

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0431
Responsible Officer:	Simon Ferguson Tuor
Land to be developed (Address):	Lot 24 DP 11978, 4 Bilgola Avenue BILGOLA BEACH NSW 2107 Lot 25 DP 11978, 2 Bilgola Avenue BILGOLA BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2018/1877 granted for Demolition of existing structures, construction of a dwelling house with detached workshop
Zoning:	C4 Environmental Living SP2 Infrastructure
Development Permissible:	No - Zone SP2 Infrastructure Yes - Zone C4 Environmental Living
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Stephen Grant Rowe
Applicant:	Stephen Grant Rowe

Application Lodged:	14/08/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	18/08/2023 to 01/09/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify development consent DA2018/06 granted for Demolition of existing structures, construction of a dwelling house with detached workshop.

The modification includes the following elements:

1. Vent to plant room.
2. Door to plant.

3. Plant located under entry stairs.
4. Outside shower moved from north east to south west.
5. Retaining curved wall to be deleted.
6. Openings changed to enclose workshop.
7. Underground water tank shifted to east portion of site.
8. Flue location shifted approximately two meters west.
9. Brass balustrade.
10. Bedroom use changed to study use.
11. Addition of overall glazing with perforated copper screen.

No Approval for as built works

Having regard to the *Supreme Court of Appeal decision under Ku-ring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177 ("Buyozo")*, there is no power to retrospectively approve works under a modification of consent. As such, only the prospective works sought under this application can be accepted.

The underground water tank has already been built in the east portion of the site.

A condition is imposed to state that all as-built works are not retrospectively approved under this application.

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.

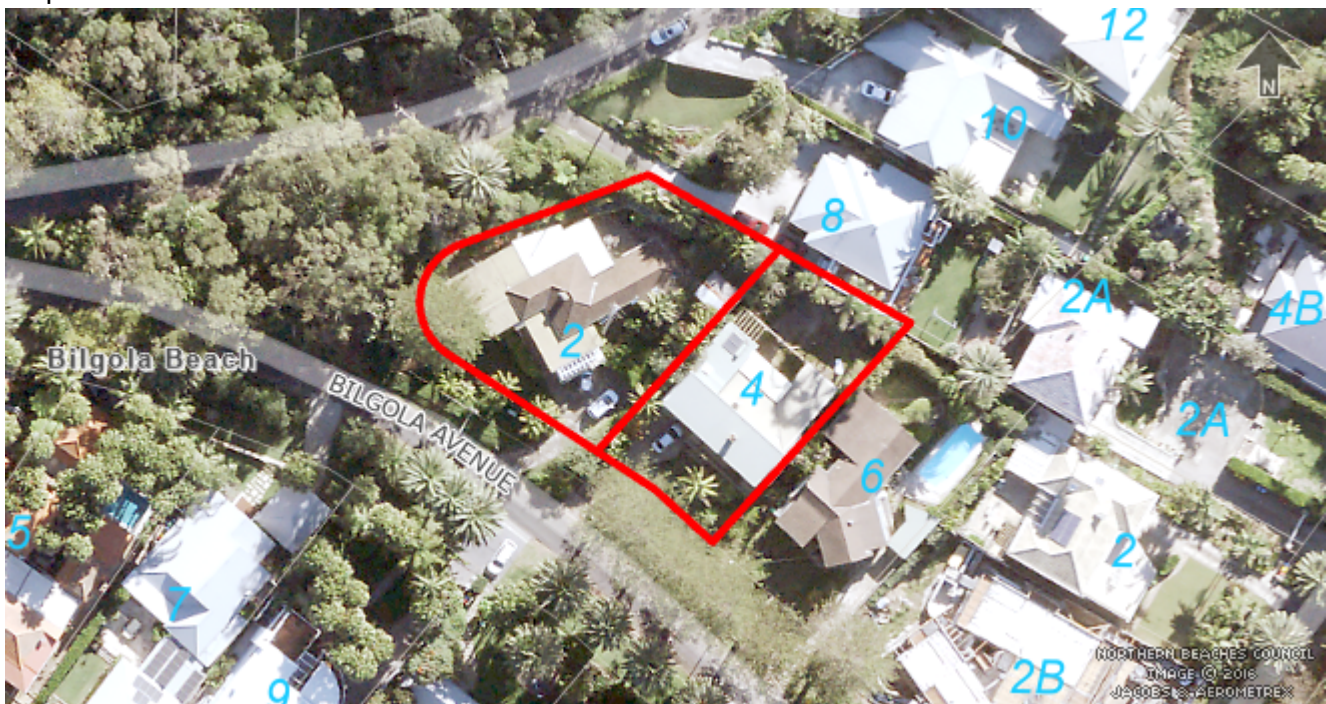
SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 24 DP 11978 , 4 Bilgola Avenue BILGOLA BEACH NSW 2107 Lot 25 DP 11978 , 2 Bilgola Avenue BILGOLA BEACH NSW 2107
Detailed Site Description:	<p>The site consists of two lots, known as Nos. 2 & 4 Bilgola Avenue, Bilgola Beach, legally described as Lot 25, DP 11978 and Lot 24, DP 11978 respectively.</p> <p>The site has a total area of approximately 1509m² with a frontage of approximately 47m to Bilgola Avenue and approximately 28m to the Serpentine. The site slopes down steeply towards the south.</p> <p>The site is currently under construction for the dwelling, workshop and landscaping approved under DA2018/1877.</p> <p>The north-western portion of the site (i.e. the north-western portion of No. 2 Bilgola Avenue) is zoned SP2 Infrastructure. This part of the site has been classified for a road. The remainder of the site is zoned C4 Environmental Living .</p> <p>The surrounding development consists of detached residential dwellings.</p>

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:

DA2018/1877 - Demolition of existing structures, construction of a dwelling house with detached workshop - approved by Development Determination Panel 12 April 2019

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 DA2018/1877, 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"> • no unreasonable additional amenity impact to adjacent properties or the public domain is expected • the built form of the dwelling will remain generally consistent with the approved development
(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	<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 DA2018/1877 for the following reasons:</p> <ul style="list-style-type: none"> • the modification is generally consistent with the approved demolition of existing structures, construction of a dwelling

Section 4.55(1A) - Other Modifications	Comments
originally granted was modified (if at all), and	<p>house with detached workshop.</p> <ul style="list-style-type: none"> the modification does not alter the low density residential land use of the site all expected outcomes of the original assessment are maintained under the modification <p>The consent authority cannot 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 DA2018/1877 .</p>
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, 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	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.
(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 'Matters for Consideration'	Comments
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)(iiiia) – 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)	<p><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.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</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>
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>(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>

Section 4.15 'Matters for Consideration'	Comments
	(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.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

The Existing Use Rights were demonstrated and assessed under DA2018/1877, which concluded:

Based on the evidence provided by the applicant, it is confirmed that the existing dwelling on Lot 25 was lawfully approved and has been continuously used for its approved purpose since before 1947, which is before any zoning came into force. Subsequently, the use can be retained under the current EPI (PLEP 2014).

Therefore, the dwelling house use on Lot 25 has existing use rights and pursuant to Clause 42 of the EP&A Regulation 2000 [now Clause 164 of EP&A Regulation 2021], can be rebuilt on that lot.

Given the minor nature of the proposed modifications, it was not necessary to conduct a full assessment of the existing use rights that apply to the site.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with DA2018/1877 that included a certificate (prepared by Bushfire Consultancy Australia, dated 15 April 2018) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. A letter was provided with this modification application (prepared by Bushfire Consultancy Australia, dated 10 August 2023) which states the proposed modifications will:

have no impact on the existing bushfire assessment that has been prepared for the development and the recommendations made within this report are still applicable.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 18/08/2023 to 01/09/2023 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>The Application seeks consent to modify consent to DA2018/1877.</p> <p>Council's Biodiversity referrals team have assessed the Modification Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> • Biodiversity Conservation Act 2016 • Biodiversity Conservation Regulation 2017 • Pittwater LEP 2014 cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.6 Wildlife Corridors • SEPP (Resilience and Hazards) 2021 cl. 2.8 Development on land in proximity to coastal wetlands or littoral rainforest <p>The proposed modification does not require any additional impacts to native vegetation nor will it significantly impact to nearby biodiversity values. As such, there are no objections subject to conditions.</p>
NECC (Riparian Lands and Creeks)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> - Supplied plans and reports; - Coastal Management Act 2016; - State Environmental Planning Policy (Resilience and Hazards) 2021; - Relevant LEP and DCP clauses; and - Northern Beaches Council Water management for development policy. <p>No objection. Modifications are minor and are not expected to impact the riparian environment. Conditions from original DA apply.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	This proposal has been referred to Heritage as it adjoins a heritage item
	Street Trees - Norfolk Island Pines and Canary Island Date Palms
	Details of heritage items affected
<p><u>Statement of Significance</u></p> <p>The Street Trees - Norfolk Island Pines (<i>Araucaria heterophylla</i>) and Canary Island Date Palms (<i>Phoenix canariensis</i>) are a</p>	

Internal Referral Body	Comments																		
	<p>defining landscape element for Bilgola Beach, but also for many ocean beaches in Pittwater and along the coast of NSW and southern QLD. These pines are significant for their historic association with early settlement and as local cultural plantings, in some instances dating from the 1930's period. The Norfolk Island Pine plantings also have a high level of visual, environmental and aesthetic value.</p> <p><u>Physical Description</u> Many trees have achieved dramatic proportions and scale although many are threatened by recreational and erosional pressures. In this location they have been planted in association with the exotic Canary Island Date Palm.</p> <p>Other relevant heritage listings</p> <table border="1" data-bbox="528 801 954 1305"> <tr> <td>SEPP (Biodiversity and Conservation) 2021</td> <td>No</td> <td></td> </tr> <tr> <td>Australian Heritage Register</td> <td>No</td> <td></td> </tr> <tr> <td>NSW State Heritage Register</td> <td>No</td> <td></td> </tr> <tr> <td>National Trust of Aust (NSW) Register</td> <td></td> <td></td> </tr> <tr> <td>RAIA Register of 20th Century Buildings of Significance</td> <td>No</td> <td></td> </tr> <tr> <td>Other</td> <td>N/A</td> <td></td> </tr> </table> <p>Consideration of Application</p> <p>The proposal seeks consent for modifications to an approved application for a dwelling. Proposed changes are minor and include changes in doors, windows, the chimney flue and shower amongst others. The heritage street trees are located outside the property in the road reserve and there is no changes proposed in the area around them. The proposed works are consider to be without impact to the heritage street trees.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>	SEPP (Biodiversity and Conservation) 2021	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register			RAIA Register of 20th Century Buildings of Significance	No		Other	N/A	
SEPP (Biodiversity and Conservation) 2021	No																		
Australian Heritage Register	No																		
NSW State Heritage Register	No																		
National Trust of Aust (NSW) Register																			
RAIA Register of 20th Century Buildings of Significance	No																		
Other	N/A																		

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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. 1410272S dated 27 July 2023).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been

included in the recommendation of this report.

SEPP (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?	Zone SP2: No Zone C4 : 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 SP2: Yes Zone C4 : Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8m	9.5m	no change	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.1 Relevant acquisition authority	Yes
5.1A Development on land intended to be acquired for public purpose	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
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Front building line	6.5m	Proposed terraces - Minimums of 5.06m and 6.33m	unaltered	Yes
Secondary front building line	North-west (The Serpentine) - 3.25m	Between 1.73m and 4.75m	unaltered	Yes
Side building line	2.5m (SE)	2.77m	unaltered	Yes
	1m (NE)	0.8m	unaltered	Yes
Building envelope	3.5m	Within envelope	unaltered	Yes
	3.5m	Within envelope	unaltered	Yes
Landscaped area	60%	71.28%	unaltered	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.3 Bilgola Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D3.1 Character as viewed from a public place	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D3.3 Building colours and materials	Yes	Yes
D3.6 Front building line	Yes	Yes
D3.7 Side and rear building line	Yes	Yes
D3.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D3.14 Construction, Retaining walls, terracing and undercroft 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. Mod2023/0431 for Modification of Development Consent DA2018/1877 granted for Demolition of existing structures, construction of a dwelling house with detached workshop on land at Lot 24 DP 11978,4 Bilgola Avenue, BILGOLA BEACH, Lot 25 DP 11978,2 Bilgola Avenue, BILGOLA 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-357686 Mod2023/0431	The date of this notice of determination	<p>Modification of Development Consent DA2018/1877 granted for Demolition of existing structures, construction of a dwelling house with detached workshop</p> <ul style="list-style-type: none"> • Add Condition No.1A Modification of Consent - Approved Plans and supporting documentation • Add Condition 2C No retrospective works approved

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
DA 210	1	Lower Ground Floor Plan	Peter Stutchbury Architecture	03.08.23

DA 220	1	Ground Floor Plan	Peter Stutchbury Architecture	03.08.23
DA 230	1	First Floor Plan	Peter Stutchbury Architecture	03.08.23
CC 310	1	North + West Elevations	Peter Stutchbury Architecture	03.08.23
CC 320	1	South + East Elevations	Peter Stutchbury Architecture	03.08.23
CC 410	1	Section	Peter Stutchbury Architecture	03.08.23

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 2C No retrospective works approved to read as follows:

This modified consent does not approve any 'as-built' works retrospectively (below ground water tank). A Building Information Certificate should be lodged in relation to this as built structure.

Reason: To ensure consistency with the findings of *Ku-ring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177* ("Buyozo").

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

Signed



Simon Ferguson Tuor, Planner

The application is determined on 13/10/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments