

14 February 2024



Wyer & Co.
C/- Brigid Phelps 12 Clevedon Street
BOTANY NSW 2019

Dear Sir/Madam

Application Number: Mod2023/0570
Address: Lot 30 DP 13686 , 888 Barrenjoey Road, PALM BEACH NSW 2108
Proposed Development: Modification of Development Consent DA2021/0657 granted for Alterations and additions to a dwelling house including swimming pool 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,



Phil Lane
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0570 PAN-380515
Applicant:	Wyer & Co. C/- Brigid Phelps 12 Clevedon Street BOTANY NSW 2019
Property:	Lot 30 DP 13686 888 Barrenjoey Road PALM BEACH NSW 2108
Description of Development:	Modification of Development Consent DA2021/0657 granted for Alterations and additions to a dwelling house including swimming pool and garage
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	14/02/2024
Date from which the consent operates:	14/02/2024

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

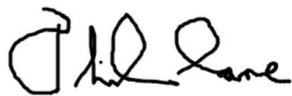
An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the 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

Phil Lane, Principal Planner

Date

14/02/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-380515 Mod2023/0570	The date of this notice of determination	Section 4.55 (2) Environmental Impact - Modification of Development Consent DA2021/0657 granted for Alterations and additions to a dwelling house including swimming pool and garage Add Condition No. 1B - Modification of Consent - Approved Plans and supporting Documentation Amend Condition No.2 - Compliance with Other Department, Authority or Service Requirements Amended Condition No. 13 - Submission Roads Act Application for Civil Works in the Public Road Delete Condition 21 - Protection of Existing Street Trees Add Condition 36A - Street Tree Planting
PAN-212683 Mod2022/0188	8 June 2022	Modification of Development Consent DA2021/0657 granted for alterations and additions to a dwelling house including swimming pool and garage Add Condition No. 1A - Modification of Consent - Approved Plans and supporting Documentation Amend Condition No.2 - Compliance with Other Department, Authority or Service Requirements

Modified conditions

A. Add Condition No. 1B - 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
S4.55_1.0	01	Site Plan	Wyer & Co	3 October 2023
S4.55_5.0	01	Proposed Lower/Upper Ground Floor Plan - Front	Wyer & Co	3 October 2023
S4.55_5.2	01	Proposed Ground Floor Plan - Rear	Wyer & Co	3 October 2023
DA_6.1	03	Elevation/Section	Wyer & Co	12 May 2021

LP_1.0	01	Landscape Plan	Wyer & Co	3 October 2023
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Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Letter RE Tree Removal (Geotechnical Letter)	1	Alliance Geotechnical Pty Ltd	2 August 2023
Removal of Tree (Engineering Letter)	1	NB Consulting Engineers	17 August 2023
Arborist Letter	1	Hugh The Arborist	23 August 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. Modify Condition 2 - 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 following:

Other Department, Authority or Service	EDMS Reference
Ausgrid	Ausgrid Referral Response
TfNSW	TfNSW Referral Response
NSWRFS	NSWRFS Referral Response
AHO	AHO Referral Response

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

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

C. Modify Condition 13 - Submission Roads Act Application for Civil Works in the Public Road to read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include copy of Civil Engineering plans for the design of the driveway

crossing and associated retaining walls which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

1. The driveway crossing is to be 6 metres wide and the profile is to be in accordance with Council drawing A4/3330/2 NH.
2. Structural details of the retaining walls are to be provided.
3. Form 2 from the Geotechnical Engineer.
4. Written approval for the works by Transport for NSW.
5. Retaining walls around street tree to be re-constructed at its current location and shall be reconstructed "like for like" to Council's satisfaction
6. Pre and post construction structural certification for the retaining walls shall be submitted to Council
7. Plans to show details of replaced street tree planting

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

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

D. Delete Condition 21 - Protection of Existing Street Trees to read as follows:

DELETED

E. Add Condition No. 36A - Street Tree Planting, to read as follows:

Street tree planting shall be installed in accordance with the approved Landscape Plans submitted under the modification application.

Replacement street tree supply shall be a minimum pre-ordered planting size as nominated in the plant schedule, and shall meet the requirements of Natspec - Specifying Trees. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and maintained for a period of 12 months including fertilising and watering until established.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental and streetscape amenity.

Important Information

This letter should therefore be read in conjunction with DA2021/0657 dated 16 August 2021 and MOD2022/0188 dated 8 June 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.