

27 April 2021



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

Dear Sir/Madam

Application Number: Mod2021/0040
Address: Lot 1 DP 1132852 , 18 - 20 Sturdee Lane, LOVETT BAY NSW 2105
Proposed Development: Modification of Development Consent DA2020/0033 granted for demolition works and construction of a detached studio

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,



Thomas Prosser
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0040
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	James de Soyres & Associates Pty Ltd
Land to be developed (Address):	Lot 1 DP 1132852 , 18 - 20 Sturdee Lane LOVETT BAY NSW 2105
Proposed Development:	Modification of Development Consent DA2020/0033 granted for demolition works and construction of a detached studio

DETERMINATION - APPROVED

Made on (Date)	26/04/2021
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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
DA-01- Site and Site Analysis - Rev C	6/01/2021	James de Soyres + Associates
DA-02 - Site Plan - North - Rev C	6/01/2021	James de Soyres + Associates
DA-05- Tree Protection Plan- Rev C	6/01/2021	James de Soyres + Associates
DA12- Pavilions Undercroft Plan- Rev C	6/01/2021	James de Soyres + Associates
DA13- Gust Bedroom and Games Room Floor Plan - Rev C	6/01/2021	James de Soyres + Associates
DA14- Roof Plan- Rev C	6/01/2021	James de Soyres + Associates
DA20- North Elevation from Pittwater - Rev C	6/01/2021	James de Soyres + Associates
DA21- North and South Elevations- Rev C	6/01/2021	James de Soyres + Associates
DA22- West Elevation- Rev C	6/01/2021	James de Soyres + Associates
DA23- East Elevation- Rev C	6/01/2021	James de Soyres + Associates
DA24- Photomontage and Exterior Finishes Schedule - Rev C	6/01/2021	James de Soyres + Associates
DA30- Section A-A - Rev C	6/01/2021	James de Soyres + Associates

DA31- Section B-B - Rev C	6/01/2021	James de Soyeres + Associates
DA32- Section C-C - Rev C	6/01/2021	James de Soyeres + Associates

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
RFS LETTER	Wednesday 17 March	NSW Rural Fire Service

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

B. Add Condition 15A Compliance with Arborists Recommendations - During Construction to read as follows:

All new Tree Protection Measures (Blue Gum 2021) are to be implemented during construction. No excavation must be undertaken within the Structural Root Zones (SRZ) of Tree 95 & 97, and the footings for the low foundation wall within a 2.0m radius of Tree 81 must be undertaken using hand tools only.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifying Authority.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

C. Add Condition 15B Project Arborist supervision near existing trees 81, 95 and 97 to read as follows:

A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites and the recommendations of the Addendum to the Arboricultural Impact Assessment report prepared by BlueGum Tree Care and Consultancy.

The Project Arborist is to supervise all excavation and construction works near trees 81, 95 and 97 identified in the Arboricultural Impact Assessment 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.

The Project Arborist shall be in attendance and supervise all works as nominated in the Addendum to the Arboricultural Impact Assessment report.

The Project Arborist shall provide certification to the Certifying Authority 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.

Important Information

This letter should therefore be read in conjunction with DA2020/0033.

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 should be submitted to Council within 3 months 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 Thomas Prosser, Planner

Date 26/04/2021