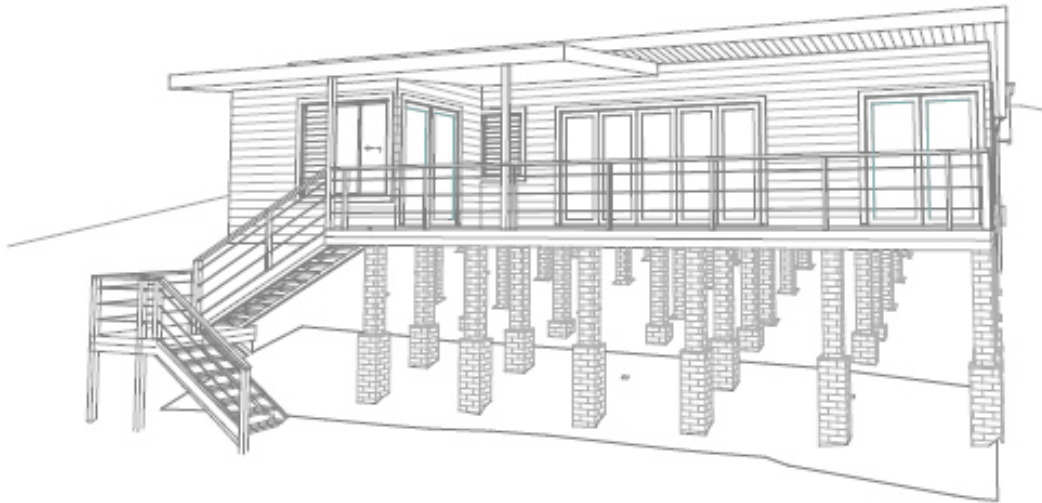


Dwelling house – alterations and additions

Modification report (DA 2022/1342 – MOD 1) 43 Florence Terrace, Scotland Island



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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.

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 media room, deck and pergola. The Site constraints (such as slope, existing dwelling setbacks and trees) provided substantial limitations to the land available for development.

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). The dwelling retains the existing three bedrooms and utilises the approved footprint to extend to the rear of the property. The proposed extension toward the foreshore is no longer desired. As the proposal reduces site and environmental impacts, it would generate ‘minimal environmental impact’. This modification application is submitted under Section 4.55(1A) of the EP&A Act.

The report is supported by architectural drawings prepared by Progressive Plans (and relies on the conclusions of this assessment, and the supporting documentation provided to Council with DA 2022/1342, including:

- Architectural Plans and Basix Certificate (Certificate number: A1730672) prepared by Progressive Plans and dated 18 December 2023;
- Bushfire Assessment Report prepared by Bushfire Consultancy Australia and dated 18 July 2022;
- Geotechnical Report prepared by AscentGeo and dated 15 July 2022;
- Arborist Report prepared by Blues Bros Arboriculture and dated 26 July 2022;
- Biodiversity Review prepared by Waratah Planning; and
- Waste Management Plan prepared by Progressive Plans.

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).

2. Existing uses and development history

An informal GIPA Request lodged with Council in 2022 did not reveal the original cottage building approval. However, it did identify that on 23 August 1988, Council (then Warringah Council) granted consent for alterations and additions to the original 2-bedroom cottage (see plans Figure 6). The consent (council reference 1748/93.A) permitted the addition of an additional bedroom on the south-eastern side of the residence.

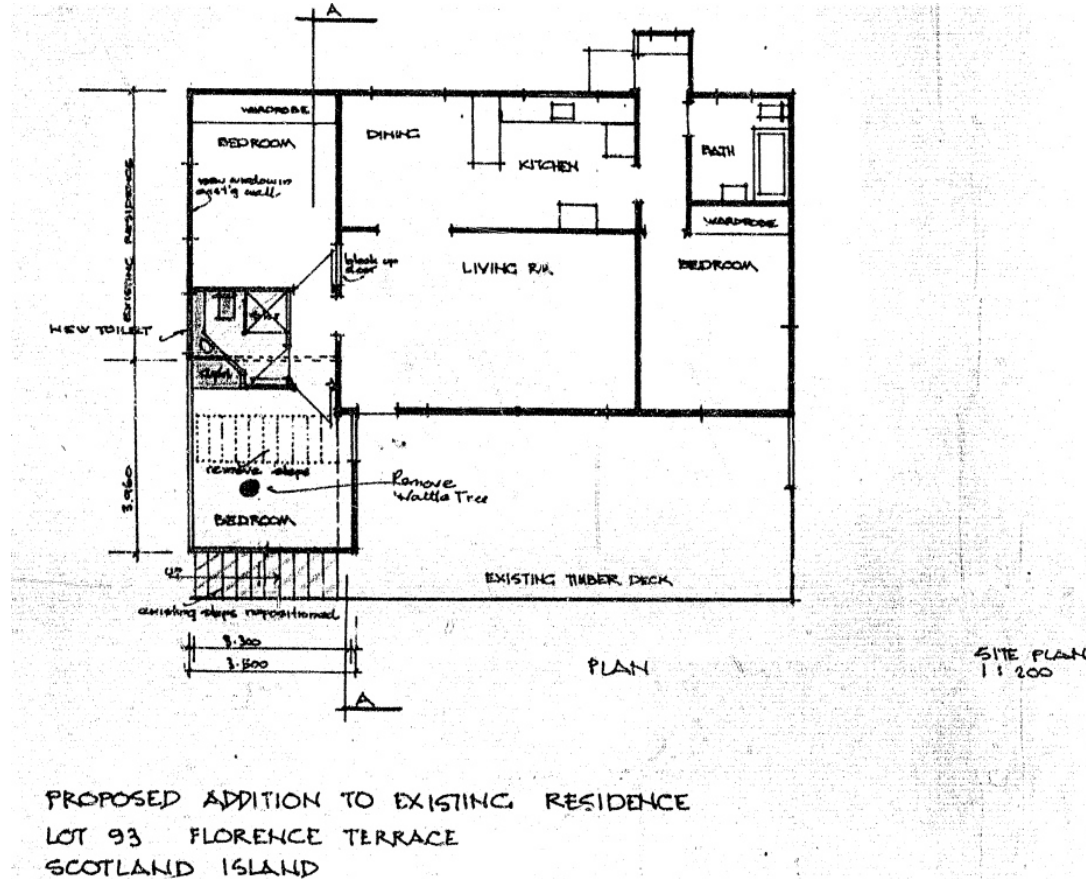


Figure 1 - existing home floor plan

2.1. Approved alterations and additions

DA 2022/1342 approved:

- 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;
- reconfigured/enlarged front deck and access stairs;
- decommissioning of the existing on-site wastewater system, and replacement with an upgraded system.

The approved floor plan is presented at **Figure 2** below.

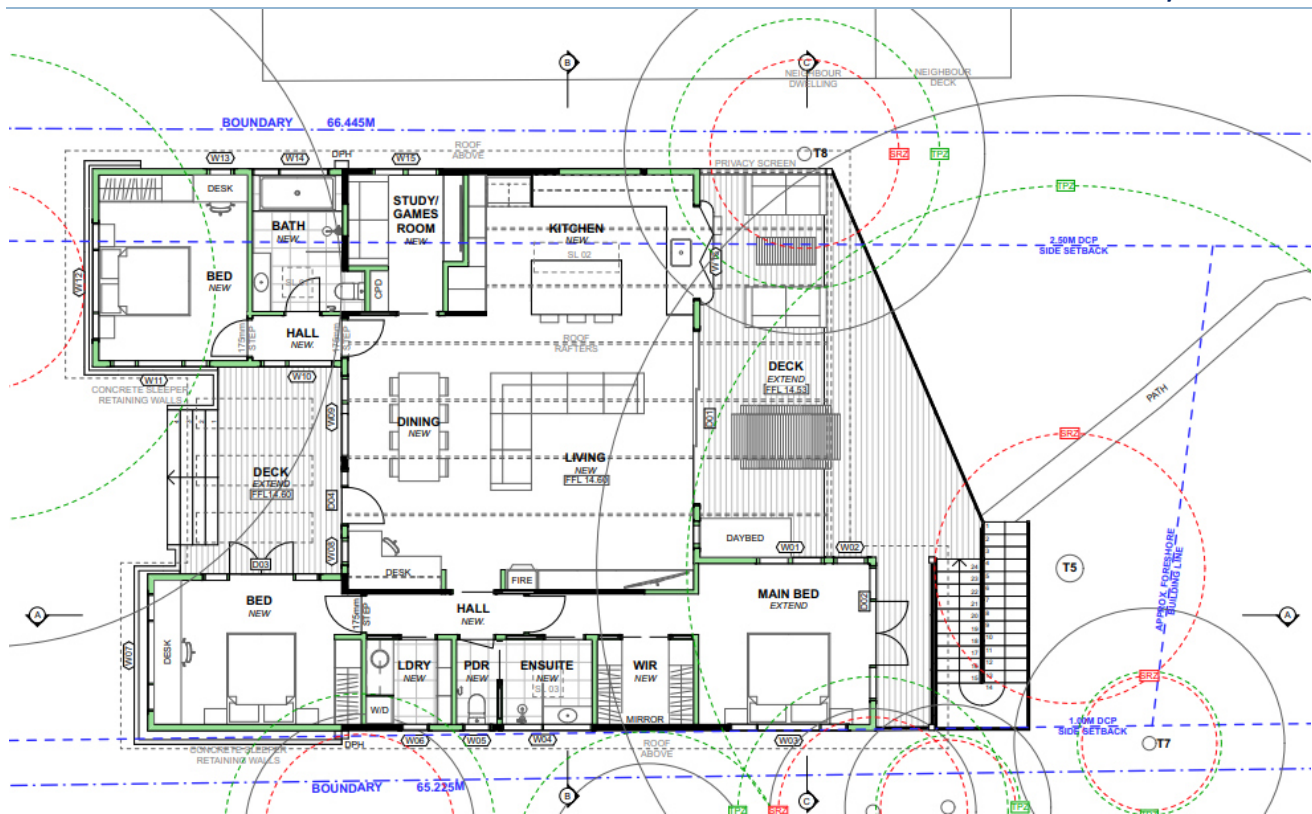


Figure 2- Approved floor plan- DA 2022/1342

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 recent upgrade of the on-site sewage treatment system means that this is no longer required in support of DA 2022/1342.

There are no existing modification applications relating to this consent.

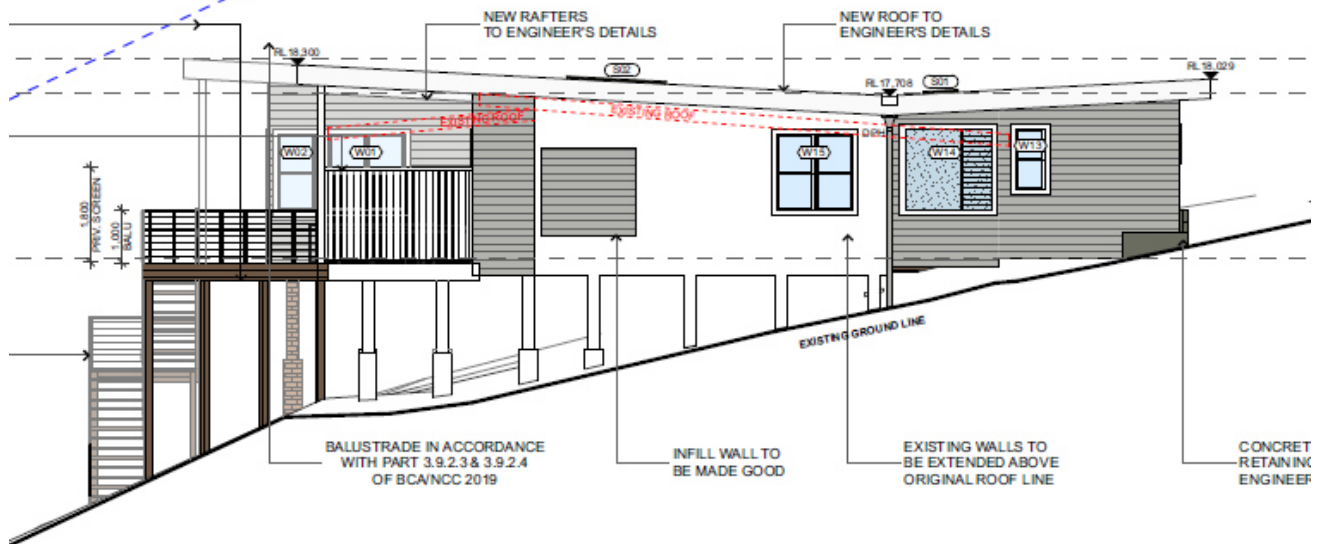


Figure 4 - approved north elevation

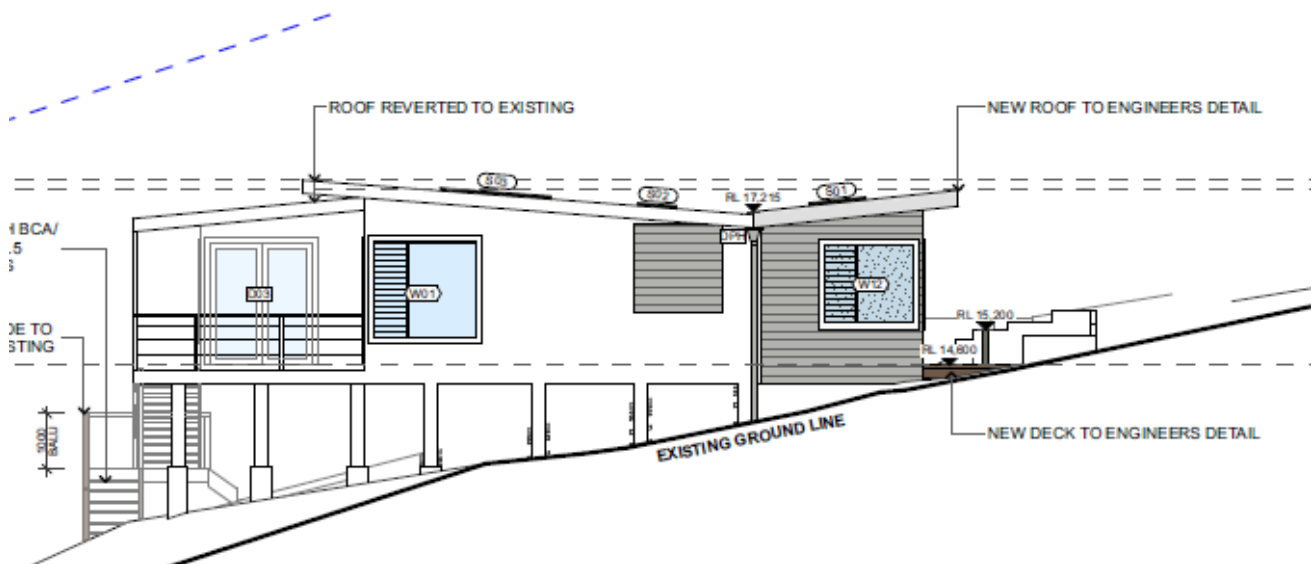


Figure 5 – proposed north elevation

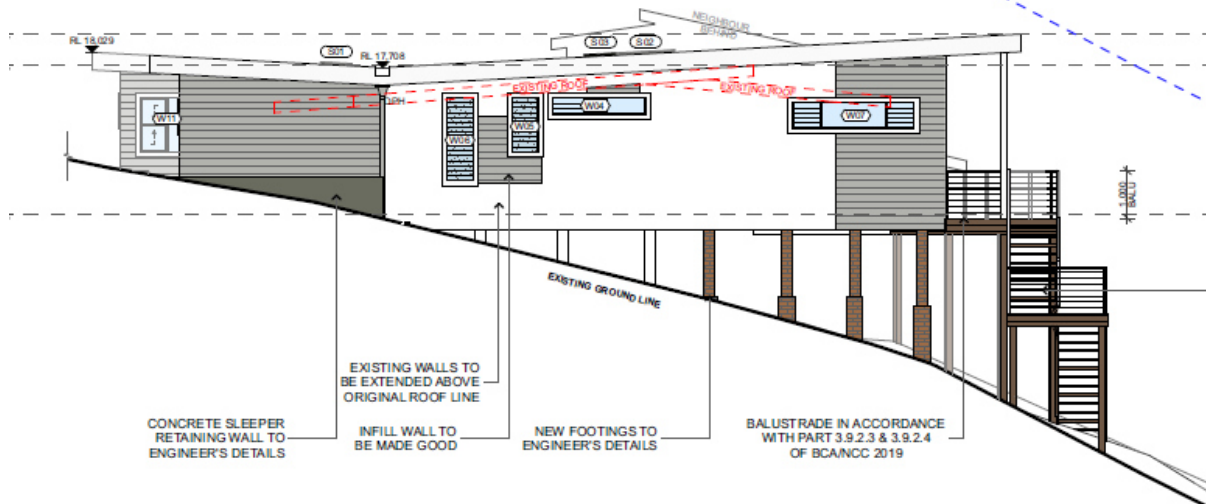


Figure 6 – Approved south elevation

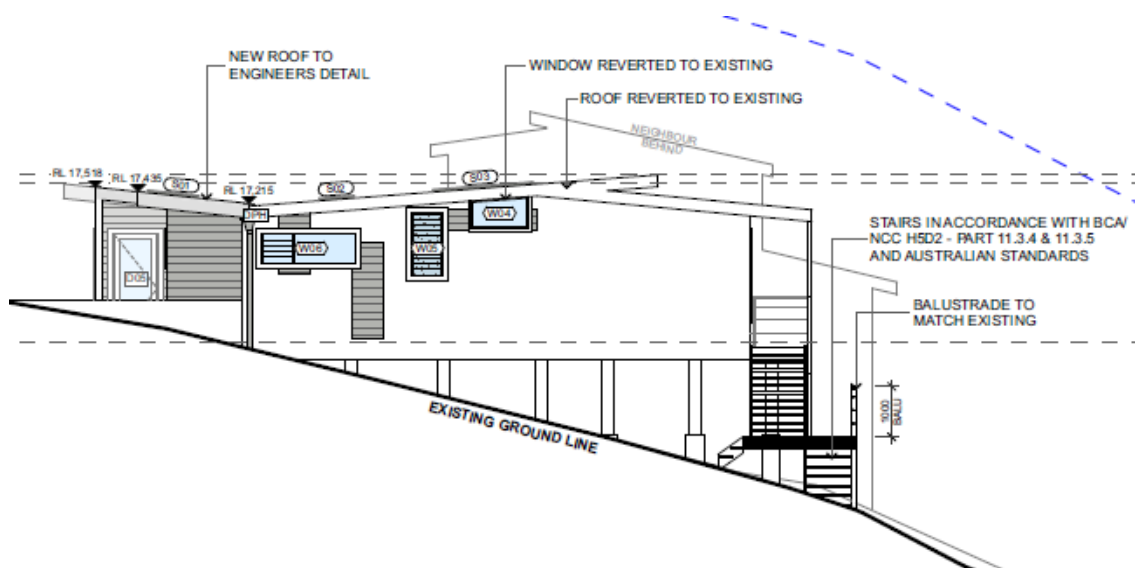


Figure 7 - Proposed south elevation

3.1. Summary of Alterations to the internal walls and layout.

DA 2022/1342 – Approved	DA 2022/1342 – Mod 1 – 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).
Open plan kitchen/lounge – much larger than existing	Open plan kitchen/lounge (revised layout)
Master bedroom with walk in robe	Master bedroom with walk in robe (albeit smaller)
Ensuite	No – ensuite – deleted
Powder room	Powder room
TV/Media room	TV/Media room deleted
Family bathroom	Family bathroom
New laundry	New laundry (re-located)
Extension to the eastern deck	No extension – utilise existing stairs and new stairs to eastern pathway
New bedrooms at western extension	Utilise approved footprint primarily for outdoor decking
No pantry	New walk-in pantry

3.2. Other amendments (summarised)

External modifications

- Two skylights over kitchen/living
- New roof design (western section only) with box gutter to engineers' specifications.

Doors and Windows

- Existing door and window openings retained wherever possible on north, east and south elevations.
- Western elevation proposes all new door and window openings in support of extended bedroom, re-located laundry and new/extended family bathroom.

Decking

- Eastern decking retained as currently built. New steps off existing staircase.
- Western decking over DA approved (rear bedrooms) footprint but extended marginally to allow level access from laundry to new N/W deck.

Kitchen/Living

- Existing kitchen retained (deleting DA approved kitchen), but extended and new pantry in approximate location where DA approved TV/Media room was located.
- Delete DA approved dining area and create new breakfast nook with east facing louvre window.
- New bi-fold sliders to eastern deck in existing window cavity;
- Eastern bedroom windows retained but two new sliding doors installed in voids to eastern decking from both bedrooms.

Family bathroom

- Family bathroom windows updated. Proposed to be opaque glass or opaque louvres.
- One new skylight over family bathroom

3.3. Proposed modifications to conditions

The proposed modifications relate to minor amendments to the dwelling. The terms of the consent are to be modified to refer to the architectural drawings prepared by Progressive Plans, specifically S4.55 02- s4.55 19 dated 18 December 2023.

The Applicant is updating the approved plans for improved functionality and reduced cost. It is also sought to amend the following conditions:

Condition 3 – Long Service Levy

Prior to the release of the Construction Certificate, payment of the Long Service Levy was required to be paid. Based on the reduced scope and cost of the development, the Applicant will seek a LSL refund, if feasible.

Condition 4 – contributions.

A monetary contribution of \$6,140.75 was paid to Council for DA 2022/1342. As the cost of the development is reduced, the Applicant requests a pro-rata refund.

Condition 7 – stormwater

CC approved stormwater plans are to be updated to reflect the modified plans.

Conditions 13, 31, 32, 33 – wastewater system

These conditions can be deleted as the S68 approval satisfies these requirements. Refer to Appendix 2.2.

Condition 15 - Project Arborist

The scope of the works affecting protected trees has been significantly reduced. The arborist has already been appointed to the project and will consider impacts in accordance with the reduce scope of the development.

3.4. 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),
- 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.

3.5. 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.

3.6. 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 having 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 the DA approved plans. The proposal is considered substantially the same as the approved development, being a three-bedroom dwelling 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.

3.7. 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**.

3.8. 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*.

3.8.1. *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	THIS MODIFICATION
B 3.1 – Landslip Hazard	Development must comply with the requirements of the Geotechnical Risk Management Policy. Geotechnical risk must be removed to an acceptable level for the life of the development.	This is discussed in detail in the Geotechnical Report prepared by Ascent Geotechnical Consulting provided for DA 2022/1342. The report concludes that the proposed development is suitable for the site.	As the proposal reduces the footprint on the eastern side of the dwelling, the proposal remains acceptable from a geotechnical perspective.
B 3.2 – Bushfire Hazard	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> . Defendable space is provided on all sides of the building. Asset protection zones (APZs) are provided for onsite and by adjoining development and public roads.	As the proposal reduces the footprint on the eastern side of the dwelling, and defendable space is not reduced, the proposal remains acceptable from a bushfire perspective.
B 3.7 – Estuarine Hazard	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.
B4.7 – Pittwater Spotted Gum Forest	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	No change to DA approved conclusion.

		Forest EEC. No environmental weeds will be planted.	
B 5.13 – Development on Waterfront Land	Waterfront land must be retained in its natural state to carry stormwater/flood flows.	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.	No change to DA approved conclusion.
B5.15 Stormwater	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.	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.	
B6.11 – Access, driveways and parking	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.

Section C Assessment - Design Criteria

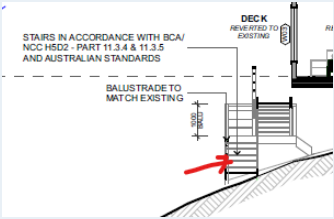
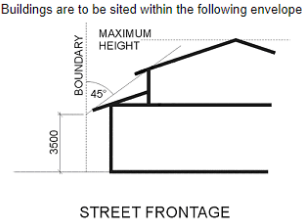
SECTION	CONTROL	RESPONSE	THIS MODIFICATION
C1.1 - Landscaping	<p>There are detailed requirements for tree planting where there is insufficient native canopy.</p> <p>Screening shall be of vegetation.</p> <p>Development shall retain trees and rock outcrops.</p> <p>Noxious and undesirable plants must be 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 will be used for screening and revegetation, including additional endemic species from the Pittwater Spotted Gum Community.</p>	No change to DA approved conclusion.
C1.2 Safety and security	<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 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</p>	No change to DA approved conclusion.

	The street number should be identifiable.	observation of any approach to/from these areas.	
C1.3 View Sharing	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.
C1.4 Solar Access	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 st .	<p>Site – the main POS on the NE side of the dwelling will continue to receive >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 situated on the waterfront (below the foreshore building line).</p>	No change to DA approved conclusion, however shadows at 45 Florence Terrace will be reduced.
C1.5 Privacy	<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 outside deck area is beside and slightly elevated above the deck of number 41 Florence Terrace (to the north). However, the proposed deck is set back (behind, not in-line) with the deck at number 41. As such, it has been designed to minimise overlooking and privacy impacts through its area and orientation. In addition, the proposed deck has been deliberately minimised on the northern side, and a privacy screen has been incorporated to this side of the balcony.</p> <p>Further, native vegetation is proposed to be planted along all boundaries to enhance the Site and provide for greater privacy for both dwellings.</p>	<p>The approved extensions to the eastern decking are no longer proposed. This reduces privacy impacts to no. 41 Florence.</p> <p>The Applicant intends to retain the exact same decking footprint as existing with no change, except for the installation of a new small staircase to the SE of the existing decking.</p>

C1.6 - Acoustic Privacy	Noise sensitive rooms should be located away from noise sources.	Scotland Island is a quiet area with few cars. The development is situated in the middle of the lot away from boat noise or pedestrian activity on Florence Terrace. Any air conditioning units will be concealed to prevent noise spill.	No change to DA approved conclusion.
C1.7 – Private Open space	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.	More than 407m2 of POS was approved by DA 2022/1342. The modified plans include approximately 430m2 of POS.
C 12 – Waste and Recycling Facilities	DA's must include a waste management plan, including for demolition.	A waste management plan has been as part of the DA submission for DA 2022/1342.	No change to DA approved conclusions.

Section D – Locality Controls

SECTION	CONTROL	RESPONSE	
D 8.1 Character as view from a public place	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.	Although the rear of the dwelling has been altered, the proposal features glazing, articulation i.e. 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.
D8.3 Building colours and materials	External colours are required to be dark and earthy.	Earthy colours to be used are shown at DA15 in Appendix 2.1 . Materials will be weatherboard cladding and timber windows.	No change to colours and materials is proposed.
D8.5 Front Building Line	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 Appendix 2.1	The proposal is set back further from the FBL and front building line as demonstrated by drawings s4.55 05 and s4.55 06.
D8.6 Side and rear building line	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	The side boundary setbacks were detailed in DA 2022/1342. The DCP allows for variations where alterations and additions to an existing	The proposal retains the side boundary setbacks which are highly impacted by the existing home. While the proposed new stairs (to connect the existing deck

	<p>6.5m from the rear boundary.</p> <p>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.</p>	<p>dwelling are proposed. This issue has been considered further below against the relevant control objectives.</p> <p>The proposed variations to D8.6 were approved under DA 2022/1342.</p>	<p>stairs) do breach D8.6, the DCP allows for variations where alterations and additions to an existing dwelling are proposed.</p> 
D8.8 Building Envelopes	<p>There is a building envelope control for dwellings above 3.5m.</p>  <p>Buildings are to be sited within the following envelope</p> <p>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.</p>	<p>The eastern side of Site has a slope of over 25 degrees (very steep - refer to the Geotechnical Report provided as part of DA 2022/1342). The DCP is challenged by this slope and by the siting of the existing building, which does not comply with the building envelope prescribed by this control. Refer to Drawing DA03 and DA12 in Appendix 2.1 which demonstrates the nature of the breach.</p> <p>This issue has been assessed against the control objectives below.</p>	<p>There is no longer a breach of this control.</p>
D8.9 - Landscaped Area	<p>For a site over 950m², a maximum of 24% cannot be landscaped, to minimise the scale and bulk of the built form (i.e., 76% must be landscaped area).</p>	<p>The proposal complies with this control as 81.21% of the site will be landscaped area. (Refer to drawing DA02) of Appendix 2.1.</p>	<p>The modified plans now increase the landscape area to 84% (see drawing 4.55 02).</p>
D8.11 – Construction, retaining walls and undercroft areas	<p>Lightweight construction pier and beam footings preferred.</p> <p>Timber decking is preferred to terracing.</p> <p>Undercroft areas limited to 3.5m with adequate landscaping.</p>	<p>The home is primarily of lightweight construction using pier footings and proposes timber decking.</p> <p>The approved eastern deck is 2.36m - 2.45m high, & this minor variation was supported by NBC.</p>	<p>The home will retain the lightweight construction using pier footings and timber decking.</p> <p>The existing deck is 2.36m - 2.45m high and is proposed to be unaltered. Compliance is achieved.</p>
D8.13	<p>Rainwater shall be channelled into rainwater tanks as much as possible. Stormwater shall be otherwise dispersed of across the landscape into Pittwater.</p>	<p>Rainwater harvesting will increase as a result of the additional roof area allowing for the additional storage of rainwater. This will be directed to storage tank(s) at the rear of the property.</p> <p>Pervious areas are limited therefore stormwater will be slowed by vegetation and filter into the soil. Any overflow will discharge naturally to</p>	<p>No change to previous conclusions.</p>

		Pittwater. No change to current stormwater management is triggered by this application.	
D8.15	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.	Sediment and erosion controls have been in place since the installation of the wastewater system in 2023 (see Council s68. approval at Appendix 2.2)
D8.16	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.

3.9. Environmental Assessment

The provisions of Section 4.15(b) of the EP&A Act require an assessment of the potential environmental impacts of the proposal. The proposed amendments are of such a minor scale that they will not generate any environmental impact. Prior to construction, the Applicant will comply with existing consent to manage any minor construction related impacts.

Waste management has been considered separately in a Waste Management Plan, attached to DA 2022/1342.

3.10. Site suitability and public interest

The provisions of Section 4.15(c) and (e) of the EP&A Act require an assessment of the suitability of the site for the proposal, and consideration of whether the proposal is in the public interest.

The amended dwelling has been the subject of a previous assessment by NBC. Considering the design and siting of the proposed amendments, the modifications are not expected to have any adverse impacts on neighbours or the environment.

The proposal remains consistent with the zoning, objectives and controls of the relevant DCP, LEP & EPI's. As such, the proposal is suitable for the site and in the public interest.

3.11. Conclusion

As per previous NBC conclusions, the proposal involves compliance with the development standards for building height and is reasonably set back from side boundaries, consistent with the existing dwelling.

The proposal is appropriately modulated and articulated with varied heights and setbacks and open balconies and decking. Proposed site disturbance is largely limited to the existing building footprint. The proposal does not seek excessive excavation or modification to the existing landform. The proposed works will not result in the removal of any significant or protected trees.

Having considered all relevant matters and Section 4.15 of the EP&A Act, the proposed modifications are appropriate for the site, and consent is recommended.

2. Appendices

2.1. Architectural plans

2.2. NBC S68 Approval