

19 December 2023

Jo-Anne Elizabeth Bennett
27 Grenfell Avenue
NORTH NARRABEEN NSW 2101

Dear Sir/Madam

Application Number: Mod2023/0403
Address: Lot 82 DP 23429 , 27 Grenfell Avenue, NORTH NARRABEEN NSW 2101
Proposed Development: Modification of Development Consent DA2021/0818 granted for Alterations and additions to a dwelling house including a secondary dwelling and garage

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,



Gareth David
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0403 PAN-352855
Applicant:	Jo-Anne Elizabeth Bennett 27 Grenfell Avenue NORTH NARRABEEN NSW 2101
Property:	Lot 82 DP 23429 27 Grenfell Avenue NORTH NARRABEEN NSW 2101
Description of Development:	Modification of Development Consent DA2021/0818 granted for Alterations and additions to a dwelling house including a secondary dwelling and garage
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	18/12/2023
Date from which the consent operates:	18/12/2023

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 Gareth David, Principal Planner

Date 18/12/2023

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-352855 Mod2023/0403	The date of this notice of determination	<ul style="list-style-type: none"> Add Condition No.1A (Modification of Consent - Approved Plans and supporting Documentation) Add Condition 2A (Compliance with Other Department, Authority or Service Requirements) Add Condition 8A (Construction, Excavation and Associated Works Security Bond(s)) Add Condition 19A (Vehicle Crossings Application) Add Condition 19B (Pre-Construction Stormwater Assets Dilapidation Report) Add Condition No.21A (Project Arborist) Add Condition 35A (Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets))

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA_03	B	DEMOLITION AND EXCAVATION PLAN	Bennett Murada Architects	19/07/2023
DA_04	B	PROPOSED GARAGE PLAN	Bennett Murada Architects	19/07/2023
DA_05	B	PROPOSED GRANNY FLAT PLAN	Bennett Murada Architects	19/07/2023
DA_06	B	PROPOSED ROOF PLAN	Bennett Murada Architects	19/07/2023
DA_10	B	EAST ELEVATION + MATERIAL PALETTE	Bennett Murada Architects	19/07/2023
DA_11	B	NORTH ELEVATION	Bennett Murada Architects	19/07/2023

DA_12	B	SOUTH ELEVATION	Bennett Murada Architects	19/07/2023
DA_20	B	LONG SECTION A-A	Bennett Murada Architects	19/07/2023
DA_21	B	CROSS SECTION B-B	Bennett Murada Architects	19/07/2023
L_01	B	LANDSCAPE PLAN - GARAGE LEVEL	Bennett Murada Architects	12/07/2023
L_02	B	LANDSCAPE PLAN - GREEN ROOF	Bennett Murada Architects	12/07/2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate (1407772S)		Bennett Murada Architects	18/07/2023
Arboricultural Impact Assessment		Bradshaw Consulting Arborists (Tristan Bradshaw)	25/10/2023
Geotechnical Assessment Letter	R.001.Rev1	Douglas Partners Pty Ltd	26/10/2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Add Condition 2A (Compliance with Other Department, Authority or Service Requirements) to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the Ausgrid referral received 17/08/2023.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

C. Add Condition 8A (Construction, Excavation and Associated Works Security Bond(s)) to read as follows:

The applicant is to lodge a bond with Council for the following:

Drainage Bond

As security against any damage to Council's stormwater drainage infrastructure as part of this consent a bond of \$4,000.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

D. Add Condition 19A (Vehicle Crossings Application) to read as follows:

The Applicant is to submit an application with Council for driveway levels to construct a vehicle crossing 4 metres wide at the layback and 6.5 metres wide at the boundary in accordance with Northern Beaches Council Standard Drawing Extra High in accordance with Section 138 of the Roads Act 1993.

The following additional information shall be submitted with the driveway application

1. Pipe locating survey to accurately locate, confirm dimensions including depth and plot to scale Council's public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor.
2. The survey shall be overlaid onto the plan view of the architectural drawings and also on the longitudinal sections of the driveway profile to demonstrate compliance with minimum vertical and horizontal clearances.
3. In relation to the street trees, demonstrate compliance with the recommendations of the AIA report for a Project Arborist and Development consent landscape related conditions 9, 12, 22, 23, 30, 32, and 36.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

E. Add Condition 19B (Pre-Construction Stormwater Assets Dilapidation Report) to read as follows:

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/generalinformation/engineerings>

Survey plan should be provided with details the exact location and depth.

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

F. Add Condition 21A (Project Arborist) to read as follows:

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment dated 25th October 2023.

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

a) section 5 and 6.

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 Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the 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:

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 35A (Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)) to read as follows:

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineeringspecifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

Important Information

This letter should therefore be read in conjunction with DA2021/0818 dated 26 August 2023.

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.