

26 February 2024



Adam John Rytenskild  
Po Box 561  
AVALON BEACH NSW 2107

Dear Sir/Madam

**Application Number:** Mod2023/0597  
**Address:** Lot 103 DP 1256016 , 1110 Barrenjoey Road, PALM BEACH NSW 2108  
**Proposed Development:** Modification of Development Consent DA2021/0200 granted for Construction of a dwelling house, including a secondary dwelling and swimming pool

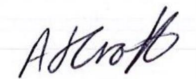
Please find attached the Notice of Determination for the above mentioned Application.

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,



Adam Croft  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0597 PAN-379779
<b>Applicant:</b>	Adam John Rytenskild Po Box 561 AVALON BEACH NSW 2107
<b>Property:</b>	Lot 103 DP 1256016 1110 Barrenjoey Road PALM BEACH NSW 2108
<b>Description of Development:</b>	Modification of Development Consent DA2021/0200 granted for Construction of a dwelling house, including a secondary dwelling and swimming pool
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	25/02/2024
<b>Date from which the consent operates:</b>	25/02/2024

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



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Name                      Adam Croft, Planner

Date                      25/02/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN - 379779 MOD2023/0597	The date of this notice of determination	Modification of Development Consent DA2021/0200 granted for Construction of a dwelling house, including a secondary dwelling and swimming pool.  Add Condition 2A Add Condition 5A Modify Condition 12 Modify Condition 28 Modify Condition 34

### Modified conditions

**A. Add Condition No.2A. Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

#### **2A. Modification of Consent - Approved Plans and supporting documentation**

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
MOD1001	M-01	Site Plan	Jorge Hrdina Architects	31 October 2023
MOD2000	M-01	Ground Floor	Jorge Hrdina Architects	31 October 2023
MOD2001	M-01	Cellar	Jorge Hrdina Architects	31 October 2023
MOD2002	M-01	First Floor	Jorge Hrdina Architects	31 October 2023
MOD2003	M-01	Second Floor	Jorge Hrdina Architects	31 October 2023
MOD2004	M-01	Third Floor	Jorge Hrdina Architects	31 October 2023
MOD2005	M-01	Roof Plan	Jorge Hrdina Architects	31 October 2023
MOD3000	M-01	North Elevation	Jorge Hrdina Architects	31 October 2023
MOD3001	M-01	South Elevation	Jorge Hrdina Architects	31 October 2023
MOD3002	M-01	East Elevation	Jorge Hrdina Architects	31 October 2023
MOD3003	M-01	West Elevation	Jorge Hrdina Architects	31 October 2023
MOD3100	M-01	Section 01	Jorge Hrdina Architects	31 October 2023
MOD3101	M-01	Section 02	Jorge Hrdina Architects	31 October 2023
MOD3102	M-01	Section 03	Jorge Hrdina Architects	31 October 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No. 1301128M	-	Efficient Living	23 June 2022

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 5A. Ausgrid to read as follows:**

### **5A. Ausgrid**

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
Ausgrid	Ausgrid Referral Response	11 December 2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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 12. Amendment of Landscape Plans to read as follows:**

### **12. Amendment of Landscape Plans**

The submitted Landscape Plan (Pangkarra 2021) is to be amended in accordance with the following:

- Provision of at least 80% of any new plantings incorporates native vegetation (as per species found on the site or listed in the Pittwater Spotted Gum Endangered Ecological Community). Found here: <https://www.environment.nsw.gov.au/topics/animals-andplants/threatened-species/nsw-threatened-species-scientificcommittee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20>
- Provision of at least six(6) Spotted Gum (*Corymbia maculata*) additional to native species currently proposed. This is required such that the Local Occurrence and floristic integrity of the vegetation remains unchanged. Locations selected for planting are to be reasonably spread so as to allow trees to reach mature size.

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

**D. Modify Condition 28. Required Tree Planting to read as follows:**

**28. Required Tree Planting**

a) Trees shall be planted in accordance with the following:

- i) 6 x *Corymbia maculata*
- ii) 3 x *Glochidion ferdinandi*
- iii) 4 x *Livistona australis*

b) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

**E. Modify Condition 34. Replacement of Canopy Trees to read as follows:**

**34. Replacement of Canopy Trees**

At least six (6) Spotted Gum (*Corymbia maculata*) are to be planted on site to replace protected trees approved for removal.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

## **Important Information**

This letter should therefore be read in conjunction with DA2021/0200 dated 21 July 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.