

17 March 2025

Kim Marie Williams
950 Barrenjoey Road
PALM BEACH NSW 2108

Dear Sir/Madam

Application Number: Mod2024/0697
Address: Lot 27 DP 28669 , 950 Barrenjoey Road, PALM BEACH NSW 2108
Proposed Development: Modification of Development Consent DA2018/0563 granted for Construction of a new dwelling house with internal lift and garage

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,



Olivia Ramage
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0697 PAN-494082
Applicant:	Kim Marie Williams 950 Barrenjoey Road PALM BEACH NSW 2108
Property:	Lot 27 DP 28669 950 Barrenjoey Road PALM BEACH NSW 2108
Description of Development:	Modification of Development Consent DA2018/0563 granted for Construction of a new dwelling house with internal lift and garage
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	17/03/2025
Date from which the consent operates:	17/03/2025

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 Olivia Ramage, Planner

Date 17/03/2025

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-494082 Mod2024/0697	The date of this notice of determination	Modification of Development Consent DA2018/0563 granted for Construction of a new dwelling house with internal lift and garage Add Condition 1C - Modification of Consent - Approved Plans and supporting documentation Modify Condition 2 - Amendments to the approved plans Modify Condition 5B - Compliance with Other Department, Authority or Service Requirements Add Condition 5C - Approval for Prospective Works Only Add Condition 13A - Flood effects caused by development Add Condition 13B - Building components and structural soundness Add Condition 13C - Floor levels Add Condition 13D - Storage of Goods Add Condition 36A - Certification of Works as Executed Add Condition 36B - Building Components and Structural Soundness
PAN-297835 Mod2023/0016	7 February 2023	Modification of Development Consent DA2018/0563 granted for the construction of a new dwelling house with internal lift and garage Modify Condition 18 - Provision of Landscape Working Drawings
PAN-201503 Mod2022/0112	25 May 2022	Modification of Development Consent DA2018/0563 granted for the construction of a new dwelling house with internal lift and garage Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation Modify Condition 2 - Amendments to the approved plans Modify Condition 18 - Provision of Landscape Working Drawings
PAN-89320 Mod2021/0190	25 August 2021	Modification of Development Consent DA2018/0563 granted for the construction of a new dwelling house with internal lift and garage Add Condition No.1B - Modification of Consent - Approved Plans and supporting Documentation Modify Condition 14 - Delineation Asset Protection Zone Modify Condition 18 - Provision of Landscape Working Drawings

		Delete Condition 22a - Garage Roof Add Condition 52 - Landscape Maintenance
PAN-33506 Mod2020/0447	21 December 2020	Modification of Development Consent DA2018/0563 granted for Construction of a new dwelling house with internal lift and garage Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation Add Condition 5a - Ausgrid Modify Condition 2 - Amendments to the approved plans Add Condition 22a - Garage Roof

Modified conditions

A. Add Condition 1C - 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
DA.01	B	Site & Roof Plan	Sarah Blacker Architect + Interior Designer	3 February 2025
DA.02B	B	Lower Ground Floor Plan	Sarah Blacker Architect + Interior Designer	7 February 2025
DA.03	B	Ground Floor Plan	Sarah Blacker Architect + Interior Designer	3 February 2025
DA.04	B	Level One Plan	Sarah Blacker Architect + Interior Designer	3 February 2025
DA.05	B	Front Elevation	Sarah Blacker Architect + Interior Designer	3 February 2025
DA.06	B	Rear Elevation (North East)	Sarah Blacker Architect + Interior Designer	28 November 2024
DA.07	B	South East Side Elevation	Sarah Blacker Architect + Interior Designer	7 February 2025
DA.08	B	North West Side Elevation	Sarah Blacker Architect + Interior Designer	7 February 2025
DA.09	B	Section AA	Sarah Blacker Architect + Interior Designer	7 February 2025
DA.09a	A	Section BB	Sarah Blacker Architect + Interior Designer	26 November 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document

BASIX Certificate	959247S_05	Bonnefin Consulting Pty Ltd	28 November 2024
Bushfire Cover Letter	-	Bushfire Planning Services	5 February 2025
Finishes Schedule - DA.10	A	Sarah Blacker Architect + Interior Designer	26 November 2024
Flood Report	20180219-L07	S&G Consultants Pty Ltd	14 February 2025
NatHERS Certificate	0009779976-02	Certified Energy	16 October 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. Modify Condition 2 - Amendments to the approved plans, to read as follows:

The following amendments are to be made to the approved plans:

(a) Windows W6, W11 and W12 on the south-east side elevation are to:

(i) comprise frosted glass, or

(ii) have a minimum sill height of 1.7m above the FFL of the associated room, or

(iii) comprise fixed external privacy screens, with a minimum height of 1.7m above the FFL of the associated room, comprised of fixed vertical members that restrict overlooking of the adjoining dwelling at 948 Barrenjoey Road.

(b) Fixed privacy screening is to be incorporated on the south-eastern side elevation of the level one rear deck/pergola. The privacy screen is to be opaque and 1.7m in height above the FFL of the associated deck and is to be designed to blend with the treatment of the proposed balustrade and restrict overlooking of the adjoining dwelling at 948 Barrenjoey Road.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

C. Add Condition 5B - Compliance with Other Department, Authority or Service Requirements, to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
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Ausgrid	Ausgrid Referral Response	16 January 2025
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(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

D. Add Condition 5C - Approval for Prospective Works Only, to read as follows:

No approval is granted or implied under this Modification of Development Consent for any works that are coloured green on the Approved Plans as detailed in Condition 1C. Additionally, no approval is granted or implied under this Modification of Development Consent for works that are annotated with reference to a BIC Application on the Approved Plans as detailed in Condition 1C.

Reason: To ensure compliance with the relevant Local Environmental Plan.

E. Add Condition 13A - Flood effects caused by development, to read as follows:

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 30.04m AHD.

Details demonstrating compliance are to be submitted to the Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

F. Add Condition 13B - Building components and structural soundness, to read as follows:

B1 - All new development below the Flood Planning Level of each site shall be designed and constructed from flood compatible materials.

B2 - All new development must be designed to ensure structural integrity up to the Flood Planning Level of each location, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of each site, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

G. Add Condition 13C - Floor levels, to read as follows:

C1 - New floor levels within the development shall be set at or above the Flood Planning Level for each site.

C2 - New floor levels within the development shall be set at or above the Probable Maximum Flood

Level.

C3 - The underfloor area of the dwelling below the 1% AEP flood level is to be designed to allow clear passage of floodwaters. At least 50% of the perimeter of the underfloor area must be of an open design from the natural ground level up to the 1% AEP flood level.

Details demonstrating compliance are to be submitted to the Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

H. Add Condition 13D - Storage of Goods, to read as follows:

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 30.54m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

I. Add Condition 36A - Certification of Works as Executed, to read as follows:

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

1. Floor levels for ground floor, shelter in place refuge and garage are set at or above the required level
2. There has been no filling on the land other than what has been approved
3. Openings are provided under floor areas where required for the free passage of flood waters

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

J. Add Condition 36B - Building Components and Structural Soundness, to read as follows:

B2 - A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Flood Planning Level. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

Important Information

This letter should therefore be read in conjunction with DA2018/0563 dated 14 December 2018, Mod2020/0447 dated 21 December 2020, Mod2021/0190 dated 25 August 2021, Mod2022/0112 dated 25 May 2022 and Mod2023/0016 dated 7 February 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.