

Memo

Environment

To:	Adam Richardson , Development Assessment Manager
From:	Michael French, Planner
Date:	5 April 2023
Application Number:	Mod2023/0159
Address:	Lot 11 DP 1275411 , 2 Beach Road PALM BEACH NSW 2108
Proposed Modification:	Modification of Development Consent DA2022/1860 granted for Alterations and additions to an existing commercial premises (Palm Beach Golf Club)

Background

The abovementioned development consent was granted by Council on 22 March 2023 for Alterations and additions to an existing commercial premises (Palm Beach Golf Club);

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to delete condition(s) No.11 and 20, which reads as follows:

Geotechnical Requirements

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

The application seeks to modify condition No.6, to read as follows:

Stormwater Drainage Disposal

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

Consideration of error or mis-description

Condition No.6 requires amendment due to a minor mis-description. This condition requires that "*Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate*". As there are no 'Civil works' approved by DA2022/1860, and a suitably qualified Engineer is able to confirm that the approved structural works do not impact the existing stormwater system, the condition is to be amended.

Conditions No.11 and 20 were, in error, added to Conditions of Consent of DA2022/1860. A Geotechnical Report was not submitted with the subject application, and was not required- *A Geotechnical Report must be submitted with a Development Application for any development on any land classified as H1 or H2 on the Geotechnical Hazard Maps (Pittwater Local Environmental Plan 2014)*. Additionally, Conditions No.11 and 20 incorrectly refer to a Geotechnical Report referenced in condition 1. In this regard, Conditions 11 and 20 are to be deleted.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2023/0159 for Modification of Development Consent DA2022/1860 granted for Alterations and additions to an existing

commercial premises (Palm Beach Golf Club) on land at Lot 11 DP 1275411,2 Beach Road, PALM BEACH, as follows:

A. Modify Condition 6- Stormwater Drainage Disposal to read as follows:

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

B. Delete Condition 11

C. Delete Condition 20

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

Signed



Michael French, Planner

The application is determined on 05/04/2023, under the delegated authority of:



Adam Richardson, Manager Development Assessments