

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2021/0024
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<b>Responsible Officer:</b>	Adam Mitchell
<b>Land to be developed (Address):</b>	Lot 7316 DP 1169919, 1 B Currawong Beach CURRAWONG BEACH NSW 2108 Lot 1 DP 166328, 1 A Currawong Beach CURRAWONG BEACH NSW 2108 Lot 1 DP 337208, 1 A Currawong Beach CURRAWONG BEACH NSW 2108 Lot 4 DP 978424, 1 A Currawong Beach CURRAWONG BEACH NSW 2108 Lot 10 DP 1092275, 1 A Currawong Beach CURRAWONG BEACH NSW 2108
<b>Proposed Development:</b>	Modification of Development Consent N0281/17 for renovation of three (3) cabins, games room and the construction of a path and retaining wall
<b>Zoning:</b>	E2 Environmental Conservation SP1 Special Activities
<b>Development Permissible:</b>	Yes - Zone SP1 Special Activities Yes - Zone E2 Environmental Conservation
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	NSW Government - Minister Administering the Crown Lands ACT 1989
<b>Applicant:</b>	Northern Beaches Council

<b>Application Lodged:</b>	16/02/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	26/02/2021 to 29/03/2021
<b>Advertised:</b>	26/02/2021
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

Development Application no. N0281/17 was approved by Council on 06 February 2018 for the

renovation of three cabins, games room and the construction of a path and retaining wall.

In that application a 2745mm deep extension was approved southwards of 'Kookaburra' cabin no. 1 (the southernmost cabin on the site) which was to accommodate a new internal bathroom amongst other internal changes. Those works necessitated the demolition of the existing outdoor wc and raised timber walkway to it, along with the removal of one tree. Other works were approved in that application, however they are not relevant to this current Section 4.55(1A) Modification Application.

This application seeks to delete the approved works at the Kookaburra cabin (the bathroom extension) and, essentially, leave the cabin in its current state subject to the following modifications:

- *Allow the careful restoration of the outdoor WC and timber framed walkway leading from the main deck;*
- *Allow slimline water tank and hardwood timber stand to the western elevation;*
- *Deletion of the approved demolition of interior partition walls at the existing bathroom; and*
- *Allow for new fitout of existing bathroom.*

Herein this report the above works are described as the 'modifications'.

## 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 SP1 Special Activities  
 Pittwater Local Environmental Plan 2014 - Schedule 5 Environmental heritage  
 Pittwater 21 Development Control Plan - D13.1 Character as viewed from a public place  
 Pittwater 21 Development Control Plan - D13.6 Side and rear building line  
 Pittwater 21 Development Control Plan - D13.14 Currawong

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 7316 DP 1169919 , 1 B Currawong Beach
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	<p>CURRAWONG BEACH NSW 2108          Lot 1 DP 166328 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108          Lot 1 DP 337208 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108          Lot 4 DP 978424 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108          Lot 10 DP 1092275 , 1 A Currawong Beach CURRAWONG BEACH NSW 2108</p>
<p><b>Detailed Site Description:</b></p>	<p>The Currawong Beach site comprises five lots, being Lot 10 of Deposited Plan 1092275, Lot 1 of Deposited Plan 337208, Lot 4 of Deposited Plan 978424, Lot 1 of Deposited Plan 166328, and Lot 7316 of Deposited Plan 169919. The site is known as 1a and 1b Currawong Beach, Currawong Beach. The combined sites are irregular in shape and have a total area of 19.7 hectares, with approximately 4 hectares being built up. The site is located on the upper western foreshores of Pittwater waterway. Great Mackerel Beach is located to the north of the site, and Ku-ring-gai National Park is located to the west and south of the site. The site is only accessible by water, with no vehicle access available. The Currawong Beach site comprises a sandy beach and foreshore area to the east, with a flat grassed area from the beach which extends to the north-west, and leads to bushland to the west. The bushland slopes upwards from east to west. The site is currently occupied by several buildings consisting of a local heritage listed farm house ("Midholme"), Conference Centre, caretaker's cottage, Manager's cottage, nine (9) holiday cabins and associated ancillary development including a games room, tennis court, volleyball court and a nine (9) hole golf course. The site is identified as being within a heritage conservation area.</p> <p>The item subject of this application is one of the nine (9) aforementioned holiday cabins known as cabin no.1 'Kookaburra', the southernmost on the site.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed the following relevant history:

- **Development Application No. N0281/17** for the renovation of three cabins, games room and the construction of a pathway and retaining wall, approved by Council on 06 February 2018. This development application is the parent application to the subject modifications.

## 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 Development Application no. N0281/17, 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
<p>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:</p>	
<p>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</p>	<p><b>Yes</b></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"> <li>The modifications sought result in a reduction of building works and seek to adaptively reuse existing structures on the site. The works allow for the retention of a healthy tree that would otherwise be removed, thus allowing the retention of greater habitat for biodiversity.</li> </ul> <p>The modifications have no material impact on any neighbouring property and are in keeping with the heritage status of the site.</p> <p>Thereby the works are deemed to be of a minimal environmental impact.</p>
<p>(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>	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under Development Application no. N0281/17 for the following reasons:</p> <ul style="list-style-type: none"> <li>The modifications sought seek to delete a portion of the approved works to one cabin, and instead restore that cabin and its detached WC. An intent of the parent application was to preserve the structures to their original condition as closely as possible and thus, the works to retain and restore existing structures (rather than demolish as was approved) is deemed to be consistent with this intent and represents works that are substantially the same as Development Consent N0281/17.</li> </ul>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(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</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan 2014.</p>

Section 4.55(1A) - Other Modifications	Comments
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.	No submissions were received in relation to this application.

### 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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original 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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan 2014 section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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 &amp; 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 subject site is classified as bushfire prone land and this was assessed and considered in the parent application. The magnitude of works sought under this application do not alter the previous recommendations of the bushfire assessment report. Similarly, the works do not alter the previous recommendations of the NSW Rural Fire Service response dated 08 November 2017 (as confirmed by their revised response dated 09 April 2021).

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 26/02/2021 to 29/03/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (unsewered lands)	<p><b>General Comments</b></p> <p>Environmental Health have been requested to consider this modification of an existing development consent for "renovation of three (3) cabins, games room and the construction of a path and retaining wall".</p> <p>The original proposal sought to remove the existing bathroom in Cabin 1 and incorporate this space into the bedroom. A new bathroom, including toilet, was to be constructed as an extension to the southern side of the living room. This would have necessitated the removal of a mature angophora close to the south western corner of the cabin.</p> <p>Prior to construction works, an arborist reported the mature angophora as being in good health.</p> <p>As a result of this, it was decided to retain the tree by deleting the approved bathroom extension and existing bathroom demolition, and instead upgrade the existing bathroom, restore the existing walkway and outdoor toilet and install a slimline water tank to the rear of the cabin.</p> <p>Based on the above, Environmental Health considers there will be no change in waste water loadings.</p> <p>Accordingly, the proposal is supported.</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>The modification application to development consent N0281/17 includes minor alterations to retain an existing Angophora in close proximity by deleting the approved bathroom extension and existing bathroom demolition, and instead upgrade the existing bathroom, restore the existing walkway and outdoor toilet and install a slimline water tank to the rear of the cabin.</p>

Internal Referral Body	Comments
	<p>As as result the following N0281/17 conditions may be removed: Condition B14 and C12.</p> <p>Landscape Referral raise no objections to the modification application.</p>
NECC (Bushland and Biodiversity)	<p>This application was previously assessed against relevant biodiversity planning controls, and it was concluded that a significant impact to biodiversity is unlikely and several impact mitigation requirements applied via conditions as part of the original development application DA N0281/17. This modification seeks to retain a mature <i>Angophora floribunda</i> previously approved for removal, thereby reducing environmental impact.</p> <p>Therefore, as no additional biodiversity impacts are considered likely, the modifications are recommended for approval without conditions.</p>
NECC (Coast and Catchments)	<p>The modification application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b> The proposed modification site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed modifications are in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b> A part of the subject land, where modifications have been proposed, is included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p>

Internal Referral Body	Comments
	<p><b>Estuarine Risk Management</b></p> <p>The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council’s Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>On internal assessment, the location of the proposed modifications is above the applicable EPL for the site. Hence, the proposed modifications is not required to satisfy the relevant estuarine risk management requirements of P21 DCP.</p> <p><b>Development on Foreshore Area</b></p> <p>However, a section of the subject property is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area.</p> <p>The DA proposes no works on the foreshores area and hence, the DA does not require to satisfy the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014.</p>
NECC (Riparian Lands and Creeks)	The project is located at 150m from the main creek and outside the riparian corridor. As impacts are considered unlikely, the modifications are recommended for approval without conditions.
NECC (Stormwater and Floodplain Engineering – Flood risk)	There has not been a formal flood study undertaken in this area, however is not considered that the proposed modifications would have any flood related issues. No flood related objections.
Strategic and Place Planning (Heritage Officer)	<p><b>HERITAGE COMMENTS</b></p> <p>Discussion of reason for referral</p> <p>The proposal has been referred to Heritage as the subject property is a heritage item</p> <p><b>Currawong Worker's Holiday Camp</b> - Currawong Beach - State Significance</p> <p><b>C2 - Currawong Heritage Conservation Area</b> - local significance</p>

Internal Referral Body	Comments
	<p data-bbox="533 353 963 387"><u>Details of heritage items affected</u></p> <p data-bbox="533 394 1401 456">Details of the item as contained within the Pittwater inventory is as follows:</p> <p data-bbox="533 499 1027 533"><b>Currawong Worker's Holiday Camp</b></p> <p data-bbox="533 535 874 566"><u>Statement of significance:</u></p> <p data-bbox="533 568 1374 775">Currawong Workers' Holiday Camp is a unique site of State historical significance as an intact remaining example of a post World War II, union-organised workers' holiday camp in NSW, established as a response to the social and work place reforms taking place in NSW including the introduction of annual leave in 1944 and the 40-hour week in 1947</p> <p data-bbox="533 815 804 846"><u>Physical description:</u></p> <p data-bbox="533 848 1406 1162">The area known as Currawong is located on the Western Foreshores of Pittwater between Coasters Retreat and Great Mackerel Beach and on the eastern side of the Lamberton Peninsula. It has a total area of 19.7 hectares. The eastern extent of the property is Currawong Beach, a gently sloping sandy beach. Currawong is surrounded by Ku-ring-gai National Park to the west and south, and adjoined by private property associated with Great Mackerel Beach to the north. Currawong is not accessible by road but is served by a ferry from the Palm Beach Public Wharf</p> <p data-bbox="533 1202 1422 1442">The majority of the 19.7 ha site is natural bushland, on steeper slopes and escarpment areas. However there is approximately 4 ha of developed, flatter land adjoining the beach, which contains holiday cottages and other buildings which form the Unions NSW holiday camp facility. These facilities are all located on a generally flat triangular area of inter-tidal mudflat behind the beach, which has been filled and levelled over a long period of time.</p> <p data-bbox="533 1482 1390 1545">The whole area comprises a farmhouse Midholme and a group of Post World War II cottages.</p> <p data-bbox="533 1585 1086 1619"><b>Currawong Heritage Conservation Area</b></p> <p data-bbox="533 1621 874 1653"><u>Statement of significance:</u></p> <p data-bbox="533 1655 1417 1758">The Currawong Heritage Conservation Area is an important cultural landscape for the people of Australia, and is part of the social history of NSW and the region.</p> <p data-bbox="533 1798 804 1830"><u>Physical description:</u></p> <p data-bbox="533 1832 1398 2107">The area known as Currawong is located on the Western Foreshores of Pittwater between Coasters Retreat and Great Mackerel Beach and on the eastern side of the Lamberton Peninsula. It has a total area of 19.7 hectares. The eastern extent of the property is Currawong Beach, a gently sloping sandy beach (Pittwater Council SHR nomination, 2005). Currawong is surrounded by Ku-Ring-Gai National Park to the west and south, and adjoined by private property associated with Great Mackerel</p>

Internal Referral Body	Comments	
	<p>Beach to the north. Currawong is not accessible by road but is served by a ferry from the Palm Beach Public Wharf (Design Plus, 2003).</p> <p>The majority of the 19.7 ha site is natural bushland, on steeper slopes and escarpment areas. However there is approximately 4 ha of developed, flatter land adjoining the beach, which contains holiday cottages and other buildings which form the Unions NSW holiday camp facility. These facilities are all located on a generally flat triangular area of inter-tidal mudflat behind the beach, which has been filled and levelled over a long period of time. The flat area behind the beach is classified as being in the Warriewood Swamp Landscape group and the surrounding rocky escarpment is classified as Watagan Colluvial Soil Landscape group.</p>	
	<p><b>Other relevant heritage listings</b></p>	
	<p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</p>	<p>No</p>
	<p>Australian Heritage Register</p>	<p>No</p>
	<p>NSW State Heritage Register</p>	<p>Yes Currawong Worker's Holiday Camp is on the state register.</p>
	<p>National Trust of Aust (NSW) Register</p>	<p>Yes Currawong is on the Trust's register</p>
	<p>RAIA Register of 20th Century Buildings of Significance</p>	<p>No</p>
	<p>Other</p>	<p>N/A</p>
	<p><b>Consideration of Application</b></p>	
	<p>The modification seeks to reduce the scope of approved works to Cabin 1 (Kookaburra). The modification includes retaining the existing form of the cottage and internal layout with the removal of the southern extension. This would also include the retention and restoration of the existing outdoor WC. A mature angophora tree in good health will also be retained instead of removed under the reduced scope of works. The approved deck extension to the cabin is retained.</p> <p>Under the Conservation Management Plan (CMP) developed in 2015 for the site, Cabin 1's overall building is regarded as of high significance while the deck and bathroom fitout is regarded as low. The proposed reduced scale is considered to be acceptable as it retains high significance features and restricts works to low significance items. The retention of the outside WC is also considered to be in accordance with guideline 7.6.9 in the CMP to retain an outside WC.</p>	

Internal Referral Body	Comments
	<p>Therefore Heritage raises no objections and requires no additional conditions. However, Heritage notes as Currawong is listed on the state heritage register, the proposal needs to be referred to Heritage NSW for comment.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No - A CMP was prepared for the site in February 2015            Has a CMP been provided? No            Is a Heritage Impact Statement required? Yes            Has a Heritage Impact Statement been provided? Yes - A statement from Urbis has been provided.</p> <p><b>Further Comments</b></p> <p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 11 March 2021</p>

External Referral Body	Comments
Integrated Development – NSW Rural Fire Service - Rural Fires Act (s100B Subdivisions and Special Fire Protection Purposes under)	<p><i>The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amendments and raises no objections, subject to compliance with the recommended conditions, included with our previous terms of approval dated 8 November 2017, which are still relevant and apply to this revised scheme.</i></p>
Nominated Integrated Development –Heritage NSW - Heritage Act 1977	<p><i>The Heritage Council of NSW has considered the proposed modifications to the development application and, in accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, amends the terms of approval. Those terms are endorsed by the recommendations of this report and can be viewed on the Council's website.</i></p>

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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)

Nil

### Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone SP1: Yes Zone E2 : Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone SP1: Yes Zone E2 : Yes

### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings:	8.5m	4.6m	No change	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.13 Eco-tourist facilities	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes
Schedule 5 Environmental heritage	Yes

### Detailed Assessment

#### Zone SP1 Special Activities

The site is zoned SP1 - Special Activities and E2 - Environmental Conservation under the provisions of the Pittwater Local Environmental Plan 2014. The works approved under the development application, and thus the subject of this modification application, are located on the portion of the land zoned SP1. The purpose shown on the Land Zoning Map on the SP1 zone is for an Ecotourist Facility, Camping Ground and Function Centre. The parent development application considered the existing three cabins and games room to be renovated to reasonably fall under the definition of an Ecotourist Facility and thus be permitted with consent pursuant to the Land Use Table in Part 2 of the PLEP 2014. The pathway and retaining walls were considered to be ancillary to the development and thus are also permissible with consent.

The magnitude of works in this current modification application does not modify the conclusions

reached in the parent assessment and thus it is deemed that the works sought will not alter the use of the building beyond the definition of an Ecotourist Facility, and thus be permitted with consent.

### Schedule 5 Environmental heritage

Schedule 5 of the PLEP 2014 identifies that the subject site contains locally and State listed Heritage items as follows:

- Currawong Worker's Holiday Camp - State Listed item which relates to the camp across the entire site;
- "Midholme" (house) - locally listed item, being the existing farmhouse which is located on Lot 10 of DP 752017.

The site itself is also identified as a Heritage Conservation Area.

The application was internally referred to Council's Strategic and Place Planning (Heritage Officer) unit whom have provided comments that can be found earlier in this report.

Pursuant to s57 and s58 of the *Heritage Act 1977*, as the works sought relate to one of the cabins which is located within the Holiday Camp (listed on the State Heritage Register), approval is required from the Heritage Council of NSW. The application is also classified as integrated development pursuant to s91 of the Act. The application was referred to the Heritage Council of NSW and a response was received dated 04 March 2021 which provided amended general terms of approval. The general terms of approval require an application under s65A of the *Heritage Act 1977* to be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

Should approval to this modification be granted, conditions of consent shall be imposed to the recommendations of this report requiring compliance with the general terms of approval where modified.

### Pittwater 21 Development Control Plan

#### Built Form Controls

The development site is not attributed as having any prescribed Built Form Controls (that is, front, side and rear setbacks, building envelope or landscaped area) and as such, assessment on those factors is resolved to a merit assessment.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.13 Upper Western Foreshores Locality	Yes	Yes
A4.15 Waterways Locality	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
potential archaeological sites		
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.9 Estuarine Hazard - Business, Light Industrial and Other Development	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development	Yes	Yes
B5.13 Development on Waterfront Land	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
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.2 Safety and Security	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.5 Accessibility	Yes	Yes
C5.7 Energy and Water Conservation	Yes	Yes
C5.8 Waste and Recycling Facilities	Yes	Yes
C5.10 Protection of Residential Amenity	Yes	Yes
C5.16 Building Facades	Yes	Yes
C5.17 Pollution control	Yes	Yes
D13.1 Character as viewed from a public place	Yes	Yes
D13.2 Scenic protection - General	Yes	Yes
D13.3 Building colours and materials	Yes	Yes
D13.5 Front building line	Yes	Yes
D13.6 Side and rear building line	Yes	Yes
D13.14 Currawong	Yes	Yes
D13.16 Stormwater overflow	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D13.18 Site disturbance	Yes	Yes
D15.1 Character as viewed from a public place	Yes	Yes
D15.2 Scenic protection - General	Yes	Yes
D15.3 Building colours and materials	Yes	Yes

### Detailed Assessment

#### **D13.1 Character as viewed from a public place**

The modifications sought under this application will allow for the existing character of the Kookaburra cabin to be maintained when viewed from a public place, and thus improve overall compliance with the outcomes of this control.

#### **D13.6 Side and rear building line**

Extract from parent Assessment Report:

- *No side and rear building line is specified in clause D13.6 for land zoned SP1 or E2 and as such the proposed building lines shall be assessed on merit. The proposed alterations and additions are modest and shall not attribute to excessive bulk and scale. The subject buildings are setback in excess of 16m from the southern boundary, 300m from the western boundary and 275m from the northern boundary, with good spatial separation from the adjoining land. The proposed development shall remain integrated with the natural environment and the proposed setbacks are supported on merit.*

The magnitude of works sought under this application do not alter the previous assessment or conclusions as above. In the absence of prescribed built form controls, the modifications are deemed to be consistent with the Outcomes of the control and with the approved development.

#### **D13.14 Currawong**

The parent development application Assessment Report included a comprehensive assessment of that proposal against the requirement of Part D13.14 of the P 21 DCP. The works sought in this application are not considered to be of a magnitude that change the content nor conclusions of that previous assessment, with the exception of requirement 2 (number added) which reads:

- *Development must not exceed the existing building footprints.*

The approved application did exceed the existing footprints for three cabins, however these increases were suitably justified as the works were modest, low-scale and integrated within the landscape. This modification application seeks to remove the external works to cabin 1 'Kookaburra' and thus would retain the existing building footprint.

Given this, the modifications sought improve compliance with the requirements of this clause and can be supported.

A detailed assessment against the other requirements, which have already been assessed in detail and are not subject to change under this application, is not warranted.

### **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 2019**

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 2000;
- 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. Mod2021/0024 for Modification of Development Consent N0281/17 for renovation of three (3) cabins, games room and

the construction of a path and retaining wall on land at Lot 7316 DP 1169919,1 B Currawong Beach, CURRAWONG BEACH, Lot 1 DP 166328,1 A Currawong Beach, CURRAWONG BEACH, Lot 1 DP 337208,1 A Currawong Beach, CURRAWONG BEACH, Lot 4 DP 978424,1 A Currawong Beach, CURRAWONG BEACH, Lot 10 DP 1092275,1 A Currawong Beach, CURRAWONG BEACH, subject to the conditions printed below:

**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>
DAS01 Rev. C	October 2020	Northern Beaches Council
DAK01 Rev. C	October 2020	Northern Beaches Council
DAK02 Rev. C	October 2020	Northern Beaches Council

<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>
Arboricultural Assessment	October 2019	Bluegum Tree Care and Consultancy
BASIX Certificate No. A36218_03	12 February 2021	AGA Consulting Pty Ltd
Heritage Impact Statement	13 January 2021	Urbis

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. Delete Condition No. B14.**

**C. Modify Condition No. C2 to read as follows:**

An application under section 65A of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

Reason: To meet legislative requirements.

**D. Delete Condition No. C4.**

**E. Delete Condition No. C12.**

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

**Signed**



**Adam Mitchell, Principal Planner**

The application is determined on 23/04/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**