

23 October 2023



James de Soyres & Associates Pty Ltd
PO Box 657
NEWPORT BEACH NSW 2106

Dear Sir/Madam

Application Number: Mod2023/0506
Address: Lot 1 DP 1132852 , 18 - 20 Sturdee Lane, LOVETT BAY NSW 2105
Proposed Development: Modification of Development Consent DA2022/1527 granted for alterations and additions to a dwelling house

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

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

Regards,



Stephanie Gelder
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

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|--|---|
| Application Number: | Mod2023/0506 PAN-370626 |
| Applicant: | James de Soyres & Associates Pty Ltd PO Box 657 NEWPORT BEACH NSW 2106 |
| Property: | Lot 1 DP 1132852 18 - 20 Sturdee Lane LOVETT BAY NSW 2105 |
| Description of Development: | Modification of Development Consent DA2022/1527 granted for alterations and additions to a dwelling house |
| Determination: | Approved Consent Authority: Northern Beaches Council |
| Date of Determination: | 23/10/2023 |
| Date from which the consent operates: | 23/10/2023 |

Under Section 4.55 (1a) Minor 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 Stephanie Gelder, Planner

Date 23/10/2023

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

| Application Number | Determination Date | Modification description |
|----------------------------|--|--|
| PAN-370626 Mod2023/0506 | The date of this notice of determination | Modification of Development Consent DA2022/1527 granted for alterations and additions to a dwelling house Add Condition 1B - Modification of Consent - Approved Plans and supporting documentation |
| PAN-292657 Mod2022/0726 | 27 January 2023 | Modification of Development Consent DA2022/1527 granted for alterations and additions to a dwelling house Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation Add Condition 7A - Adherence to Natural Environment Consent Conditions Modify Condition 12 - Project Arborist Modify Condition 15 - Tree and Vegetation Protection |

Modified conditions

A. Add Condition 1B - 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 |
| DA-01 | B | Location, Site and Site Analysis Plan | James de Soyres & Associates | 28 July 2023 |
| DA-10 | B | Proposed House Ground Floor Plan | James de Soyres & Associates | 28 July 2023 |
| DA-12 | B | Proposed House First Floor Plan | James de Soyres & Associates | 28 July 2023 |
| DA-14 | B | Proposed House Roof and Second Floor Plan | James de Soyres & Associates | 28 July 2023 |
| DA-15 | B | Proposed Roof Plan | James de Soyres & Associates | 28 July 2023 |
| DA-20 | B | North Elevation from Pittwater | James de Soyres & Associates | 28 July 2023 |

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|-------|---|-----------------|------------------------------|--------------|
| DA-21 | B | South Elevation | James de Soyres & Associates | 28 July 2023 |
| DA-22 | B | West Elevation | James de Soyres & Associates | 28 July 2023 |
| DA-23 | B | East Elevation | James de Soyres & Associates | 28 July 2023 |
| DA-30 | B | Section A-A | James de Soyres & Associates | 28 July 2023 |
| DA-31 | B | Section B-B | James de Soyres & Associates | 28 July 2023 |
| DA-32 | B | Section X-X | James de Soyres & Associates | 28 July 2023 |

| Approved Reports and Documentation | | | |
|---|----------------|--|-------------------|
| Document Title | Version Number | Prepared By | Date of Document |
| Arborist Report - Addendum | - | Bluegum Tree Care and Consultancy | 2 August 2023 |
| BASIX Certificate | A404869_05 | James de Soyres & Associates Pty Ltd | 13 September 2023 |
| Bush Fire Cover Letter | - | Bushfire Planning Services Pty Ltd | 3 August 2023 |
| Letter - DPI Fisheries | C22/162 V1.0 | Department of Primary Industries | 29 August 2023 |
| Letter - TfNSW Review | - | Transport for NSW | 7 August 2023 |
| Letter - Owners Consent | 16/00193#02 | Department of Planning and Environment – Crown Lands and Public Spaces | 13 September 2023 |
| Geotechnical Assessment Cover Letter | 2018-116 | Crozier Geotechnical Consultants | 31 July 2023 |
| Photomontage and Exterior Finishes Schedule - DA-24 | B | James de Soyres & Associates | 28 July 2023 |

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.

Important Information

This letter should therefore be read in conjunction with DA2022/1527 dated 5 November 2022 and Mod2022/0726 dated 27 January 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.