

28 February 2024

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

Dear Sir/Madam

**Application Number:** Mod2023/0676  
**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

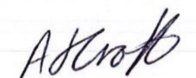
Please find attached the Notice of Determination for the above mentioned Application.

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Adam Croft  
**Principal Planner**

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application Number:</b>	Mod2023/0676 PAN-395975
<b>Applicant:</b>	Crawford Architects Pty Ltd Level 3 Suite 3.01 80 Mount Street NORTH SYDNEY NSW 2060
<b>Property:</b>	Lot 4 DP 14048 26 Ralston Road PALM BEACH NSW 2108 Lot 5 DP 14048 26 Ralston Road PALM BEACH NSW 2108
<b>Description of Development:</b>	Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	27/02/2024
<b>Date from which the consent operates:</b>	27/02/2024
<b>Date on which the consent lapses:</b>	27/02/2029

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### 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.

## 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



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Name                      Adam Croft, Principal Planner

Date                      27/02/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-395975 - Mod2023/0676	The date of this notice of determination	Modification of Development Consent DA2020/0096 granted for Demolition of a dwelling house and construction of two dwelling houses.  Add Condition 1A Delete Condition 18 Modify Condition 26

### Modified conditions

#### **A. Add Condition No.1A - 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
A011	06	Site Plan	Crawford Architects	5 December 2023
A100	02	Cut & Fill Plan	Crawford Architects	5 December 2023
A200	08	Lower Ground Floor Plan	Crawford Architects	5 December 2023
A201	08	Ground Floor Plan	Crawford Architects	5 December 2023
A202	07	First Floor Plan	Crawford Architects	5 December 2023
A203	07	Roof Plan	Crawford Architects	5 December 2023
A300	08	Elevations - Sheet 01	Crawford Architects	5 December 2023
A301	07	Elevations - Sheet 02	Crawford Architects	5 December 2023
A302	07	Elevations - Sheet 03	Crawford Architects	5 December 2023
A310	07	Sections	Crawford Architects	5 December 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Assessment	-	Redgum Horticultural	30 November 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. Delete Condition 18. Roof Parapet to read as follows:**

**18. DELETED**

**C. Modify Condition 26. Tree Protection Measures to read as follows:**

**26. Tree Protection Measures**

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction works, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by RedGum Horticultural reports dated 12 June 2020, and as modified 30 November 2023 specifically for existing trees 2 to 9 inclusive. This shall include all tree sensitive works in the vicinity of the existing trees that have been identified for retention in the Arboricultural Impact Assessments, as identified in the following sections:

- report dated 12 June 2020: Table 1.0; Section 5.0 Observations/Discussions, identifying specific tasks to be undertaken; Section 7.0 Recommendations; and Appendix F Site Plan - Survey of Subject Trees to be Retained & Tree Protection Zones, including tree protection fencing;
- or as modified specifically for existing trees 2 to 9 inclusive in report dated 30 November 2023: Section 5.0 Observations/Discussions; Section 7.0 Recommendations; and Appendix F Site Plan - Survey of Subject Trees to be Retained & Tree Protection Zones.

The Project Arborist shall submit certification that the works and activities described in the above sections have been correctly installed and adhered to during the construction period.

The tree protection measures specified in this clause must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works.

The Certifying Authority or a Project Arborist AQF Level 5 must ensure that: the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree; and any temporary access to, or location of scaffolding within the tree

protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure tree protection is provided and maintained.

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

## 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. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.