

30 September 2024



Casey Brown Architecture Pty Ltd
Level 1 63 William Street
DARLINGHURST NSW 2010

Dear Sir/Madam

Application Number: Mod2024/0458
Address: Lot 22 DP 602041 , 90 Cabbage Tree Road, BAYVIEW NSW 2104
Proposed Development: Modification of Development Consent DA2021/2442 granted for construction of a swimming pool, spa and pavilion

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,



Olivia Ramage
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0458 PAN-463590
Applicant:	Casey Brown Architecture Pty Ltd Level 1 63 William Street DARLINGHURST NSW 2010
Property:	Lot 22 DP 602041 90 Cabbage Tree Road BAYVIEW NSW 2104
Description of Development:	Modification of Development Consent DA2021/2442 granted for construction of a swimming pool, spa and pavilion
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	30/09/2024
Date from which the consent operates:	30/09/2024

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 Olivia Ramage, Planner

Date 30/09/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-463590 Mod2024/0458	The date of this notice of determination	<p>Modification of Development Consent DA2021/2442 granted for Construction of a swimming pool, spa and pavilion</p> <p>Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation</p> <p>Modify Condition No.8 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans</p> <p>Add Condition No.12A - Water Quality Management</p> <p>Add Condition No.20A - Installation and Maintenance of Sediment and Erosion Controls</p> <p>Add Condition No.39 - Maintenance of Stormwater Treatment Measures</p> <p>Delete Condition No.13 - Tree Removal Within the Property</p> <p>Delete Condition No.30 - Installation of solid/fuel burning heaters</p> <p>Delete Condition No.31 - Certification of solid fuel burning heaters</p> <p>Delete Condition No.36 - Maintenance of solid fuel heaters</p> <p>Delete Condition No.37 - Operation of solid fuel burning heaters</p>

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
01.2	01	Overall Site Plan	Casey Brown Architecture	7 August 2024
01.3	01	Proposed Pool and Cabana Ground Plan	Casey Brown Architecture	7 August 2024
01.4	01	Proposed Pool and Cabana Setout Plan	Casey Brown Architecture	7 August 2024
01.5	01	Proposed Roof Plan	Casey Brown Architecture	7 August 2024

01.6	01	Proposed Pool Elevations	Casey Brown Architecture	7 August 2024
01.7	01	Proposed Pool Section	Casey Brown Architecture	7 August 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No. A1759046	-	Lin & Associates Pty Ltd	7 August 2024
Arboriculture Impact Assessment with Site-Specific Preliminary Tree Plan of Management	1	Growing My Way Tree Services	August 2024
Bushfire Letter	-	Matthew Willis - Bushfire Planning Services Pty Limited	25 July 2024
Geotechnical Investigation Report	MMGEO2024YEFE_AB REVISION A	MM Geomechanics	28 June 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. Modify Condition No.8 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans to read as follows:

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by MM Geomechanics dated 28 June 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

C. Add Condition No.12A - Water Quality Management to read as follows:

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

D. Add Condition No.20A - Installation and Maintenance of Sediment and Erosion Controls to read as follows:

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established .

Reason: To protect the receiving environment.

E. Add Condition No.39 - Maintenance of Stormwater Treatment Measures to read as follows:

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: To protect the receiving environment.

F. Delete Condition No.13 - Tree Removal Within the Property

G. Delete Condition No.30 - Installation of solid/fuel burning heaters

H. Delete Condition No.31 - Certification of solid fuel burning heaters

I. Delete Condition No.36 - Maintenance of solid fuel heaters

J. Delete Condition No.37 - Operation of solid fuel burning heaters

Important Information

This letter should therefore be read in conjunction with DA2021/2442 dated 8 April 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.