

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0535
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Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 221 DP 15376, 266 Whale Beach Road WHALE BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2021/0419 granted for Demolition works and construction of a dwelling house
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Cecilia Anne Hooper
Applicant:	Allen De Carteret

Application Lodged:	04/10/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	10/10/2023 to 24/10/2023
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

Modification of Development Consent DA2021/0419, specifically the works involve:

- Alterations to garage entry.
- Deletion of external stair to Level 1 undercroft, resulting in reduction of excavation.
- Extension to northeast corner of Level 1 undercroft to match the realigned basement.
- Minimise earthworks within the northern setback.
- Realign eastern wall of mezzanine and roof alterations to match.
- Changes to windows and doors as indicated on the elevations.
- Associated landscaping works.

Basement Slab

During the assessment of this application it was identified that the proposed modifications to the basement slab were constructed. Recent case law means that Council can no longer approve modifications to a consent when the works have already been constructed. As such, these works were subject to a Building Information Certificate (BC2023/0287), which was approved on 22 January 2024.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living

SITE DESCRIPTION

Property Description:	Lot 221 DP 15376 , 266 Whale Beach Road WHALE BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Whale Beach Road.</p> <p>The site is irregular in shape with a splayed frontage of 15.3m along Whale Beach Road and a depth of 54.7m. The site has a surveyed area of 823.8m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates two storey weatherboard house with a single carport.</p> <p>The site is contained PLEP's geotechnical hazard mapping and has an overall slope of some 24 degrees to the south with an approximate fall of 12 meters.</p>

The site is heavily vegetated within the rear, however, there is no evidence of any endangered species.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by two to three storey detached dwelling houses. Views of Whale Beach are obtained in the southern direction.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

N0044/10

Development application for the demolition of the existing dwelling and erection of a new two storey dwelling with basement parking. This application was approved by Council on 26 March 2010.

PLM2020/0081

Pre-lodgement meeting for the subject application held on 05 May 2020. In summary, it was advised that further resolution of the design should be undertaken to achieve a higher level of compliance with Council's controls and minimise the extent of excavation.

DA2021/0419

Development application for demolition works and construction of a dwelling house. This application was approved by the Development Determination Panel on 11 August 2021.

BC2023/0287

Building Information Certificate for the extension of a basement slab approved on 22 January 2024.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/0419, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The works largely involve an internal refinement of the approved built form. • The modification involves a net reduction of excavation with the removal of the external stair and terraced landscaping within the northern setback.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2021/0419 for the following reasons:</p> <ul style="list-style-type: none"> • The works involve a minimal environmental impact. • Compliance with the approved built form is reasonably retained.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require,	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.

Section 4.55(1A) - Other Modifications	Comments
or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested

Section 4.15 'Matters for Consideration'	Comments
	<p>in relation to amended plans.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 10/10/2023 to 24/10/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Bill Tulloch	Po Box 440 MONA VALE NSW 1660
Mr Robert David Wines Ms Barbara Irving Wines	281 Whale Beach Road WHALE BEACH NSW 2107

One submission was received in support of the application, which is noted.

The following issues were raised in the submissions:

- **Unauthorised works**

The above issues are addressed as follows:

- **Unauthorised works**

The submissions raised concerns that works have been constructed without approval and pose unacceptable geotechnical risks. In addition, the submission has recommended several measures to mitigate the geotechnical risks.

Comment:

The unauthorised works relating to the extension of the basement slab and associated excavation were assessed under Building Information Certificate (BIC) No. BC2023/0287. In summary, this BIC was issued on 22 January 2024, which noted the applicants Structural Design Certification (dated 22 January 2024, Acor Engineer Consultants) and Geotechnical Statement (dated 29 September 2023, JK Geotechnics), as information used by the Council in its decision of the application.

This matter does not warrant the refusal of the application.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Solid Fuel/Oil Heater)	<p>General Comments</p> <p>This application is seeking consent for modifications to original DA (DA2021/0419) demolition works and the construction of a dwelling house at 266 Whale Beach Road, Whale Beach.</p> <p>The proposed works do not alter the already approved gas fireplace. Environmental Health have no concerns in relation to a gas fireplace. Environmental Health recommends approval.</p>
Landscape Officer	The plans indicate that no additional landscape features are impacted by the works.

Internal Referral Body	Comments
	<p>No objections are raised to the proposed modification. Existing conditions are considered still relevant and adequate.</p>
NECC (Bushland and Biodiversity)	<p>The proposal seeks approval for the modification of Development Consent DA2021/0419 granted for Demolition works and construction of a dwelling house.</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor <p>The proposed modifications would take place in previously disturbed areas of the site and are unlikely to impact upon native flora and fauna.</p> <p>No native vegetation or fauna habitat would be impacted, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
NECC (Coast and Catchments)	<p>The proposal seeks approval for modification of development consent DA 2021/0419 granted for demolition works and the construction of a dwelling house.</p> <p>The modifications are an extension of the Basement slab and an adjustment to the retaining walls to allow for the structural stability of the site and the proposed house.</p> <p>The subject property is located within the 'Coastal Use Area' map of the Coastal Zone.</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports, including; Statement of Modifications prepared by Allen de Carteret Architect dated 29 September 2023 • Coastal Management Act 2018 • State Environmental Planning Policy (Resilience & Hazards) 2021 • Relevant LEP and DCP Clauses

Internal Referral Body	Comments
	The proposed modifications appear consistent with the design intent of the original proposal. No conditions in additions to those for the original development application are considered necessary
NECC (Development Engineering)	<p>The as constructed retaining walls in the basement and additional excavation has been approved via a building information certificate and are not part of this assessment.</p> <p>The minor modifications to the proposed dwelling do not alter the original assessment of the application by Development Engineering.</p> <p>Development Engineering support the proposal with no additional or modified conditions of consent recommended.</p>

External Referral Body	Comments
Aboriginal Heritage Office	The proposal was referred to the Aboriginal Heritage Office for further comment. In summary, there are no Aboriginal heritage issues for the proposed development.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1168288S_05 and dated 13 February 2024).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass

Energy	50	59
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A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed modifications are not considered to have an adverse impact on access along the foreshore, beach, headland or rock platforms for members of the public nor are any unreasonable amenity impacts considered likely to arise. The development has been designed, sited and will be managed to avoid adverse impacts referred to above. The proposed development has taken into account the surrounding coastal and built environment which has influenced the design to ensure bulk, scale and size of the proposed development is appropriate.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The modified development is not likely to cause increased risk of coastal hazards on that land or other land, given the proposed development is modest in size.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings:	10.0m	8.3m	7.7m (Roof extension)	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes

Detailed Assessment

Zone C4 Environmental Living

The underlying objectives of the C4 Environmental Living zone

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment:

The modifications do not require the removal of any vegetation. Overall, the minor alterations is considered a low-impact residential development.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment:

The development will not have an adverse effect on any special ecological, scientific or aesthetic values.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment:

The proposed modifications are contained within the existing building and are considered to maintain the surrounding landform and landscape.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment:

The development will not affect wildlife corridors nor will it have an effect on riparian and foreshore vegetation.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the C4 Environmental Living zone.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	8.7m (Garage) 6.4 m (First floor balcony) 7.2m (Second Floor balcony)	No change	N/A
Rear building line	6.5m	26.1m (Mezzanine)	No change	N/A

Side building line	2.5m - East	2.5m (Ground floor) 2.5m (First floor) 2.5m (Second Floor) 2.7m - 3.9m (Mezzanine)	2.7m (Privacy screens & Mezzanine)	Yes
	1.0m - West	2.2m (Ground floor) 1.0m - 3.2m (First floor) 1.0m - 3.2m (Second Floor) 6.5m - 7.2m (Mezzanine)	No change	N/A
Building envelope	3.5m - East	Within envelope	Within envelope	Yes
	3.5m - West	Outside envelope	No change	N/A
Landscaped area	60%	61.2% (505sqm)	No change	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	Yes	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	Yes	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0535 for Modification of Development Consent DA2021/0419 granted for Demolition works and construction of a dwelling house on land at Lot 221 DP 15376,266 Whale Beach Road, WHALE BEACH, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-375449 - Mod2023/0535	The date of this notice of determination	<p>Modification of Development Consent DA2021/0419 granted for Demolition works and construction of a dwelling house</p> <ul style="list-style-type: none"> Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation Add Condition No.5A - No approval to works associated with the Building Information Certificate (BIC) Add Condition No.18A - No Clearing of Vegetation Insert amended conditions Add Condition No.30A - Wildlife Protection Add Condition No.30B - Protection of Habitat Features

Modified conditions

A. Add Condition No.1A - 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

S4.55 - 004	01	Site Plan	Studio_deCARTA	19 September 2023
11.6.1	-	Basement	Studio_deCARTA	13 September 2023
11.6.2	-	First Floor	Studio_deCARTA	13 September 2023
11.6.3	-	Level 2	Studio_deCARTA	13 September 2023
S4.55 - 103	01	Mezzanine	Studio_deCARTA	19 September 2023
S4.55 - 104	01	Roof Plan	Studio_deCARTA	19 September 2023
S4.55 - 300	01	West Elevation	Studio_deCARTA	19 September 2023
S4.55 - 301	01	South Elevation	Studio_deCARTA	19 September 2023
S4.55 - 302	01	North Elevation	Studio_deCARTA	19 September 2023
S4.55 - 303	01	East Elevation	Studio_deCARTA	19 September 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1168288S_05	Efficient Living Pty Ltd	13 February 2024

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.

B. Add Condition No.5A - No approval to works associated with the Building Information Certificate (BIC), to read as follows:

No approval is granted under this Development Consent for the unauthorised work, including, the extension to the basement slab and associated earthworks, as covered within BC2023/0287.

Reason: To ensure compliance with the terms of this consent.

C. Add Condition No.18A - No Clearing of Vegetation, to read as follows:

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

D. Add Condition No.30A - Wildlife Protection, to read as follows:

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

E. Add Condition No.30B - Protection of Habitat Features, to read as follows:

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Kye Miles, Planner

The application is determined on 16/02/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments