

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0385
Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 252 DP 16362, 345 Whale Beach Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2020/0144 granted for alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jane-Marie Grace Whiston Neill Andrew Whiston
Applicant:	Altis Architecture Pty Ltd
Application Lodged:	25/08/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	03/09/2020 to 17/09/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

Development Consent was granted under DA2020/0144 for alterations and additions to a dwelling house on 27 March 2020. This Section 4.55(1A) Modification has been submitted to Council seeking to make the following minor amendment to the approved development:

- New timber deck adjoining the northern elevation of the bedroom on the lower ground floor. The proposed timber deck replaces external steps approved under DA2020/0144 and will be to a height of 450mm above the finished ground level and 1.1m above the interpolated ground line.

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 - 7.8 Limited development on foreshore area

Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation

Pittwater 21 Development Control Plan - C1.12 Waste and Recycling Facilities

Pittwater 21 Development Control Plan - D12.6 Side and rear building line

Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D12.14 Scenic Protection Category One Areas

SITE DESCRIPTION

Property Description:	Lot 252 DP 16362 , 345 Whale Beach Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site comprises two (2) allotments, being Lot 252 DP 16362 (345 Whale Beach Road) and Lot 253 DP 16362 (347 Whale Beach Road), which are located on the northern side of Whale Beach Road, Palm Beach.</p> <p>The site is irregular in shape with a frontage of 30.48m along Whale Beach Road and a maximum depth of 43.11m along the western side boundary. The site has a surveyed area of 1273.8sqm.</p> <p>The site is located within the E4 Environmental Living zone pursuant to the PLEP 2014 and accommodates a detached dwelling house containing four (4) levels constructed into the sloping site. The subject dwelling does not exceed two (2) storeys in height at any given point.</p> <p>The site contains numerous canopy trees and palm trees, whilst also accommodating numerous leveled lawn areas.</p>

The site experiences a fall of approximately 13m that slopes from the southern front boundary towards the northern rear boundary, representing an approximately slope of 30.23%

The site is identified within the 'Coastal Use Area' and 'Coastal Environment Area' under the provisions of the SEPP (Coastal Management) 2018.

The site is mapped as containing 'Acid Sulfate Soils Class 5' and being located within 'Bluff/Cliff Instability' and 'Geotechnical Hazard H1' areas under the provisions of the PLEP 2014.

The central portion of the site is identified within a flood hazard area.

Detailed Description of Adjoining and Surrounding Development

Adjoining and surrounding development is characterised by multi storey detached dwelling houses. Properties within the locality maintain views towards the Pacific Ocean.

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following history:

- Development Application **N0224/05** for demolition of dwelling and construction of a new dwelling, swimming pool and ancillary structures approved on 09 December 2005 by Council staff under delegated authority.
- Development Application **DA2020/0144** for alterations and additions to a dwelling house

approved by Council staff under delegated authority.

Site Visits

A site visit was undertaken at the subject site on 14 September 2020.

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 DA2020/0144 , 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 modified proposal pertains to a small deck and will not alter the bulk and scale of the existing dwelling house. • The modified proposal will not result in the removal of native trees or important topographic features. • The modified proposal will not obscure ocean views to the north, nor will it result in unacceptable acoustic or visual privacy impacts.
(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	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 DA2020/0144 for the following

Section 4.55(1A) - Other Modifications	Comments
before that consent as originally granted was modified (if at all), and	reasons: <ul style="list-style-type: none"> The modified proposal will not intensify the use of the site. The bulk and scale of the approved development will remain consistent subsequent to the modified development.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (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	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Northern Beaches Community Participation Plan.
(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.	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) –	None applicable.

Section 4.15 'Matters for Consideration'	Comments
Provisions of any planning agreement	
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 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 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</p>

Section 4.15 'Matters for Consideration'	Comments
	The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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	No submissions were received.
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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 03/09/2020 to 17/09/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

No referrals were sent in relation to this application

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 modified proposal pertains to a small deck on the lower ground floor and will not result in the removal of native vegetation or important headland features/rock outcrops. The modified proposal is confined to provide property and does not encroach beyond the foreshore building line. Access to and along the foreshore will not be compromised by the modified development. The modified development will not result in significant soil disturbance and is not likely to have an adverse impact on Aboriginal heritage, nor will the modified development impact upon the use of the surf zone.

- (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:

Due to the minor nature of the modified proposal, the matters referred to in subclause (1) will not be adversely affected.

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:

Having consideration for the modest scale of the deck, it is not anticipated that the modified proposal will result in view loss towards the foreshore, or will it result in excessive overshadowing. Moreover, the modified development will not impact upon Aboriginal and colonial heritage. Based on the above, Council can be satisfied that the modified development has been designed, sited and will be managed to avoid an adverse impact upon the matters referred to in Clause 14(1)(a).

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:

Given the minor nature of the modified development, it is not anticipated that the modified proposal will increase risks of coastal hazards within the locality.

Concluding Remarks

Having regard to the above assessment, it is concluded that the modified proposal demonstrates consistency with the relevant matters within the SEPP (Coastal Management) 2018 and as such, is worthy of Council support in this regard.

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:	8.5m	Dwelling - no change to existing building height Pergola - 3.01m	Dwelling - no change to existing building height Pergola - 3.01m Deck - 1.1m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.5 Coastal risk planning	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

7.8 Limited development on foreshore area

The proposed deck does not encroach beyond the foreshore building line and will not preclude access to and along the foreshore.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	No change (south)	unaltered	Yes
Rear building line	6.5m	pergola setback 1.43m from FBL (north)	unaltered	Yes

Side building line	2.5m	pergola setback 3.21m (east)	unaltered	Yes
	1m	no change from existing (west)	Deck - 0.72m (west)	No
Building envelope	3.5m	pergola within envelope (east)	unaltered	Yes
	3.5m	no change to dwelling envelope (west)	unaltered	Yes
Landscaped area	60% (764.28sqm)	Without variations - 54.24% (690.9sqm) - no change to existing With variations - 60.96% (776.53sqm) - no change to existing	Without variations - 53.6% (682.7sqm) With variations - 60.32% (768.33sqm)	Yes - see discussion

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
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.4 Coastline (Bluff) Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.11 Land Adjoining Bushland	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	No	Yes
B8.4 Construction and Demolition - Site Fencing and Security	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	No	Yes
C1.13 Pollution Control	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	No	Yes
D12.8 Building envelope	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

B8.3 Construction and Demolition - Waste Minimisation

A suitable condition was imposed under DA2020/0144 to ensure compliance with this control.

C1.12 Waste and Recycling Facilities

A suitable condition was imposed under DA2020/0144 to ensure compliance with this control.

D12.6 Side and rear building line

Description of non-compliance

The control requires development to be setback 1m from one side boundary and 2.5m from the other side boundary. The modified proposal involves a new deck on the lower ground floor setback 0.72m from the western side boundary, numerically non-compliant with the control.

Merit Assessment

With regard to the consideration for a variation, the modified proposal is considered against the underlying outcomes of the control as follows:

- *To achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties*
- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*
- *Flexibility in the siting of buildings and access.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

The modified proposal involves a small timber deck on the lower ground floor constructed to a height of approximately 450mm above the finished ground level (1.1m above interpolated ground line) and will not be visible from the public domain. Whilst numerically non-compliant with the control, the timber deck will not exacerbate the existing non-compliant side setback along the western elevation of the existing dwelling house. Noting that the western adjoining property (349 Whale Beach Road) is vacant crown land, the timber deck will not prompt any unacceptable acoustic and visual privacy impacts, despite the

non-compliance. The timber deck is sited well below the existing ridge level and will not obscure any prominent view corridors towards the Pacific Ocean (north). Moreover, the modified proposal will not result in the removal of native vegetation or important topographic features.

Concluding Remarks

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit in this particular circumstance.

D12.10 Landscaped Area - Environmentally Sensitive Land

The control requires at least 60% (764.28sqm) of the site area to be landscaped. The modified proposal involves a 0.64% (8.2sqm) reduction in landscaping to include the timber deck, thereby resulting in a landscaped area that equates to 53.6% (682.7sqm) of the site area, numerically non-compliant with the control.

Notwithstanding, the control permits a variation with reads:

"Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:

- i. *impervious areas less than 1 metre in width (e.g. pathways and the like);*
- ii. *for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing))".*

The inclusion of allowable variations to the control results in 60.32% (682.7sqm) of the site area being landscaped. To determine compliance with the control, the modified proposal is considered against the underlying outcomes of the control as follows:

- *Achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *A reasonable level of amenity and solar access is provided and maintained.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *Conservation of natural vegetation and biodiversity.*
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*
- *To preserve and enhance the rural and bushland character of the area.*
- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment:

The modified proposal involves a small timber deck on the lower ground floor constructed to a height of approximately 450mm above the finished ground level (1.1m above interpolated ground line) and will not be visible from the public domain. The proposed deck will provide for an adequate area of private open space that optimises solar access from the north, without altering the bulk and scale of the existing dwelling or prompting unacceptable privacy impacts. The deck will not result in the removal of native vegetation or important topographic features and will not increase stormwater loading into adjoining lands. Given the modest scale of the modified development, the bushland character of the

locality will be maintained.

Concluding Remarks

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the allowable variations are included to the landscaping calculations, which brings the application into compliance with this control.

D12.14 Scenic Protection Category One Areas

The modified development will not detract from the scenic qualities of the locality.

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. Mod2020/0385 for Modification of Development Consent DA2020/0144 granted for alterations and additions to a dwelling house on land at Lot 252 DP 16362,345 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
MO-101 (Issue B) - Site Location Plan - Site Analysis	7 August 2020	Altis Architecture
MO-200 (Issue B) - Lower Ground Floor Plan	7 August 2020	Altis Architecture
MO-300 (Issue B) - North Elevation	7 August 2020	Altis Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report - Section 4.55 Assessment for 345-347 Whale Beach Road, Palm Beach (Ref. 2020-053)	6 August 2020	Crozier Geotechnical Consultants

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

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

Signed



Thomas Burns, Planner

The application is determined on 18/09/2020, under the delegated authority of:



Tony Collier, Acting Development Assessment Manager