

16 May 2025



Kenneth Charles Tweedale
52 Pitt Road
NORTH CURL CURL NSW 2099

Dear Sir/Madam

Application Number: Mod2025/0101
Address: Lot 12 DP 6143 , 52 Pitt Road, NORTH CURL CURL NSW 2099
Proposed Development: Modification of Development Consent DA2022/0630 granted for Demolition works and construction of a dwelling house including a swimming pool and spa

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,



Tess Johansson
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2025/0101 PAN-518407
Applicant:	Kenneth Charles Tweedale 52 Pitt Road NORTH CURL CURL NSW 2099
Property:	Lot 12 DP 6143 52 Pitt Road NORTH CURL CURL NSW 2099
Description of Development:	Modification of Development Consent DA2022/0630 granted for Demolition works and construction of a dwelling house including a swimming pool and spa
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	16/05/2025
Date from which the consent operates:	16/05/2025

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 Tess Johansson, Planner

Date 16/05/2025

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-518407 MOD2025/0101	The date of this notice of determination	MOD2025/0101 seeks to modify development consent DA2022/0630 Proposed changes under MOD2025/0101: Change in wording to the notice of determination: - Modify the timing and staging of the development for the issue of the Occupation Certificate. Proposed pool changes: - Pool water line moved inwards 100mm on the west side of pool. (Change from 1750mm off the boundary to 1850mm) - North pool waterline moved outwards 50mm. (Change from 1000mm off the boundary to 950mm) - No changes to outer pool coping. - Addition of a 500mm high feature wall on top of existing pool along the northern wall of the pool. Amended conditions: Condition 23- Landscape completion - To allow a partial occupation certificate prior to completion of landscape works Condition 24- Stormwater disposal - To allow a partial occupation certificate for the pool prior to stormwater disposal 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.

14/03/21

Approved Plans

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA7	/	First Floor Plan	Architecture / Darren Tye	14/03/21
DA13	/	Sections, E-E, Drive	Architecture / Darren Tye	14/03/21

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	/	Architecture / Darren Tye	10 April 2022

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. Modify Condition 23 - Landscape Completion- to read as follows:

Landscape Completion-

Landscaping is to be implemented in accordance with the approved Landscape Plan (drawing DA.01-DA.03 by Manna Landscapes dated 05/08/22), and inclusive of the following conditions:

i) relocate 2 x Elaeocarpus reticulatus on the eastern side of the dwelling to the area between the front entry and the front wall of the garage, to the eastern side of the proposed stepping stones, and a minimum of 2.2 metres from the building wall,

ii) the 1 x Elaeocarpus reticulatus in the courtyard between the guest bedroom and the gym shall be installed centrally and at least 2.2 metres from the building walls,

iii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees,

iv) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, 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,

v) mass planting shall be installed at minimum 1 plant per metre square for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at least 4 plants per metre square for grasses/groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,

vi) 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,

vii) should any vegetation shown to be retained be damaged or removed during construction, it shall be replaced with a like-for-like substitute to ensure the existing character is maintained

Prior to the issue of an Final Occupation Certificate, details from a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent. A partial Occupation certificate may be issued prior to landscape completion.

Reason: Environmental amenity

C. Modify Condition 24 - Stormwater Disposal - to read as follows:

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Council's Water Management for Development Policies by a suitably qualified Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Notwithstanding the above, a partial Occupation Certificate may be issued for the swimming pool prior to the completion of the stormwater drainage works.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development, while allowing for the staged occupation of the development.

Important Information

This letter should therefore be read in conjunction with DA2022/0630 dated, 29th of September 2022..

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.