

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0544
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 17 DP 8595, 121 Pacific Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2021/2364 granted for Demolition works and construction of a dwelling house including a swimming pool and cabana
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Kede Peter Carboni
Applicant:	Kede Peter Carboni

Application Lodged:	13/10/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	20/10/2022 to 03/11/2022
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal is to modify the consent issued for "Demolition works and construction of a dwelling house including a swimming pool and cabana" under DA2021/2364.

In detail, the modification includes:

- Deletion of Condition 16 - Reinstatement of the cabana
- Modifying condition 1 and Condition 23 - Proposal to remove Tree 4 (Grey Ironbark)

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 - 5.10 Heritage conservation

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

SITE DESCRIPTION

Property Description:	Lot 17 DP 8595 , 121 Pacific Road PALM BEACH NSW 2108
Detailed Site Description:	<p>The subject site is legally identified as Lot 17 in Deposited Plan 8595 and is known as 121 Pacific Road, Palm Beach.</p> <p>The site is trapezoidal in shape with a western street frontage of 29.565m, rear boundary of 23.47m and depths of 153.53m (north) and 135.77m (south) equating to an overall surveyed area of 3,058m². The site is uncharacteristically large for both Pacific Road and the wider Palm Beach locality.</p> <p>The site is presently under construction.</p> <p>Topographically the site slopes from west to east (street to rear) by over 10m. There are numerous rock outcrops located towards the rear half of the site.</p> <p>Surrounding properties consist of other detached dwelling houses of varying age, size and construction, including a heritage listed building immediate to the south.</p>

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time, and has one recent development consent applicable to the land (being the DA subject to this modification).

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 DA2021/2364 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	

Section 4.55(1A) - Other Modifications	Comments
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> <p>The proposal maintains general built form and landscaped area on site. The re-instated cabana is low scale and would not cause any unreasonable amenity impact.</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 consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under MOD2022/0544 for the following reasons:</p> <p>The proposed dwelling is as approved with the addition of a ancillary cabana.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require, 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>
(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>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 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – 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 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 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 application that included a certificate (prepared by Bush Fire Planning Services, dated 03 September 2021) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 20/10/2022 to 03/11/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 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 modification to development consent DA2021/2364, to remove Condition No. 16 and modify Condition Nos. 1 and 23 in order to reflect the amended plans.</p> <p>Landscape Referral raise no landscape issues regarding removal of Condition 16, subject to assessment and determination by the Assessing Planning Officer. Modification to Condition 1 and 23 relate to the requested removal of existing tree number 4 (Grey Ironbark). The Statement of Environmental Effects states that the reason for consideration of the modification is that the tree " ... is located in close proximity to the approved dwelling" and "due to its location within the APZ".</p> <p>Tree 4 is a native tree located within the NSW Government's Biodiversity Values Map (BV Map), and retention maintains the objectives of the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees. There is no arboricultural reason to remove Tree 4, and the Arboricultural Impact Assessment approved under the development consent provided assessment and quoted that the "tree is in good condition with good vigour, the tree has a form typical of its species, and the tree provides a fair contribution to the visual character of the local area" and has a long safe useful life expectancy.</p> <p>The provision of Asset Protection Zones does not prevent the retention of existing trees but rather requires management of tree canopy including isolation of the canopy to other tree canopy, and provides a percentage canopy coverage that is able to exist upon land, and it is noted that no other canopy is in proximity to Tree 4.</p>
NECC (Bushland and Biodiversity)	<p>The proposal cannot be supported due to insufficient information. Tree 4 (<i>Eucalyptus paniculata</i>) is a native tree located within the NSW Government's Biodiversity Values Map (BV Map). Any impact to native vegetation within the BV Map area - including those proposed</p>

Internal Referral Body	Comments																																													
	<p>under a modification - will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). It is noted that the area of the approved western APZ is largely devoid of vegetation and therefore can meet the APZ standards outlined in Planning for Bush Fire Protection 2019 without removal of Tree 4.</p> <p>In order to complete assessment of the modification against applicable biodiversity legislation and planning provisions, a BDAR is to be submitted. The BDAR must be prepared by an ecologist who is an accredited assessor under the NSW Biodiversity Assessment Method (BAM). The BDAR should address why removal of Tree 4 is unavoidable, and outline the proposed measures to avoid and minimise impacts to native vegetation (in accordance with requirements under Chapter 7 of the Biodiversity Assessment Method).</p> <p>Upon receipt of a compliant BDAR, the biodiversity referral will recommence.</p> <p>There are no objections to reinstatement/retention of the cabana.</p>																																													
Strategic and Place Planning (Heritage Officer)	<table border="1"> <thead> <tr> <th colspan="3" data-bbox="518 1102 1433 1137">HERITAGE COMMENTS</th> </tr> <tr> <th colspan="3" data-bbox="518 1137 1433 1173">Discussion of reason for referral</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="518 1173 1433 1281">The proposal has been referred to Heritage as the subject site adjoins two heritage item and it seeks to remove a heritage condition imposed on the original consent.</td> </tr> <tr> <td colspan="3" data-bbox="518 1281 1433 1348">Sydney Red Gums (<i>Angophora costata</i>) - 117 Pacific Road</td> </tr> <tr> <td colspan="3" data-bbox="518 1348 1433 1415">“Craboon” (house) - 119 Pacific Road</td> </tr> <tr> <th colspan="3" data-bbox="518 1415 1433 1451">Details of heritage items affected</th> </tr> <tr> <td colspan="3" data-bbox="518 1451 1433 1487">"Craboonn" (house)</td> </tr> <tr> <td colspan="3" data-bbox="518 1487 1433 1523"><u>Statement of significance:</u></td> </tr> <tr> <td colspan="3" data-bbox="518 1523 1433 1675">The Craboon is architecturally significant due to the stone construction, battened gables and porch with stone piers which represents design from the 1930s.</td> </tr> <tr> <td colspan="3" data-bbox="518 1675 1433 1711"><u>Physical description:</u></td> </tr> <tr> <td colspan="3" data-bbox="518 1711 1433 1778">The stone cottage with tiled pitched roof</td> </tr> <tr> <th colspan="3" data-bbox="518 1778 1433 1814">Other relevant heritage listings</th> </tr> <tr> <td data-bbox="518 1814 852 1993">Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td> <td data-bbox="852 1814 948 1993">No</td> <td data-bbox="948 1814 1433 1993"></td> </tr> <tr> <td data-bbox="518 1993 852 2060">Australian Heritage Register</td> <td data-bbox="852 1993 948 2060">No</td> <td data-bbox="948 1993 1433 2060"></td> </tr> <tr> <td data-bbox="518 2060 852 2128">NSW State Heritage Register</td> <td data-bbox="852 2060 948 2128">No</td> <td data-bbox="948 2060 1433 2128"></td> </tr> </tbody> </table>	HERITAGE COMMENTS			Discussion of reason for referral			The proposal has been referred to Heritage as the subject site adjoins two heritage item and it seeks to remove a heritage condition imposed on the original consent.			Sydney Red Gums (<i>Angophora costata</i>) - 117 Pacific Road			“Craboon” (house) - 119 Pacific Road			Details of heritage items affected			"Craboonn" (house)			<u>Statement of significance:</u>			The Craboon is architecturally significant due to the stone construction, battened gables and porch with stone piers which represents design from the 1930s.			<u>Physical description:</u>			The stone cottage with tiled pitched roof			Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No	
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Internal Referral Body	Comments		
	National Trust of Aust (NSW) Register		
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
<p>Following further consideration the applicants have provided plans showing a green roof garden to the cabana with a small increase in height and a willingness to change to the driveway colour to a darker recessive colour. The cabana however will remain its current position. Heritage can accept these changes as they will reduce the impact on Craboon. Heritage will condition that the roof garden planting be maintained to a maximum height above the roof level. Following even further consideration Heritage will remove the condition for the driveway colour.</p> <p>Therefore Heritage no longer raises any objections but requires 1 condition.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? A letter from GBA Heritage has been included</p>			

External Referral Body	Comments		
Aboriginal Heritage Office	<p>Council's Aboriginal Heritage officer provided the following:</p> <p><i>"Reference is made to the proposed development at the above area and Aboriginal heritage.</i></p> <p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted."</i></p>		

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1242697S).

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

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

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

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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	8.7m (house)	7.7m (cabana)	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
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

5.10 Heritage conservation

Amended plans were provided to address the visual impact of the proposed cabana to the Heritage Building at Craboon. This includes the provision of a garden roof top. Council's Heritage officer is satisfied with this as an outcome to retain heritage significance of "Craboon."

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	11.9m	11.9m / unaltered	Yes
Rear building line	6.5m	60m	40m	Yes
Side building line	2.5m	4m	4m	Yes
	1m	1.2m	1.2m / unaltered	Yes
Building envelope	3.5m (south)	Within	Within (cabana)	Yes
	3.5m (north)	Outside	Within (cabana)	Yes
Landscaped area	60%	1,808sqm (59.12%)	1,808sqm (59.12%) (unaltered)	No (unchanged)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.13 Development on Waterfront Land	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
B6.6 On-Street Parking Facilities	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
B8.6 Construction and Demolition - Traffic Management Plan	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
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	Yes	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D12.12 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D12.10 Landscaped Area - Environmentally Sensitive Land

Despite the deletion of 16 for reinstatement to the cabana, there is no change to the calculable "Landscaped area" on the site. This because the condition 16 involved converting the cabana to a balustraded area which was not required to be landscaped.

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 2022

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 2021;
- 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. Mod2022/0544 for Modification of Development Consent DA2021/2364 granted for Demolition works and construction of a dwelling house including a swimming pool and cabana on land at Lot 17 DP 8595,121 Pacific 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
DA100 - Site Plan - Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs
DA101 - Roof Plan - Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs
DA102 - Ground Floor Plan - Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs
DA103 - Lower Ground- Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs
DA200 - Elevations- Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs
DA201 - Elevations- Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs
DA300 - Sections- Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs
DA301 - Sections - Rev 9	8.3.2023	Daniel Bodham Architecture & Interior Designs

B. Modify Condition 1B Amendments to Plans to read as follows:

The plans under Condition 1A are to be amended to show the retention of Tree 4.

Reason: To ensure retention of Tree 4.

C. Delete Condition 16 - Removal of Cabana.

D. Add Condition 16B - Cabana Roof Garden to read as follows:

The roof garden plantings on the cabana are to be maintained over the life of the development to a maximum height of 300mm above the cabana roof height of RL76550.

Reason: To protect the heritage item and its significance

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

Signed



Thomas Prosser, Principal Planner

The application is determined on 14/04/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments