

20 May 2024



Geoffrey George Hastings Ainsworth
C/- Brooke Aitken Design 304/22-36 Mountain Street
ULTIMO NSW 2007

Dear Sir/Madam

Application Number: Mod2024/0157
Address: Lot 2 DP 584675 , 5 Northview Road, PALM BEACH NSW 2108
Proposed Development: Modification of Development Consent DA2021/0009 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

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:	Mod2024/0157 PAN-423813
Applicant:	Geoffrey George Hastings Ainsworth C/- Brooke Aitken Design 304/22-36 Mountain Street ULTIMO NSW 2007
Property:	Lot 2 DP 584675 5 Northview Road PALM BEACH NSW 2108
Description of Development:	Modification of Development Consent DA2021/0009 granted for alterations and additions to a dwelling house
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	20/05/2024
Date from which the consent operates:	20/05/2024

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 20/05/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-423813 Mod2024/0157	The date of this notice of determination	Modification of Development Consent DA2021/0009 granted for alterations and additions to a dwelling house. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Add Condition No.1B - Compliance with Other Department, Authority or Service Requirements Modify Condition No.12 - Project Arborist Add Condition No.16A - Wildlife Protection Add Condition No.16B - Protection of Habitat Features Add Condition No.23 - Protection of Habitat Features

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
2004-001	C	Site Analysis and Landscape Plan	Brooke Aitken Design	13 March 2024
2004-102	B	Existing & Demo Lowerground Floor Plan	Brooke Aitken Design	13 March 2024
2004-103	B	Existing & Demo Basement Floor Plan	Brooke Aitken Design	13 March 2024
2004-106	B	Existing & Demo Elevation C	Brooke Aitken Design	13 March 2024
2004-107	B	Existing & Demo Elevation D	Brooke Aitken Design	13 March 2024
2004-109	B	Existing & Demo Section 2	Brooke Aitken Design	13 March 2024
2004-202	B	Proposed Lowerground Floor Plan	Brooke Aitken Design	13 March 2024
2004-203	B	Proposed Basement	Brooke Aitken Design	13 March 2024

		Floor Plan		
2004-206	B	Proposed Elevation C	Brooke Aitken Design	13 March 2024
2004-207	C	Proposed Elevation D	Brooke Aitken Design	13 March 2024
2004-209	B	Proposed Section 2	Brooke Aitken Design	13 March 2024
External Colours/Finishes	-	Sheet 1	-	Undated
External Colours/Finishes	-	Sheet 2	-	Undated

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Aboriginal Heritage Site Conservation Management Plan	-	Dominic Steele Consulting Archaeology	March 2024
Arboricultural Impact Assessment Report	-	Seasoned Tree Consulting	28 March 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.1B - Compliance with Other Department, Authority or Service Requirements to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Aboriginal Heritage Office	AHO Referral Response	8 May 2024
Metropolitan Local Aboriginal Land Council	Response to Aboriginal Site Conservation Report	25 March 2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

C. Modify Condition No.12 - Project Arborist to read as follows:

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the approved Arboricultural Impact Assessment, and

in particular: sections 8 Recommendations and Mitigation Strategies; 9 Arboricultural Work Method Statement and Tree Protection Requirements; and 10 Hold Points.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist. Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified 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 Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: i) 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; and ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

D. Add Condition No.16A - Wildlife Protection to read as follows:

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

E. Add Condition No.16B - Protection of Habitat Features to read as follows:

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

F. Add Condition No.23 - Protection of Habitat Features to read as follows:

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

Important Information

This letter should therefore be read in conjunction with DA2021/0009 dated 16 March 2021.

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.