

29 November 2011



Mr Raymond J Ford
27 Rowan Street
MONA VALE NSW 2103

LP (SDS)

Dear Sir,

RE: Modification Application No: Mod2011/0201 - (DA2008/1279)
Description: Modification of Development Consent DA2008/1279 granted for Demolition and Construction of three (3) dwellings
Address: 17 Mills Place BEACON HILL

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 25 November 2011 as follows:

A. **Modification of Condition No.2** to read as follows:

2. Approved Plans and Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Dated	Prepared By
BH_01A	12/08/2008	Bridie Messiter
BH_02A	12/08/2008	Bridie Messiter
BH_04A	12/08/2008	Bridie Messiter
BH_07A	12/08/2008	Bridie Messiter
Lot B 01-B	25/09/2008	Bridie Messiter
Lot B 02-B	25/09/2008	Bridie Messiter
Lot B 03	12/08/2008	Bridie Messiter
Lot B 04	12/08/2008	Bridie Messiter
Lot C 01	12/08/2008	Bridie Messiter
Lot C 02	12/08/2008	Bridie Messiter
Lot C 03	12/08/2008	Bridie Messiter
Lot D 01	12/08/2008	Bridie Messiter
Lot D 02	12/08/2008	Bridie Messiter
Lot D 03	12/08/2008	Bridie Messiter
Landscape Drawing 1	03/09/2008	Robinson Development

(i) Except as modified by the plans listed as follows:

Drawing Number	Title	Revision	Dated	Drawn By
2/16	Site Plan	A	August 2011	Mila Technical Services
3/16	Ground Floor Plan	B	August 2011	Mila Technical Services
4/16	First Floor Plan	A	August 2011	Mila Technical Services

5/16	Roof Plan	A	August 2011	Mila Technical Services
6/16	N. West Elevation	B	August 2011	Mila Technical Services
7/16	S. East Elevation	A	August 2011	Mila Technical Services
8/16	N. East and S. West Elevation	B	August 2011	Mila Technical Services
9/16	Sections	B	August 2011	Mila Technical Services
HVG-01-11	Landscape Plan	A	August 2011	Harbour View Gardens
28011-2	Driveway Plan	A	9 November 2011	Taylor Consulting
28011-1	Stormwater Management Plan	A	Aug 2011	Taylor Consulting

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

B. The addition of Condition No.32A to read as follows:

32A. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

C. The addition of Condition No.45A to read as follows:

45A. Required Planting

Species	Location	Pot Size
As per approved Landscape Plan	As per Landscape Plan	As per landscape plan
		The proposed Red Bloodwood
(Harbour View Gardens HVG - 01-11)		Tree shall be 25 Litre pot size

Required trees are to satisfy the following:

- a) All replacement trees must be of a species that will attain a minimum height of five (5) metres at maturity within 5 years of planting;
- b) All replacement trees must be maintained until they reach five (5) metres in height;
- c) If any replacement tree dies prior to reaching five (5) metres in height that tree is to be replaced; and

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *To maintain environmental amenity. (DACLAF01)*

D. The addition of Condition No.13A, to read as follows:

13A. External Colours and Materials (Dwellings)

External Roofing

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: *To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC03)*

E. The deletion of Condition No.5, which reads as follows:

5. Stormwater Disposal - Lot D

Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. Stormwater drainage plan is to be amended to address the following:

Step irons are to be provided in the OSD tank where depth of OSD tank is 1200mm deep or deeper.

Access lid over the outlet point of the OSD tank is to be minimum 600mm by 900mm

Amended stormwater drainage plan is to be submitted to Council / Accredited Certifier prior to the issue of the Construction Certificate.

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

This letter should therefore be read in conjunction with Development Consent DA2008/1279 dated 4 March 2009.

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.

Section 97AA 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.



You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

Should you require any further information on this matter, please contact **Tim Kearney** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit Applications (eServices) at www.warringah.nsw.gov.au.

Yours faithfully

Tim Kearney
Development Assessment Officer
Strategic and Development Services

