

20 February 2024



Lindsay Little & Associates Pty Ltd  
45a Tryon Road  
LINDFIELD NSW 2070

Dear Sir/Madam

**Application Number:** Mod2024/0002  
**Address:** Lot 3 DP 29283 , 87 Alexandra Crescent, BAYVIEW NSW 2104  
**Proposed Development:** Modification of Development Consent DA2020/0820 granted for Alterations and additions to a dwelling house

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,



Brittany Harrison  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2024/0002 PAN-403533
<b>Applicant:</b>	Lindsay Little & Associates Pty Ltd 45a Tryon Road LINDFIELD NSW 2070
<b>Property:</b>	Lot 3 DP 29283 87 Alexandra Crescent BAYVIEW NSW 2104
<b>Description of Development:</b>	Modification of Development Consent DA2020/0820 granted for Alterations and additions to a dwelling house
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	20/02/2024
<b>Date from which the consent operates:</b>	20/02/2024

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                          Brittany Harrison, Planner

Date                            20/02/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-403533 MOD2024/0002	The date of this notice of determination	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1D- Modification of Consent - Approved Plans and supporting documentation.  B. Add Condition No. 15D - On slab landscape planters.  C. Add Condition No. 29B - Planting over the garage structure.
PAN-358915 MOD2023/0438	1 November 2023	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1C - Modification of Consent - Approved Plans and supporting documentation.  B. Add Condition No. 15D - Adherence to Natural Environment Consent Conditions.
PAN-285776 MOD2022/0657	30 January 2023	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1B - Modification of Consent - Approved Plans and supporting Documentation.  B. Modify Condition No. 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans.  C. Add Condition No. 15C - Works located within site boundary.
PAN-211163 MOD2022/0174	7 September 2022	Modification of Development Consent DA2020/0820 granted for alterations and additions to a dwelling house.  A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation.  B. Amend Condition No. 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plan.  C. Amend Condition No. 13 - Submission Roads Act

		<p>D. Application for Civil Works in the Public Road.</p> <p>E. Add Condition No. 15A - External Finishes to Roof.</p> <p>F. Add Condition No. 15B - External Colours and Materials.</p> <p>G. Amend Condition No. 18 - Project Arborist.</p> <p>H. Add Condition No. 25A - Protection of Rock and Sites of Significance.</p> <p>I. Add Condition 25B - Condition of Trees.</p> <p>J. Add Condition No. 29A - Condition of Retained Vegetation - Project Arborist.</p>
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### **MODIFIED CONDITIONS**

#### **A. Add Condition No.1D - 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.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
A02 G	Issue G	Site Analysis Plan	Lindsay Little & Associates Pty Ltd.	4 January 2024
A03 H	Issue H	Carport Plan	Lindsay Little & Associates Pty Ltd.	4 January 2024
A04 G	Issue G	Lower Ground Floor Plan	Lindsay Little & Associates Pty Ltd.	4 January 2024
A05 G	Issue G	Ground Floor Plan	Lindsay Little & Associates Pty Ltd.	4 January 2024
A06 G	Issue G	First Floor Plan	Lindsay Little & Associates Pty Ltd.	4 January 2024
A07 G	Issue G	North Elevation	Lindsay Little & Associates Pty Ltd.	4 January 2024
A08 G	Issue G	West Elevation	Lindsay Little & Associates Pty Ltd.	4 January 2024
A09 F	Issue F	South Elevation, Driveway Sections	Lindsay Little & Associates Pty Ltd.	4 January 2024
A10 G	Issue G	East Elevation	Lindsay Little & Associates Pty Ltd.	4 January 2024
A11 G	Issue G	Section AA	Lindsay Little & Associates Pty Ltd.	4 January 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
87 Alexandra Crescent, Bayview - Comments on Updates to Plans (Ref. J2784G)	-	White Geotechnical Group	22 January 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.

**B. Add Condition No. 15D - On slab landscape planters to read as follows:**

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. Soil depth as indicated on the approved Plans shall be provided.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

**C. Add Condition No. 29B - Planting over the garage structure to read as follows:**

Planting over the garage structure shall be inclusive of the following conditions:

- a) Mass shrub planting shall be installed at minimum 1metre intervals for shrubs of a minimum 200mm container size at planting, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting, and shall be in a planter bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

**Important Information**

This letter should therefore be read in conjunction with DA2020/820 dated 11 December 2020, Mod2022/0174 dated 7 September 2022, Mod2022/0657 dated 30 January 2023 and Mod2023/0438 dated 1 November 2023.

## 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.