

14 April 2023



Stephen John Rubie  
90 Waterview Street  
MONA VALE NSW 2103

Dear Sir/Madam

**Application Number:** Mod2023/0050  
**Address:** Lot 4 DP 22421 , 90 Waterview Street, MONA VALE NSW 2103  
**Proposed Development:** Modification of Development Consent DA2022/1031 granted for the construction of a fence.

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

|                            |                                     |
|----------------------------|-------------------------------------|
| <b>Application Number:</b> | Mod2023/0050                        |
| <b>Determination Type:</b> | Modification of Development Consent |

### APPLICATION DETAILS

|                                        |                                                                                          |
|----------------------------------------|------------------------------------------------------------------------------------------|
| <b>Applicant:</b>                      | Stephen John Rubie                                                                       |
| <b>Land to be developed (Address):</b> | Lot 4 DP 22421 , 90 Waterview Street MONA VALE NSW 2103                                  |
| <b>Proposed Development:</b>           | Modification of Development Consent DA2022/1031 granted for the construction of a fence. |

### DETERMINATION - APPROVED

|                       |            |
|-----------------------|------------|
| <b>Made on (Date)</b> | 14/04/2023 |
|-----------------------|------------|

The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Add Condition No. 1A - Modification of Consent - Approved Plans and supporting Documentation to read 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

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                    |
|------------------------------------------------------------|--------------|--------------------|
| <b>Drawing No.</b>                                         | <b>Dated</b> | <b>Prepared By</b> |
| 1016/22 CC.01 Rev G                                        | 06/04/2023   | JJ Drafting        |
| 1016/22 CC.03 Rev G                                        | 06/04/2023   | JJ Drafting        |
| 1016/22 CC.04 Rev G                                        | 06/04/2023   | JJ Drafting        |
| 1016/22 CC.05 Rev G                                        | 06/04/2023   | JJ Drafting        |

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

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. Add Condition No. 15 - Modification of Consent - Fence Vegetation to read as follows:**

Hedging vegetation capable of growing to the height of the fence is to be planted between the fence

and front boundary and maintained throughout the life of the development.

Reason: To soften the built form of the front fence when viewed from the public domain.

### **C. Delete Condition No. 5 - Amendments to the approved plans**

## **Important Information**

This letter should therefore be read in conjunction with DA2022/1031 dated 02/09/2022.

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.

## **Right to Review by the Council**

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

## **Right of Appeal**

Section 8.10 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.

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

**Signed**                      On behalf of the Consent Authority



Name                      Nick Keeler, Planner

Date                      14/04/2023