

26 November 2024



Alexander & Co
63 Brisbane Street
BONDI JUNCTION NSW 2022

Dear Sir/Madam

Application Number: Mod2024/0441
Address: Lot 25 DP 8075 , 38 Bower Street, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA2023/1448 granted for Alterations and additions to a dwelling house and associated works

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,



Reeve Cocks
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0441 PAN-460757
Applicant:	Alexander & Co 63 Brisbane Street BONDI JUNCTION NSW 2022
Property:	Lot 25 DP 8075 38 Bower Street MANLY NSW 2095
Description of Development:	Modification of Development Consent DA2023/1448 granted for Alterations and additions to a dwelling house and associated works
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	25/11/2024
Date from which the consent operates:	25/11/2024

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

Reeve Cocks, Principal Planner

Date

25/11/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-460757 Council Mod2024/0441	The date of this notice of determination	Modification of Development Consent DA2023/1448 granted for Alterations and additions to a dwelling house and associated works. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Add Condition 30A - Bandicoot Conservation Measures Modify Condition 21 - Wildlife Protection Modify Condition 32 - Landscape Completion

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
1000	B	Site Plan Existing & Demolition	Alexander & Co.	18 August 2024
1001	B	Site Plan Proposed	Alexander & Co.	18 August 2024
2000	B	Basement - General Arrangement Plan - Existing & Demolition	Alexander & Co.	18 August 2024
2001	B	Lower Ground Floor - General Arrangement Plan - Existing & Demolition	Alexander & Co.	18 August 2024
2002	B	Ground Floor - General Arrangement Plan - Existing & Demolition	Alexander & Co.	18 August 2024
2003	B	First Floor - General Arrangement Plan - Existing & Demolition	Alexander & Co.	18 August 2024
2004	B	Roof - General Arrangement Plan - Existing & Demolition	Alexander & Co.	18 August 2024

2100	B	Basement - General Arrangement Plan - Proposed	Alexander & Co.	18 August 2024
2101	B	Lower Ground Floor - General Arrangement Plan - Proposed	Alexander & Co.	18 August 2024
2102	B	Ground Floor - General Arrangement Plan - Proposed	Alexander & Co.	18 August 2024
2103	B	First Floor - General Arrangement Plan - Proposed	Alexander & Co.	18 August 2024
2104	B	Roof - General Arrangement Plan - Roof	Alexander & Co.	18 August 2024
3000	B	General Arrangement - Elevation E01 Proposed	Alexander & Co.	18 August 2024
3001	B	General Arrangement - Elevation E02 Proposed	Alexander & Co.	18 August 2024
3002	B	General Arrangement - Elevation E03 Proposed	Alexander & Co.	18 August 2024
3003	B	General Arrangement - Elevation E04 Proposed	Alexander & Co.	18 August 2024
3100	B	Site Elevations - Elevation E05 Proposed	Alexander & Co.	18 August 2024
3101	B	Site Elevations - Elevation E06 & E08 Proposed	Alexander & Co.	18 August 2024
4100	B	General Arrangement - Section 01 Proposed	Alexander & Co.	18 August 2024
4101	B	General Arrangement - Section 02 Proposed	Alexander & Co.	18 August 2024
4102	B	General Arrangement - Section 03 Proposed	Alexander & Co.	18 August 2024
4103	B	General Arrangement - Section 04 & 05 Proposed	Alexander & Co.	18 August 2024
4200	B	Site Sections - Section S06 Proposed	Alexander & Co.	18 August 2024
0567-8000	B	Material Palette	Alexander & Co.	18 August 2024
LP 01	B	Landscape Plan - Level 1	Edwina Stuart	16 August 2024
H01	2	Cover Sheet & Notes	Heinz Consulting Engineers	16 July 2024
H02	2	Stormwater Plans & Details	Heinz Consulting Engineers	16 July 2024
H03	2	Stormwater Plans & Details	Heinz Consulting Engineers	16 July 2024

H04	2	Stormwater Plans & Details	Heinz Consulting Engineers	16 July 2024
H05	2	Erosion & Sediment Control Plan & Details	Heinz Consulting Engineers	16 July 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Basix Certificate	A502363_04	Efficient Living Pty Ltd	19 July 2024
Stormwater Report	-	Heinz Consulting Engineers	16 July 2024
Arborist Report	-	Ezigrow	18 July 2024
Geotechnical Report	-	AssetGeoEnviro	14 August 2024

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 30A - Bandicoot Conservation Measures to read as follows:

All workers are to be given an induction on bandicoot conservation measures prior to commencement of their duties on site.

The site induction is to include information about:

- how to identify a bandicoot
- the conservation significance of the endangered bandicoot population
- measures in place to be implemented for their protection
- who to contact should a bandicoot be identified on site and relevant contact details.

Written confirmation of this induction is to be signed by all workers and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect Long-nosed Bandicoots which may be utilising the site.

C. Modify Condition 21 - 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 licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

If an uninjured Long-nosed Bandicoot enters the worksite or is found during a survey of holes/stockpiles, works must cease until the Bandicoot has safely vacated the worksite. Any injured or

dead Long-nosed Bandicoots found within the worksite must be reported to the National Parks & Wildlife Service (NPWS). For assistance to relocate a Bandicoot from the worksite, or to report a dead or injured Bandicoot, please contact:

National Parks & Wildlife Service – Duty Officer (9457 9577)

Reason: To protect native wildlife.

D. Modify Condition 32 - Landscape Completion to read as follows:

- a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings LP01, LP02, LP03, PS01 by Edwina Stuart dated 16/07/24), and inclusive of the following conditions:
- i) landscape works are to be contained within the legal property boundaries,
 - ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
 - iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
 - iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
 - v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
 - vi) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.
- b) prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Important Information

This letter should therefore be read in conjunction with DA2023/1448 approved 13 December 2023.

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.