

13 July 2022



Project Venture Development NO 4 Pty Ltd  
75 Foamcrest Avenue  
NEWPORT NSW 2106

Dear Sir/Madam

**Application Number:** Mod2022/0156  
**Address:** Lot 1 DP 22450 , 77 Foamcrest Avenue, NEWPORT NSW 2106  
Lot 2 DP 22450 , 75 Foamcrest Avenue, NEWPORT NSW 2106  
**Proposed Development:** Modification of Development Consent DA2020/1695 granted for  
Construction of a Residential Flat Building

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

Regards,



Dean Pattalis  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2022/0156
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Project Venture Development NO 4 Pty Ltd
<b>Land to be developed (Address):</b>	Lot 1 DP 22450 , 77 Foamcrest Avenue NEWPORT NSW 2106 Lot 2 DP 22450 , 75 Foamcrest Avenue NEWPORT NSW 2106
<b>Proposed Development:</b>	Modification of Development Consent DA2020/1695 granted for Construction of a Residential Flat Building

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	13/07/2022
-----------------------	------------

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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA03-I (Basement Plan)	18 March 2022	Richard Cole Architecture
DA10-I (Sections)	18 March 2022	Richard Cole Architecture
DA11-I (Sections)	18 March 2022	Richard Cole Architecture
DA21-I (Driveway Profile)	18 March 2022	Richard Cole Architecture

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
C2-C (Stormwater Management Plan - Basement)	22 February 2022	Acor Consultants
C3-C (Stormwater Management Plan - Ground Floor)	22 February 2022	Acor Consultants
C4-C (Stormwater Management Details Sheet 1)	22 February 2022	Acor Consultants
C5-C (Stormwater Management Details Sheet 2)	22 February 2022	Acor Consultants

C6-C (Stormwater Management Details Sheet 3)	22 February 2022	Acor Consultants
--	------------------	------------------

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (1157603M_04)	23 March 2022	Insight Energy
Geotechnical Report (2020-202)	4 February 2022	Crozier Geotechnical Consultants

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.

### Modify Condition 16. On-site Stormwater Detention Details to read as follows:

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY for DEVELOPMENT, and generally in accordance with the concept drainage plans prepared by ACCOR, drawing number CC210481 C2 C, C3 C, C4 C, C5 C, C6 C. dated Feb 2022. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

### Modify Condition 17. Submission Roads Act Application for Civil Works in the Public Road to read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of 225mm stormwater outlet pipe and new kerb inlet pit in Foamcrest Avenue which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:  
1) A services locator is to be engaged to locate all services within the footpath area to ensure there are no conflicts with the proposed 225mm Stormwater outlet pipe.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

## Important Information

This letter should therefore be read in conjunction with DA2020/1695.

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 must be lodged on the NSW Planning portal within 28 days 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                      Dean Pattalis, Planner

Date                      13/07/2022