

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0762
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 328 DP 16362, 348 Whale Beach Road PALM BEACH NSW 2108 Lot 329 DP 16362, 350 Whale Beach Road PALM BEACH NSW 2108 Lot 330 DP 16362, 352 Whale Beach Road PALM BEACH NSW 2108 Lot 327 DP 16362, 346 Whale Beach Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2021/0268 for demolition works, lot consolidation and construction of a dwelling house including swimming pool
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	David Barrett Wade Jennifer Ruth Wade
Applicant:	Harry Seidler & Associates

Application Lodged:	08/10/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	18/10/2021 to 01/11/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This Section 4.55 (1A) Modification Application has been submitted to modify the approved development pursuant to DA2021/0268.

The changes sought include the following:

- Increase in excavation volume by 179m³.
- Internal amendments to layout on all levels.
- Amendment to skylights, roof parapets and a stone wall (amendments make various changes to the building height by around 200-300mm but do not alter the highest point of the building).
- Extended projection of roof eaves by 600mm to the south-west corner in a westerly direction.

Herein this report these changes are described as the 'modifications'.

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 - 7.7 Geotechnical hazards

SITE DESCRIPTION

Property Description:	<p>Lot 328 DP 16362 , 348 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 329 DP 16362 , 350 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 330 DP 16362 , 352 Whale Beach Road PALM BEACH NSW 2108</p> <p>Lot 327 DP 16362 , 346 Whale Beach Road PALM BEACH NSW 2108</p>
Detailed Site Description:	<p>The subject development site consists of four Lots known as 346 - 352 Whale Beach Road, Palm Beach. In ascending order from no. 346 - 352 Whale Beach Road, these Lots are known as Lot 327, 328, 329 and 330 in Deposited Plan 16362.</p> <p>The four Lots are surveyed to have areas of 604.6m² (Lot</p>

327), 554.2m² (Lot 328), 526.2m² (Lot 329) and 584.6m² (Lot 330) resulting in a cumulative surveyed area of 2,269.6m².

The site is presently being excavated to facilitate the approved construction.

Pursuant to the *Pittwater Local Environmental Plan 2014* (PLEP) the site is zoned E4 Environmental Living.

Herein this description, these four Lots are referred to as **the site**.

The site has a 79.385m wide frontage to the south-western side of Whale Beach Road and has an average depth of 29.776m.

The site experiences a steep slope of approximately 40 - 60 degrees in a north-easterly direction down towards Whale Beach Road. The slope is made up of rocky contours and significant rock formations and boulders scattered throughout the site. There are no known Aboriginal items on the land, however the northern portion of the site is attributed as having a high probability of heritage items, and the land across Whale Beach Road is recognised as having an extremely high likelihood.

Within or immediately adjacent to the site there are a surveyed 74 trees of varying significance and retention value. The vegetation within the site consists of coastal scrub and health with predominantly locally-indigenous species. Clearances around the dwelling also contain a variety of non-local native and exotic species. The trees generally range between 3m to 18m in height.

The site is not within a Heritage Conservation Area under Schedule 5, Part 2 of the PLEP, but is in proximity to a property at no. 336 Whale Beach Road, listed as Heritage Item No. 2270014 under the PLEP. This property accommodates a dwelling known as 'Cox House' (or 'Chanen Palm Beach House') which is considered to be a good example of contemporary Australian residential architecture.

Surrounding Development

The general Palm Beach locale is characterised as accommodating large residential properties within a landscaped setting, the majority of which enjoy views of either the Pacific Ocean to the east or Pittwater to the west, or both.

Immediately adjoining the site to the south is a narrow strip of Council-owned land (Lot 356 DP 16362) known as 344A

[illegible]

- **Development Application no. 2021/0268** for demolition works, lot consolidation and the construction of a dwelling house including swimming pool at 346 - 352 Whale Beach Road, Palm Beach. Approved by Council's Development Determination Panel on 14 July 2021. This development application is the parent consent to this current modification application.

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 DA2021/0268, 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:</p> <ul style="list-style-type: none"> • The works result in no additional removal of vegetation. • The works result in additional excavation to create an improved geotechnical and safety outcome. • The works result in no greater impact to the amenity of neighbours above and beyond that of the approved development application.
(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 DA2021/0268 for the following reasons:</p> <ul style="list-style-type: none"> • Visually the works proposed do not alter the appearance of the dwelling in any perceptible way. • The proposed land use, building footprint and maximum building height is not subject

Section 4.55(1A) - Other Modifications	Comments
	<p>to change.</p> <ul style="list-style-type: none"> The works result in no greater impact to the amenity of neighbours over and above that of the approved development application.
<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, and the Northern Beaches Community Participation Plan.</p>
<p>(d) it has considered any 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.</p>	<p>No submissions were received in relation to this application.</p>

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 'Matters for Consideration'	Comments
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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to geotechnical outcomes.</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 matter has been addressed via a condition in the original consent.</p> <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 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 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>
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 scope of works sought under this modification application do not alter the previous Bushfire Assessment conclusions or recommendations which remain in force.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 18/10/2021 to 01/11/2021 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is for the modification to development consent DA2021/0268.</p> <p>As noted in the Statement of Environmental Effects, the modification proposals are summarised as follows:</p> <ul style="list-style-type: none"> • minor increase in the approved excavation volume, • minor internal amendments on all levels, • adjustment to skylights, roof parapets and minor increase of a stone wall at the upper level, and • minor extension of roof eaves at south-west corner of approved building in the westerly direction. <p>The proposed modification does not impact or alter the landscape outcomes as documented in the approved landscape plans or the stormwater design, and hence the modification does not cause any environmental impacts.</p> <p>Landscape Referral raise no objections.</p>
NECC (Bushland and Biodiversity)	Council's Natural Environment Unit - Biodiversity referral team has no objections to the proposed modification subject to the conditions provided for the previous DA consent (DA2021/0268).
NECC (Development Engineering)	<p>Updated comments</p> <p>The widening of the proposed driveway within Councils road reserve is accepted based on PSM supplementary Geotect report. No objections subject to additional conditions.</p> <p>Previous comments</p> <p>Part of the proposed modification is to widen the vehicle crossing/driveway entrance located within Councils road reserve and involves the excavation of an existing rockface fronting Whale Beach road. In accordance with former Pittwater DCP Appendix 5</p>

Internal Referral Body	Comments
	<p>Geotechnical Risk Management Policy a Geotechnical Report is to be submitted to examine the proposed works involved with the widening of the vehicle crossing driveway.</p> <p>The report is to be prepared by and/or technically verified by a Geotechnical Engineer or Engineering Geologist as defined by the policy, which incorporates each of the elements, where applicable to the type of development, described in the "Preparation of the Geotechnical Reports" section of the policy.</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 (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 development is not considered likely to cause an adverse impact on any of the criterion stipulated in Clause 13(1)(a) to (g) of the SEPP Coastal Management (2018).

- (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 development has been reasonably designed to avoid the likelihood of impact to the coastal environment.

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 development is limited to works on private land that sites adjacent to public land which also falls

within the coastal use area, albeit noting that that public land is inaccessible. The development is considered to have taken into account and achieved (where relevant) the requirements of Clause 14.

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

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	Complies
Height of Buildings:	8.5m	11.08m	No change to maximum proposed*	No, as approved

It is noted that a stone wall is increasing in height from a maximum reduced level of RL66.725 to RL66.925 thereby projecting 2565mm above the 8.5m building height plane, thus reaching a maximum height of 11.06m which is lesser than the maximum approved variation. As the modifications do not alter the approved building height (as the highest level) no further assessment on the increased height against the provisions of Cl. 4.3 or 4.6 of the PLEP 2014 is required.

Notwithstanding, it is also noted that the building height at the southern end increases from RL 66.425 to RL 66.565 however, it is considered that the increase is materially minor and that it would not have any adverse impact upon the original assessment undertaken against the objectives of the zone and Development Standard under the Clause 4.6 of DA2021/0268.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	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

7.7 Geotechnical hazards

The application is accompanied by an addendum letter to the Approved Geotechnical Report which

details that there are large natural rock defects (joints) exposed in what will become the southern and northern walls of the driveway. The approved extent of excavation leaves only a thin blade of rock in front of these joints which is not considered an optimal solution. The addendum letter and this application proposes to remove the thin blade of rock in front of the joints to provide an improved geotechnical and safety result.

The additional excavation as requested in the addendum letter is supported by Council's Development Engineers, subject to conditions as recommended.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	Minimum - 1.543m	Minor changes but no change to minimum approved	No, as approved
Rear building line	6.5m	6.479 - 12.559m	No change to approved	No, as approved
Side building line	(northwest) 2.5m	1.488 - 2.031m	No change to approved	No, as approved
	(southeast) 1.0m	1.0 - 2.4m	No change to approved	Yes
Building envelope	(northwest) 3.5m	One encroachment at a height of 1.8m and for a length of 1.8m	No change to approved	No, as approved
	(southeast) 3.5m	Two encroachments at heights of 1.6m and 2m and for lengths of 4.2m and 4.5m	No change to approved	No, as approved
Landscaped area	60% of Lots 328, 329 and 330 (999.06m ²) Including Lot 327 (1,361.76m ²)	65.27% (1,086.81m ²) Inc. Lot 327: 74.52% (1,691.41m ²)	No change to approved	Yes

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
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B4.17 Littoral Rainforest - Endangered Ecological Community	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	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
B8.5 Construction and Demolition - Works in the Public Domain	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
C1.17 Swimming Pool Safety	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	Yes	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	Yes	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.12 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 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 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;
- 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. Mod2021/0762 for Modification of Development Consent DA2021/0268 for demolition works, lot consolidation and construction of a dwelling house including swimming pool on land at Lot 328 DP 16362,348 Whale Beach Road, PALM BEACH, Lot 329 DP 16362,350 Whale Beach Road, PALM BEACH, Lot 330 DP 16362,352 Whale Beach Road, PALM BEACH, Lot 327 DP 16362,346 Whale Beach 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
005 Issue G - Site Plan (Level 1)	06 September 2021	Harry Seidler & Associates
006 Issue Q- Site Plan (Level 2)	06 September 2021	Harry Seidler & Associates
008 Issue M - Excavation & Fill Plan	20 September 2021	Harry Seidler & Associates
010 Issue L - Plan Level 0 - 1	14 September 2021	Harry Seidler & Associates
011 Issue K- Plan Level 0 - 2	14 September 2021	Harry Seidler & Associates
013 Issue L - Plan Level 0 - 4	14 September 2021	Harry Seidler & Associates
020 Issue W - Plan Level 1	14 September 2021	Harry Seidler & Associates
030 Issue W - Plan Level 2	14 September 2021	Harry Seidler & Associates
040 Issue U - Plan Roof	14 September 2021	Harry Seidler & Associates
050 Issue U - East Elevation	14 September 2021	Harry Seidler & Associates
051 Issue K - South Elevation	14 September 2021	Harry Seidler & Associates
052 Issue H - North Elevation	14 September 2021	Harry Seidler & Associates
060 Issue M - Section A	14 September 2021	Harry Seidler & Associates
061 Issue P - Section B	14 September 2021	Harry Seidler & Associates
062 Issue N - Section C	27 September 2021	Harry Seidler & Associates
063 Issue M - Section D	14 September 2021	Harry Seidler & Associates
064 Issue L - Section E	14 September 2021	Harry Seidler & Associates
065 Issue J - Section F	14 September 2021	Harry Seidler & Associates
066 Issue G - Section G	06 September 2021	Harry Seidler & Associates

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Response (PSM4298-019L Rev. 1)	25 November 2021	PSM Consult Pty Limited

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition No.36A - Civil Works Supervision to read as follows:

The Applicant shall ensure all civil works approved to widen the existing driveway cutting within the Whale Beach Road road reserve are to be supervised by a Geotechnical Engineer in accordance with the approved report by PSM Consult Pty Limited. Any substantial variations to the proposed geotechnical stabilisation works within the road reserve are to be notified to Council.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

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

Signed



Adam Mitchell, Principal Planner

The application is determined on 03/12/2021, under the delegated authority of:



Tony Collier, Acting Development Assessment Manager