

MODIFICATION TO DEVELOPMENT CONSENT

SECTION 4.55(1A) ENVIRONMENTAL PLANNING & ASSESSMENT ACT

DA: N0281/17

DATE OF DETERMINATION: 06/02/2018

ADDRESS: 1A Currawong Beach, Currawong Beach

PROPOSED DEVELOPMENT: Renovation of three (3) cabins, games room and the construction of a path and retaining wall

This submission has been prepared by Gina Hay, Principal Planner, Property Team, Northern Beaches Council and seeks to modify development consent N0281/17 to alter Cabin 1, Kookaburra as follows:

- Delete the approved building addition.
- 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.
- Delete the approved demolition of interior partition walls at the existing bathroom.
- Allow new fit out of existing bathroom

BACKGROUND

DA N0281/17 was granted development consent on 6 February 2018, and work is largely complete on the other aspects of the DA. Under this DA, it was intended 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, in accordance with the plan below. This would have necessitated the removal of a mature angophora close to the south western corner of the cabin.

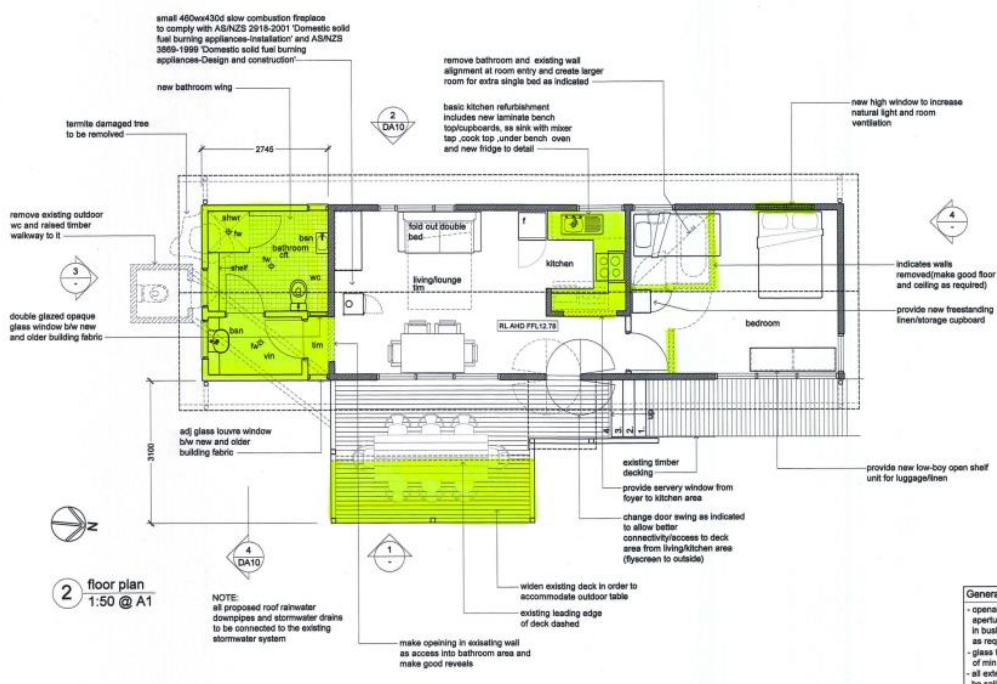


Figure 1: Extract from DA plans showing approved floor plan for Kookaburra, Cabin 1

Prior to commencement of construction works, an arborist was appointed to assess the health of the tree, which was reported as being in good health. 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.

COMPLIANCE WITH S.4.55 ENVIRONMENTAL PLANNING & ASSESSMENT ACT

S.4.55 (1A) of the EPA Act provides for modifications to a development consent where the modifications are minor and the proposal is substantially the same as that originally as proposed, as follows:

*(1A) **Modifications involving minimal environmental impact** 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

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)

In this instance, it is proposed to retain the existing cabin 1 largely as is. As Currawong is listed on the State Heritage Register, the proposed amendments have been assessed by a heritage consultant, who is satisfied that the proposal will not alter the elements that make the Cabin worthy of State Heritage Listing. Moreover, retaining the cabin footprint as is will allow for the retention of a healthy and attractive indigenous tree, which will further minimise the environmental impact on the site. The modifications are minor in the overall context of the DA and thus the DA can be considered to be substantially the same as that approved.

As such, it is considered that the proposal, which seeks to modify the existing consent in order to retain a healthy tree complies with the requirements of Section 4.55 (1A) of the Environmental Planning & Assessment Act and Council's support for this modification is requested.



Gina Hay
Principal Planner - Property
Northern Beaches Council