

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0679
Responsible Officer:	Anais Sarkissian
Land to be developed (Address):	Lot 2 SP 57603, 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 2 SP 57603, 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603, 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603, 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603, 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603, 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603, 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603, 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot CP SP 57603, 32 Golf Avenue MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2024/0190 granted for Demolition works and construction of a residential flat building
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Proprietors of Strata Plan 57603 The Trustee For Laxdtx 2 Unit Trust
Application Lodged:	13/12/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	13/01/2025 to 27/01/2025
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This Section 4.55(2) modification application is for the following changes to the approved demolition works and construction of a residential flat building:

- Internal reconfiguration of apartment layouts
- Relocation of skylights
- Provision of rooftop air conditioning condenser units
- Minor changes to the rear facing Unit 5 and Unit 6 terraces to accommodate barbeques

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 - Zone R3 Medium Density Residential
Pittwater 21 Development Control Plan - B2.5 Dwelling Density and Subdivision - Medium Density Residential

Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
Pittwater 21 Development Control Plan - C1.7 Private Open Space
Pittwater 21 Development Control Plan - C1.25 Plant, Equipment Boxes and Lift Over-Run
Pittwater 21 Development Control Plan - D9.10 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 2 SP 57603 , 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 2 SP 57603 , 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603 , 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603 , 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603 , 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603 , 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603 , 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603 , 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot CP SP 57603 , 32 Golf Avenue MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one allotment located on the northern side of Golf Avenue.</p> <p>The site is regular in shape with a frontage of 19.81m along Golf Avenue and a depth of 70.41m. The site has a surveyed area of 1395.5m².</p> <p>The site is located within the R3 Medium Density Residential zone and accommodates a one and two-storey multi-dwelling housing development comprising four units.</p> <p>The site slopes approximately 3.3m from front to rear.</p> <p>The majority of the site is occupied by the existing dwellings, paved surrounds and driveway. Landscaping is generally limited to areas adjoining the site boundaries and comprises 12 trees in addition to hedging and small plants.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development within the R3 zone predominantly consists of residential flat buildings. Land to the south-west of Golf Avenue is zoned RE1 and accommodates Mona Vale Golf Club. Mona Vale Beach is located to the east of the site and the Mona Vale town centre is located to the west across Barrenjoey Road.</p>

Map:



SITE HISTORY

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

DA1986/148 (Consent No. 86/194)

Development Application for four 2-bedroom townhouses with associated landscaping and carparking.
Approved 12 June 1986
Consent modified 9 October 1986

DA2024/0190

Development Application for demolition works and construction of a residential flat building.
Approved 28 August 2024

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 DA2024/0190, in full, with amendments detailed and assessed as follows:

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	<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 DA2024/0190 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed modifications will maintain the form and function of the approved development. • The proposal involves the internal reconfiguration of apartment layouts, minor terrace changes, relocation of skylights and provision of AC condenser units on the roof. • The proposed modifications will not materially alter the external appearance of the building, including its bulk and scale. • The proposed modifications will not materially change the approved building footprint. • Subject to compliance with conditions, the proposed modifications will have no additional impact on the natural environment nor hazards which affect the site. • The proposed modifications will not result in any additional impact on surrounding properties or the public domain, including any overshadowing and overlooking impacts. • The proposed modifications do not involve the removal of any additional trees on site.
(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 DA2024/0190 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(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	
(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 4.55 (2) 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	There are no current draft environmental planning instruments.
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) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider “Prescribed conditions” of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of 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 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 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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 13/01/2025 to 27/01/2025 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 process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Robert Neil McNamara	1 / 34 - 36 Golf Avenue MONA VALE NSW 2103
Mrs Lorraine Barnes	Po Box 40 MONA VALE NSW 1660
John Edgar Birrell	3 / 34 - 36 Golf Avenue MONA VALE NSW 2103

The issues raised within the submissions are summarised and addressed as follows:

- **Acoustic**

The submissions raised concerns over potential acoustic impacts to surrounding residential properties from the air conditioning condenser units on the roof.

Comment:

Condition 30 of DA2024/0190 relates to acoustic treatments, requiring the acoustic engineer to review the chosen location for any external noise sources such as air conditioning units and provide appropriate design/acoustic treatment advice to be implemented into the construction. Condition 88 also limits noise levels produced by any mechanical plant equipment to 5dBA above background noise when measured from the nearest property boundary. These conditions are to be retained as part of this modification application.

- **Tree removal**

One submission raised concern over the retention of Tree 17 as part of the original DA and the ongoing maintenance issues associated with the tree overhanging the neighbouring property. Tree 17 appears to arise from a shared root crown in the boundary fence line with Tree 18 in the neighbouring property, and therefore Tree 18 cannot be removed without the developer's consent. The submission requested a further modification be made to allow for the removal of Tree 17, thereby allowing the neighbour to remove Tree 18.

Comment:

While both Trees 17 and 18 (being the Canary Island Date Palms) are exempt species, they are included on the stamped landscape plans for DA2024/0190, and therefore have been approved to be retained. As such, removal of these trees requires consent DA2024/0190 to be modified. The Applicant has confirmed that they will not be amending this modification application to include removal of Tree 17. It is noted that it is at the discretion of the property owners whether these trees are removed; Council cannot force the property owner to remove the tree, nor force the Applicant to submit a modification application for its removal. The tree matter is separate to this particular modification application currently under assessment and the potential tree removal should be a discussion/agreement between the two property owners.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><u>Note:</u> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Existing conditions to remain</p> <p>Recommendation</p> <p>APPROVAL - no new conditions</p>
Landscape Officer	<p>The application is for modification to development consent DA2024/0190.</p> <p>The proposed amendments will not change the landscape outcome approved in DA2024/0190, and as such the original conditions remain. No further conditions are imposed.</p>
NECC (Bushland and Biodiversity)	<p>Mod2024/0679 of DA 2024/0190 makes no changes to the biodiversity outcomes for the site and complies with the P21 DCP Control B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land.</p>
NECC (Development Engineering)	<p>The proposed modifications do not alter the original assessment of the application by Development Engineering.</p> <p>Development Engineering support the proposal with no additional or modified conditions of consent recommended.</p>
NECC (Water Management)	<p>Supported</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WMD Policy); and • Relevant LEP and DCP clauses. <p>No objections regarding water management.</p>

Internal Referral Body	Comments
Traffic Engineer	The modification does not propose changes that impact upon the traffic or parking implications of the development and the changes can therefore be supported on traffic grounds with no changes to the previously applied conditions of consent
Waste Officer	Mod2024/0679 of DA 2024/0190 makes no changes to provision of waste services. Waste Conditions remain as per Notice of Determination for DA 2024/0190 dated 3 September 2024.
External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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)

Housing and Productivity Contribution

This modification application does not alter the number of approved dwelling units and therefore no change is required to Condition 7 - Housing and productivity contribution of DA2024/0190.

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1737016M_03 dated 2 December 2024).

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

SEPP (Housing) 2021

Application of Chapter

Clause 144 of State Environmental Planning Policy Housing 2021 (SEPP Housing) stipulates that:

(1) This chapter applies to development only if:

(a) the development consists of:

- (i) the erection of a new building,
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building, or
- (iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys, not including underground car parking storeys, and

(c) the building contains at least 4 dwellings.

The proposed development is for the erection of a two-storey residential apartment development plus basement car parking. In accordance with the provisions of Clause 144 above, the provisions of Chapter 4 SEPP Housing are not applicable to the assessment of the proposed development.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

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	Complies
Height of Buildings:	8.5m	7.7m	8m	Yes
Density controls for certain residential accommodation	1 dwelling per 200m ²	1 dwelling per 232.6m ²	Unaltered	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.5A Density controls for certain residential accommodation	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone R3 Medium Density Residential

The proposal is assessed against the objectives of the R3 Medium Density Residential Zone as follows:

- To provide for the housing needs of the community within a medium density residential environment.**

Comment:

The proposed development provides increased housing supply that is consistent with the medium density zoning of the site.

- To provide a variety of housing types within a medium density residential environment.**

Comment:

The proposed residential flat building use is permitted with consent in the zone and is compatible with surrounding housing types.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

Comment:

N/A - The proposal is for residential development.

- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.**

Comment:

N/A - The proposal is for residential development.

Conclusion

Based on the above assessment, the proposed development is found to be consistent with the objectives of the zone.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m or streetscape	Bin store: 1.6m-2m	Unaltered	Yes
		Basement: 6.5m	Unaltered	Yes
		GF: 11.99m	Unaltered	Yes
		FF: 6.5m-10.99m	Unaltered	Yes
Rear building line	GF: 2.65m	5.4m-7m	Unaltered	Yes
	FF: 4.45m	5.4m-6m	Unaltered	Yes
Side building line	NW - GF Unit 1 & 2: 3.7m	3m-4.1m	Unaltered	Yes
	NW - GF Unit 5: 3.6m	3.5m	Unaltered	Yes
	NW - FF Unit 3 & 4: 4.5m	3m-4.5m	Unaltered	Yes
	NW - FF Unit 5: 4.5m	3.5m-4.5m	Unaltered	Yes
	SE - GF Unit 1 & 2: 3.4m	3.5m-4.5m	Unaltered	Yes
	SE - GF Unit 6: 3.3m	3.5m	Unaltered	Yes
	SE - FF Unit 1 & 2: 4.2m	3.5m-4.5m	Unaltered	Yes
	SE - FF Unit 6: 4.1m	3.5m-4.5m	Unaltered	Yes
	SE - Bin store: 3.3m	Nil	Unaltered	Yes
Building envelope	NW - 4.2m	2 breaches: - length 800mm, up to 350mm - length 1.2m, up to 350mm	Unaltered	Yes
	SE - 4.2m	Within envelope	Unaltered	Yes
Landscaped area	50% (697.75m ²) Site area: 1,395.5m ²	Deep soil / LEP: 32.1% (447.8m ²)	Deep soil / LEP: 31.8% (443.8m ²)	No
		DCP C1.1: 45.8% (639m ²)	DCP C1.1: 45.5% (635m ²)	
		DCP D9.10: 37.6% (524.8m ²)	DCP D9.10: 37.3% (520.8m ²)	

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B2.5 Dwelling Density and Subdivision - Medium Density Residential	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	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
B6.7 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
C1.10 Building Facades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.20 Undergrounding of Utility Services	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	No	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	Yes	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B2.5 Dwelling Density and Subdivision - Medium Density Residential

Dwelling density was assessed in detail as part of DA2024/0190. No change to dwelling density is proposed a part of this modification application and therefore no further assessment is required in relation to Section B2.5 of the Pittwater 21 Development Control Plan.

C1.6 Acoustic Privacy

Section C1.6 of the Pittwater 21 Development Control Plan requires noise generating plants including pool/spa motors, air conditioning units and the like to not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

A condition to this effect was included as part of DA2024/0190 and is to be retained to ensure the proposed air conditioning units do not produce an unreasonable level of noise. The proposal has also been supported by Council's Environmental Health Officer in relation to acoustic impacts.

C1.7 Private Open Space

Each dwelling includes a private open space area of sufficient dimensions to comply with the control and enable outdoor recreation and service functions for occupants.

C1.25 Plant, Equipment Boxes and Lift Over-Run

Description of non-compliance

Section C1.25 of the Pittwater 21 Development Control Plan stipulates that where provided, air conditioning units are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings. All noise generating equipment such as air conditioning units are to be located and designed to protect the acoustic privacy of workers, residents and neighbours.

The proposed modifications include the provision of air conditioning condenser units on the roof of the development. However, these do not result in any built form non-compliances in relation to building height or envelope. It is for this reason that the location of air conditioning condensers on the roof is supported, subject to a condition requiring the provision of suitably integrated screening.

Merit consideration

With regard to the proposed variation, the development is considered against the underlying outcomes of the Control as follows:

- ***To achieve the desired future character of the Locality.***

Comment:

The proposal as modified will continue to achieve the desired future character of the locality by maintaining a building height limit below the tree canopy and minimising bulk and scale.

- ***The bulk and scale of the built form is minimised.***

Comment:

The proposed roof top air conditioning units do not add significant bulk and scale to the approved development.

- ***Equitable preservation of views and vistas to and/or from public/private places.***

Comment:

The proposed air conditioning units will not result in view loss impacts to and/or from public/private places.

- ***To achieve reduction in visual clutter.***

Comment:

The proposed air conditioning units do not result in an unreasonable level of visual clutter, and are not inconsistent with other medium density residential developments in the vicinity of the site.

- **The appropriate location and design of noise generating equipment.**

Comment:

While the proposed air conditioning units are not ideally located, Council's Environmental Health Officer is supportive of the proposal from an acoustic perspective and the conditions included as part of the original application are to be retained to ensure an unreasonable noise level is not produced.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D9.10 Landscaped Area - General

Description of non-compliance

Section 9.10 of the Pittwater 21 Development Control Plan requires the total landscaped area on land to be a minimum 50% of the site area.

The development as modified accommodates 520.8m² of landscaping across the site, representing 37.3% of the site area, which does not achieve the minimum 50%. Notwithstanding, the development has been approved with 524.8m² (37.6%) of landscaping, and therefore the proposal as modified involves a minor reduction in the amount of landscaped area on the site, by 4m².

It is important to note that this reduction is associated with the increased terrace size for Unit 6 to accommodate a barbeque (refer Figures 1 and 2). As such, while the proposal as modified reduces the amount of approved landscaping on the site, it increases the outdoor entertaining area of Unit 6, thereby providing a more functional and practical space to be used by future residents.

Figure 1: Approved Ground Floor Plan

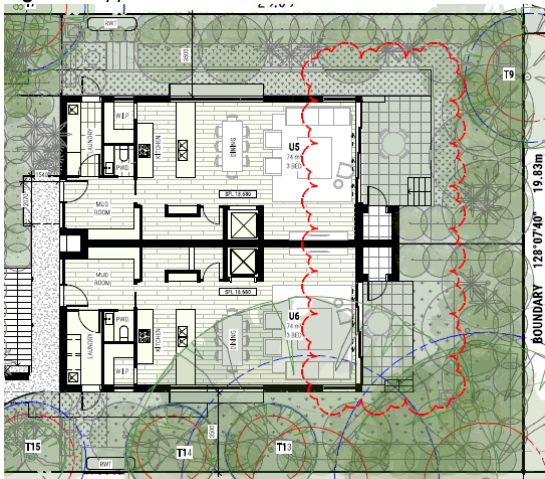
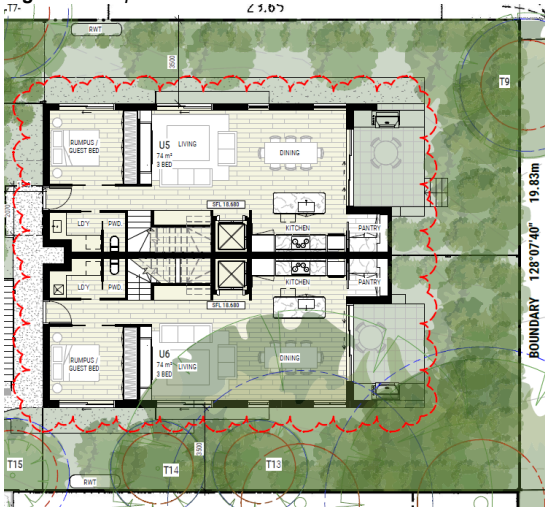


Figure 2: Proposed Ground Floor Plan



Merit consideration

With regard to the proposed variation, the development is considered against the underlying outcomes of the Control as follows:

- ***Achieve the desired future character of the Locality.***

Comment:

The proposal as modified will continue to achieve the desired future character of the locality by maintaining a building height limit below the tree canopy and minimising bulk and scale.

- ***The bulk and scale of the built form is minimised.***

Comment:

The modifications sought do not add any bulk or scale to the approved built form.

- ***A reasonable level of amenity and solar access is provided and maintained.***

Comment:

The proposal as modified provides an increased level of amenity through increasing the size of the terrace area, which was otherwise relatively narrow in width. The proposal as modified does not result in additional overshadowing.

- ***Vegetation is retained and enhanced to visually reduce the built form.***

Comment:

The modifications sought do not involve the removal of any additional trees or significant vegetation, and the proposal as modified has been supported by Council's Landscape and Biodiversity Officers.

- ***Conservation of natural vegetation and biodiversity.***

Comment:

The modifications sought do not involve the removal of any additional trees or significant vegetation, and the proposal as modified has been supported by Council's Landscape and Biodiversity Officers.

- ***Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.***

Comment:

The proposal results in a minor increase in impervious area relative to the approved development and is recommended for approval by Council's Development Engineering and Water Management Teams, subject to conditions.

- ***To preserve and enhance the rural and bushland character of the area.***

Comment:

The proposal will increase the quantity and quality of trees and vegetation on the site relative to the existing development, and the modifications sought do not involve removal of additional trees or significant vegetation. The proposal as modified is therefore considered to preserve and enhance the character of the locality.

- ***Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.***

Comment:

The proposal is considered to provide adequate permeable surfaces and provision for stormwater management in accordance with Council's Water Management Policy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

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 2024

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. Mod2024/0679 for Modification of Development Consent DA2024/0190 granted for Demolition works and construction of a residential flat building on land at Lot 2 SP 57603,2 / 32 Golf Avenue, MONA VALE, Lot 2 SP 57603,2 / 32 Golf Avenue, MONA VALE, Lot 4 SP 57603,4 / 32 Golf Avenue, MONA VALE, Lot 4 SP 57603,4 / 32 Golf Avenue, MONA VALE, Lot 1 SP 57603,1 / 32 Golf Avenue, MONA VALE, Lot 1 SP 57603,1 / 32 Golf Avenue, MONA VALE, Lot 3 SP 57603,3 / 32 Golf Avenue, MONA VALE, Lot 3 SP 57603,3 / 32 Golf Avenue, MONA VALE, Lot CP SP 57603,32 Golf Avenue, MONA VALE, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-493827 MOD2024/0679	The date of this notice of determination	Modification of Development Consent DA2024/0190 granted for Demolition works and construction of a residential flat building Modify Condition 1 - Approved Plans and supporting documentation Modify Condition 2 - Compliance with Other Department, Authority or Service Requirements Modify Condition 55 - Waste/Recycling Requirements (Waste Plan Submitted) Add Condition 82A - Screening of Air Conditioning Condensers

Modified conditions

A. Modify Condition 1 - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA030	B	Demolition Plan	Walsh Architects	22 June 2024
DA040	C	Proposed Site Plan	Walsh Architects	25 November 2024
DA100	B	Service Plan	Walsh Architects	22 June 2024
DA101	B	Basement Plan	Walsh Architects	22 June 2024
DA102	C	Ground Floor Plan	Walsh Architects	25 November 2024
DA103	C	Level 1 Plan	Walsh Architects	25 November 2024
DA104	C	Roof Plan	Walsh Architects	25 November 2024

DA201	D	Long Sections	Walsh Architects	25 November 2024
DA202	D	Cross Sections	Walsh Architects	25 November 2024
DA203	D	Cross Sections	Walsh Architects	25 November 2024
DA204	D	Cross Sections	Walsh Architects	25 November 2024
DA300	C	Elevations	Walsh Architects	25 November 2024
DA301	C	Elevations	Walsh Architects	25 November 2024
LS501.1	C	Landscape Plan (Ground Level) - Sheet 1	Plot Design Group	26 June 2024
LS501.2	C	Landscape Plan (Planters) - Sheet 2	Plot Design Group	26 June 2024
LS503.1	C	Landscape Details - Sheet 3	Plot Design Group	26 June 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1737016M_03	Building Sustainability Assessments	2 December 2024
Geotechnical Investigation Report	1	Crozier Geotechnical Consultants	1 July 2024
Arboricultural Impact Assessment	-	Selena Hannan Landscape Design	25 June 2024
NCC (BCA) Report	1	East Coast Approvals Group	19 February 2024
Access Report	2	East Coast Approvals Group	9 February 2024
Waste Management Plan	-	-	-
SE100 - Sediment & Erosion Control Plan	A	RTS Civil Consulting Engineers	15 February 2024
SW100 - Site Stormwater Catchment & Easement Plan	A	RTS Civil Consulting Engineers	23 February 2024
SW101 - Basement Stormwater Management Plan	A	RTS Civil Consulting Engineers	15 February 2024
SW102 - Ground Stormwater Management Plan	A	RTS Civil Consulting Engineers	23 February 2024
SW300 - Stormwater Easement Pipeline Longitudinal Section	A	RTS Civil Consulting Engineers	15 February 2024
CW100 - Civil Driveway Access Plan	C	RTS Civil Consulting Engineers	1 July 2024
CW200 - Driveway Longitudinal 1 - Option B	C	RTS Civil Consulting Engineers	1 July 2024
CW201 - Driveway Longitudinal 2 - Option B	C	RTS Civil Consulting Engineers	1 July 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Modify Condition 2 - Compliance with Other Department, Authority or Service Requirements, to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	3 January 2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

C. Modify Condition 55 - Waste/Recycling Requirements (Waste Plan Submitted), to read as follows:

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

D. Add Condition 82A - Screening of Air Conditioning Condensers, to read as follows:

Prior to the issue of the Occupation Certificate, the Principal Certifier shall be satisfied that the air conditioning units located on the roof of the development are screened by fixed metal louvers which are styled and designed to complement and integrate into the appearance of the building. The screens shall enclose the air conditioning units on all sides.

Reason: To ensure that the air conditioning units are not visually dominant.

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

Signed



Anais Sarkissian, Planner

The application is determined on 30/01/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments