

16 September 2021



Catherine Finlay
2 Seaman Street
GREENWICH NSW 2065

Dear Sir/Madam

Application Number: Mod2021/0389
Address: Lot 1 DP 450305 , 3 Bynya Road, PALM BEACH NSW 2108
Proposed Development: Modification of Development Consent DA2019/0649 granted for alterations and additions to a dwelling house including swimming pool and spa

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,



Gareth David
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0389
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Catherine Finlay
Land to be developed (Address):	Lot 1 DP 450305 , 3 Bynya Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2019/0649 granted for alterations and additions to a dwelling house including swimming pool and spa

DETERMINATION - APPROVED

Made on (Date)	16/09/2021
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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
101B - PROPOSED SITE PLAN	01/09/2021	DBCF Pty Ltd
105B - PROPOSED ROOF PLAN	01/09/2021	DBCF Pty Ltd
106B - PROPOSED FIRST FLOOR PLAN	01/09/2021	DBCF Pty Ltd
107A - PROPOSED GROUND FLOOR PLAN	18/05/2021	DBCF Pty Ltd
108A - PROPOSED LOWER GROUND FLOOR PLAN	18/05/2021	DBCF Pty Ltd
109B - ELEVATION NORTH	01/09/2021	DBCF Pty Ltd
110B - ELEVATION SOUTH	01/09/2021	DBCF Pty Ltd
111B - ELEVATION EAST	01/09/2021	DBCF Pty Ltd
112B - ELEVATION WEST	01/09/2021	DBCF Pty Ltd
113A - SECTION A-A	18/05/2021	DBCF Pty Ltd
114A - SECTION B-B	18/05/2021	DBCF Pty Ltd
115A - SECTION C-C	18/05/2021	DBCF Pty Ltd
116B - SECTION D-D	01/09/2021	DBCF Pty Ltd

118A - POOL DETAILS	11/01/2021	DBCF Pty Ltd
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Engineering Plans		
Drawing No.	Dated	Prepared By
D01 Rev.C - STORMWATER MANAGEMENT PLAN	11/06/2021	iSTRUCT Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (A420032)	09/06/2021	DBCF Pty Ltd
Arborist Report (210310_3 Bynya_St)	10/03/2021	Urban Arbor

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

f) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
117B - LANDSCAPE & WMP PLAN	01/09/2021	DBCF Pty Ltd

Waste Management Plan		
Drawing No.	Dated	Prepared By
117B - LANDSCAPE & WMP PLAN	01/09/2021	DBCF Pty Ltd

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 35 - 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
Ausgrid	Response Ausgrid Referral	06/07/2021

(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. Add Condition 36 - Required Tree Planting to read as follows:

Trees shall be planted in accordance with the following:

- i) 1 tree capable of attaining a minimum height of 5m at maturity; located within the grounds of the property; minimum pot size 200mm

Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings and other trees.

Tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight or where the proposed tree location may impact upon significant views.

Native tree planting species shall be selected from Council's list:
www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

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.

D. Add Condition 37 - Dead or Injured Wildlife to read as follows:

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

Reason: To protect native wildlife.

E. Add Condition 38 - Replacement of Canopy Trees to read as follows:

At least 2 locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with Council's Native Gardening Guide.

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.

F. Add Condition 39 - No Weeds Imported On To The Site to read as follows:

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

G. Add Condition 40 - Replacement of Canopy Trees to read as follows:

Tree replacement plantings required under this consent 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.

Reason: To replace locally native trees.

H. Add Condition 41 - No approval for hardstand parking area to read as follows:

No approval is granted under this consent for the use of the driveway adjacent to the garage as a separate parking area.

Reason: To ensure the use is consistent with the development consent.

Important Information

This letter should therefore be read in conjunction with DA2019/0649 dated 20 August 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 must be submitted to Council 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 Gareth David, Planner

Date 16/09/2021