

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0703
----------------------------	--------------

Responsible Officer:	Dean Pattalis
Land to be developed (Address):	Lot 93 DP 12749, 43 Florence Terrace SCOTLAND ISLAND NSW 2105 Lot LIC 640698, 43 Florence Terrace SCOTLAND ISLAND NSW 2105
Proposed Development:	Modification of Development Consent DA2022/1342 granted for alterations and additions to a dwelling house
Zoning:	C3 Environmental Management
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Kurt Steven James Hamann Kerry Elizabeth Hamann
Applicant:	Kerry Elizabeth Hamann

Application Lodged:	04/01/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	10/01/2024 to 25/01/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application proposes to modify the consent under DA2022/1342 which gained consent for alterations and additions to a dwelling house.

The proposed modifications to the original suite of approved works includes the following:

- Approved ground floor extension works predominantly deleted with ground floor generally reverting to its original condition.

- Reduced extension and reconfiguration works to existing bedroom, bathroom and deck now proposed at rear (west) elevation of ground floor.
- Modified window and door schedule
- It is also proposed to amend and/or delete conditions 3, 4, 7, 13, 15, 31, 32, 33 of original consent. Council's Environmental Health Officer has approved the deletion of conditions 13, 31, 32 and 33. No other modifications to any other conditions are approved in this consent.

The modification works generally propose a scaling back of the development that was approved under DA2022/1342 and is more closely aligned with the condition of the existing dwelling on site prior to approval of DA2022/1342.

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 93 DP 12749 , 43 Florence Terrace SCOTLAND ISLAND NSW 2105 Lot LIC 640698 , 43 Florence Terrace SCOTLAND ISLAND NSW 2105
Detailed Site Description:	The waterfront site is at Lot 93 in DP 12749. It is irregular in shape and on the north-eastern side of the island on Florence Terrace, with moderate to steep slopes. The site is zoned C3 Environmental Management. Adjoining and surrounding development is residential. The foreshore homes are a mix of architectural styles that step

down the slopes, preferably subdued in external finishes and located amongst the Pittwater Spotted Gum Forest.

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:

Application **DA2022/1342** for Alterations and additions to a dwelling house (Approved 07/10/2022)

Application **DA2023/0269** for Alterations and additions to an existing shared jetty including a ramp, pontoon and berthing area (Approved 05/05/2023)

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 DA2022/1342, 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> <p>The proposed modification works results in a generally reduced size and scale in comparison to the existing approved development and does not encroach any existing approved built form controls.</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>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 DA2022/1342 for the following reasons:</p> <p>The proposed modification works results in a generally reduced size and scale in comparison to the existing approved development and does not encroach any existing approved built form controls.</p> <p>The consent authority is 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 DA2022/1342.</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	No submissions were received in relation to this application.

Section 4.55(1A) - Other Modifications	Comments
by the regulations or provided by the development control plan, as the case may be.	

Section 4.15 Assessment

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<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 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</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 matter has been addressed via a condition of consent.</p>

Section 4.15 'Matters for Consideration'	Comments
	<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> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
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

Existing Use Rights are not applicable to this application.

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.

An addendum to the Bush Fire Report approved under DA2022/1342 was submitted with the application (prepared by Bushfire Consultancy Australia, dated 28 December 2023) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the approved Bush Fire Report remain relevant to the modification consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 10/01/2024 to 25/01/2024 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
Environmental Health (Unsewered Lands)	<p>General Comments</p> <p>This application is seeking consent for modifications to DA2022/1342 for alterations and additions to an existing dwelling. Environmental Health supports the deletion of conditions 13, 31, 32 and 33 as an onsite wastewater approval has been issued for the new wastewater system installed.</p>
Landscape Officer	<p>The application is for modification to development consent DA2022/1342.</p> <p>The proposed amendments reduce the footprint of the dwelling and will not change the landscape outcome approved in DA2022/1342, and as such the original conditions remain. No further conditions are imposed.</p>
NECC (Bushland and Biodiversity)	<p>The application seeks modifications to development consent DA2022/1342.</p> <p>The modification seeks to reduce the footprint of the dwelling approved under DA2022/1342 and is supported by a Modification Report (Waratah Planning, December 2023) and a Bushfire Report (Bushfire Consultancy Australia, December 2023). The proposed modifications result in a smaller footprint and as such a reduced impact upon biodiversity. No native trees or vegetation are proposed for removal as part of the modification and as such a BDAR is not required. No objections from a biodiversity perspective, subject to existing conditions under DA2022/1342.</p>
NECC (Coast and Catchments)	<p>The proposal seeks approval for modification of development consent DA 2022/1342 granted for alterations and additions including three amended bedrooms, an open plan kitchen/dining/living, two bathrooms, laundry, small media room, deck and pergola.</p> <p>The proposed modifications predominately relate to the floor plan, roof, windows and doors.</p> <p>The subject property is located within the 'Coastal Environment Area' and the 'Coastal Use Area' maps of the Coastal Zone. In addition, the</p>

Internal Referral Body	Comments
	<p>subject property is affected by estuarine hazard. Part of the subject property is within the 'Foreshores Building Line'</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> · Supplied plans and reports, including; • Statement of Environmental Effects prepared by Waratah Planning dated 18 December 2023 · Coastal Management Act 2016 · State Environmental Planning Policy (Resilience & Hazards) 2021 · Relevant LEP and DCP Clauses <p>The objectives and requirement of the CMA 2016, SEPP -R & H 2021 and relevant LEP and DCP Clauses have been met. No modifications are proposed within the foreshores area and all modifications are located above the Estuarine Planning Level.</p> <p>The proposed modifications appear consistent with the design intent of the original proposal and fulfills the objectives and requirements of the relevant clauses of the Act, SEPP, LEP and DCP.</p> <p>No conditions in additions to those for the original development application are considered necessary</p>
NECC (Development Engineering)	<p>14/02/2024:</p> <p>The application is for modification to development consent DA2022/1342.</p> <p>The proposed amendments reduce the footprint of the dwelling and will not alter the Development Engineering outcome approved in DA2022/1342, and as such the original conditions remain.</p> <p>No further conditions are imposed.</p>
NECC (Riparian Lands and Creeks)	<p>Supported subject to conditions.</p> <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;

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Relevant LEP and DCP clauses; and • Northern Beaches Water Management for Development Policy <p>The proposed modifications include internal and external changes, and some amendments to the terms of consent, that collectively result in a reduction of the proposed building footprint.</p> <p>As such, no objections to the proposed modifications provided conditions are adhered to.</p>
Strategic and Place Planning (Development Contributions)	<p>Mod2023/0703 seeks to modify DA2022/1342 for alteration and additions to a dwelling house.</p> <p>SUBJECT SITE</p> <p>The subject site is 43 Florence Terrace, Scotland Island. The land is zoned C3 Environmental Management under the Pittwater LEP 2014 and contains an existing dwelling.</p> <p>DA2022/1342 was approved on 7 October 2022 for alteration and additions to a dwelling house. The approved works comprised:</p> <ul style="list-style-type: none"> • the relocation of the kitchen and creation of an open plan kitchen/dining/living room; • reconfiguration of three bedrooms; • the creation of a new TV/media room; • new laundry and two renovated bathrooms; • back deck with pergola; and • reconfigured front deck and access stairs. <p>At the time of determination, the Northern Beaches Section 7.12 Contributions Plan 2022 applied to the land and development. Condition 4 required payment of a monetary contribution to Council totalling \$6,140.75. The monetary contribution was based on a cost of works of \$614,075 as identified in the submitted cost summary report prepared by Harmony Varley (building designer) dated 3 August 2022.</p> <p>Mod2023/0703 has been submitted pursuant to s4.55(1a) of the EP&A Act. The submitted statement of modification, prepared by Waratah Planning and dated 18 December 2023, identifies that the application seeks to reduce the scale of the approved development and will result in a reduction of the overall building footprint from 144m² to 110m².</p> <p>The application is supported by a cost summary report, prepared by Harmony Varley (building designer) dated 18 December 2023. The updated cost of works is \$454,575.</p> <p>The statement of modification identifies that the application seeks to amend Condition 4 to reflect the new cost of works. The statement advises "A monetary contribution of \$6,140.75 was paid to Council for DA2022/1342. As the cost of the development is reduced, the Applicant requests a pro-rata refund". It is noted that the modification application is not the correct mechanism to request a refund of contributions.</p> <p>The adjusted monetary contribution required by Condition 4 was paid in full on 5 December 2022 and totalled \$6,282.45. A Construction Certificate was issued by Australian Certifying Group on 7 October 2022.</p> <p>On 13 August 2021, the NSW Court of Appeal issued a judgement on</p>

Internal Referral Body	Comments
	<p>Ku-ring-gai Council v Buyozo Pty Ltd [2021] NSWCA177. This judgement confirmed that conditions of consent cannot be modified retrospectively. In relation to conditions requiring the payment of a development contribution, the judgement found that a condition is satisfied upon payment and cannot be modified after this time:</p> <p><i>45 ... Thus a condition authorised to be imposed under s 7.11 can only require the dedication of land or the payment of a monetary contribution at some time in the future, not in the past. Equally, a condition of development consent can never be modified so as to require the doing of something retrospectively, but rather only to do something prospectively. Thus, a condition of consent imposed under s 7.11 can be modified if the condition as modified will require the dedication of land or the payment of a monetary contribution in the future, but not if the land or monetary contribution required by the original condition to be dedicated or paid has already been dedicated or paid, as the condition cannot be modified to operate retrospectively.</i></p> <p>The monetary contribution required by Condition 4 was satisfied upon payment on 5 December 2022 and Council has no power to modify this condition. Additionally, the Contributions Plan states that a refund of contributions will only be considered where a modification seeks to reduce the cost of works and a Construction Certificate has not been issued.</p> <p>RECOMMENDATION</p> <p>A. The requested amendment to Condition 4 is not supported. There are no other issues raised with Mod2023/0703.</p>

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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.A1730672 dated 18 December 2023).

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

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

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The proposed development is not considered likely to cause an adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, native vegetation and fauna and their habitats, public open space or aboriginal cultural heritage.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The development is designed, sited and will be managed to avoid an adverse impact referred to in

subclause (1).

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

Comment:

The proposed development is not considered likely to cause an adverse impact on safe access to and along the foreshore, overshadowing, wind funnelling and the loss of views from public places to foreshores, the visual amenity and scenic qualities of the coast, including coastal headlands, or cultural and built environment heritage.

Division 5 General

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

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

Comment:

The proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The relevant provisions of any certified coastal management program that applies to the land have been considered.

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

Chapter 4 – Remediation of Land

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8m	No encroachment	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	
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
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	>6.5m	Complies	Yes

Rear building line	6.5m	18.25m	Complies	Yes
Side building line	2.5m (south)	0.97m (min. - dwelling) 0.94m (min. - deck/stairs)	Unaltered	Yes
	1m (north)	0.88m - 0.83m (dwelling)	Unaltered	Yes
Building envelope	3.5m (south)	Outside envelope (2.16m max)	Unaltered	Yes
	3.5m (north)	Outside envelope (1.55m max.)	Unaltered	Yes
Landscaped area	50%	75.22% (715.33m ²)	Complies	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.8 Lower Western Foreshores and Scotland Island Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.19 Estuarine Habitat	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
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
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.23 Eaves	Yes	Yes
D8.1 Character as viewed from a public place	Yes	Yes
D8.3 Building colours and materials	Yes	Yes
D8.5 Front building line	Yes	Yes
D8.6 Side and rear building line	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D8.8 Building envelope	Yes	Yes
D8.9 Landscaped Area	Yes	Yes
D8.11 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D8.13 Stormwater overflow	Yes	Yes
D8.15 Site disturbance	Yes	Yes
D8.16 Scenic Protection Category One Areas	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0703 for Modification of Development Consent DA2022/1342 granted for alterations and additions to a dwelling house on land at Lot 93 DP 12749,43 Florence Terrace, SCOTLAND ISLAND, Lot LIC 640698,43 Florence Terrace, SCOTLAND ISLAND, 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# - PAN-400205 MOD# - Mod2023/0703	The date of this notice of determination	<p>Modification of Development Consent DA2022/1342 granted for alterations and additions to a dwelling house</p> <p>Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation</p> <p>Delete Condition 13. Specification of waste water system to be installed</p> <p>Deletion Condition 31. Waste Water System</p> <p>Delete Condition 32. Wastewater System Installation approved by a suitably qualified person</p> <p>Delete Condition 33. Existing Septic Tank to be Decommissioned</p>

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require

otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
S4.55 04	A	Site Plan	Progressive Plans	15 December 2023
S4.55 06	A	Lower Ground Floor Plan	Progressive Plans	15 December 2023
S4.55 08	A	Ground Floor Plan	Progressive Plans	15 December 2023
S4.55 11	A	North Elevation	Progressive Plans	15 December 2023
S4.55 12	A	South Elevation	Progressive Plans	15 December 2023
S4.55 13	A	East/West Elevation	Progressive Plans	15 December 2023
S4.55 14	A	Sections - A	Progressive Plans	15 December 2023
S4.55 15	A	Sections - B & C	Progressive Plans	15 December 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate (A1730672)	-	Progressive Plans	18 December 2023

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. Delete Condition 13. Specification of waste water system to be installed

C. Deletion Condition 31. Waste Water System

D. Delete Condition 32. Wastewater System Installation approved by a suitably qualified person

E. Delete Condition 33. Existing Septic Tank to be Decommissioned

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

Signed



Dean Pattalis, Planner

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



Steven Findlay, Manager Development Assessments