

27 October 2020



Xu Kha  
80 West Street  
BALGOWLAH NSW 2093

Dear Sir/Madam

**Application Number:** Mod2020/0409  
**Address:** Lot 7 DP 11275 , 18 Oceanview Road, FRESHWATER NSW 2096  
**Proposed Development:** Modification of Development Consent DA2018/1217 granted for demolition works and construction of a dwelling house and 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)

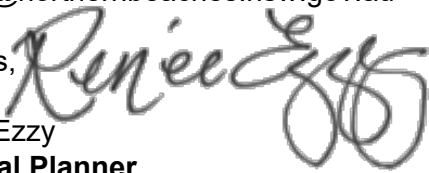
Please read your Notice of Determination carefully and the assessment report in the first instance.

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,

Renee Ezzy

**Principal Planner**



## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2020/0409
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Xu Kha
<b>Land to be developed (Address):</b>	Lot 7 DP 11275 , 18 Oceanview Road FRESHWATER NSW 2096
<b>Proposed Development:</b>	Modification of Development Consent DA2018/1217 granted for demolition works and construction of a dwelling house and swimming pool

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	26/10/2020
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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>
A02 - Rev E - Site Plan	7.08.2020	Scope Architects
A03 - Rev E - Garage Floor Plan	7.08.2020	Scope Architects
A05 - Rev E - First Floor Plan	7.08.2020	Scope Architects
A06 - Rev E - Elevations (South)	7.08.2020	Scope Architects
A07 - Rev E - Elevations (North)	7.08.2020	Scope Architects
A08 - Rev E - Elevations (East and West)	7.08.2020	Scope Architects

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:

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

**B. Add Condition 24. Approval for Single Dwelling to read as follows:**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house.

A 'dwelling house' is defined as:

*"a building containing only one dwelling.."*

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

**Important Information**

This letter should therefore be read in conjunction with DA2018/1217 dated 23 October 2018, MOD2018/0587 dated 13 December 2018..

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 should be submitted to Council within 3 months 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**                        
Renee Ezzy, Principal Planner

**Date**                        26/10/2020