

27 October 2020



Blue Sky Building Designs Pty Ltd  
PO Box 167  
NEWPORT BEACH NSW 2106

Dear Sir/Madam

**Application Number:** Mod2020/0412  
**Address:** Lot 46 DP 13620 , 967 Barrenjoey Road, PALM BEACH NSW 2108  
**Proposed Development:** Modification of Development Consent N0272/16 granted for Demolition of existing dwelling house and construction of a new dwelling house and swimming pool

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,



Megan Surtees  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2020/0412
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Blue Sky Building Designs Pty Ltd
<b>Land to be developed (Address):</b>	Lot 46 DP 13620 , 967 Barrenjoey Road PALM BEACH NSW 2108
<b>Proposed Development:</b>	Modification of Development Consent N0272/16 granted for Demolition of existing dwelling house and construction of a new dwelling house and swimming pool

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	27/10/2020
-----------------------	------------

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>
CC102 Site Plan	21 August 2020	Blue Sky Building Designs
CC103 Pool Amenities Level	21 August 2020	Blue Sky Building Designs
CC104 Pool Plan	21 August 2020	Blue Sky Building Designs
CC105 Ground Floor Plan	21 August 2020	Blue Sky Building Designs
CC106 First Floor & Section A	21 August 2020	Blue Sky Building Designs
CC107 South & East Elevations	21 August 2020	Blue Sky Building Designs
CC108 North Elevation	21 August 2020	Blue Sky Building Designs
CC109 West Elevation	21 August 2020	Blue Sky Building Designs

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Comment	27 August 2020	Douglas Partners

Bushfire Risk Assessment Report	7 March 2016	Building Code & Bushfire Hazard Solutions Pty Limited
---------------------------------	--------------	---

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

## Important Information

This letter should therefore be read in conjunction with N0272/16 and Mod2018/0387

### Planning Principles

In a merit consideration of the proposal, consideration of the development has been given against the Land and Environment Court Planning Principle in relation to The extent of demolition - alterations and additions or a new building detailed in Edgar Allan Planning Pty Limited v Wollahra Municipal Council [2006] NSWLEC 790 as follows:	
Will the development result in an alteration to an existing by more than half (50%) of the existing external fabric of the building is demolished?  (Note: The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof measured in plan and the area of the lowest habitable floor)	No
Is the development considered to be Alterations and additions; or	Yes
Is the development considered to be a new building	No

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

A handwritten signature in blue ink, appearing to read 'M Surtees', written over a horizontal line.

Name

Megan Surtees, Planner

Date

27/10/2020