

5 March 2024

Danny Goldberg
35/12 Phillip Street Mall
WEST PYMBLE NSW 2073

Dear Sir/Madam

Application Number: Mod2023/0661
Address: Lot A DP 376415 , 90 Hudson Parade, CLAREVILLE NSW 2107
Lot LIC 589068 , 90 Hudson Parade, CLAREVILLE NSW 2107
Proposed Development: Modification of Development Consent N0052/12 granted for
Removal of existing slip rails, boat shed awning and walkway,
Construction of skid ramp and public access walkways; and
Repair of boat shed (new roof, cladding and new doors)

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

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

Regards,



Michael French
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0661 PAN-394212
Applicant:	Danny Goldberg 35/12 Phillip Street Mall WEST PYMBLE NSW 2073
Property:	Lot A DP 376415 90 Hudson Parade CLAREVILLE NSW 2107 Lot LIC 589068 90 Hudson Parade CLAREVILLE NSW 2107
Description of Development:	Modification of Development Consent N0052/12 granted for Removal of existing slip rails, boat shed awning and walkway, Construction of skid ramp and public access walkways; and Repair of boat shed (new roof, cladding and new doors)
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	05/03/2024
Date from which the consent operates:	05/03/2024

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



Name Michael French, Planner

Date 05/03/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
Mod2023/0661	The date of this notice of determination	Modification of Development Consent N0052/12 granted for Removal of existing slip rails, boat shed awning and walkway, Construction of skid ramp and public access walkways; and Repair of boat shed (new roof, cladding and new doors)

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

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
DAB01	-	Survey Plan	Cullen Feng Architects	March 2023
DAB02	-	Site Analysis Plan	Cullen Feng Architects	March 2023
DAB03	A	Proposed Boatshed Works	Cullen Feng Architects	March 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waste Management Plan	-	Copley Marine Group	29 November 2023

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.

A. Add Condition C.10- Estuarine Hazard Design Requirements to read as follows:

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 risks associated with coastal hazards for development in an estuarine environment.

B. Add Condition C.11- Estuarine Planning Level Requirements to read as follows:

An Estuarine Planning Level (EPL) of 1.7m AHD has been recommended through Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 13 February 2024 and shall be applied to all development proposed below this level as follows:

- 1. All structural elements below 1.7m AHD shall be of flood compatible materials;*
- 2. All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 1.7m AHD or waterproofed to this level; and*
- 3. The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 1.7m AHD.*
- 4. All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 1.7m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 1.7m AHD to avoid the likelihood of contact with splashing waves and spray.*

Reason: To ensure vulnerable components of the development are built at the appropriate level.

C. Add Condition C.12- Compliance with Estuarine Risk Management Report to read as follows:

The development is to comply with all recommendations of the approved Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 13 February 2024 and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

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

D. Add Condition C.13- Structural Engineering for Estuarine Risk to read as follows:

Structural engineering design for the development shall be prepared, with input as necessary from a chartered professional engineer with coastal engineering as a core competency, to ensure that for its design life (taken to be 25 years as justified and accepted by Council) the development is able to withstand the wave impact forces and loadings identified in the approved Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 13 February 2024.

The potential for component fatigue (wear and tear) should be recognised for the less severe, but more frequent, wave impact loadings.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional

E. Add Condition C.14- Development of a Maintenance Plan to read as follows:

The Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 13 February 2024 has indicated that the boat shed will be exposed to future design horizontal and uplift wave forces from waves impinging on the structure. These forces may cause significant damage that requires maintenance, noting that the boat shed flooring boards are held in place by stainless steel screws.

A maintenance program shall be prepared by the structural engineer, with input as necessary from a chartered professional engineer with coastal engineering as a core competency, to ensure that for its design life the boatshed is maintained in a sound structural condition. The maintenance program shall be submitted to the Certifying Authority for approval prior to the release of the Construction Certificate. The boatshed shall be repaired and maintained in accordance with the program and as may be required from time to time to ensure its structural integrity for its design life.

Reason: To ensure appropriate maintenance of the boatshed

F. Add Condition B.14- Compliance with Estuarine Risk Management Report to read as follows:

The development is to comply with all recommendations of the approved Coastal Engineering Risk Assessment Report prepared by Stantec Australia Pty. Ltd. dated 13 February 2024 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and the estuarine environment

G. Add Condition B.15- Boatshed Not for Habitation to read as follows:

At no time shall the boatshed be utilised or converted to provide for residential habitation. The boatshed must not be used for any other purpose than the storage of small boats, light watercraft and boating and marine equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or

toilet facilities is not permitted.

Reason: To ensure compliance with Pittwater Estuarine Risk Management Policy.

Important Information

This letter should therefore be read in conjunction with N0052/12 dated 2 October 2012.

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.