

21 November 2019



THW Architects
Suite 101 Level 1 60 Old Barrenjoey Road
AVALON BEACH NSW 2107

Dear Sir/Madam

Application Number: Mod2019/0480
Address: Lot 2 DP 878612 , 127 Riverview Road, AVALON BEACH NSW 2107
Proposed Development: Modification of Development Consent DA2018/1676 granted for alterations and additions to a dwelling house including construction of an inclinator

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:	Mod2019/0480
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	THW Architects
Land to be developed (Address):	Lot 2 DP 878612 , 127 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2018/1676 granted for alterations and additions to a dwelling house including construction of an inclinator

DETERMINATION - APPROVED

Made on (Date)	21/11/2019
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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
A00-M (Site Plan)	7 December 2018	THW Architects
038/1, Rev. P2	30 July 2019	Inclined Lifts
038/2, Rev. P3	30 July 2019	Inclined Lifts

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. Under heading 'Development Consent Operational Conditions' Add Condition to read as follows:

Building materials, sedimentation

No building materials or other materials are to be placed on or enter areas of bushland, wetland,

saltmarsh, seagrass or foreshore vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection

C. Modify Condition 8 to read as follows:

Estuarine Planning Level Requirements

An Estuarine Planning Level (EPL) of 2.71m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.71m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.71m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.71m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.71m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.71m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure aspect of the development are built at the appropriate level

D. Under heading 'Conditions to be complied with during demolition and building work' Add Condition to read as follows:

Tree Protection during works – No Works within 5m/calculated Tree Protection Zone (TPZ)

The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks or the calculated TPZ of trees to be retained are not permitted, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk or the calculated TPZ of a tree to be retained, is not permitted.

Reason: To protect and retain trees/the natural environment proposed for retention.

E. Modify Condition 15 to read as follows:

Compliance with Arborist's Recommendations – During Construction

All tree protection measures to be implemented during construction, as specified in Arboricultural Impact Appraisal and Method Statement (revision c), prepared by Naturally Trees dated 14 December 2018 and these conditions of consent are to be implemented at the appropriate stage of development.

The Project Arborist is to undertake direct supervision of all pier excavation works within the calculated Tree Protection Zone (TPZ) of the following trees; T8, T9, T10 all *Corymbia gummifera*.

Compliance with these measures is to be certified in writing by the project arborist, including photographic evidence, and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

F. Under heading 'On-going conditions that must be complied with at all times' Add Condition to read as follows:

Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

G. Under heading 'On-going conditions that must be complied with at all times' Add Condition to read as follows:

No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

H. Under heading 'On-going conditions that must be complied with at all times' Add Condition to read as follows:

Domestic Animals Exclusion

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

I. Under heading 'On-going conditions that must be complied with at all times' Add Condition to read as follows:

Fencing for Wildlife Passage

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

J. Under heading 'On-going conditions that must be complied with at all times' Add Condition to read as follows:

Works to cease if item found

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal

Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

K. Under heading 'On-going conditions that must be complied with at all times' Add Condition to read as follows:

Inclinor movements

Use of the inclinor being restricted to 24 movements per day during 7am and 10pm and two movements between 10pm and 7am (except in emergencies). The maximum noise level associated with the inclined passenger lift is not to exceed 60dB(A), when measured one metre from any adjoining premises.

Reason: To ensure the surrounding area and people within the neighborhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

Important Information

This letter should therefore be read in conjunction with DA2018/1676 dated 13 February 2019.

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

21/11/2019