

17 March 2023



Patrick Alexander Heller
214 Hudson Parade
CLAREVILLE NSW 2107

Dear Sir/Madam

Application Number: Mod2022/0625
Address: Lot 41 DP 13760 , 214 Hudson Parade, CLAREVILLE NSW 2107
Lot LIC 187249 , 214 Hudson Parade, CLAREVILLE NSW 2107
Proposed Development: Modification of Development Consent DA2021/1790 granted for
Alterations and additions to a dwelling house, including a
swimming pool and garage

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,



Adam Richardson
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2022/0625
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Patrick Alexander Heller
Land to be developed (Address):	Lot 41 DP 13760 , 214 Hudson Parade CLAREVILLE NSW 2107 Lot LIC 187249 , 214 Hudson Parade CLAREVILLE NSW 2107
Proposed Development:	Modification of Development Consent DA2021/1790 granted for Alterations and additions to a dwelling house, including a swimming pool and garage

DETERMINATION - APPROVED

Made on (Date)	15/03/2023
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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
DA00, DA Site Plan / Roof Plan, Revision B	12 December 2022	UTZ Sanby Architects
LCP-01, Concept Plan - Level 1, Revision A	31 October 2022	Fifth Seasons Landscapes
DET-01, Level 1: Sections 01, Revision A	31 October 2022	Fifth Seasons Landscapes
DET-02, Level 1: Sections 02, Revision A	31 October 2022	Fifth Seasons Landscapes
DET-03, Level 1: Sections 03, Revision A	31 October 2022	Fifth Seasons Landscapes
DET-04, Excavation Plan - Level 1, Revision A	6 March 2023	Fifth Seasons Landscapes

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Estuarine Risk Management Report Addendum (Ref. J10028)	14 November 2022	Total Earth Care Pty Ltd.

Geotechnical Report Addendum - Request for Additional Information (Ref. R.002.Rev0)	16 November 2022	Douglas Partners Pty Ltd.
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b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

Landscape Plans		
Drawing No.	Dated	Prepared By
PLT-01, Planting Plan - Level 1, Revision A	31 October 2022	Fifth Seasons Landscapes

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

B. Amend Condition No. 15 Compliance with Estuarine Risk Management Report to read as follows:

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Total Earth Care Pty. Ltd. dated 20 September 2021 supported by a letter prepared by Total Earth Care Pty. Ltd. dated 14 November 2022 and these recommendations are to be incorporated into construction plans.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

C. Add Condition No. 22A Estuarine Planning Level Requirements to read as follows:

An Estuarine Planning Level (EPL) of 2.78m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.78m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.78m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.78m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.78m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.78m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure aspect of the development are built at the appropriate level.

D. Add Condition No. 22B Stair Materials to read as follows:

Details of the materials for the steps and landings are to be of a colour and texture that relates to the landscape and landform of the Foreshore Protection Area, that is, colours and materials that recede into a well vegetated natural environment. Details are to be provided and approved by Council's Landscape Officer, prior to the issue of a Construction Certificate.

Reason: To ensure the materials for the steps and landings are to be of a colour and texture that relates to the landscape and landform of the Foreshore Protection Area.

E. Add Condition No. 35A Wildlife Protection to read as follows:

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

F. Amend Condition No. 36 Landscape Completion to read as follows:

Landscaping is to be implemented in accordance with the approved Landscape Plan (drawing DA-04 by Utz Sanby dated 16/09/22), inclusive of the following conditions:

i) substitute the proposed *Pennisetum alopecuroides* with a locally native alternative. Suggested species include: *Imperata cylindrica*, *Lomandra longifolia*, or *Themeda australis*.

Landscaping in the rear setback, proposed in Mod2022/0625, shall supersede the above proposal and be implemented in accordance with the approved Landscape Plan (drawing PLT-01 by Fifth Season Landscapes dated 31/10/22).

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Important Information

This letter should therefore be read in conjunction with DA2021/0790 dated 18 April 2022 and MOD2022/0314 dated 13 December 2022.

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



Name Adam Richardson, Manager Development Assessments

Date 15/03/2023