

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0650
Responsible Officer:	Nick Keeler
Land to be developed (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
Zoning:	C3 Environmental Management
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	James Thomas Mchugh Madelein Grace Cunich
Applicant:	James Thomas Mchugh
Application Lodged:	29/11/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	06/12/2023 to 11/01/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify development consent DA2022/0196 granted for construction of a dwelling house.

The modification proposes rotating the dwelling by approximately 2400mm at the NW corner away from the southern boundary. The SE corner of the dwelling would remain in the same location.

The modification reduces the extent of excavation and retaining wall height and provides a better outcome in terms of site disturbance and residential amenity.

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 242 DP 12749 , 17 Thompson Street SCOTLAND ISLAND NSW 2105
Detailed Site Description:	The subject site consists of one (1) allotment located on the eastern side of Thompson Street and western side of Florence Terrace. The site is irregular in shape with a primary frontage of 18.275m along Thompson Street, a secondary frontage of 41.66m along Florence Terrace and a maximum depth of 70.89m. The site has a surveyed area of 1,377.8m². The site is located within the C3 Environmental Management zone and is currently a construction site pursuant to the works approved under DA2022/0196. The site falls approx. 21m from the west towards the east. The site is heavily vegetated with several canopy trees and ground cover vegetation. Several examples of species part of the Pittwater Spotted Gum Endangered Ecological Community are found on the site. Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density residential dwellings within a bushland setting.

Map:



SITE HISTORY

The land has been vacant an extended period of time. A search of Council's records has revealed the following relevant history:

Application **DA2022/0196** for Construction of a dwelling house was approved on 30/06/2022 by Council staff.

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 DA2022/0196, 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	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons: • no unreasonable additional amenity impact to adjacent properties or the public domain is expected • the built form of the dwelling will remain generally consistent with the approved development
(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	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 DA2022/0196 for the following reasons: • the modification is generally consistent with the approved dwelling house • the modification does not alter the low density residential land use of the site • all expected outcomes of the original assessment are maintained under the modification
(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 by the regulations or provided	See discussion on "Notification & Submissions Received" in this report.

Section 4.55(1A) - Other Modifications	Comments
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)	<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. <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. <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. <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. <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 clause is not relevant to this application.

Section 4.15 'Matters for Consideration'	Comments
	Clause 69 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. Clause 69 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.
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	(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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
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.

A letter from the applicant's bushfire consultant (prepared by Building Code & Bushfire Hazard Solutions, dated 23/11/2023) has been provided stating that the recommendations of the original Bushfire Report remain relevant and the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 06/12/2023 to 11/01/2024 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)	General Comments This application is seeking consent for modification to DA2022/0196. The Statement of Environmental Effects states: • Minor adjustment to the location of the proposed new dwelling. • Amended wastewater management – new wastewater report • Removal of the store room located at the Western end of the new dwelling. • Environmental Health has reviewed the application and recommends approval subject to conditions.
Landscape Officer	The application is for modification to development consent DA2022/0196 as described in reports and as illustrated in plans. A Arborist Report is submitted with the application that addresses condition 8. Tree Root Investigation and Tree Root Map. The findings include that one 30mm tree root from the Spotted Gum (tree T118) was discovered and will require removal. As advised in the Arborist Report "It was determined that pruning of this root would result in a minor impact on overall tree vitality and stability. Therefore, it has been assessed that all tree subject trees will remain viable with the current design proposal". Landscape Referral raise no concerns with the modifications proposed in terms of landscape outcome, and advise that condition 8 is now completed and may be deleted within the modification approval. All other landscape conditions remain.
NECC (Bushland and Biodiversity)	The proposal seeks approval for the modification of Development Consent DA2022/0196 granted for Construction of a dwelling house. The comments in this referral relate to the following applicable controls and provisions: • Biodiversity Conservation Act 2016 (BC Act) • Biodiversity Conservation Regulation 2017 • Planning for Bushfire Protection 2019 • SEPP (Resilience and Hazards) 2021 - Development within the coastal environment • Pittwater LEP - Clause 7.6 Biodiversity Protection

Internal Referral Body	Comments
	Pittwater DCP - Clause B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). The proposed modification aims to alter the position of the approved dwelling under DA2022/0196 and would not alter the outcome of the original Biodiversity Referral. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
NECC (Development Engineering)	I have reviewed the Statement of Modification and have no objections to the proposed development subject to the retention of the existing engineering conditions of consent.

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 (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 expected to cause adverse impact to the coastal environment area.

- 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:

Council is satisfied that the proposed development is appropriately designed and sited to ensure adverse impact to the items referred to in subsection (1) is avoided.

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
 - 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
- ii) adverse impact referred to in paragraph (a), or
- iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or 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:

Council is satisfied the proposed development is appropriately designed and sited in a manner that avoids adverse impact to the coastal use area.

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:

Council is satisfied the proposed development will not cause an increased risk of coastal hazards on the site or surrounding land.

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

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	Subclause 2D - 10m	9m*	9m	N/A	Yes

***Note:** The original assessment notes a 10m building height. Upon further investigation in this assessment, the building height of the original development application approved the building height at 9m.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	Primary - 6.5m	15.7m	18.7m	Yes
	Secondary 3.25m	16.1m	15.4m	Yes
Side building line	S - 2.5m	2.5m	3.1m	Yes
	N - 1m	13.6m	11m	Yes
Building envelope	S - 3.5m	Outside envelope	Outside envelope	Acceptable, less than approved
	N - 3.5m	Within envelope	Within envelope	Yes
Landscaped area	1,147.8m ²	1,219.6m ²	Unaltered	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
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.17 Littoral Rainforest - Endangered Ecological Community	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.11 Access Driveways, Internal Driveway and Off Street Parking Requirements - Dwelling House - Scotland Island	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	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
D8.8 Building envelope	Yes	Yes
D8.9 Landscaped Area	Yes	Yes
D8.10 Fences	Yes	Yes
D8.11 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D8.13 Stormwater overflow	Yes	Yes
D8.14 Parking management	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. Mod2023/0650 for Modification of Development Consent DA2022/0196 granted for Construction of a dwelling house on land at Lot 242 DP 12749, 17 Thompson Street, 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-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.

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

Signed



Nick Keeler, Planner

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



Steven Findlay, Manager Development Assessments