

10 July 2018



Jessica Stewart
124 Palmgrove Road
AVALON BEACH NSW 2107

Dear Sir/Madam

Application Number: Mod2018/0098
Address: Lot 139 DP 11933 , 131 Whale Beach Road, AVALON BEACH NSW 2107
Proposed Development: Modification of consent N0258/17 for the construction of a new dwelling house

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,



Hugh Halliwell
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2018/0098
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Jessica Stewart
Land to be developed (Address):	Lot 139 DP 11933 , 131 Whale Beach Road AVALON BEACH NSW 2107
Proposed Development:	Modification of consent N0258/17 for the construction of a new dwelling house

DETERMINATION - APPROVED

Made on (Date)	10/07/2018
-----------------------	------------

The request to modify the above-mentioned Development Consent has been approved 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
S96-02	2/03/2018	Action Plans
S96-03	2/03/2018	Action Plans
S96-04	2/03/2018	Action Plans
S96-05	2/03/2018	Action Plans
S96-06	2/03/2018	Action Plans
S96-07	2/03/2018	Action Plans
S96-08	2/03/2018	Action Plans
S96-09	2/03/2018	Action Plans
S96-10	2/03/2018	Action Plans
S96-11	2/03/2018	Action Plans
S96-12	2/03/2018	Action Plans
S96-13	2/03/2018	Action Plans
Landscape Plan, L/01'C', Issue C	17/05/2018	A Total Concept

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

BASIX Certificate, No. 826394S_03	28/02/2018	Actions Plans
Geotechnical Letter, AG 17008B	12/03/2018	Ascent Geotechnical Consulting
Arborist Letter, 131 Whale Beach Road, Avalon Beach	31/05/2018	Landscape Matrix

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) 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. (DACPLB01)

C. Delete Condition C8:

The approved plans, and approved modified plans are to be amended. The areas of decking on level 2 and 3 are to be reduced as follows:

- The level 2 deck is to be reduced in width by 1.8m so not to extend 3.325m from the external wall on the south-west elevation; and
- The level 3 deck is to be reduced in width by 1.6m so not to extend 2m from the external wall on the south-west elevation.

D. Add Condition C17 to read as follows:

W13 on the south-east elevation is to be amended to have obscured glazing.

Reason: To ensure privacy is maintained to adjoining properties.

D. Add Condition C18 to read as follows:

The privacy screens on level 3 along the south-east elevation and north-west elevation are to be reduced in length, so not to extend 3.7m beyond the south-west external facing wall on level 3.

Reason: To reduced the bulk and scale of the development.

D. Add Condition D24 to read as follows:

As excavation is required within five metres of an existing significant tree or trees and vegetation on an adjoining site, the excavation is to be supervised by a qualified consulting arborist. In the event that major structural roots or feeder roots are encountered, the arborist is to require the builder to carry out appropriate action to ensure the retention of the tree or other vegetation, and is to advise the Principal Certifying Authority accordingly. Works are not to progress past this point until the Principal Certifying Authority has confirmed that this condition has been satisfied.

Where the subject trees are on neighbouring property and are on Council's list of exempt species, tree removal remains subject to the owner's consent. Council will not be involved in approving or refusing removal/damage to these trees, and any future decisions made in relation to them is a civil matter between the neighbouring parties.

Reason: To ensure the protection and retention of neighbouring property trees.

D. Add Condition E15 to read as follows:

The proposed setback of the sandstone retaining wall within the road reserve shall be setback a minimum of 1.2m from the existing footpath.

Reason: To allow for the continuation of safe pedestrian access along the street frontage, not impeded by restrictions. (C1.2 part 2)

D. Add Condition E16 to read as follows:

A certificate is to be submitted to the Principal Certifying Authority with the Occupation Certificate application by a qualified practicing landscape architect, landscape/environmental designer or horticulturalist, certifying that the proposed automatic watering system and/or subsoil drainage and any associated waterproofing membrane have been installed in accordance with details shown on the approved landscape working drawing and/or the manufacturers specification.

Reason: To ensure landscaping is viable, consistent with approved plans and will thrive.

D. Add Condition E17 to read as follows:

Documented evidence of a qualified arborist supervising the works in proximity to trees being retained, particularly Tree 7 (*Eucalyptus haemastoma*) and ensuring that all tree protection measures as specified in the supplied arborist report is required. This documentation is to be provided prior to the issue of the Occupation Certificate.

Reason: To ensure the retention of the Urban Forest/Natural Environment.

Important Information

This letter should therefore be read in conjunction with

N0258/17 dated 22 August 2017 and N0258/17/S96/1 dated 15 November 2017

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.

Section 97AA 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.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.



northern
beaches
council

Signed On behalf of the Consent Authority

H Halliwell

Name Hugh Halliwell, Planner

Date 10/07/2018