amendments are to be made to the approved Architectural Plans:

- d) Skylight SK2 on Sheet No. MOD101 is to be clouded red (for Walk-In-Wardrobe).

Reason: To minimise view impacts to properties located to the south of the site and to demonstrate consistency across plans.

C. Add Condition 60A – Certification of Civil Works and Works ad Executed Data in accordance with Roads Act Approval, to read as follows:

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data (details overdrawn on a copy of the approved civil plans) certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Council for approval prior to the issue of the Occupation Certificate and the release of any security deposits.

Reason: To ensure compliance of works with Council's specification for engineering works.

Important Information

This letter should therefore be read in conjunction with DA2022/0246 dated 7 December 2022.

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.