

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2021/0987
----------------------------	--------------

<b>Responsible Officer:</b>	Dean Pattalis
<b>Land to be developed (Address):</b>	Lot B DP 316404, 231 Whale Beach Road WHALE BEACH NSW 2107
<b>Proposed Development:</b>	Modification of Development Consent REV2021/0034 granted for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision
<b>Zoning:</b>	B1 Neighbourhood Centre
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Leslie Anthony Cassar Diana Nancy Cassar
<b>Applicant:</b>	Leslie Anthony Cassar

<b>Application Lodged:</b>	12/01/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	Not Notified
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

#### 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.

## SITE DESCRIPTION

<b>Property Description:</b>	Lot B DP 316404 , 231 Whale Beach Road WHALE BEACH NSW 2107
<b>Detailed Site Description:</b>	<b>ENTER SITE DESCRIPTION</b>

Map:



## SITE HISTORY

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

#### Background

The abovementioned development consent was granted by Council on 1 December 2021 for for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision;

#### 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 modify condition(s) No.15 & 75, which read as follows:

15. **Car Parking Standards**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

75. **Driveway and Parking Facility Work**

The Applicant shall submit a Traffic Engineers' certificate certifying that the driveway and parking facility was constructed in accordance with this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Compliance with this consent.

### **Consideration of error or mis-description**

The minor error is due to contradictory requirements between the submitted plans (Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting) and condition numbers 15 & 75 recommended by Council's Traffic Engineer and Development Engineer respectively.

The modification application has been referred to the respective officers who have raised no objection to the proposed re-wording of the conditions.

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2021**

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;
- 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. Mod2021/0987 for Modification of Development Consent REV2021/0034 granted for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision on land at Lot B DP 316404,231 Whale Beach Road, WHALE BEACH, subject to the conditions printed below:

**A.**

### **Modify Condition 15. Car Parking Standards to read as follows:**

The car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 – Parking facilities – Off-street car parking. The driveway/access ramp grades and access must comply with Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

### **Modify Condition 75. Driveway and Parking Facility Work to read as follows:**

The Applicant shall submit a Traffic Engineers' certificate certifying that the parking facility was constructed in accordance with this development consent and the provisions of Australian/New Zealand

Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking and the driveway/access ramp grades and access was constructed in accordance with this development consent and Drawing 21078/01 Proposed Car Park Layout, Revision D dated 10 November 2021 prepared by TEF Consulting.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Compliance with this consent.

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

**Signed**



**Dean Pattalis, Planner**

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



**Claire Ryan, Acting Development Assessment Manager**