

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0268
Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 1 DP 731356, 1 - 3 Florida Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2019/1532 granted for alterations and additions to a dwelling house including a swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Susan Gay Anderson
Applicant:	Geoffrey Roy Watson
Application Lodged:	19/05/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	25/05/2021 to 08/06/2021
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the modification of DA19/1532 and MOD2020/038 to allow the following:

- An extension of the study to provide for the relocation of the ensuite and
- A change in the roof materials from colourbond roofing to terracotta tiles.

On 11 June 2021, the applicant amended the application to delete the bin store and grocery drop off enclosure and the inclinor.

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

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
Pittwater 21 Development Control Plan - C1.19 Incline Passenger Lifts and Stairways
Pittwater 21 Development Control Plan - D12.3 Building colours and materials
Pittwater 21 Development Control Plan - D12.5 Front building line
Pittwater 21 Development Control Plan - D12.6 Side and rear building line
Pittwater 21 Development Control Plan - D12.8 Building envelope

SITE DESCRIPTION

Property Description:	Lot 1 DP 731356 , 1 - 3 Florida Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the south eastern side of Florida Road.</p> <p>The site is irregular in shape with a frontage of 67.6m along Florida Road, a western side boundary length of 34.1m and a splayed eastern side boundary length of approximately 64.5m not including the right-of-carriageway. The site comprises a three storey dwelling which is currently being renovated in accordance with recent approvals of alterations and an extension. The right-of-carriageway is used for access by the properties at No. 364 Whale Beach Road and No. 1a Florida Road. The site has a surveyed area of 1800m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a three storey dwelling house.</p> <p>The site has a cross fall from south to north, down toward the road frontage of approximately 13.2m.</p>

The site is densely vegetated within the front setback area.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by similar scale low density residential development within landscaped settings.

Map:



SITE HISTORY

Development Application No.DA2019/1532 for alterations and additions to a dwelling house was approved by Council on 3 April 2020.

Modification application No. MOD2020/0380 for internal alterations, a reduction in the pool area / terrace, cahnages to the roof terrace, store, lobby, lift, WC and stair was approved by Council on 27 October 2020.

History of subject application

On 11 June 2021, a letter as sent to the applicant raising issues with the inclinator and the bin / grocery drop off enclosure. In response the applicant submitted amended drawings deleting these elements of the proposal.

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 DA2019/1532 and MOD2020/0380, 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. The modification has been amended to delete the inclinator and bin enclosure and now only relates to a very minor extension of the study to accommodate an ensuite bathroom. The minor extension will not result in unreasonable environmental impacts.</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 development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2019/1532 and MOD2020/0380 for the following reasons. The proposal is for a minor extension of the study. The dwelling generally remains to be consistent with the built form approved under the original DA and will not result in unreasonable impacts on neighbouring amenity.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(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</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater Local Environment Plan 2011 and Pittwater 21 Development Control Plan.</p>
(d) it has considered any	

Section 4.55(1A) - Other Modifications	Comments
submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 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 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 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.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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.

A Bush Fire Report was submitted with the original application that remains valid.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 25/05/2021 to 08/06/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Alastair Roderick Hood	1005/19-23 Elizabeth Bay Road ELIZABETH BAY NSW 2011

One submission has been received in support of the DA.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	<p>09/6/2021:</p> <p>1) Council can not allow the proposed bin area on the Right of Carriageway.</p> <p>2) Proposal is for provision of inclinator on piers.</p> <p>As per Pittwater DCP Control C1.19: Incline Passenger Lifts & Stairways, refer below poi</p> <p>Controls</p> <p>Incline passenger lifts and stairways shall:</p> <ul style="list-style-type: none"> i) be designed and located so they do not involve excessive excavation, or the removal of ii) be erected as near as possible to the ground level (existing) of the site, and shall not inv iii) be located and designed to minimise the effects of noise from the motor and overlooking iv) be painted to blend in with surrounding vegetation and screened by landscaping and v) be set back two (2) metres from the side boundary to the outer face of the carriage vi) be located wholly on private land, and vii) have a privacy screen where there is a direct view within 4.5m to a window of a habitabl <p>On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the re cases, a proposal will be subject to assessment based on merits, and should be no more than</p> <p>Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.</p> <p>3) The Geotechnical opinion in his letter by JK Geotechnics, dated 8/4/2021 did not cove</p>

Internal Referral Body	Comments
	<p>Applicant is advised to engage Structural and Geotechnical Engineer and redesign the in</p> <p><u>Planners Comment</u></p> <p>The inclinor and bin / grocery drop off enclosure have been deleted from the application</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A revised BASIX certificate has been submitted with the application (see Certificate No. A366421_01 dated 14 May 2021).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	Achievable
Thermal Comfort	Pass	Achievable
Energy	50	Achievable

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who offered no objections to the application subject to conditions.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 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 negatively impact upon the matters raised above in subclause (1).

- (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 subclause (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 proposed development has been designed, sited and will be managed to avoid an adverse impact referred to in subclause (1).

14 Development on land within the coastal use area

- (1)
- (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,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) 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 likely to cause an adverse impact on the matters referred to above.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 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.

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:	10m	10m	10m (no change)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
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
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

The proposed extension of the study will not increase the overall height of the development approved under the original consent DA2019/1532 and modification MOD2020/0380. The development as approved and proposed exceeds the 8.5m building height and the detailed assessment for the previous applications is therefore still relevant and summarised below:

In accordance with Subclause 2D of this clause, the proposed development may exceed this height, but not more than 10m, if the following requirements are satisfied.

(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and

Comment:

Portions of the existing building exceed the prescribed 8.5m height control, namely the northwestern portion of the walls and roof. The proposed extension to the study also exceeds the 8.5m height control, however, the portion of the building to be located above the maximum height is minor.

(b) the objectives of this clause are achieved, and

Comment:

The objectives of this clause are as follows:

1. To ensure that any building, by virtue of its height and scale, is consistent with the desired future character of the locality,

Comment:

The proposal seeks a maximum building height of 9.57m. This element will not be discernible when viewed from the streetscape and is substantially attributable to the existing floor level, in conjunction with the steeply undulating topography of the site. The development will sit comfortably within its context in terms of its height and scale and is considered to be consistent with the desired character of the locality.

2. To ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The proposed development is not dissimilar to that of adjoining and surrounding development, in terms of height and scale. In turn, the proposal is considered compatible with surrounding buildings and that of the wider locale.

3. To minimise any overshadowing of neighbouring properties,

Comment:

The 5.4sqm extension will not result in unreasonable overshadowing of neighbouring properties.

4. To allow for the reasonable sharing of views,

Comment:

The 5.4sqm extension represents a minor addition to the dwelling. The minor extension sits behind the front building line and below the maximum height of the dwelling. The minor extension will not result in view loss to neighbouring properties.

5. To encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The minor extension will not impact on the topography of the allotment as it is contained within the existing building footprint on site.

6. To minimise adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Comment:

The proposed development is appropriately articulated such that the built form is broken down as a result. No unreasonable visual impacts upon the natural environment are considered likely. Further, the site is not located within the vicinity of a heritage conservation area or item.

Based on the above, the objectives of this clause are achieved.

(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and

Comment:

The building footprint is situated on a slope of 49.3% when measured between the eastern extent of the building footprint and the western extent of the building.

(d) the buildings are sited and designed to take into account for the steep slope of the land and to

minimise cut and fill by incorporating multiple floor levels which step with the site.

Comment:

The existing building has been sited and designed to account for the steep slope of the land and to minimise cut and fill by incorporating multiple floor levels which step with the site. The proposed additions maintain this design approach.

Based on the above, the proposed development satisfies the requirements stated under Subclause 2D of this clause, therefore allowing a maximum building height of 10m.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line (Florida Road)	6.5m	7.9 (no change)	7.9m (the inclinator has been deleted)	Yes
Rear building line	6.5m	4.7m (east)	unaltered	*No
Side building line	2.5m	2.8m (west)	2.8m unaltered	Yes
	1m	1m (south)	1m (the bin enclosure has been deleted)	Yes
Building envelope	3.5m	Within envelope	unaltered	Yes
	3.5m	Within envelope	Breach in the envelope up to 500mm in height (extension to study)	No
Landscaped area	60%	60.9% (843.9sqm)	60.9% unaltered	Yes

* The merit assessment of the non-compliance with the rear set back as detailed the previous applications remains valid.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.6 Wildlife Corridors	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.11 Fences - General		
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.19 Incline Passenger Lifts and Stairways

Clause C1.19 requires incline passenger lifts and stairways shall:

be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and
be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and
be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and
be painted to blend in with surrounding vegetation and screened by landscaping and
be set back two (2) metres from the side boundary to the outer face of the carriage
be located wholly on private land, and
have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.

On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform,

appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.

Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.

The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.

Variations

Where an incline passenger lift is shared between lots, the 2m side boundary setback does not apply to those lots.

Comment:

The inclinator has been deleted from the proposal following issues raised in respect of its height being 2m above ground level and involving the construction of piers.

D12.3 Building colours and materials

A condition requires the proposed terracotta roof tiles to be a dark recessive colour.

D12.5 Front building line

Clause D12.5 requires development to be set back 6.5m from the front set back.

The inclinator has been deleted from the proposal due to its unacceptable height and it being set back 0.6m from the frontage which equates to a 90.7% breach in the front set back control.

D12.6 Side and rear building line

There is no change to the rear setback which was approved under the previous application with a minor breach.

The side setbacks comply.

D12.8 Building envelope

There is a minor breach in the envelope (500mm in height) as a result of the extension of the study, however, despite the breach the proposal remains to be consistent with the Outcomes of the control as discussed below:

To achieve the desired future character of the Locality.

Comment:

The minor 5.4sqm extension will not impact on the desired future character of the Palm Beach Locality.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

Comment:

The minor extension sits below the maximum height of the dwelling and will be screen by the existing mature vegetation along the Florida Road frontage so that it will not be visible in the streetscape.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

Comment:

The minor extension will not impact on the natural features of the site being located on the building footprint.

The bulk and scale of the built form is minimised.

Comment:

The proposal is for a minor extension of the building and will not result in excessive bulk and scale.

Equitable preservation of views and vistas to and/or from public/private places.

Comment:

The minor extension will not impact on views or vistas from public or private places.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Comment:

The proposal will not result in impacts on privacy or neighbouring amenity.

Vegetation is retained and enhanced to visually reduce the built form.

Comment:

The proposal will not require the removal of any vegetation.

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 2019

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 2000;
- 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. Mod2021/0268 for Modification of Development Consent DA2019/1532 granted for alterations and additions to a dwelling house including a swimming pool on land at Lot 1 DP 731356, 1 - 3 Florida Road, PALM BEACH, subject to the conditions printed below:

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

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
WD-MOD.01 Rev F Living Plan	June 2021	The Design Section Pty Ltd Architects
WD-MOD.02 Rev D Lower Level Plan	June 2021	The Design Section Pty Ltd Architects
WD-MOD.03 Rev C Upper Floor Plan	June 2021	The Design Section Pty Ltd Architects
WD-MOD.04 Rev D Elevations and Sections *	June 2021	The Design Section Pty Ltd Architects

*The colour of the Colourbond Roof shall be of dark and earthy tones

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of

this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

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

Signed



Anne-Marie Young, Planner

The application is determined on 15/06/2021, under the delegated authority of:



Lashta Haidari, Manager Development Assessments