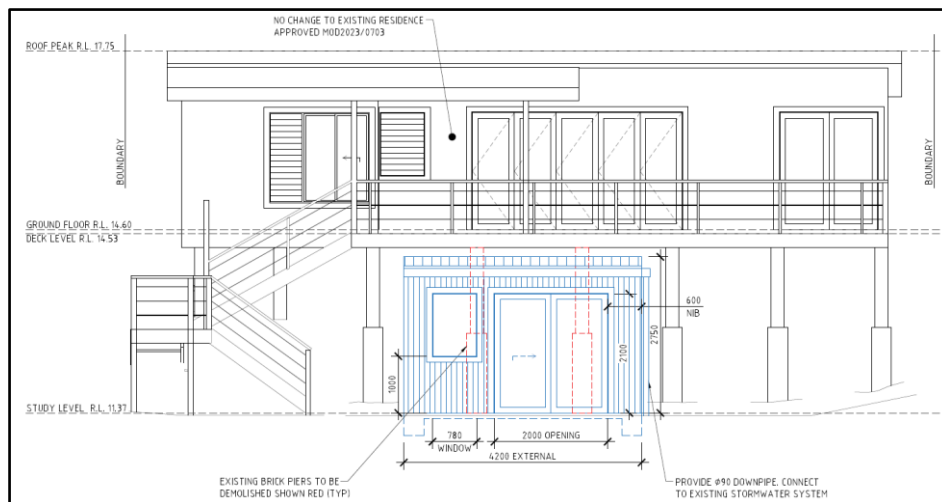


# Dwelling house alterations

## Modification report (DA 2022/1342 – MOD 2) 43 Florence Terrace, Scotland Island



**Prepared By:**

Kerry Hamann – 0425303630  
Waratah Planning - Director  
BSc (Environmental Biology)  
Remnant Bushland Management, Macquarie University (1997).  
PIA Assoc.

**For owners:**

Kerry and Kurt Hamann

**Address:**

43 Florence Terrace, Scotland Island 2105

**Date:** 8/9/2025

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## **1. 43 Florence Terrace – dwelling**

### **1.1. Introduction**

This Modification Report has been prepared in support of a request for amendments to an existing, authorised dwelling approval for 43 Florence Terrace Scotland Island (Lot 93 DP 12749) on the Pittwater Waterway.

The site currently accommodates a three-bedroom weatherboard cottage with two bathrooms, laundry, timber decking, shed, seawall and shared jetty, ramp, pontoon and mooring area.

Northern Beaches Council approved DA 2022/1342 on 7 October 2022. The DA allowed for alterations and additions including three amended bedrooms, an open plan kitchen/dining/living, two bathrooms, laundry, small study, deck and pergola. The Site constraints (such as slope, existing dwelling setbacks and trees) provided substantial limitations to the land available for development.

On 16 February 2024, Council approved a modification application (Mod2023/0703) for alterations and additions which reduced the scope of the development and deleted the ensuite and study.

This Modification Report has been prepared by Waratah Planning for submission to NBC pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This application seeks approval for a new study below the existing deck, with the approved dwelling footprint. As the proposal does not change the existing approved footprint or existing well understood impacts, it would generate 'minimal environmental impact'. This modification application is submitted under Section 4.55(1A) of the EP&A Act. The proposed study is a non-habitable space designed exclusively for work and storage purposes.

The report is supported by architectural drawings prepared by Taylor Consulting Engineers (and relies on the conclusions of this assessment, and the supporting documentation provided to Council with DA 2022/1342 and MOD 2023 0703.

This Modification Report demonstrates that:

- the development complies with the relevant statutory planning instruments and planning controls.
- there would be minimal environmental impacts as a result of this proposal; and
- the proposal is substantially the same as the original approved development 2022/1342 as modified by MOD 2023 0703.



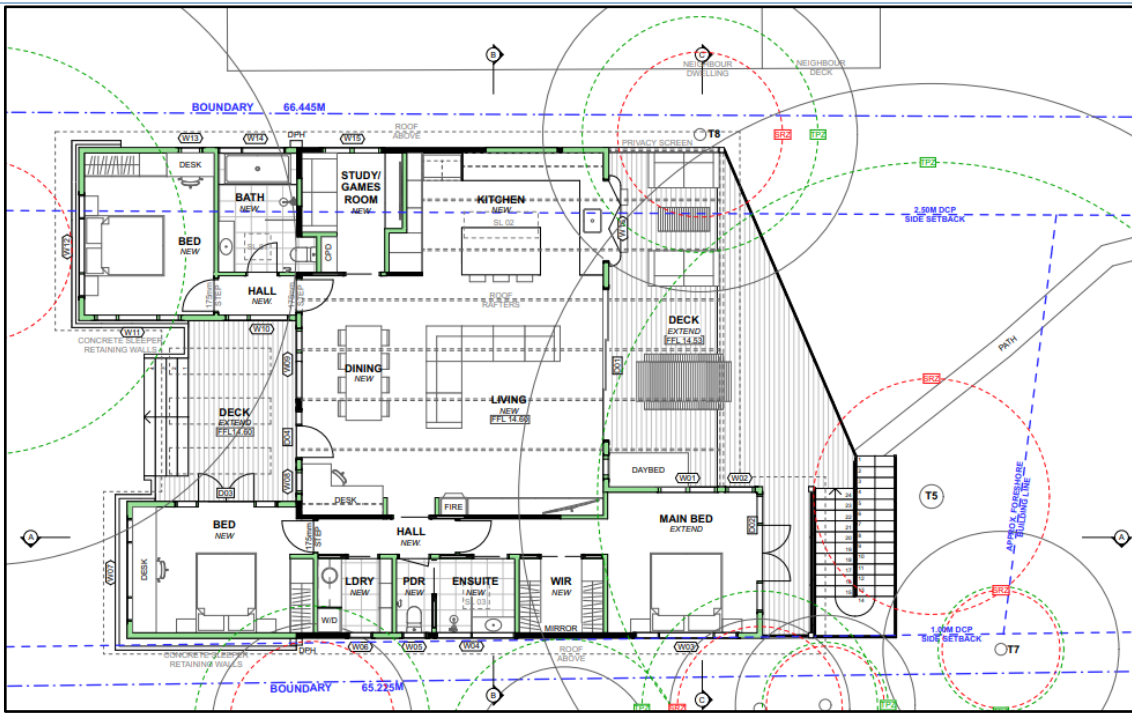


Figure 2- Approved floor plan- DA 2022/1342

Since the approval of DA 2022/1342 Council has approved the decommissioning and installation of the wastewater system on site, under an independent S68 application and approval (**Attachment 2.2**). The ongoing use of the on-site sewage treatment system remains valid.

On 16 February 2024, Council approved alterations and additions detailed in modification application (Mod2023/0703). See **Figure 3**.

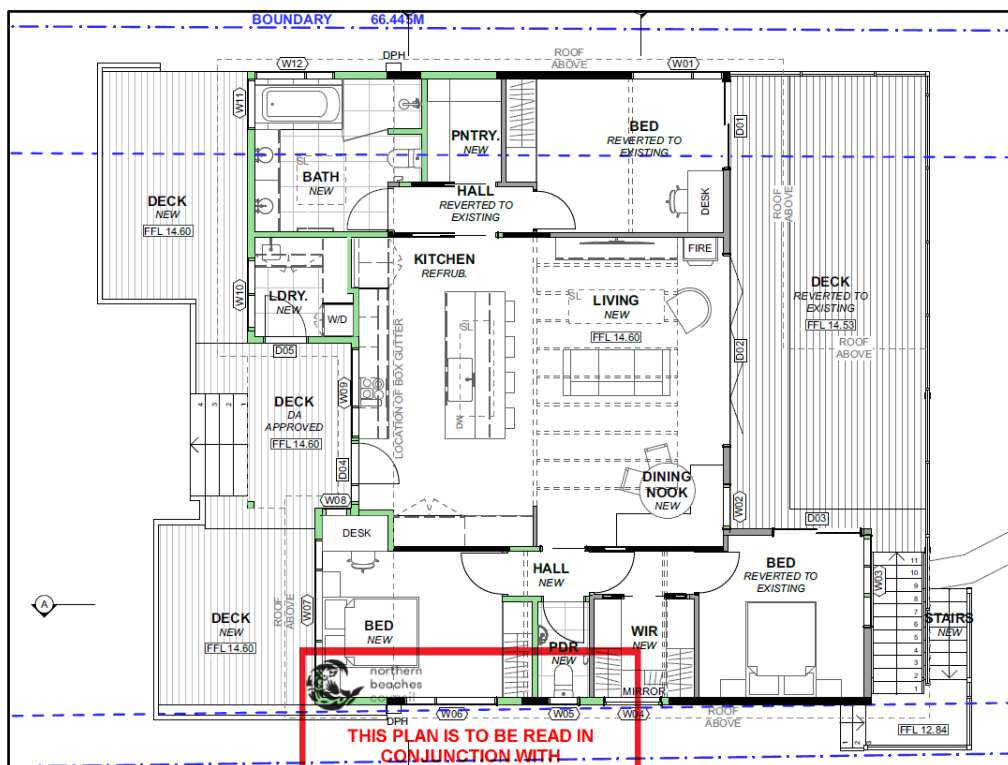


Figure 3 - Mod 1 (Mod2023/0703) as built.

Application **DA2023/0269** was also approved for alterations and additions to an existing shared jetty including a ramp, pontoon and berthing area (approved 05/05/2023). The jetty improvements have been completed.

A development application for a boatshed **DA2024/0778** was approved on 20/11/2024. Construction of the boatshed has not commenced.

## 4. This proposal

The proposed study/office is depicted below in **Figures 4 and 5**. The location of the study/office below the existing deck is shown **in blue** on Figures 4 and 5. Elevations are provided in the attached plans at **Appendix 2.1**. The study will be accessed from a sliding door and will not be connected to the rooms upstairs.

A study was approved under the DA 2022/1342 but was later removed with the modification Mod2023/0703.

The proposed study is a non-habitable space designed exclusively for work and storage purposes. It will:

- not include any plumbing fixtures such as sinks, toilets, or showers, and therefore will not generate any additional demand for wastewater services.
- be accessed externally via a sliding door, with no internal connection to the main dwelling or upper-level rooms.

This ensures the space remains compliant with council definitions of non-habitable structures and does not contribute to increased residential occupancy.

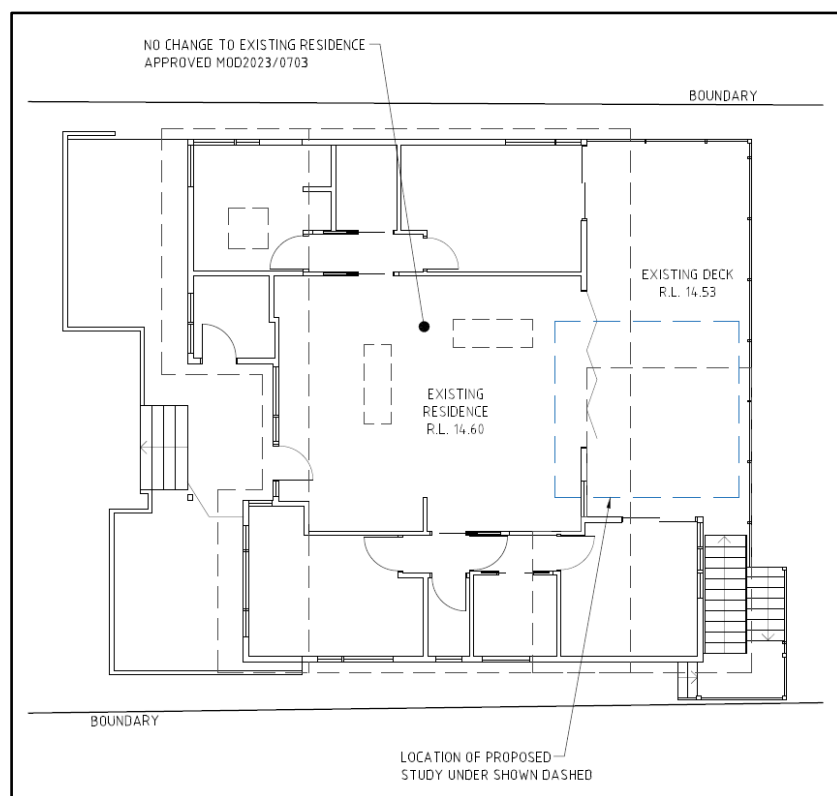


Figure 4 –proposed modified plans.

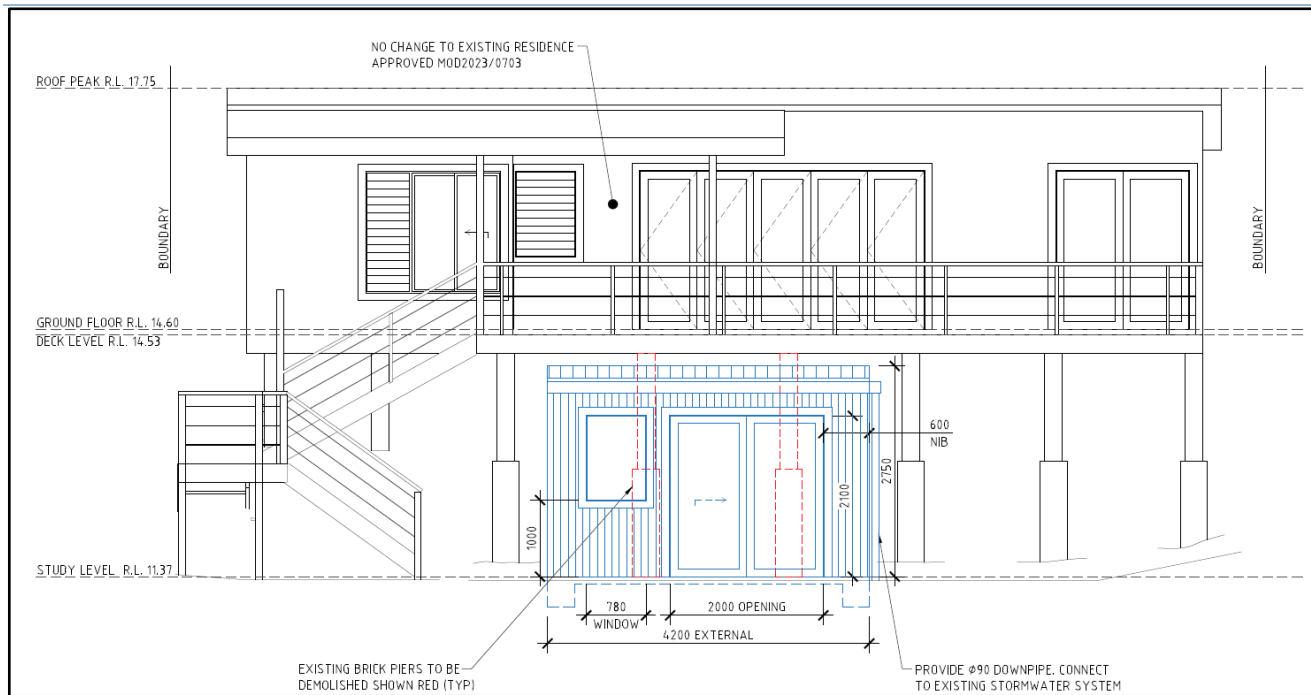


Figure 5 - proposed office.

Steel bearers will be installed to support the existing house prior to removal of 4 brick piers. Modest excavation is required to facilitate the development of the office/study. No significant excavation support is anticipated to be required, aside from a small dintel retaining wall which will be installed as soon as practically possible following completion of the excavation and slab.

Stockpiling is not appropriate for the site, and it is anticipated that excavated material will be removed from the site by barge in accordance with current Office of Environment and Heritage (OEH) regulations.

#### 4.1. Summary of alterations

DA 2022/1342 – Approved	MOD2023/0703	MOD 2 - THIS PROPOSAL
3-bedroom dwelling – bedrooms altered from existing	3-bedroom dwelling – (all in same location as existing dwelling, no new bedrooms to the west of the dwelling).	No change from MOD2023/0703
Open plan kitchen/lounge – much larger than existing	Open plan kitchen/lounge (revised layout)	No change from MOD2023/0703
Master bedroom with walk in robe	Master bedroom with walk in robe (albeit smaller)	No change from MOD2023/0703
Ensuite	No – ensuite – deleted	No change from MOD2023/0703
Powder room	Powder room	No change from MOD2023/0703

Study / Media room	Study /Media room deleted	Proposed study within approved dwelling footprint
Family bathroom	Family bathroom	No change from MOD2023/0703
New laundry	New laundry (re-located)	No change from MOD2023/0703
Extension to the eastern deck	No extension – utilise existing stairs and new stairs to eastern pathway	No change from MOD2023/0703
New bedrooms at western extension	Utilise approved footprint primarily for outdoor decking	No change from MOD2023/0703
No pantry	New walk-in pantry	No change from MOD2023/0703

## 4.2. Other amendments (summarised)

### **New study/storeroom**

- New study/storeroom (approximately 3.6 x 3.8m below the existing eastern deck, within approved development footprint. The room design includes a gutter connected to existing stormwater infrastructure to engineers' specifications.

### **Doors and Windows**

- The eastern elevation proposes a new window and a new sliding door opening to and from the new study / storeroom.

## 4.3. Proposed modifications to conditions

The proposed modifications relate to minor amendments to the dwelling. The Applicant is updating the approved plans to provide for and study/storeroom. Existing conditions from DA2022/1342 apply to the modified development.

#### 4.4. Legislation, Plans and Policies

The original application 2022/1342 addressed the proposal's compliance against relevant legislation, plans and policies, including:

- Environmental Planning and Assessment Act 1979,
- Environmental Planning and Assessment Regulation 2000,
- State Environmental Planning Policy 71 – Coastal Protection (SEPP 71),
- Sustainable Buildings SEPP,
- Pittwater Local Environmental Plan (LEP) 1993.
- Pittwater DCP.

The proposed modification will not affect the consistency of the proposed development with the relevant planning instruments listed above.

#### 4.5. EP&A Act

The EP&A Act provides the statutory framework for planning in NSW. This Modification Report responds to Section 4.55 – modification of consents – generally; and Section 4.15 – the environmental planning instruments that apply to the land.

#### 4.6. Section 4.55(1A) of the EP&A Act

The consent authority may modify the consent if it is satisfied the modification application meets the requirements of section 4.55 of the EP&A Act. An assessment of the modification application against these requirements is provided in Table 1 below.

**Table 1:** Section 4.55(1A) assessment

Section 4.55(1A) Provision		Response
(a)	The proposed modification is of minimal environmental impact	The alterations to the dwelling have no impact on existing environmental conditions or approved impacts. The proposal complies with all relevant government legislation, plans, policies and guidelines.
(b)	The proposed development is substantially the same development as the development for which consent was originally granted.	The proposed modification seeks approval for amendments to DA approved plans. The proposal is considered substantially the same as the approved development, being a three-bedroom dwelling with study/storeroom with a similar aesthetic to the approved dwelling.
(c)	Notification requirements are described in this clause.	The application will be notified accordingly by NBC.
(d)	Submissions have been considered.	Any submissions will be considered following the notification period.

#### 4.7. EP&A Act - Section 4.15 Evaluation

Decisions made under the EP&A Act must have regard to the relevant matters for consideration of the EP&A Act as set out in Section 4.15.

Aside from the provisions of any relevant EPI the applicable matters for consideration are (b) the likely impacts of the development, including environmental impacts, (c) the suitability of the site for the development and (e) the public interest.

This Modification Report considers the likely environmental impacts of the development and any steps that would be taken to protect the environment.

The proposed dwelling alterations and amendments are consistent with the objectives of the zoning, and other local and state planning objectives as discussed below. Consequently, the site is suitable for the proposal.

Under Section 4.15(1)(e) of the EP&A Act, the applicant is required to consider whether the proposal is within 'the public interest'. Public interest is considered in **Section 3.10**.

#### 4.8. Sustainable Buildings SEPP

The Sustainable Buildings SEPP establishes the policy for the application of the Building Sustainability Index (BASIX). BASIX applies to new houses and apartments, alterations and additions to residential developments with a construction cost of \$50,000 or more or installing swimming pools of 40,000 litres or more.

The capital investment value of the minor alterations is valued at under \$50,000, therefore a new BASIX statement has not been generated for this application.

#### 4.9. Pittwater Local Environmental Plan 2014 (Pittwater LEP)

Pittwater LEP is the principal environmental planning instrument that applies to the land. The original DA assessed the proposal against the provisions of *Pittwater Local Environmental Plan (LEP) 1993*.

##### 4.9.1. *Pittwater Development Control Plan 2013*

The development control plan (DCP) applicable to Clareville is the Pittwater 21 Development Control Plan (PDCP).

The most applicable chapters are Section B Assessment - General Controls and Section C – Design Criteria.

SECTION	CONTROL	DA 2022/1342	MOD2023/0703	THIS MOD
<b>B 3.1 – Landslip Hazard</b>	Development must comply with the requirements of the Geotechnical Risk Management Policy.	This is discussed in detail in the Geotechnical Report prepared by Ascent Geotechnical Consulting provided for DA 2022/1342.	This proposal <b>reduced</b> the footprint on the eastern side of the dwelling, the proposal remained acceptable from a geotechnical perspective.	The proposal remains acceptable from a geotechnical risk perspective, as per the Ascent Geo letter at <b>Appendix 2.2</b> .
	Geotechnical risk must be removed to an acceptable level for the life of the development.	The report concludes that the proposed development is suitable for the site.		
<b>B 3.2 – Bushfire Hazard</b>	All development must be designed and constructed to manage bushfire risk throughout the life of the development.	This matter is discussed in detail in the Bushfire Risk Assessment provided for DA 2022/1342.  The BAL for the site is 12.5, and the report recommends measures to comply with <i>Planning for Bushfire Protection 2019</i> .	As the proposal <b>reduced</b> the footprint on the eastern side of the dwelling, and defensible space was not reduced, the proposal remained acceptable from a bushfire perspective. After reviewing the proposed modifications, a bushfire consultant	As the proposal <b>retains</b> the approved footprint on the eastern side of the dwelling, and defensible space is not reduced, the proposal remains acceptable from a bushfire perspective, and the modifications would have no impact on the bushfire

		Defendable space was provided on all sides of the building. Asset protection zones (APZs) are provided onsite and by adjoining development and public roads.	confirmed that the modifications would have no impact on the existing bushfire assessment made for DA 2022/1342.	assessment made for DA 2022/1342.  See <b>Appendix 2.3 and 2.4</b>
<b>B 3.7 – Estuarine Hazard</b>	Development floor levels must be at or below the Estuarine Planning Level (EPL).	The EPL is well below the proposed development.	No change to DA approved conclusion.	No change to DA approved conclusion
<b>B4.7 – Pittwater Spotted Gum Forest</b>	Development must not adversely impact on the Pittwater Spotted Gum Forest and shall retain and restore habitat.	There will be no loss of vegetation including canopy trees, and the development has been sited to ensure protected trees (incl. root zones) are not adversely impacted.  The applicant proposes to ensure that 80% of the Site revegetation incorporates endemic species from the Pittwater Spotted Gum Forest EEC. No environmental weeds will be planted.	No change to DA approved conclusion.	No change to DA approved conclusion.
<b>B 5.13 – Development on Waterfront Land</b>  <b>B5.15 Stormwater</b>	Waterfront land must be retained in its natural state to carry stormwater/flood flows.  Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.	The site is not currently impacted by upstream stormwater. Road flows behind the dwelling are directed via the graded nature of Florence Terrace toward Tennis Wharf.  On-site stormwater currently flows to Pittwater, therefore does not impact on any natural waterways or cause downstream flooding.  Site flows will be retained as existing (flows toward Pittwater). Flows will be dispersed and slowed through the addition of native plantings.	No change to DA approved conclusion.	No change to DA approved conclusion.
<b>B6.11 – Access, driveways and parking</b>	The use of vehicles on Scotland Island is discouraged due to the environmental damage to the public roads.	No driveways, access arrangements or parking is proposed for vehicles at the Site.	No change to DA approved conclusion.	No change to DA approved conclusion.

## Section C Assessment - Design Criteria

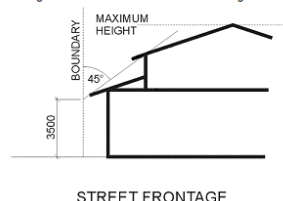
SECTION	CONTROL	RESPONSE	THIS MODIFICATION
<b>C1.1 - Landscaping</b>	<p>There are detailed requirements for tree planting where there is insufficient native canopy.</p> <p>Screening shall be of vegetation.</p> <p>Development shall retain trees and rock outcrops.</p> <p>Noxious and undesirable plants must be removed.</p>	<p>The existing trees add to the tree canopy of Pittwater and soften the built form. Three additional canopy trees have recently been planted (as required by Council permit TA2022/0059). There are sufficient canopy trees on site already. No additional trees are required to be planted or removed.</p> <p>Since purchasing the property in November 2021, the owners have removed substantial weed species and undesired garden species. Native species have been used for screening and revegetation, including additional endemic species from the Pittwater Spotted Gum Community.</p>	No change to DA approved conclusion.
<b>C1.2 Safety and security</b>	<p>Building design must consider safety, i.e., ability to see visitors who approach the front door to be seen without opening the door.</p> <p>Landscaping should not restrict views of pathways, or access along the street frontage.</p> <p>The street number should be identifiable.</p>	<p>The dwelling entrance will be visible from Florence Terrace; native plants will be used to delineate boundaries and pathways without blocking or impeding pathways.</p> <p>As the dwelling is water access only, living spaces are orientated toward the water and road and allow for the observation of any approach to/from these areas.</p>	No change to DA approved conclusion. The study will face east towards the water, allowing for the observation of any approach to/from the jetty areas.
<b>C1.3 View Sharing</b>	View sharing must be achieved and not obtained at the expense of native vegetation.	<p>No native vegetation is being removed to facilitate the proposal.</p> <p>The key views from the site are towards Pittwater from the living deck areas and the master bedroom. Key views from the main residences at numbers 41 and 45 Florence Terrace will not be adversely impacted.</p>	No change to DA approved conclusion. The proposed study does not overlook any other windows or living areas.
<b>C1.4 Solar Access</b>	The main private open space (POS) of each dwelling and the main POS of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 <sup>st</sup> .	<p>Site – the main POS on the NE side of the dwelling will continue to receive &gt;3 hours of direct sun.</p> <p>Neighbours – the additions will generate some additional shadows onto open space at number 45 Florence Terrace. However, these shadows are not impacting on the main POS given this dwelling is</p>	No change to DA approved conclusion.

		situated on the waterfront (below the foreshore building line).	
<b>C1.5 Privacy</b>	<p>POS and living rooms are to be protected from direct overlooking.</p> <p>Elevated decks should incorporate privacy screens.</p> <p>Direct views of private open space or habitable rooms can be restricted via a number of options.</p>	<p>The proposal contains living areas and master bedroom orientated to afford views of Pittwater. The primary orientation of the dwelling remains the same (as the current house), with the master bedroom and living room windows facing north-east.</p> <p>The approved extensions to the eastern decking were reduced by MOD2023/0703. This reduced approved potential privacy impacts to no. 41 Florence.</p> <p>Further, native vegetation has been planted along all boundaries to enhance the Site and provide for greater privacy for both dwellings.</p>	<p>The Applicant intends to retain the exact same footprint as existing with no change and will continue with native plantings for privacy. The proposed study does not overlook any other neighbouring windows or living areas.</p>
<b>C1.6 - Acoustic Privacy</b>	Noise sensitive rooms should be located away from noise sources.	Scotland Island is a quiet area with few cars. The development was situated in the middle of the lot away from boat noise or pedestrian activity on Florence Terrace. Any air conditioning units are concealed to prevent noise spill.	No change to DA approved conclusions.
<b>C1.7 – Private Open space</b>	Min. 80m2 of POS is required, with solar access.	The lot has a north-east orientation which naturally provides for good solar access. The proposal includes a reasonable size deck on the north-eastern side of the dwelling with privacy screen. The large rear yard faces west and receives sunlight in the afternoon year-round. More than 80m2 of POS will be retained on Site following the alterations and additions.	<p>More than 407m2 of POS was approved by DA 2022/1342.</p> <p>The modified plans (MOD2023/0703) include approximately 430m2 of POS.</p> <p>The proposal seeks no change to private open space.</p>
<b>C 12 – Waste and Recycling Facilities</b>	DAs must include a waste management plan, including for demolition.	A waste management plan was submitted for DA 2022/1342.	No change to DA approved conclusions or waste management.

## Section D – Locality Controls

SECTION	CONTROL	RESPONSE	
<b>D 8.1 Character as view from a public place</b>	Buildings which front the street must have a street presence and incorporate appropriate design elements.	The rear of the dwelling faces Florence Terrace and features appropriate physical articulation such as glazing, an entry/ pergola and a design that is compatible with the locality. The bulk and scale of the street frontage is comparable to the existing façade. Existing vegetation along with proposed informal revegetation of the site with endemic species ensures screening of the built form.	The proposed study will enhance the eastern elevation by visually softening the existing undercroft and integrating a design that complements both the architectural character of the dwelling and the surrounding streetscape.
<b>D8.3 Building colours and materials</b>	External colours are required to be dark and earthy.	Earthy colours to be used are shown at DA15 in <b>Appendix 2.1</b> .  Materials are weatherboard cladding and aluminium windows.	No change to existing colours or materials is proposed.
<b>D8.5 Front Building Line</b>	The front building line shall be set back at least 6.5m	The proposal is well set back from the front building line and Foreshore Building Line (refer to DA09 and DA10) at <b>Appendix 2.1</b>  Under MOD2023/0703 the proposal was set back further from the FBL and front building line as demonstrated by drawings s4.55 05 and s4.55 06.	No change to approved setbacks.
<b>D8.6 Side and rear building line</b>	The control requires built structures other than fences and retaining walls to be setback a minimum of 2.5m from at least one side boundary, 1m from the other side boundary and 6.5m from the rear boundary.  It is noted that variation may be permitted for the maintenance of existing setbacks less than as specified under this control where alterations and additions to existing buildings are proposed and that the outcomes of this clause are achieved.	The existing side boundary setbacks were detailed in DA 2022/1342 and MOD2023/0703.	The proposal retains the approved side boundary setbacks.
<b>D8.8 Building Envelopes</b>	There is a building envelope control for dwellings above 3.5m.	The approved dwelling does not breach this control.	No change.

Buildings are to be sited within the following envelope



Where the building footprint has a slope is situated on a slope over 16.7 degrees, a variation to this control will be considered on a merit basis.

<b>D8.9 - Landscaped Area</b>	For a site over 950m <sup>2</sup> , a maximum of 24% cannot be landscaped, to minimise the scale and bulk of the built form (i.e., 76% must be landscaped area).	The plans as modified include a landscape area of 84% (see drawing 4.55 02).	DA02 (plans relating to the approved boatshed (DA2024/0778) detail the site as having 73.6% 'landscaped area'.  This application does not impact the approved landscaped area.
<b>D8.11 – Construction, retaining walls and undercroft areas</b>	Lightweight construction pier and beam footings preferred.  Timber decking is preferred to terracing.  Undercroft areas limited to 3.5m with adequate landscaping.	The home will retain the lightweight construction using pier footings and timber decking.  The existing deck is 2.36m - 2.45m high and is proposed to be unaltered. Compliance is achieved.	The home will retain the lightweight construction using pier footings and timber decking. 4 pier footings will be removed, and the house is proposed to be supported by new steel beams. Following excavation, a slab with small dintel retaining wall will support the new study.  The unsightly undercroft area below the eastern deck will be improved by the proposal and landscaping will continue to drive improvements over time.
<b>D8.13</b>	Rainwater shall be channelled into rainwater tanks as much as possible. Stormwater shall be otherwise dispersed of across the landscape into Pittwater.	Pervious areas are large, and stormwater is being slowed by stormwater management, vegetation landscaping. Any overflow discharges naturally to Pittwater.	This application does not alter the existing stormwater management system. The proposed study will be self-contained, incorporating a dedicated gutter and downpipe that will connect directly to the existing stormwater infrastructure, which discharges to Pittwater at the foreshore.
<b>D8.15</b>	On Scotland Island and the Western Foreshores, at no time shall site disturbance exceed 25% of the site area.	The proposed works relate to a modest area. A sediment and erosion control plan is supplied with the architectural plan set.	The proposed works relate to a modest area. A sediment and erosion control plan is supplied with the architectural plan set. Approved Drawing S4.55 04 and sediment plans approved for the previous works will be applicable.

<b>D8.16</b>	Scenic Protection	The proposal is considered to provide a design and landscape response which is consistent with Council's controls. The native vegetation located in front and to the rear of the dwelling footprint will remain visible when viewed from the public domain.	No change. The proposal will improve the presentation of the eastern elevation from Pittwater by mitigating the visual impact of the existing undercroft.
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#### 4.10. Environmental Assessment

In accordance with Section 4.15(b) of the *Environmental Planning and Assessment Act 1979*, the potential environmental impacts of the proposed study have been carefully considered. Given the minor scale and low-impact nature of the works, the proposal is not expected to result in any adverse environmental effects.

All construction activities will be undertaken in accordance with the conditions of the existing development consent, ensuring appropriate management of any temporary impacts such as noise, dust, and site disturbance.

A Waste Management Plan, previously submitted as part of DA 2022/1342, remains applicable and provides a framework for responsible waste handling throughout the construction phase.

#### 4.11. Site suitability and public interest

In accordance with Sections 4.15(c) and (e) of the *Environmental Planning and Assessment Act 1979*, the proposal has been assessed in terms of site suitability and its alignment with the public interest.

The amended dwelling has previously undergone assessment by Northern Beaches Council. The current modifications, being minor in scale and carefully sited, are not anticipated to result in any adverse impacts on neighbouring properties or the surrounding environment.

The proposal remains fully consistent with the zoning provisions, strategic objectives, and development controls outlined in the applicable Local Environmental Plan (LEP), Development Control Plan (DCP), and relevant Environmental Planning Instruments (EPIs).

Accordingly, the proposal is considered appropriate for the site and in the public interest, supporting orderly development while maintaining compatibility with the local character.

#### 4.12. Conclusion

In line with previous assessments by Northern Beaches Council, the proposal for 43 Florence Terrace remains fully compliant with development standards, including building height and side boundary setbacks, and is consistent with the form and siting of the existing dwelling.

The design is well-modulated and articulated, featuring varied setbacks and glazing that contribute positively to the built form. All proposed site disturbance is confined to the existing building footprint, with no excessive excavation or alteration to the natural landform.

Importantly, the works will not result in the removal of any significant or protected vegetation, ensuring minimal environmental impact.

Having regard to all relevant considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed modifications are deemed appropriate for the site and in the public interest. On this basis, approval is recommended.

## 2. Appendices

2.1. Architectural plans

2.2. Ascent Geo letter

2.3. 2.3 Bushfire report

2.4. 2.4 Bushfire letter