

6 June 2025



Antony Graham Clarke
C/- Nolan Planning Consultants 75 Oliver Street
FRESHWATER NSW 2096

Dear Sir/Madam

Application Number: Mod2025/0078
Address: Lot 6 DP 8260 , 150 Queenscliff Road, QUEENSCLIFF NSW 2096
Proposed Development: Modification of Development Consent DA2022/1719 granted for Alterations and additions to a dwelling house

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,



Michael French
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2025/0078 PAN-514644
Applicant:	Antony Graham Clarke C/- Nolan Planning Consultants 75 Oliver Street FRESHWATER NSW 2096
Property:	Lot 6 DP 8260 150 Queenscliff Road QUEENSCLIFF NSW 2096
Description of Development:	Modification of Development Consent DA2022/1719 granted for Alterations and additions to a dwelling house
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	05/06/2025
Date from which the consent operates:	05/06/2025

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 Michael French, Planner

Date 05/06/2025

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
Mod2025/0078	The date of this notice of determination	Modification of Development Consent DA2022/1719 granted for Alterations and additions to a dwelling house

Modified conditions

A. Add Condition No.1A - 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
A01	5	SITE PLAN	Scope Architects	7 March 2025
A02	5	CARPARKING PLAN	Scope Architects	7 March 2025
A03	5	GROUND FLOOR PLAN	Scope Architects	7 March 2025
A04	5	LOWER GROUND FLOOR PLAN	Scope Architects	7 March 2025
A05	5	BASEMENT	Scope Architects	7 March 2025
A06	5	GARAGE	Scope Architects	7 March 2025
A07	5	NORTH ELEVATION	Scope Architects	7 March 2025
A08	5	EAST ELEVATION	Scope Architects	7 March 2025
A09	5	WEST ELEVATION	Scope Architects	7 March 2025
A10	5	SOUTH ELEVATION	Scope Architects	7 March 2025
A11	5	SECTIONS	Scope Architects	7 March 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1311187S_05	SCOPE ARCHITECTS PTY LTD	26 February 2025
Geotechnical Report	-	White Geotechnical Group	21 February

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. Delete Condition 6 Vehicle Driveway Gradients:

C. Modify Condition 18 Vehicle Crossings Application to read as follows:

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3 metres wide along frontage of site in Aitken Avenue (downhill side) in accordance with Northern Beaches Council Standard Normal Vehicle Crossing Profile and in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

D. Add Condition 21A 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 3.13m AHD.

Details demonstrating compliance are to be submitted to the Principal 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.

E. Add Condition 21B Building components and structural soundness to read as follows:

B1 - All new development below the Flood Planning Level of 3.63m AHD 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 3.63m AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

Details demonstrating compliance are to be submitted to the Principal 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 21C Fencing to read as follows:

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

Details demonstrating compliance are to be submitted to the Principal 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 21D Amendments to the approved plans to read as follows:

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

- The gate to the bin storage area must be redesigned so that it does not swing outward onto the public road (Queenscliff Road). All gates must open entirely within the property boundary.*

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

Reason: To ensure pedestrian and traffic safety and to prevent obstruction of the public road.

H. Delete Condition 33 Vehicle Crossings:

I. Add Condition 35A Pollution Control to read as follows:

Any excess materials such as cleaning paintbrushes, lacquers, and any water from cleaning tools must not enter the stormwater network and/or receiving waterways.

Reason: To ensure that building associated chemicals and pollutants don't enter the surrounding environment.

J. Add Condition 35B Stockpiling materials to read as follows:

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

K. Delete Condition 43 Certification Elevated Parking Facility Work:

L. Add Condition 46A 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. There has been no filling on the land other than what has been approved*
- 2. Openings are provided in fencing 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.

M. Add Condition 46B 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 of 3.63m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

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 DA2022/1719 dated 28 June 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.