

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0448
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Responsible Officer:	Rebecca Englund
Land to be developed (Address):	Lot 6 DP 563641, 3 Panima Place NEWPORT NSW 2106
Proposed Development:	Modification of Development Consent N0468/17 granted for substantial alterations and additions to a dwelling resulting in a new dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Toby Rowley Browne Julie Anne Browne
Applicant:	Cadence & Co Design Pty Ltd

Application lodged:	22/08/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	29/08/2018 to 14/09/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

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 - 1.9A Suspension of covenants, agreements and instruments
 Pittwater 21 Development Control Plan - A4.10 Newport Locality
 Pittwater 21 Development Control Plan - C1.1 Landscaping
 Pittwater 21 Development Control Plan - C1.3 View Sharing
 Pittwater 21 Development Control Plan - D10.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D10.16 Construction, Retaining walls, terracing and undercroft areas

SITE DESCRIPTION

Property Description:	Lot 6 DP 563641 , 3 Panima Place NEWPORT NSW 2106
Detailed Site Description:	The site is legally referred to as Lot 6 in DP 563641, and is commonly referred to as 3 Panima Place, Newport. The site has no direct frontage to a street, with pedestrian and vehicular access gained from Panima Place via a shared access driveway and rights of carriageway across both 4 and 5 Panima Place. The site is generally trapezoidal in shape, with a maximum depth of 47.8m, an irregular frontage to the Pittwater Waterway (MHWL) and a total area of 1132m². At the time that the original application was approved, an existing two storey dwelling was located in the southern half of the site, with a swimming pool located in the northern half of the site, in close proximity to the dwelling. The dwelling is now under construction, and the swimming pool has been demolished. The northern portion of the site previously features a terraced garden, however the area has now been cleared. The area adjacent to the site below MHWL appears to be reclaimed, providing a levelled lawn area with access to a skid ramp, jetty and pontoon. Residential dwellings, of varied age and character surround the site, with Beaconsfield Marina located opposite the site to the north within the Pittwater Waterway. An existing stairway/pathway is located along the northeastern side boundary connecting the access driveway to the waterway. The pathway is burdened by a right of carriageway to the benefit of other residents of Panima Place.

Map:



SITE HISTORY

On 20 October 2017, Development Application N0468/17 was lodged with Council, seeking consent for alterations and additions to the dwelling, including the construction of a new swimming pool.

On 17 January 2018, Development Application N0468/17 was approved by Council.

On 22 August 2018, Modification Application Mod2018/0448 was lodged with Council.

On 2 November 2018, the assessing officer undertook a site inspection of the subject site and the adjoining site at 4 Panima Place.

On 26 November 2018, the assessing officer discussed areas of concern with the applicant. The applicant confirmed that the modifications to the dwelling were of upmost priority and agreed to accept conditions of consent to remove works in the foreshore area, if it would provide for the primary modifications to the dwelling to be progressed.

PROPOSED DEVELOPMENT IN DETAIL

The modification application seeks consent to modify development consent N0468/17 in the following way:

- Revised retaining walls to northwestern portion of the site,
- New low planter box adjoining swimming pool,
- Raised RL to fire pit lawn area,
- New sliding gate with integrated pedestrian access to entry,
- Bedroom 1 walk in robe window deleted
- Bathroom 3 window repositioned
- Master ensuite window deleted
- New sliding gate with integrated pedestrian access to entry
- Garage clerestory roof position and size revised
- Garage doors openings reconfigured

- Increased ceiling height to garage

The application also seeks to rely upon an amended BASIX Certificate and an amended landscape plan.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 Assessment

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - 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 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	The resultant modified development, will result in a development that is substantially the same as that already approved under N0468/17. The modifications will result in a development that is essentially and materially the same as that which was originally approved.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application N0468/17 did not require concurrence from the relevant Minister, public authority or approval body.
(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 Regulation 2000 and Pittwater 21 Development Control Plan ('P21 DCP').
(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.	See discussion on "Notification & Submissions Received" in this report.

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 96 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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	P21 DCP applies to this proposal.
Section 4.15 (1) (a)(iia) – 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)	<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. <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. <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. <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.
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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the P21 DCP section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact

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	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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Terence Michael Watson Ms Suzanne Margaret Watson	PO Box 1125 NEWPORT BEACH NSW 2106

The submission received raises concerns, as follows:

- Impacts upon views**

Comment: A submission has been received which raises concerns with regard to the potential impacts upon views associated with the changes to retaining walls and landscaping. The potential impacts upon views has been found to be unreasonable, as discussed in further detail with regard to clauses C1.1 and C1.3 of P21 DCP.

- Impacts associated with landscaping**

Comment: In addition to the concerns about landscaping relating to views, the adjoining property owners have raised concerns with regard to the impacts associated with landscaping upon solar access and general amenity. In particular, concern is raised with regard to the proposed hedge planting along the common boundary. As discussed by Council's Biodiversity

Officer and as considered with regard to Clause C1.1 of P21 DCP, the proposed amended landscape plan is not supported.

- **Height of wall enclosing front turning circle**

Comment: The submission received from the adjoining property owners raises concerns regarding the height of the wall adjacent to the turning area at the subject site, with particular concern that the wall will overshadow windows associated with the study on the ground floor and Bedroom 4 on the upper floor. The wall will reach a maximum height of approximately 2.9m, however this occurs at a steep point of the site, with the majority of the wall at a height of approximately 2m. The wall is setback from the side boundary and the adjoining dwelling such that it will not result in unreasonable overshadowing of the adjoining dwelling. Clause C1.4 of P21 DCP includes provisions to ensure that solar access is maintained to living rooms and areas of private open space, but does not require consideration of solar access to studies or bedrooms. As such, the proposal remains consistent with the provisions of P21 DCP with regard to solar access.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	Application is accompanied by an Acid Sulfate report by EIS 7.8.2018 Interference is unlikely -see conditions
Landscape Officer	The landscape component is assessed within the Natural Environment - Biodiversity referral. No further assessment is provided by Council's Landscape section over and beyond NECC imposed conditions.
NECC (Bushland and Biodiversity)	The proposed modification includes redesigned external elements including amended retaining walls and landscaping. The Landscape Plan submitted in supported of the modification includes a planting schedule which does not comply with the requirement of Pittwater DCP Clause C1.1 for landscaping to include a minimum of 50% locally native species. Given that the Landscape Plan approved as part of the original consent comprehensively complied with this requirement, the planting schedule in the new Landscape Plan is not acceptable. Substantial amendments to the planting schedule and Landscape Plan are required to be made prior to issue of the Construction Certificate. <u>Assessing Officer Comments:</u> Council's Biodiversity Officer recommended a series of conditions to revert the planting schedule back to that approved as part of the original application. However, as the changes to the foreshore area are not supported, the new landscape plan serves no purpose, and as such, the amended

Internal Referral Body	Comments
	landscape plan will not be referenced in the modified consent (avoiding the need for the recommended conditions).
NECC (Development Engineering)	The mod is considered a minor change to the approved dwelling. JK Geotechnicals Engineers certifies that the stability assessment that the risk levels will not be reduces. Recommend approval with no conditions.
NECC (Riparian Lands and Creeks)	Recommended for approval. The modification application does not affect overall water quality management, not does it impact a creek, and the sediment and erosion control plan covers the new areas of work.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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 use. 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.

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	7.6m	7.6m (unchanged)	-	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
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

1.9A Suspension of covenants, agreements and instruments

The subject site is burdened by a 3m wide right of carriageway along the length of the north-eastern side boundary. The right of carriageway contains an existing pathway and stairs that provide those that benefit from the right of way with pedestrian access to the waterway. The application proposes a wall and access gate within the ROW. However, as the structures do not impede access along the existing pathway, the structures are able to be supported under the provisions of this clause.

Pittwater 21 Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	No	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B3.8 Estuarine Hazard - Medium Density Residential	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	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	No	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
D10.1 Character as viewed from a public place	No	No
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	No
D10.16 Construction, Retaining walls, terracing and undercroft areas	No	Yes
D10.18 Scenic Protection Category One Areas	No	No

Detailed Assessment

A4.10 Newport Locality

The application proposes a range of minor amendments to the design of the dwelling, in addition to the changes proposed to the foreshore area and landscaping treatment of the site. Whilst no concern is raised with regards to the minor amendments to the dwelling, the proposed amendments to the foreshore area are not consistent with the desired future character of the locality. This is discussed in further detail, below.

C1.1 Landscaping

The landscape plan provided to support the modification application comprises predominately exotic species, inconsistent with the locally native species in the area and the requirements of this control. Council's Biodiversity Team do not support the proposed plantings, and have recommended conditions to revert back to the planting schedule approved in the original development application.

The modified landscape plan also proposes Viburnum hedges along the full length of eastern side boundary. These hedges are considered to be inappropriate in this location, noting that the area is burdened by a ROW, and the hedges will likely impact upon access along the ROW and along the footpath on the adjacent property. Furthermore, the the hedges are likely to impact upon water views currently enjoyed by the adjoining property, noting that they can very quickly grow to a height in excess of 4m.

The modified landscape plan also proposes bamboo, with a maturity height of 4m, along the eastern side of the swimming pool. The bamboo also appears to be proposed in front of the proposed swimming pool, however it is difficult to confirm given the lack of detail on the plan provided. The

bamboo will adversely impact upon views from the adjoining property and is not supported in the proposed location.

Overall, there is little on the proposed landscape plan that is able to be supported, and as such, the plan is not recommended for endorsement.

C1.3 View Sharing

During the course of the assessment of the original development application, concern was raised by the adjoining property owners of 4 Panima Place regarding potential impacts to views of Pittwater and Bayview Dog Park available across the foreshore area of the subject site. Specifically, concerns were raised with regard to retaining walls and planter boxes surrounding the forward projecting swimming pool and rear terrace. In consideration of these concerns, conditions were imposed to maximise the retention of these views.

Construction has since commenced on the site and the clearing of vegetation and pre-existing structures has further enhanced the view of Pittwater available from 4 Panima Place across the foreshore area of the site.

The subject modification does not seek to alter the conditions imposed under the original development consent, but proposes new retaining walls and landscaping within the foreshore area. The retaining walls are taller than those previously approved and have a greater presentation to the waterway. As a consequence, the proposed plantings will also be taller, and will be required to grow to a greater height to screen the taller retaining structures now proposed. As a consequence, the proposal will result in additional, unreasonable impacts upon the views of Pittwater currently (and previously) enjoyed from 4 Panima Place.

As such, the newly proposed retaining walls within the foreshore area are not supported.

D10.1 Character as viewed from a public place

and D10.18 Scenic Protection Category One Areas

Foreshore works

The application proposes additional fill and retaining walls within the foreshore area. The original development consent approved a series of minor retaining walls that generally aligned with existing natural ground levels, with a maximum height of 1.2m above existing and finished ground levels. The retaining walls were also separated by battered natural ground such that the retaining walls were visually separated by landscaping. The modification application proposes to introduce fill within the foreshore area, increasing the height of the walls to 2.8m above existing ground levels and 1.6m above finished ground levels, which also necessitates the incorporation of further balustrades that were previously not required. The proposed walls and balustrades will dominate the foreshore area, and are antipathetic to the objectives of PLEP 2014 and P21 DCP which aim to minimise site disturbance and respect the natural topography of the land. The newly introduced fill and retaining walls are not supported.

Other works

The modification application also proposes a range of amendments to the design of the dwelling that do not alter the character of the development as viewed from the public domain. No concerns are raised in this regard.

D10.16 Construction, Retaining walls, terracing and undercroft areas

As discussed above, the application proposes additional fill and retaining walls within the foreshore area which are considered to be inconsistent with the provisions of this control which prescribed that retaining walls and terracing shall be kept to a minimum, with preference for decks rather than cut/fill, retaining walls and/or terracing. However, excluding the works within the foreshore area, the proposal will otherwise achieve consistency with the outcomes of this development control, which aim to minimise site disturbance and encourage building design to respond sensitively to the natural topography of the land.

The assessing officer has discussed the concerns regarding the foreshore area works with the applicant, who has agreed to the imposition of conditions to remove these works, to facilitate the progression of the works to the dwelling house. As such, it is considered that the application can be supported, subject to conditions deleting the new works within the foreshore area.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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.

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. Mod2018/0448 for Modification of Development Consent N0468/17 granted for substantial alterations and additions to a dwelling resulting in a new dwelling on land at Lot 6 DP 563641,3 Panima Place, NEWPORT, subject to the conditions printed below:

A. Add Condition A0 to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the documents listed on the 'Notice of Applicant of Determination of a Development Application' relating to N0468/17 dated 17 January 2018, as amended by the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sie Plan A01	1 August 2018	Cadence & Co Design Pty Ltd
Lower Ground Floor Plan A02	1 August 2018	Cadence & Co Design Pty Ltd
Ground Floor Plan A03	1 August 2018	Cadence & Co Design Pty Ltd
Roof Plan A04	1 August 2018	Cadence & Co Design Pty Ltd
North-East & South-West Elevations A05	1 August 2018	Cadence & Co Design Pty Ltd
South-East Elevation A06	1 August 2018	Cadence & Co Design Pty Ltd
North-West Elevation A07	1 August 2018	Cadence & Co Design Pty Ltd
Sections A08	1 August 2018	Cadence & Co Design Pty Ltd
Section A09	1 August 2018	Cadence & Co Design Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate 862197S_02	17 August 2018	Outsource Ideas P/L

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

If there are any inconsistencies between the plans listed above and conditions of consent, the conditions of consent are to prevail.

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

B. New Condition B22 to read as follows:

This modified consent does not authorise the proposed changes to retaining walls or levels within the foreshore area, being the area seaward of the foreshore building line shown 'FBL' on the Modification Approved Plans referenced in this consent. All levels within the foreshore area are to remain consistent

with that approved pursuant to N0468/17.

Reason: To minimise the visual impact of development within the foreshore area.

C. New Condition C12 to read as follows:

The Modification Approved Plans referenced in this consent are to be amended, as follows:

- The modifications to the approved levels and retaining walls within the foreshore area (being the area seaward of the foreshore building line shown 'FBL' on the Modification Approved Plans referenced in this consent) are not authorised and are to be removed from the plans. The design of the foreshore area is to remain consistent with that approved pursuant to N0468/17.

Reason: To minimise the visual impact of development within the foreshore area.

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

Signed



Rebecca Englund, Principal Planner

The application is determined on 12/12/2018, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments