

2 February 2024



James Thomas Mchugh
Po Box 293
CHURCH POINT NSW 2105

Dear Sir/Madam

Application Number: Mod2023/0650
Address: Lot 242 DP 12749 , 17 Thompson Street, SCOTLAND ISLAND
NSW 2105
Proposed Development: Modification of Development Consent DA2022/0196 granted for
Construction of a dwelling house

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Nick Keeler
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0650 PAN-392667
Applicant:	James Thomas Mchugh Po Box 293 CHURCH POINT NSW 2105
Property:	Lot 242 DP 12749 17 Thompson Street SCOTLAND ISLAND NSW 2105
Description of Development:	Modification of Development Consent DA2022/0196 granted for Construction of a dwelling house
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	02/02/2024
Date from which the consent operates:	02/02/2024

Under Section 4.55 (1a) Minor Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Nick Keeler, Planner

Date 02/02/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-392667 - Mod2023/0650	The date of this notice of determination	Modification of Development Consent DA2022/0196 granted for Construction of a dwelling house • Add Condition No. 1A - Modification of Consent - Approved Plans and supporting documentation • Delete Condition No. 8 - Tree Root Investigation and Tree Root Map • Add Condition No. 23A - Modification of Consent - Approval to Install an On-site Sewage Management System • Add Condition No. 23B - Modification of Consent - No Clearing of Vegetation • Add Condition No. 30A - Modification of Consent - Wildlife Protection • Add Condition No. 30B - Modification of Consent - Protection of Habitat Features • Add Condition No. 30C - Modification of Consent - Wastewater disposal areas • Modify Condition No. 42 - Wastewater System Approval to Operate • Add Condition No. 43A - Modification of Consent - Wastewater system compliance • Add Condition No. 43B - Modification of Consent - Specification of wastewater system to be installed • Add Condition No. 43C - Modification of Consent - No Weeds Imported On To The Site • Add Condition No. 43D - Modification of Consent - Priority Weed Removal and Management • Add Condition No. 50 - Modification of Consent - Control of Domestic Dogs/Cats

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
2001-02	DA.2	Site Plan	Design by Waves	15/11/2023
2001-03	DA.2	Construction Management Plan	Design by Waves	15/11/2023
2001-10	DA.2	Upper Level Plan	Design by Waves	15/11/2023
2001-11	DA.2	Lower Level Plan	Design by Waves	15/11/2023
2001-12	DA.2	Floor Plans	Design by Waves	15/11/2023
2001-15	DA.2	Stormwater Plan	Design by Waves	15/11/2023
2001-16	DA.2	Landscape Plan	Design by Waves	15/11/2023
2001-20	DA.1	North Elevation	Design by Waves	15/11/2023
2001-21	DA.1	East Elevation	Design by Waves	15/11/2023
2001-22	DA.1	South Elevation	Design by Waves	15/11/2023
2001-23	DA.1	West Elevation	Design by Waves	15/11/2023
2001-24	DA.1	Long Section	Design by Waves	15/11/2023
2001-25	DA.1	Cross Section	Design by Waves	15/11/2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No. 1276058S_02	-	James McHugh	28/11/2023
Arboricultural Root Mapping Report (Ref: JN 100776)	-	Active Green Services	November 2022
Effluent Management Report (Ref: 230202)	-	Blue Mountains Geological and Environmental Services	February 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 No. 8 - Tree Root Investigation and Tree Root Map

C. Add Condition No. 23A - Modification of Consent - Approval to Install an On-site Sewage Management System to read as follows:

Prior to the release of the Construction Certificate the applicant must receive an 'Approval to Install an On-Site Sewage Management System' from Council. Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To fulfil the requirements under Section 68 of the Local Government Act 1993.

D. Add Condition No. 23B - Modification of Consent - No Clearing of Vegetation to read as follows:

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

E. Add Condition No. 30A - Modification of Consent - Wildlife Protection to read as follows:

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

F. Add Condition No. 30B - Modification of Consent - Protection of Habitat Features to read as follows:

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat

G. Add Condition No. 30C - Modification of Consent - Wastewater disposal areas to read as follows:

Proposed works shall not impact on any wastewater disposal (Land Application Areas) building materials and equipment shall not be stored within the wastewater disposal areas on site.

Reason: To protect land and infrastructure in the wastewater disposal area from damage and failure.

H. Modify Condition No. 42 - Wastewater System Approval to Operate to read as follows:

Prior to the issuing of an Occupation Certificate, a copy of a s68 (Local Government Act 1993) approval to operate the wastewater system, and the wastewater system must be activated and effectively operating to the satisfaction of the Principal Certifier.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity.

I. Add Condition No. 43A - Modification of Consent - Wastewater system compliance to read as follows:

All recommendations and required works as contained within the report by Geological and Environmental Services Pty Ltd dated February 2023 reference no. 230202, being implemented. The installation of a AWTs and construction of two absorption trenches for the and application of secondary treated wastewater.

Details demonstrating compliance with the above report are to be submitted to the Principal Certifier.

Reason: To ensure the wastewater disposal system is compliant and will not create a risk to public health.

J. Add Condition No. 43B - Modification of Consent - Specification of wastewater system to be installed to read as follows:

The NSW Health certificate of accreditation of the Aerated Wastewater Treatment System (AWTS) to be installed must be provided to the Principal Certifier and Council for its records prior to the release of the Construction Certificate.

Reason: To ensure the wastewater system to be installed is accredited for domestic use.

K. Add Condition No. 43C - Modification of Consent - No Weeds Imported On To The Site to read as follows:

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

L. Add Condition No. 43D - Modification of Consent - Priority Weed Removal and Management to read as follows:

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

M. Add Condition No. 50 - Modification of Consent - Control of Domestic Dogs/Cats to read as follows:

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.

Important Information

This letter should therefore be read in conjunction with DA2022/0196 dated 30/06/2022.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater,

the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.