

14 July 2023



Sophire Louise Wright  
129 Rickard Road  
NORTH NARRABEEN NSW 2101

Dear Sir/Madam

**Application Number:** Mod2023/0274  
**Address:** Lot 71 DP 16212 , 129 Rickard Road, NORTH NARRABEEN NSW 2101  
**Proposed Development:** Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Nick Keeler  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

|                                              |                                                                                                                                          |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b>                   | Mod2023/0274<br>PAN-332172                                                                                                               |
| <b>Applicant:</b>                            | Sophire Louise Wright<br>129 Rickard Road<br>NORTH NARRABEEN NSW 2101                                                                    |
| <b>Property:</b>                             | Lot 71 DP 16212<br>129 Rickard Road NORTH NARRABEEN NSW 2101                                                                             |
| <b>Description of Development:</b>           | Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling |
| <b>Determination:</b>                        | Approved<br>Consent Authority: Northern Beaches Council                                                                                  |
| <b>Date of Determination:</b>                | 14/07/2023                                                                                                                               |
| <b>Date from which the consent operates:</b> | 14/07/2023                                                                                                                               |

Under Section 4.55 (2) 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                      Nick Keeler, Planner

Date                      14/07/2023

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

| Application Number        | Determination Date                       | Modification description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PAN-332172 - Mod2023/0274 | The date of this notice of determination | <p>Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling</p> <ul style="list-style-type: none"> <li>Add Condition No. 1B - Modification of Consent - Approved Plans and supporting Documentation</li> <li>Modify Condition No. 2 - Compliance with Other Department, Authority or Service Requirements</li> <li>Add Condition No. 2A - Modification of Consent - Cooking Facilities</li> <li>Delete Condition No. 7 - Tree Root Investigation and Tree Root Map</li> <li>Modify Condition No. 11 - On-site Stormwater Detention Details</li> <li>Modify Condition No. 26 - Landscape Completion</li> </ul>                                          |
| PAN-197655 - Mod2022/0086 | 07/04/2022                               | <p>Modification of Development Consent DA2021/1634 granted for Alterations and additions to a dwelling house including a secondary dwelling</p> <ul style="list-style-type: none"> <li>Add Condition No. 1A - Modification of Consent - Approved Plans and supporting Documentation</li> <li>Modify Condition No. 2 - Compliance with Other Department, Authority or Service Requirements</li> <li>Add Condition No. 16A - Modification of Consent - No Clearing of Vegetation</li> <li>Modify Condition No. 26 - Landscape Completion</li> <li>Add Condition No. 30A - Modification of Consent - No Weeds Imported On To The Site</li> <li>Add Condition No. 35 - Modification of Consent - Protection of Habitat Features</li> </ul> |

### Modified conditions

**A. Condition No. 1B is added to the extent as follows:**

#### **Condition No. 1B - Modification of Consent - Approved Plans and supporting Documentation**

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 |

|                           |            |                |
|---------------------------|------------|----------------|
| 07-21-RIC Sheet 2 Issue B | 03/05/2023 | Network Design |
| 07-21-RIC Sheet 3 Issue B | 03/05/2023 | Network Design |
| 07-21-RIC Sheet 4 Issue B | 03/05/2023 | Network Design |
| 07-21-RIC Sheet 5 Issue B | 03/05/2023 | Network Design |
| 07-21-RIC Sheet 6 Issue B | 03/05/2023 | Network Design |
| 07-21-RIC Sheet 7 Issue B | 03/05/2023 | Network Design |
| 07-21-RIC Sheet 8 Issue B | 03/05/2023 | Network Design |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |              |                                     |
|-----------------------------------------------------------------------------------------|--------------|-------------------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b> | <b>Prepared By</b>                  |
| BASIX Certificate No. A429203_03                                                        | 05/05/2023   | Network Irrigation                  |
| Geotechnical Comments for Section 4.55 (Ref: J3651B)                                    | 12/05/2023   | White Geotechnical Group            |
| Review of Tree Impacts (Ref: 07-21-RIC Section 4.55)                                    | 24/05/2023   | Smart Arbor Professional Consulting |

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

| <b>Landscape Plans</b>     |              |                    |
|----------------------------|--------------|--------------------|
| <b>Drawing No.</b>         | <b>Dated</b> | <b>Prepared By</b> |
| 07-21-RIC Sheet 16 Issue B | 03/05/2023   | Network Design     |

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

**B. Modify Condition No. 2 - 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:

| <b>Other Department, Authority or Service</b> | <b>EDMS Reference</b>     | <b>Dated</b> |
|-----------------------------------------------|---------------------------|--------------|
| Ausgrid                                       | Ausgrid Referral Response | 14/10/2021   |
|                                               | Ausgrid Referral Response | 06/04/2022   |
|                                               | Ausgrid Referral Response | 01/06/2023   |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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.

**C. Add Condition No. 2A - Modification of Consent - Cooking Facilities to read as follows:**

Cooking facilities are not permitted to be installed or used in the "wet bar" identified on Drawing No. 07-21-RIC Sheet 2 Issue B, dated 03/05/2023, prepared by Network Design.

Reason: To ensure compliance with the terms of this consent.

**D. Delete Condition No. 7 - Tree Root Investigation and Tree Root Map**

**E. Modify Condition No. 11 - On-site Stormwater Detention Details to read as follows:**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i) OSD to be provided in accordance with Clause 9.0 of Council's Water Management for Development Policy.
- ii) Stormwater discharge shall be conveyed from the site to the street gutter in Rickard Road.
- iii) Applicant must install a rainwater tank of at least 6000lt capacity (BASIX).
- iv) OSD system to have 24/7 access for maintenance.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

**F. Modify Condition No. 26 - Landscape Completion to read as follows:**

Landscaping is to be implemented in accordance with the approved Landscape Plan.

Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifying Authority, 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 **DA2021/1634** dated 28/10/2021 and **Mod2022/0086** dated 07/04/2022.

## **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.