

Reference: 2018/067133
Enquiries: Development Assessment

Total Pages: 3

M A Corrent
23 Kirkwood Street
SEAFORTH NSW 2092

Dear Sir/Madam,

NOTICE OF DETERMINATION

Pursuant to Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Development Application No.	MOD2018/0013
Proposed Development	Section 96(1) Modification of Development Consent 259/2017
Land to be developed	Lot 313 DP 11162 23 Kirkwood Street, Seaforth
Date of Original Determination	08 January 2018
Determination of Modification	Approved by DEL
Date of Determination of Modification	17 January 2018

Council determined this application under delegated authority on 17 January 2018 when it was determined:

That pursuant to Section 96(1) of the Environmental Planning and Assessment Act 1979, the proposed modification to Development Consent No. 259/2017 at 23 Kirkwood Street, Seaforth be **approved** subject to:



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The following Condition ANS02 is to be amended as per Section 96(1) Application- Part 2:

ANS02

A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to the commencement of works to oversee tree protection measures and works in the vicinity of the existing trees within the adjoining property at 21 Kirkwood Street, in accordance with Australian Standard 4970-2009 - Protection of Trees on Development Sites.

Reason: To ensure protection of the trees on the site or within adjoining properties which could be damaged during any development works and to outline the type of protection.

Important Information

This letter should be read in conjunction with DA0259/2017 dated 8 January 2018.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building works is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

Please note that all building work must be carried out fully in accordance with this development consent and conditions of approval. It is an offence to carry out unauthorised building work or building work that is not in accordance with this consent.

In accordance with Clause 284 of the *Environmental Planning and Assessment Regulation 2000*, non-compliance with the above conditions may result in Council issuing a Penalty Notice which may incur a fine.

Notes:

If you are dissatisfied with this decision, Section 97AA of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court of New South Wales (their address being Level 4, 225 Macquarie Street, Sydney NSW 2000).

Should you have any questions in relations to the matter, please contact Council's Planning, Place & Community, on (02) 9976 1414, during business hours.



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Signed below on behalf of the consent authority.

Yours faithfully,

Date: 19 January 2018

Rodney Piggott
Planning Assessment Manager
Northern Beaches Council