

8 April 2021



James Mark King
84 Palmgrove Road
AVALON BEACH NSW 2107

Dear Sir/Madam

Application Number: Mod2021/0068
Address: Lot 41 DP 14630 , 82 Bynya Road, PALM BEACH NSW 2108
Proposed Development: Modification of Development Consent DA2020/0123 granted for construction of 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,



Kent Bull
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0068
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	James Mark King
Land to be developed (Address):	Lot 41 DP 14630 , 82 Bynya Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2020/0123 granted for construction of a swimming pool

DETERMINATION - APPROVED

Made on (Date)	08/04/2021
-----------------------	------------

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
Sht-101, Issue. B (Master Landscape Plan)	16/02/21	Jamie King Landscape Design
Sht-102, Issue. B (Sections)	16/02/21	Jamie King Landscape Design

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 No. 9A 'Amendments to the approved plans' under heading CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE to read as follows:

Amendments to the approved plans

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

i) Along the full extent of the inside northern pool fence line, the planting of locally native shrub species, consisting of plants capable of attaining a mature height of 3 metres and planted at a minimum 200mm

potsize, and planted no more than 1 metre apart,
ii) plant selection must be non-climbable prescribed by the Swimming Pools Regulation 2008.

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 9B 'Bushfire Certification' under heading CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE to read as follows:

Bushfire Certification

Certification is to be provided by a suitably qualified consultant confirming that the modified development, as shown on the approved plans, conforms to the specifications and requirements of the current version of the document entitled *Planning for Bushfire Protection* prepared by the NSW Rural Fire Service that are relevant to the development.

The certification is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

NB. DA2020/0123 was referred to the NSW Rural Fire Service. The recommendations (Referral - RFS - DA2020/0123 - 82 Bynya Road Palm Beach, dated 30 March 2020) from the NSW RFS form part of the development consent.

Reason: To ensure that the modified development complies with the relevant code and standards for bush fire prone land.

D. Add Condition No.16A "Native Screen Plantings" under heading CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE to read as follows:

Native Screen Plantings

i) Along the full extent of the inside northern pool fence line, the planting of locally native shrub species, consisting of plants capable of attaining a mature height of 3 metres and planted at a minimum 200mm potsize, and planted no more than 1 metre apart,
ii) Plant selection must be non-climbable prescribed by the Swimming Pools Regulation 2008,
iii) prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed, inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

Important Information

This letter should therefore be read in conjunction with DA2020/0123 dated 2 April 2020.

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 Kent Bull, Planner

Date 08/04/2021