

4 November 2024

Crawford Architects Pty Ltd
Level 3 Suite 3.01 80 Mount Street
NORTH SYDNEY NSW 2060

Dear Sir/Madam

Application Number: Mod2024/0435
Address: Lot 4 DP 14048 , 26 Ralston Road, PALM BEACH NSW 2108
Lot 5 DP 14048 , 26 Ralston Road, PALM BEACH NSW 2108
Proposed Development: Modification of Development Consent DA2020/0096 granted for
Demolition of a dwelling house and construction of two dwelling
houses

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,



Anaiis Sarkissian
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0435 PAN-460606
Applicant:	Crawford Architects Pty Ltd Level 3 Suite 3.01 80 Mount Street NORTH SYDNEY NSW 2060
Property:	Lot 4 DP 14048 26 Ralston Road PALM BEACH NSW 2108 Lot 5 DP 14048 26 Ralston Road PALM BEACH NSW 2108
Description of Development:	Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	04/11/2024
Date from which the consent operates:	04/11/2024

Under Section 4.55 (1a) Minor 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 Anais Sarkissian, Planner

Date 04/11/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-460606 MOD2024/0435	The date of this notice of determination	<p>Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses</p> <p>Delete Condition 1A - Modification of Consent - Approved Plans and Supporting Documentation</p> <p>Modify Condition 1 - Approved Plans and Supporting Documentation</p> <p>Modify Condition 5 - NSW RFS</p> <p>Modify Condition 9 - On-site Stormwater Detention Details</p> <p>Modify Condition 10 - Vehicle Crossings Application</p> <p>Add Condition 18 - Waste Management Plan</p> <p>Delete Condition 19 - Rear Glazing</p> <p>Add Condition 19 - Stormwater Disposal</p> <p>Add Condition 21A - Geotechnical Report</p> <p>Recommendations have been Incorporated into Designs and Structure Plans</p> <p>Add Condition 21B - Off Street Parking Design</p> <p>Delete Condition 25 - Vehicle Crossings</p> <p>Add Condition 25 - Property Boundary Levels</p> <p>Add Condition 28A - Waste Management During Development</p> <p>Add Condition 28B - Road Reserve</p> <p>Modify Condition 31 - Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures</p> <p>Delete Condition 32 - Stormwater Drainage Easement</p> <p>Add Condition 32 - Waste Management Confirmation</p> <p>Add Condition 32A - Swimming Pool Requirements</p> <p>Add Condition 32B - Certification of Off Street Parking Works</p> <p>Add Condition 32C - Geotechnical Certification Prior to Occupation Certificate</p> <p>Add Condition 32D - Reinstatement of Kerb</p> <p>Add Condition 32E - Stormwater Disposal</p> <p>Add Condition 32F - Right of Carriageway</p>
PAN-395975 MOD2023/0676	27 February 2024	<p>Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses</p> <p>Add Condition 1A - Modification of Consent - Approved Plans and Supporting Documentation</p> <p>Delete Condition 18 - Roof Parapet</p> <p>Modify Condition 26 - Tree Protection Measures</p>

Modified conditions

A. Delete Condition 1A - Modification of Consent - Approved Plans and Supporting Documentation

Deleted.

B. Modify Condition 1 - 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
A011	C	Site Plan	Crawford Architects	1 November 2024
A200	C	Lower Ground Floor Plan	Crawford Architects	1 November 2024
A201	C	Ground Floor Plan	Crawford Architects	1 November 2024
A202	C	First Floor Plan	Crawford Architects	1 November 2024
A203	C	Roof Plan	Crawford Architects	1 November 2024
A300	D	Elevations Sheet 01	Crawford Architects	1 November 2024
A301	D	Elevations Sheet 02 - Lot 05	Crawford Architects	1 November 2024
A302	C	Elevations Sheet 03 - Lot 04	Crawford Architects	23 September 2024
A310	D	Sections - Lot 05 & Lot 04	Crawford Architects	1 November 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
A305 - Elevations - Finishes Sheet 04	B	Crawford Architects	1 November 2024
Bush Fire Assessment Report & Certificate	1	Bushfire Consulting Services Pty Ltd	29 July 2024
Arboricultural Impact Assessment	4	Redgum Horticultural	23 July 2024
Flora and Fauna Assessment	-	GIS Environmental Consultants	20 December 2019

025 - Landscape Plan	-	Stephen Lesiuk Architect	29 May 2020
Stormwater Management Plans (SWDP01; SWDP02; SWDP03; SWDP04; SWDP05; SWDP11; SWDP12; SWDP13; SWDP15; SWDP15; SWDP20; SWDP21)	6	Capital Engineering Consutlants	16 September 2024
Geotechnical Investigation Report	A	Geotechnical Consultants Australia Pty Ltd	18 September 2024
BASIX Certificate	1771194M	Marline Newcastle Pty Ltd	31 October 2024

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.

C. Modify Condition 5 - NSW RFS, to read as follows:

The recommendations contained within the NSW Rural Fire Service letter dated 23 August 2024 must be complied with at all times.

Reason: To ensure compliance with the NSW RFS assessment.

D. Modify Condition 9 - On-site Stormwater Detention Details, to read as follows:

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by capital engineering consultants, job number SW19162, dated 16.09.2024. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

E. Modify Condition 10 - Vehicle Crossings Application, to read as follows:

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.0 metres wide in accordance with Northern Beaches Council Standard Drawing A4 3330/3 NL in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

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

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

F. Add Condition 18 - Waste Management Plan, to read as follows:

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

G. Delete Condition 19 - Rear Glazing - The proposed first floor rear-facing glazing to Lot 5 is to incorporate screening/louvers to direct views away from the adjoining dwelling and private open space to the south at No. 8 Ebor Road. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Deleted.

H. Add Condition 19 - Stormwater Disposal, to read as follows:

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) , indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the street.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal of stormwater management arising from the development.

I. Add Condition 21A - Geotechnical Report Recommendations have been Incorporated into Designs and Structure Plans, to read as follows:

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Geotechnical Consultants Australia dated 18.09.2024 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

J. Add Condition 21B - Off Street Parking Design, to read as follows:

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

K. Delete Condition 25 - Vehicle Crossings - The Applicant is to construct one vehicle crossing in accordance with the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Deleted.

L. Add Condition 25 - Property Boundary Levels, to read as follows:

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

M. Add Condition 28A - Waste Management During Development, to read as follows:

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

N. Add Condition 28B - Road Reserve, to read as follows:

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

O. Modify Condition 31 - Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures, to read as follows:

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the

Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

P. Delete Condition 32 - Stormwater Drainage Easement - The inter-allotment drainage for the disposal of stormwater drainage burdening lot 4 DP 14048 must be created in favour of Lot 5 DP 14048 in accordance with the drainage plan submitted by cec capital engineering consultants. The easement is to be created under requirements of the Conveyancing Act 1919. Detail proof of registration of drainage easement from NSW Land Registry Services are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

Deleted.

Q. Add Condition 32 - Waste Management Confirmation, to read as follows:

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

R. Add Condition 32A - Swimming Pool Requirements, to read as follows:

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating 'YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS POOL' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life.

S. Add Condition 32B - Certification of Off Street Parking Works, to read as follows:

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

T. Add Condition 32C - Geotechnical Certification Prior to Occupation Certificate, to read as follows:

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

U. Add Condition 32D - Reinstatement of Kerb, to read as follows:

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

V. Add Condition 32E - Stormwater Disposal, to read as follows:

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

W. Add Condition 32F - Right of Carriageway, to read as follows:

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) accompanying 88B instrument, to include all vehicular access and manoeuvring areas. The right of carriageway shall burden Lot 5 DP 14048 and benefit Lot 4 DP 14048 and Lot 5 DP 14048.

Detailed proof of registration of right of carriageway from NSW Land Registry Services is to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

Reason: To ensure adequate vehicular access is provided for all lots.

Important Information

This letter should therefore be read in conjunction with DA2020/0096 dated 9 September 2020 and MOD2023/0676 dated 27 February 2024.

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.