

21 April 2022



Walter Barda Design Pty Ltd  
Suite 2.04 13-15 Wentworth Avenue  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** Mod2021/1003  
**Address:** Lot 6 DP 541797 , 949 Barrenjoey Road, PALM BEACH NSW 2108  
**Proposed Development:** Modification of Development Consent DA2018/1655 granted for Alterations and additions to a dwelling house

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,



Clare Costanzo  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2021/1003
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Walter Barda Design Pty Ltd
<b>Land to be developed (Address):</b>	Lot 6 DP 541797 , 949 Barrenjoey Road PALM BEACH NSW 2108
<b>Proposed Development:</b>	Modification of Development Consent DA2018/1655 granted for Alterations and additions to a dwelling house

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	21/04/2022
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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>
1001 Site Plan RevD	20 December 2021	Walter Barda Design
1002 Floor Plan L6 & Carport RevD	20 December 2021	Walter Barda Design
1301 Elevations RevD	20 Decmeber 2021	Walter Barda Design
A1305 Sections RevF	20 December 2021	Walter Barda Design

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No. A329899_02	14 October 2021	Walter Barda Design
Geotechnical Assessment	29 October 2021	Douglas Partners
Bushfire Risk Assessment	1 November 2021	Ron Coffey

##### b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

**B. Add Condition 2b) - Amendment to approved plans to read as follows:**

The following amendments are to be made to the approved plans:

- The vehicular gate shall be a maximum height of 1.5m. For the avoidance of doubt the vehicular gate shall be no higher than the adjoining pedestrian gate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

**C. Add Condition 32 - Certification Elevated Parking Facility Work to Conditions which must be complied with prior to the issue of the occupation certificate to read as follows:**

The applicant shall submit a Structural Engineers certificate certifying that the elevated parking facility was constructed in accordance with this development consent and the provisions of Australian/New Zealand Standard AS/NZ 2980.1:2004 parking facilities - off street car parking, in particular Section 2.4.5 Physical controls. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

Reason: Compliance with this consent.

**D. Add Condition 33 - Retaining wall to Conditions which must be complied with prior to the issue of the occupation certificate to read as follows:**

The retaining wall works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: Public and Private Safety.

**E. Add Condition 34 - Pollution Control to Conditions to be complied with during demolition and building work to read as follows:**

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste/debris is to be removed off site and disposed of in accordance with applicable regulations as frequently as required to prevent building waste and debris from entering waters.

Reason: To protect receiving waters and ensure that pollutants and building associated waste do not leave the construction site.

**F. Add Condition 35 - Compliance with Other Department, Authority or Service Requirements to development consent operational conditions to read as follows:**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<i>Other Department Authority or</i>	<i>EDMS Reference</i>	<i>Dated</i>
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*Service*

Ausgrid Response  
NSW Rural Fire Service

Ausgrid Referral  
NSW RFS

Undated  
3 February 2022

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

## Important Information

This letter should therefore be read in conjunction with DA2018/1655.

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                Clare Costanzo, Planner

Date                 21/04/2022