

2 March 2022



Stothard Projects
Shop 1, 60 Penshurst Street
WILLOUGHBY NSW 2068

Dear Sir/Madam

Application Number: Mod2021/0986
Address: Lot 1 DP 202857 , 7 Trentwood Park, AVALON BEACH NSW 2107
Proposed Development: Modification of Development Consent DA2019/0394 granted for Construction of 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,



Claire Ryan
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0986
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Stothard Projects
Land to be developed (Address):	Lot 1 DP 202857 , 7 Trentwood Park AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2019/0394 granted for Construction of a dwelling house

DETERMINATION - APPROVED

Made on (Date)	02/03/2022
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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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
01 Site Plan Issue F	19 November 2021	Stothard Projects
02 Garage Level Floor Plan Issue F	19 November 2021	Stothard Projects
03 Middle Level Issue F	19 November 2021	Stothard Projects
04 Upper Level Issue F	19 November 2021	Stothard Projects
05 Elevations Issue F	19 November 2021	Stothard Projects
06 Elevations issue F	19 November 2021	Stothard Projects
07 Section/Schedules Issue F	19 November 2021	Stothard Projects
08 Sections Issue F	19 November 2021	Stothard Projects
09 Roof Plan Issue F	19 November 2021	Stothard Projects
10 Driveway Cut & Fill Plan Issue F	19 November 2021	Stothard Projects
11 Driveway Gradient Issue F	19 November 2021	Stothard Projects
21 Garage Level with Site Plan	19 November 2021	Stothard Projects
22 Middle Level with Site Plan	19 November 2021	Stothard Projects

23 Upper Level with Site Plan	19 November 2021	Stothard Projects
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Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 Site Stormwater Management Plan	21 July 2020	Barrenjoey Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1255242S	29 November 2021	Energi Thermal Assessors
NatHERS Certificate No. 6852602	29 November 2021	Energi Thermal Assessors
Ecological Assessment	15 December 2021	Cumberland Ecology
Geotechnical Investigation J1457C	14 December 2021	White Geotechnical Group
Bushfire Protection Assessment - Addendum	3 February 2022	Australian Bushfire Protection Planners
Revised Abridged Arboricultural Impact Assessment	6 February 2022	Tree Wise Men

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

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan Revision C	1 February 2022	Contour Landscape Architecture

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

B. Modify Condition 12 Tree Protection Plan to read as follows:

A Tree Protection Plan shall be issued to the Certifying Authority documenting the extent and alignment of tree protection fencing to the following existing trees required to be retained and protected during all construction stages:

- within Lot 1: T3, T5, T12, T14, T21, T27, T28, T30, T30A, and T32;
- within road reserve: T1; and
- within adjoining property: T15, T15A, T16, T22, T23, T24, T36, T37, and T38.

Reason: To protection existing trees not impacted by the development.

C. Delete Condition 13 Amended Landscape Plan

D. Modify Condition 21 Project Arborist to read as follows:

A Project Arborist with AQZ Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures and construction works in the vicinity of all existing trees identified within this consent for retention and protection, with the following works to be reviewed, inspected and certified by the Project Arborist, including as scheduled in the Arboricultural Impact Assessment prepared by Tree Wise Men, section 5.1 Arborist Involvement, and in accordance with the Abridged Arboricultural Impact Assessment dated 6 February 2022.

a) All construction activity shall be in accordance with the following general protection guidelines:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain unaltered under the tree protection zone of trees to be retained, unless authorised by a AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of any works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

b) Specifically the following works shall be undertaken:

- i) the Project Arborist shall locate and approve all required footings and/or piers within the tree protection zone,
- ii) the Project Arborist shall monitor any excavation, machine trenching or compacted fill placed within the tree protection zone of all trees to be retained,
- iii) if excavation is required it should be carried out under the supervision of the Project Arborist to identify roots critical to tree stability,
- iv) where the Project Arborist identifies roots to be pruned within or at the outer edge of the TPZ, they should be pruned with a final cut to undamaged wood, as directed by the Project Arborist,
- v) pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws, as directed by the Project Arborist,
- vi) pruning wounds shall be dressed as directed by the Project Arborist,

c) Activities listed below are excluded from the tree protection zone, unless directed and supervised by the Project Arborist:

- i) machine excavation including trenching,
- ii) excavation for silt fencing,
- iii) construction material storage,
- iv) dumping of waste,
- v) placement of fill,
- vi) soil level changes,
- vii) temporary or permanent installation of utilities and signs,
- viii) physical damage to the tree.

Certification reports and photographic documentation of development works shall be recorded and issued to the Certifying Authority, including as listed in the Arboricultural Impact Assessment prepared by Tree Wise Men, section 5.1.3, and in accordance with the Abridged Arboricultural Impact Assessment dated 6 February 2022.

Reason: To ensure the protection of the existing landscape amenity.

E. Modify Condition 22 Tree Removal to read as follows:

This consent approves the removal of the following tree(s) within the property (as recommended and identified in the Arboricultural Impact Assessment prepared by Tree Wise Men, dated August 2017, and the Abridged Arboricultural Impact Assessment dated 6 February 2022):

- T11, T17A, T18, and T26.
- T27 is not approved for removal.

A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

F. Modify Condition 26 Tree and Vegetation Protection - General to read as follows:

a) Existing trees and vegetation shall be retained and protected as follows:

- i) all trees and vegetation within the site nominated in the Arboricultural Impact Assessment prepared by Tree Wise Men, dated August 2017, and the Abridged Arboricultural Impact Assessment dated 6 February 2022, including T3, T5, T12, T14, T21, T27, T28, T30, T30A, and T32, and excluding exempt trees and palms under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, including T15, T15A, T16T22, T23, T24, T36, T37, and T38.
- iii) all road reserve trees and vegetation, including T1.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained, vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life.

Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

G. Add Condition 20A Amendments to the Approved Plans to read as follows:

Tree 27 is to be retained. The alfresco area to the western end of the upper level (including associated roofing) is to be reduced to the south so as not to encroach upon the tree protection zone of Tree 27. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

H. Add Condition Condition 40A Landscape Completion to read as follows:

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees;
- ii) all tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views;
- iii) all tree planting shall have a minimum individual area of 3 metres x 3 metres of soil area, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used;
- iv) two replacement Eucalyptus umbra (Broad-leaved White Mahogany) shall be planted within the property;
- v) all tree planting shall comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Important Information

This letter should therefore be read in conjunction with DA2019/0394 dated 13 September 2019.

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 submitted to Council 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 Claire Ryan, Principal Planner

Date 02/03/2022