

27 January 2023



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

Dear Sir/Madam

**Application Number:** Mod2022/0726  
**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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Stephanie Gelder  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2022/0726
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	James de Soyres & Associates Pty Ltd
<b>Land to be developed (Address):</b>	Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT BAY NSW 2105
<b>Proposed Development:</b>	Modification of Development Consent DA2022/1527 granted for alterations and additions to a dwelling house

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	27/01/2023
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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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Location, Site and Site Analysis Plan - DA-01, Rev A	1 December 2022	James de Soyres & Associates
Proposed House Ground Floor Plan - DA-10, Rev A	1 December 2022	James de Soyres & Associates
Proposed House First Floor Plan - DA-12, Rev A	1 December 2022	James de Soyres & Associates
Proposed House Roof and Second Floor Plan - DA-14, Rev A	1 December 2022	James de Soyres & Associates
Proposed Roof Plan - DA-15, Rev A	1 December 2022	James de Soyres & Associates
North Elevation from Pittwater - DA-20, Rev A	1 December 2022	James de Soyres & Associates
South Elevation - DA-21, Rev A	1 December 2022	James de Soyres & Associates
West Elevation - DA-22, Rev A	1 December 2022	James de Soyres & Associates
East Elevation - DA-23, Rev A	1 December 2022	James de Soyres & Associates
Section A-A - DA-30, Rev A	1 December 2022	James de Soyres & Associates
Section B-B - DA-31, Rev A	1 December 2022	James de Soyres & Associates

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Arborist Report - Addendum	16 December 2022	Bluegum Tree Care and Consultancy
BASIX Certificate (No.A404869_04)	21 December 2022	James de Soyres & Associates Pty Ltd
Bushfire Report	21 December 2022	Bushfire Planning Services Pty Ltd
Crown Land Consent - Email	20 December 2022	Crown Lands
Geotechnical Assessment Cover Letter	14 December 2022	Crozier Geotechnical Consultants
Photomontage and Exterior Finishes Schedule - DA-24, Rev A	1 December 2022	James de Soyres & Associates

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

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

#### **B. Add Condition 7A - Adherence to Natural Environment Consent Conditions**

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2022/1527, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

#### **C. Modify Condition 12 - Project Arborist to read as follows:**

a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the recommendations of the Arboricultural Impact Assessment dated September 2021 prepared by Bluegum Treecare and Consultancy, the Addendum to the Arboricultural Impact Assessment dated 16 December 2022 prepared by Bluegum Treecare and Consultancy and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.

b) The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works unless approved by the Project Arborist.

c) Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.

d) The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment dated September 2021 prepared by Bluegum Treecare and Consultancy and the Addendum to the Arboricultural Impact Assessment dated 16 December 2022 prepared by Bluegum

Treecare and Consultancy.

e) All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- ii) remain in place for the duration of the construction works.

f) The Project Arborist shall provide certification to the Principal Certifier that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded including at commencement, during the works and at completion.

Note: i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

**D. Modify Condition 15 - Tree and Vegetation Protection to read as follows:**

a) Existing trees and vegetation shall be retained and protected including:

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated September 2021 prepared by Bluegum Treecare and Consultancy, the Addendum to the Arboricultural Impact Assessment dated 16 December 2022 prepared by Bluegum Treecare and Consultancy, and Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
- iv) 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,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) 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 Australian Standard 4970-2009 Protection of Trees

on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard

4373-2007 Pruning of Amenity Trees,

xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

## Important Information

This letter should therefore be read in conjunction with DA2022/1527 dated 5 November 2022.

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 lodged on the NSW Planning portal 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



northern  
beaches  
council

*Gelder*

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Name Stephanie Gelder, Planner

Date 27/01/2023