

22 August 2023

Virginia Kerridge
G03/59 Great Buckingham Street
REDFERN NSW 2016

Dear Sir/Madam

Application Number: Mod2023/0146
Address: Lot 2 DP 7391 , 43 Beach Road, COLLAROY NSW 2097
Lot 1 DP 300846 , 41 Beach Road, COLLAROY NSW 2097
Proposed Development: Modification of Development Consent DA2019/1522 granted for consolidation of two lots into one, demolition works and construction of a dwelling house including a 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

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,



Maxwell Duncan
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0146 PAN-315671
Applicant:	Virginia Kerridge G03/59 Great Buckingham Street REDFERN NSW 2016
Property:	Lot 2 DP 7391 43 Beach Road COLLAROY NSW 2097 Lot 1 DP 300846 41 Beach Road COLLAROY NSW 2097
Description of Development:	Modification of Development Consent DA2019/1522 granted for consolidation of two lots into one, demolition works and construction of a dwelling house including a swimming pool
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	21/08/2023
Date from which the consent operates:	21/08/2023

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

Maxwell Duncan, Principal Planner

Date

21/08/2023

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN- 315671 Mod2023/014	The date of this notice of determination	<p>Modification of Development Consent DA2019/1522 granted for consolidation of two lots into one, demolition works and construction of a dwelling house including a swimming pool</p> <p>Add Condition 1B - Modification of Consent - Approved Plans and supporting documentation 2</p> <p>Add Condition 27(A) - Work and Access on Reserves Permit</p> <p>Add Condition 27(B) - Construction Management Plan - Council Assets</p> <p>Add Condition 27(C) - Dilapidation Report of Land Owned or Managed by Council</p> <p>Add Condition 27(D)- Protection of trees on Land Owned or Managed by Council</p> <p>Add Condition 43(A) - Protection of Council's Public Assets</p> <p>Add Condition 47(A) - Removal of All Temporary Structures/Materials and Construction Rubbish</p> <p>Add Condition 47(B) - Condition of Trees on Land Owned or Managed by Council</p> <p>Add Condition 47(C) - Post-Construction Dilapidation Report of Land Owned or Managed by Council</p> <p>Add Condition 47(D) - Landscape completion certification</p> <p>Add Condition 56(A) - Landscape Maintenance</p>
PAN-205438 MOD2022/0148	19 May 2022	<p>Modification of Development Consent DA2019/1522 granted for consolidation of two lots into one, demolition works and construction of a dwelling house including a swimming pool</p> <p>Add Condition 1A - Modification of Consent - Approved Plans and supporting Documentation</p> <p>Add Condition 20(A) - External Finishes to the Wall</p>
DA2019/1522	16 September 2020	Consolidation of two lots into one, demolition works and construction of a dwelling house including a swimming pool.

Modified conditions

A. Add Condition No.1B - Modification of Consent - Approved Plans and supporting documentation 2, 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
S4.55 100	Revision B	Site and Roof Plan Proposed	Virginia Kerridge Architect	17 March 2023
S4.55 100	Revision B	Basement Plan Proposed	Virginia Kerridge Architect	17 March 2023
S4.55 100	Revision B	Ground Floor Plan Proposed	Virginia Kerridge Architect	17 March 2023
S4.55 100	Revision B	First Floor Plan Proposed	Virginia Kerridge Architect	17 March 2023
S4.55 200	Revision B	North and East Elevation Proposed	Virginia Kerridge Architect	17 March 2023
S4.55 210	Revision B	South and West Elevation Proposed	Virginia Kerridge Architect	17 March 2023
S4.55 300	Revision B	Section A-A, Section E-E	Virginia Kerridge Architect	17 March 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No. 1378352S_04	4	Sustain Build Projects	5 April 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 27(A) - Work and Access on Reserves Permit - to read as follows:

Works (undertaken by principal contractors working without Council supervision) on land owned or managed by Council require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Reason: Public safety and the protection of Council infrastructure.

C. Add Condition 27(B) - Construction Management Plan - Council Assets - to read as follows:

Prior to commencement of works on site, appropriate environmental site management measures must be in place and incorporate the following throughout demolition and construction:

a) access to and from the site during construction and demolition,

- b) safety and security of the site, including details of proposed fencing,
- c) methods of loading and unloading machinery and building materials,
- d) location of storage materials, excavation and waste materials,
- e) methods to prevent material being tracked off the site onto surrounding roadways,
- f) erosion, sediment and dust control measures, and
- g) protection of existing trees and vegetation including the tree protection zone, in accordance with AS 4970-2009 Protection of Trees on Development Sites.

During works, the site management measures listed above must remain in place and be maintained until the completion of works.

Construction materials must not be stored on Land owned or managed by Council unless approval is provided by Council. Safe pedestrian access free of trip hazards must be maintained at all times on or adjacent to any public access routes connected to land owned or managed by Council.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

D. Add Condition 27(C) - Dilapidation Report of Land Owned or Managed by Council - to read as follows:

A dilapidation report established at the commencement of the works shall contain a survey of preexisting land features including a photographic record of the land under Council's care, control and management adjoining the development, detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, driveways, footpaths, utilities, furniture, trees, garden areas, lawn areas, foreshore vegetation, and existing ground levels.

This dilapidation report shall be submitted to Council and the Certifier prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets as listed in the Post Construction Dilapidation report submitted prior to the issue of the Occupation Certificate.

Any damage to these assets during the works must be replaced like for like to the satisfaction of the Certifier, and shall be subject to acceptance by Council.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

E. Add Condition 27(D)- Protection of trees on Land Owned or Managed by Council - to read as follows:

Unless identified by the development consent, existing trees on Council Land shall be protected in accordance with AS4970- 2009 Protection of trees on development sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance unless authorised and under supervision of the Project Arborist.

Reason: Tree protection and management.

F. Add Condition 43(A) - Protection of Council's Public Assets - to read as follows:

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

G. Add Condition 47(A) - Removal of All Temporary Structures/Materials and Construction Rubbish - to read as follows:

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds are to be removed from the site.

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

Reason: To protect reserve amenity and public safety.

H. Add Condition 47(B) - Condition of Trees on Land Owned or Managed by Council - to read as follows:

Prior to the issue of any relevant Occupation Certificate, a qualified Arborist is to certify that:

a) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 Protection of trees on development sites, and AS 4373-2007 Pruning of amenity trees.

Reason: Tree and public asset management.

I. Add Condition 47(C) - Post-Construction Dilapidation Report of Land Owned or Managed by Council - to read as follows:

Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council, and an on site inspection completed by Council for sign off prior to the issue of the Occupation Certificate. Reinstatement planting to all disturbed areas, with like for like species, shall be installed and documented in the report and signed off on site.

The applicant is liable for any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

J. Add Condition 47(D) - Landscape completion certification - to read as follows:

Landscape works are to be implemented in accordance with the approved Landscape Plan(s), and

inclusive of the following conditions:

- a) The bin store gates must swing into the property or be relocated so the gates do not encroach over the property boundary when opening or closing,
- b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Principal Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent,
- c) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Principal Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

Reason: Landscape amenity.

K. Add Condition 56(A) - Landscape Maintenance - to read as follows:

All reinstatement planting shall be maintained to the satisfaction of Council until established.

Reason: To maintain local environmental amenity.

Important Information

This letter should therefore be read in conjunction with DA2019/1522 dated 15 September 2020 and MOD2022/0148 dated 19 May 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.