

27 May 2025

General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Dear General Manager,

Re: Section 4.55(2) Application – 269 Whale Beach Road, Whale Beach NSW
Development Consent No.: **DA2023/1066**

We act on behalf of the owners of the above property and hereby submit a Section 4.55(2) application to modify the approved development under the Environmental Planning and Assessment Act 1979. The modifications are sought to improve the amenity, solar performance, and environmental outcomes of the development, while remaining consistent with the objectives of the original approval.

The proposed modifications include:

- Realignment of the carport to improve vehicular access
- Addition of a first-floor deck to enhance solar access and outdoor connection
- Minor extensions to bedrooms to improve internal amenity
- Repositioning and extension of pergolas and privacy screens
- Reduction in pool size and increase in lawn and landscaped areas
- Infill of timber stairs for structural and visual refinement

A detailed Schedule of Changes and updated Drawing Register are enclosed for Council's consideration. Importantly, the proposed changes maintain compliance with the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, with particular reference to key provisions concerning height, solar access, view sharing, privacy, and landscaping. Notably, the pergola structure on the first floor exceeds 8.5m in height but remains compliant under Clause 4.3(2D)(c) of the PLEP due to the site's steep slope exceeding 30%.

An updated BASIX certificate is provided with the application, along with an revised Landscape plan.

The proposed modifications do not expand the building footprint and therefore issues such as Geotechnical / Landslip and Acid Sulfate, Stormwater Management, Sediment Control and Waste management remain unaffected from the original application.

We consider the modifications to be of a minor nature, with no significant environmental or amenity impact on adjoining properties. As such, we believe the application satisfies the provisions of a Section 4.55(2) modification.

Should Council require further information to assist in its assessment, please do not hesitate to contact us.

Yours sincerely,



James Cooper M.Des.Sc. Dip.Build.Des
MBDAA, MDIA
Director, Sanctum Design

Schedule of Changes – Section 4.55 Modification Application

Site Address: 269 Whale Beach Road, Whale Beach

Council: Northern Beaches Council (Pittwater Ward)

Applicable Planning Instruments: Pittwater Local Environmental Plan 2014 (PLEP 2014); Pittwater 21 Development Control Plan (P21DCP)

No.	Description of Change	Reason for Change	Impact on Adjoining Properties	Relevant Controls
1	Realignment of carport	To improve vehicle maneuverability and access to parking area	No adverse impact; carport remains compliant with front setback and does not impact views or privacy	P21DCP C1.5; C1.12
2	Addition of first floor deck to living area	To enhance solar access and outdoor living connection	No overshadowing or privacy loss; compliant with setback and height envelope	PLEP 2014 Cl. 4.3; P21DCP C1.2; C1.3
3	Addition of garden bed at front boundary and first floor terrace	To increase landscaped area and reduce hard surfaces	Positive impact – improves visual amenity and reduces runoff	PLEP 2014 Cl. 6.9; P21DCP C1.1
4	Pergola and privacy screen on west elevation	To enhance privacy to and from the adjoining dwelling	Reduces overlooking; no impact on views, shadows, height or bulk	P21DCP C1.4; C1.7, C4.3 (2D) (c)
5	Extension of ground floor bedrooms to north	To improve internal solar access and living amenity	Minimal visual impact; complies with rear setback; no view loss	P21DCP C1.3; C1.2; C1.5
6	Extension of bedroom on south elevation	To improve room size and function	Complies with southern side setback; no impact on	PLEP 2014 Cl. 4.4; P21DCP C1.5

			privacy or solar access	
7	Reduction in pool size	To simplify construction and reduce excavation	Reduced bulk and scale; positive amenity outcome	P21DCP C1.6; C1.10
8	Repositioning of pergola and extension of privacy screens to east and west	To optimise shade and screen outdoor areas from neighbours	Improves privacy for both occupants and neighbours	P21DCP C1.4; C1.8
9	Increase in lawn area and soft landscaping	To enhance thermal comfort and reduce reflected heat from paving	Improves landscape character; positive environmental outcome	P21DCP C1.1; PLEP 2014 Cl. 6.9
10	Infill of timber stairs to lower garden	For aesthetic improvement and structural enclosure	No impact on neighbours; visually improves structure	P21DCP C1.7; C1.1

Summary Statement

All proposed changes are minor in scope and have been designed to enhance the functional layout, environmental performance, and residential amenity of the dwelling. Importantly, while the site slope exceeds 30%, the modifications do not increase the extent of height exceedance as defined under Clause C4.3(2D)(c) of the Pittwater Local Environmental Plan 2014. The development continues to respect the approved building envelope and is consistent with the planning objectives for the C4 Environmental Living Zone. Furthermore, the proposal satisfies the key provisions of the Pittwater 21 Development Control Plan with regard to solar access, view sharing, privacy, and landscaping.

Prepared by

James Cooper M.Des.Sc., Dip.Build. Des.

MBDAA, MDIA

Schedule of Changes / Drawing Register

Sheet No.	Sheet Title	Size	Revision / Status
A01	Site Analysis	A3	Unchanged
A02	Site Plan & Area Calculations	A3	Amended (Rev A)
A03	Basement Level	A3	Amended (Rev A)
A04	Ground Floor Plan	A3	Amended (Rev A)
A05	First Floor Plan	A3	Amended (Rev A)
A06	North Elevation	A3	Amended (Rev A)
A06A	Carport Plan and Elevations	A3	New Sheet (Rev o)
A07	East Elevations	A3	Amended (Rev A)
A08	South Elevations	A3	Amended (Rev A)
A09	West Elevation	A3	Amended (Rev A)
A10	Sections	A3	Amended (Rev A)
A11	Site Long Section	A3	Amended (Rev A)
A12	Calculations Sheet – Existing	A3	New Sheet (Rev o)
A13	Calculations Sheet – Proposed	A3	Amended (Rev A)
A14	Site Shadows – June 21 @ 9am	A3	Amended (Rev A)
A15	Site Shadows – June 21 @ 12 Noon	A3	Amended (Rev A)
A16	Site Shadows – June 21 @ 3pm	A3	Amended (Rev A)
A17	Perspective Views	A3	Amended (Rev A)
A18	Height Plane Diagram	A3	Amended (Rev A)
A19	External Window Schedule	A3	Amended (Rev A)
A19A	External Door Schedule	A3	New Sheet (Rev o)
A20	General Specification	A3	New Sheet (Rev o)
A21	Drawing Legend	A3	New Sheet (Rev o)
A22	Waste & Sediment Control Plan	A3	Unchanged