

## **STATEMENT OF MODIFICATION**

### **SECTION 4.55 (1A) APPLICATION 6/8/2020 Modification –Minimal Enviromental Impact**

#### **REFERENCE –ORIGINAL DEVELOPMENT CONSENT-**

DA NO NO272/16 FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AND SWIMMING POOL., AND MOD 2018/0387 RE ORIENTATION OF THE APPROVED SWIMMING POOL

ADDRESS; 967 BARRENJOEY RD PALM BEACH

Prepared for SMJ Investments Pty Ltd  
By Blue Sky Building Designs

#### **BACKGROUND AND REASONS FOR S4.55 MODIFICATIONS SOUGHT**

This S4.55 application seeks **modifications** to the abovementioned consents **in respect of**

- Retaining walls**
- Excavation works, mainly under the approved pool.**
- Minor variations to pool and surrounds including access stairs and addition of a spa and timber deck within the garden area.**

The reasons supporting the modifications are set out as follows-

-Demolition of the old improvements on site including the old house, pool, boatshed, extensive sandstone capping and garden retaining walls is almost complete. **This activity has fully revealed the actual ex demolition site levels and subsurface ground conditions. As a consequence detailed construction design and engineering optimisation has occurred with the benefit of builder and engineering consultant input.**

**A letter from the Geotechnical consultants, Douglas Partners is attached which provides further detail.**

-Some cosmetic changes have been made to the proposed pool based on post consent consultations with pool contractors and final specification activities. **This has resulted in the inclusion of a spa within the pool, reconfiguration of internal stairs , external access stairs and addition of an adjoining timber garden deck.**

**-The applicant contends that the changes above result in design and environmental out comes which are generally consistent with the previously approved scheme and remain consistent with** the objectives and guidelines contained in Pittwater LEP 2014 and P 21 DCP.

**However the appointed Certifier has advised that for certification purposes the definition of “consistent “ is subjective. Therefore the seeking of a formal modification consent from Council for these modifications is prudent.**

### **RECOMMENDATION**

**The revised scheme recommended within this S4.55 variation has the following key environmental and planning outcomes consistent with the objectives and guidelines contained in Pittwater LEP 2014 and P 21 DCP -**

(i) **Minimal impact to overall calculated landscaped area** which is 64% ,in excess of the 60% requirement for E4 zoning applicable.

(ii) The newly exposed (post demolition) steep slope ( >45 degrees in parts ) and recently exposed deep clay subsoil composition in the foreshore area has resulted in advice from the builder and engineers that **minor modifications/addition in scope to the previously approved ground retaining solutions are required. This provides efficient and practical construction of a system which will provide better retention of the actual ground levels. No change is proposed or required to the approved landscaping plan in the foreshore area** (and in particular in front of retaining walls) and hence there is no adverse impact to local amenity and view as seen from Pittwater from these proposed modifications.

(iii) The aforementioned ground slope and clay composition also represents a very challenging base to sustain the proposed/previously conditioned large canopy tree /general landscaping in the foreshore area.

In particular reference is made to DA 2019 /1366 (New Boatshed Consent Condition 31- Replacement of Canopy Trees) relating to landscaping and tree planting in the foreshore area. This condition also references and endorses planting conditions contained within consents DA NO272/16 and MOD2018/0387 relating to the site.

**The proposed excavation, foreshore retaining wall variations noted in (ii) above and ability to retain new deep planting soil, will provide a more gently sloping, fertile platform to sustain the proposed fore shore planting. No change to the previously approved landscaping plan is proposed or required** and hence there is no adverse impact to local amenity and view as seen from Pittwater from these modifications.

(iv) DAN0272/16 & MOD2018/0387 both noted the provision of pool equipment amenities underneath the proposed pool. Implicit in this was the need for excavation below the pool however no design detail or extent was determined or specifically proposed at the time of the applications.

With the benefit of better clarification of site conditions resulting from demolition activity, and subsequent engineering and builder detail design this modification clarifies the proposed extent and detail of retention and excavation under the pool. The vast majority of the proposed excavation dealt with within this modification is under the approved pool. The attached letter from the Douglas Partners provides more detail and supports the proposal as part of an integrated design solution to effectively stabilise the site as well as efficiently provide the under pool amenity space.

Excavation in the under pool area will compliment the works described in (iii) above in the fore shore area there by enhancing levels, slopes and soils to better support and sustain the proposed and approved foreshore canopy tree and landscaping plan. This proposed landscaping will visually shield the pool basement detail from Pittwater in a consistent manner as proposed in the original consents and therefore there is no adverse impact from the clarified works on the amenity as viewed from Pittwater.

Inspection of the newly exposed site indicates that the under pool excavation will mainly involve the removal of wet clays and loose fill with minimal jack hammering required. The proposed volumes of excavation is low relative to excavation activity occurring in the Palm Beach area generally, brought about by the prevalence of steep sites.

In summary **there is no adverse change to the environmental impact resulting from the clarification of excavation and retaining works under the pool** detailed in this modification application.

(v) **The volume of the pool is unchanged.** The minimal extra volume created by cosmetic changes to stair detail and spa inclusion are offset by changes to the underwater profile namely the shallow “sitting shelf” along the eastern edge of the pool.

**Therefore an updated BASIX statement is not required.**