

15 December 2022



Ben Nemeny
402 Darling Street
BALMAIN NSW 2041

Dear Sir/Madam

Application Number: Mod2022/0512
Address: Lot 2 DP 221631 , 78 Hudson Parade, CLAREVILLE NSW 2107
Proposed Development: Modification of Development Consent DA2019/0152 granted for Demolition Works and construction of a dwelling house including swimming pool and refurbishment of existing boatshed

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,



Michael French
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0512
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Ben Nemeny
Land to be developed (Address):	Lot 2 DP 221631 , 78 Hudson Parade CLAREVILLE NSW 2107
Proposed Development:	Modification of Development Consent DA2019/0152 granted for Demolition Works and construction of a dwelling house including swimming pool and refurbishment of existing boatshed

DETERMINATION - APPROVED

Made on (Date)	15/12/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1C - 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
S4.55 01	31 August 2022	Marker Architecture & Design
S4.55 02	31 August 2022	Marker Architecture & Design
S4.55 03	31 August 2022	Marker Architecture & Design
S4.55 04	31 August 2022	Marker Architecture & Design
S4.55 05	31 August 2022	Marker Architecture & Design
S4.55 06	31 August 2022	Marker Architecture & Design
S4.55 09	31 August 2022	Marker Architecture & Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report	22 November	Standfast Tree Services

	2022	
Geotechnical Assessment	31 August 2022	Crozier Geotechnical Consultants
BASIX Certificate 970616S_05	21 September 2022	Marker Architecture & Design

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. Add Condition 42C 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 Certifier prior to issue of any Occupation Certificate.

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

C. Add Condition 63 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 registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

D. Add Condition 64 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.

E. Add Condition 65 Tree and Vegetation Protection to read as follows:

a) Existing trees and vegetation shall be retained and protected including:

- i) all trees and vegetation within the site not approved for removal
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,

- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

F. Add Condition 66 Implementation of Tree Protection Measures to read as follows:

All measures listed under 'Conclusions/Recommendations' of the submitted arboricultural assessment (Standfast Tree Services, 22 November 2022) must be fully implemented during the construction phase. Compliance with this condition is to be certified by the Project Arborist and written evidence provided to the Principal Certifying Authority prior to the Occupation Certificate.

Reason: To retain prescribed native trees not approved for removal

G. Add Condition 67 Estuarine Hazard Design Requirements to read as follows:

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be

demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

H. Add Condition 68 Estuarine Planning Level Requirement to read as follows:

An Estuarine Planning Level (EPL) of 2.5m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

All decking associated with the boatshed shall be of flood compatible materials;

Reason: To ensure aspect of the development are built at the appropriate level

I. Add Condition 69 Installation and Maintenance of Sediment and Erosion Control to read as follows:

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

Important Information

This letter should therefore be read in conjunction with MOD2022/0180 dated 24 June 2022.

MOD2021/0421 dated 23 August 2021.

MOD2020/0343 dated 16 September 2020.

MOD2020/0337 dated 21 August 2020.

DA2019/0152 dated 23 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 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 Michael French, Planner

Date 15/12/2022