

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0075
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 1 DP 1252335, 701 Barrenjoey Road AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent N0516/17 Construction of a four (4) unit Seniors Living development with basement car parking, landscaping and strata subdivision
Zoning:	R2 Low Density Residential SP2 Infrastructure
Development Permissible:	Yes, under SEPP (Housing for Seniors and Persons with a Disability)
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Aladdin (Aus) Pty Ltd
Applicant:	Hot House Projects Pty Ltd

Application Lodged:	31/03/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	08/04/2022 to 22/04/2022
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for modification to an approved development consent for the construction of a four-unit Seniors Living development with basement car parking landscaping and strata subdivision. In detail the application seeks consent for:

changes to the roof including

- deletion of the roof pop up, resulting in a reduction of the approved roof height
- addition of two (2) new skylights
- replacement of roof materials from concrete to colorbond

- extend metal roof over lift shaft
- addition of new external cowling (roof mounted) for the basement exhaust vent

external changes

- replacement and alterations of some windows and doors
- change in external materials from weatherboard cladding to a rendered and painted finish (north elevation), replace stone cladding with aluminium "timber grain" cladding (west elevation) and replace weather board cladding with standing seam metal sheets "monument" (east elevation)
- remove retaining wall and lower garden bed to apartment 01 courtyard
- change in position of gas and water metres

Internal changes

- create storerooms 02 and 03 at the back of the respective garages
- minor internal changes to create electrical switch room, and changes to bathrooms and laundry's
- add service corridor with new access door to unit 01

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 SP2 Infrastructure

Pittwater Local Environmental Plan 2014 - 5.1A Development on land intended to be acquired for public purpose

Pittwater 21 Development Control Plan - A4.1 Avalon Beach Locality

Pittwater 21 Development Control Plan - C1.25 Plant, Equipment Boxes and Lift Over-Run

Pittwater 21 Development Control Plan - D1.5 Building colours and materials

SITE DESCRIPTION

<p>Property Description:</p>	<p>Lot 1 DP 1252335 , 701 Barrenjoey Road AVALON BEACH NSW 2107</p>
<p>Detailed Site Description:</p>	<p>The subject site consists of two (2) allotments 701 and 703 Barrenjoey Road, Avalon Beach (Lot 1 DP 12074 and Lot 2 DP 12074) respectively.</p> <p>The site is triangular in shape and has two road frontages; the primary boundary is oriented towards the east and adjoins the Barrenjoey Road reserve, while the secondary boundary is oriented to the south-west adjoins the Kevin Avenue road reserve; the other boundaries adjoin other residential allotments. 703 Barrenjoey Road contains a dwelling house while 701 Barrenjoey Road contains a shed. The combined area of the allotments is 1069m2 (based on submitted survey information) and is moderately sloped, with a rear-to-front (i.e. west-to-east) fall of approximately 5.3 metres between its highest and lowest points.</p> <p>The subject site is located within an R2 Low Density Residential zone, while parts of the far eastern side of the site are within an SP2 Infrastructure (Classified Road) zone.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Surrounding development is highly diversified; areas to the east, north, west and southwest predominately contain residential development, while areas to the south-east primarily contain public reserves and vegetated areas. Other surrounding SP2 zones also contain a church/school, a day-care centre and an ambulance base.</p>

Map:



SITE HISTORY

On 6 July 2018, **N0516/17** approved the construction of a four (4) unit Seniors Living development with basement car parking, landscaping and strata sub-division.

On 12 August 2021, a pre-lodgement meeting **PLM2021/0185** was held with the applicant and Council Officer's to discuss the modification of N0516/17 which approved a 4 unit Senior's Living development. The PLM notes concluded:

The proposed modification involves replacing the approved concrete roof with a metal roof and minor fenestration changes. While these are considered to be a minor amendments there are possible implications involving amending Condition No. 10 in Part B of Consent N0516/17 and demonstrating that the new roof will not result in any adverse glare impact to neighbouring properties.

As for the remaining matters discussed at the meeting, there is no objection raised to the proposed amendments subject to the following:

(1) Replacement of stone cladding feature to the West elevation to timber- The replacement feature is to be comparable in materiality to the approved visual aesthetic (i.e. it is to present as a feature wall rather than a rendered wall).

(2) Replacement of the planter box wall to Unit 1 - The replacing of a retaining wall which supports the planter box is to ensure that the function and purpose of the planter box is retained as approved (i.e. that it enables the planting of shrubs etc which will assist in visually softening the development).

(2) Relocation of car park exhaust - The relocation of the car park exhaust on the roof is discouraged as there is a possible alternative location at the car park level. This alternative is to be examined and implemented if achievable.

*While the subject application has not fully incorporated all the suggestions, specifically recommendations 1 and 3, made by Council at the PLM Council's Urban Designer has no objections to the proposal. Refer to

the Urban Design comments in the referral section of this application

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 N0516/17, 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
<p>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:</p>	
<p>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</p>	<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>There is no change to the footprint / setback of the approved building and the modifications included the deletion of the approved pop-up roof element which will reduce the height of the development.</p> <p>The proposal will not result in any unreasonable impacts on neighbouring residential amenity in terms of over shadowing or privacy or environmental impacts relating to the landscape outcomes.</p> <p>The changes to the external materials are considered to be acceptable within the Locality and will not result in any adverse visual impacts on the streetscape.</p>
<p>(b) it is satisfied that the development to which the consent as modified relates is substantially the same</p>	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under</p>

Section 4.55(1A) - Other Modifications	Comments
development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>N0516/17 for the following reasons:</p> <p>The density of the development is consistent with the four units and eight car parking spaces approved. There is no change to the footprint or setbacks of the approved development and the modification will result in a reduction of the height of the approved development. Despite the changes to the external materials the proposed development is substantially the same as the development originally approved.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>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>	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.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on

Section 4.15 'Matters for Consideration'	Comments
	13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – 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 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation was submitted with the original application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment	(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.

Section 4.15 'Matters for Consideration'	Comments
and social and economic impacts in the locality	<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 development application has been publicly exhibited from 08/04/2022 to 22/04/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

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>Note: 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>
Strategic and Place Planning	The application seeks consent for modification to an approved

Internal Referral Body	Comments
(Urban Design)	<p>development consent for the construction of a four-unit Seniors Living development with basement car parking landscaping and strata subdivision.</p> <p>The applicant has provided drawings noting several modifications, including but not limited to; removal of a 'popped roof' reducing the roof height, new skylights, a new external cawling for the basement exhaust vent, replacement of roof materials, replacement of some windows and doors, changes to some materials and other changes.</p> <p>No objections are raised subject to conditions as recommended.</p> <p><u>Planner's Comments:</u></p> <p>The PLM recommendations included:</p> <p><i>(1) Replacement of stone cladding feature to the West elevation to timber- The replacement feature is to be comparable in materiality to the approved visual aesthetic (i.e. it is to present as a feature wall rather than a rendered wall).</i></p> <p><u>Response:</u></p> <p>Council's Urban Designer has confirmed that stone is not a material that is present in the Locality, unlike metal cladding which is evident. Given the context of the site the proposed metal cladding is assessed suitable cladding for the western feature wall and will compliment the other materials which include weather board, rendered painted masonry walls, concrete and stone. The proposal's appearance, as amended, remains to be in harmony with the buildings around it and in character with the street consistent with the requirements of Clause 31 of the SEPP (HSPD) 2004.</p> <p><i>(2) Replacement of the planter box wall to Unit 1 - The replacing of a retaining wall which supports the planter box is to ensure that the function and purpose of the planter box is retained as approved (i.e. that it enables the planting of shrubs etc which will assist in visually softening the development).</i></p> <p><u>Comment:</u></p> <p>The proposal seeks consent for the removal of an existing retaining wall within the south-western corner of the site. The removal of the retaining wall is acceptable subject to a condition which requires that the adjoining landscape area to Unit 1 to remain as approved, namely turf with landscape planting in accordance with the approved</p>

Internal Referral Body	Comments
	<p>landscape plan.</p> <p><i>(3) Relocation of car park exhaust - The relocation of the car park exhaust on the roof is discouraged as there is a possible alternative location at the car park level. This alternative is to be examined and implemented if achievable.</i></p> <p><u>Comment:</u></p> <p>Council's Urban Designer has further explained that from a practical point of view it is better to discharge exhaust gasses as high up as possible. As such the car park exhaust at roof level is acceptable subject to a condition requiring it to be enclosed. This additional rational is accepted and discussed in further detail below under Clause C1.25.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1268859M_02 dated 24 March 2022 prepared by BCA Energy).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	45

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

SEPP (Housing for Seniors or People with a Disability) 2004

Clause 31 of SEPP HSPD requires a consent authority to have consideration of the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004. These urban design guidelines associate the development standards of SEPP HSPD with design principles and general rules of thumb to achieve appropriate urban design for infill development.

There is no change to the envelope approved and the deletion of the approved pop-up roof element will reduce the overall height of the development. As such, the built form (height, bulk and scale) of the building remains to be consistent with Locality.

The proposal involves minor modifications to the external materials, including a change from stone to metal sheeting on the western elevation. The use of stone is not evident in the Locality and the material palette of the surrounding buildings is brick, ship-lap timber and metal sheeting. As such it is assessed that the proposed materials are compatible with the Locality and in harmony with the existing buildings and the character of the street. Council's Urban Designer offers no objections to the proposal and it is concluded that the modified proposal remains to be compliant with the design principles and clause 31 of SEPP (HSPD) 2004.

The proposed amendments will not affect the assessment of the original proposal, N0516/17, against the assessment under SEPP (HSPD). The detailed assessment against SEPP Seniors is therefore still applicable to the subject modification.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP 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.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone R2 : Yes Zone SP2: No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone R2 : Yes Zone SP2: Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.25m	7.1m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.1A Development on land intended to be acquired for public purpose	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone SP2 Infrastructure

Seniors housing is a form of development that is also not permissible within the SP2 zoned part of the site; refer to the assessment of clause 5.1A of the LEP below.

5.1A Development on land intended to be acquired for public purpose

As indicated above, part of the site is within an SP2 Infrastructure (Classified Road) zone.

Only landscaped areas are proposed within the SP2-zoned parts of the site, with all structures to be situated within the R2-zoned parts of the site; the proposed development would therefore not prevent the SP2-zoned part of the site from being developed as a road pursuant to Cl. 5.1A(3), and the objectives of the clause would be satisfied. The original proposal was referred to Roads and Maritime Services (the relevant acquisition authority identified by Cl. 5.1(2) of the LEP) who indicated that there is no objection to the development as proposed, subject to conditions. The RMS conditions remain

relevant to the subject modification.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	Primary Barrenjoey Road- 10m Secondary Kevin Avenue - 2.8m Main building (nil waste storage)	unaltered unaltered	Yes No
Side building line	1m	North - 1.5m	unaltered	Yes
	2.5m	Southern boundary not applicable as it is assessed under Part D1.8	unaltered	N/A
Rear building line	6m	The site is located on a corner and rear setback was not applied	N/A	N/A
Building envelope	3.5m	Within envelope	unaltered	Yes
	3.5m	Within envelope	unaltered	Yes
Landscaped area	50%	504sq (47.1%)	unaltered	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.10 Building Facades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes
C1.21 Seniors Housing	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.4 Scenic protection - General	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.15 Fences - General	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A4.1 Avalon Beach Locality

The Desired character of the Avalon Beach Locality includes the following requirement:

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment.

The proposal includes changes to the external materials, including a change from the approved stone on the western elevation to aluminum cladding. The material palette of the surrounding buildings is brick, ship-lap timber and metal sheeting, stone is not a material that is evident in the surrounding area. Given the context of the site the proposal materials are assessed as being compatible with the character of the streetscape and Locality. The proposed external colours remain dark and earthy consistent with the desired character of the Avalon Beach Locality. Refer to comments from Council's Urban Designer above.

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

Clause C1.25 requires:

Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.

Comment:

The proposal includes a vent cowl (exhaust vent) for the basement exhaust which projects 500mm above the ridge. The exhaust vent is setback 18.8m from the eastern boundary, edge, 14.3m from the western boundary and 17.7m from the southern boundary. Given the setback of the exhaust vent in the centre of the roof it is not anticipated that there will be any unreasonable visual impact from the street. In order to ensure there is no visual impact a condition is included in the recommendation requiring the exhaust to be enclosed.

The exhaust is setback 10m from the northern boundary and is unlikely to result in unreasonable amenity impacts on the neighbouring property at 705 Barrenjoey Road. Condition 17 and 24 remains valid which requires noise from plant. All sound producing plant, (including pool pumps), equipment, air conditioners, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

D1.5 Building colours and materials

As discussed elsewhere in this report the proposed change of materials including the change from stone to aluminium cladding on the western elevation is assessed as acceptable given the context of the site. The external colours remain dark and earthy in tone compliant with the control.

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 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. Mod2022/0075 for Modification of Development Consent N0516/17 Construction of a four (4) unit Seniors Living development with basement car parking, landscaping and strata subdivision on land at Lot 1 DP 1252335,701 Barrenjoey Road, AVALON 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
MOD 00 Rev A Cover Sheet	04.03.2022	Hot House Architects
MOD 001 Rev A Site Plan	04.03.2022	Hot House Architects
MOD 100 Rev A Level 1 Plan	04.03.2022	Hot House Architects
MOD 101 Rev A Level 2 Plan	04.03.2022	Hot House Architects
MOD 102 Rev A Level 3 Plan	04.03.2022	Hot House Architects
MOD 103 Rev A Roof Plan MOD 103	04.03.2022	Hot House Architects
MOD 200 Rev A Elevations MOD 200	04.03.2022	Hot House Architects
MOD 201 Rev A Elevation and External Finishes	04.03.2022	Hot House Architects
MOD 300 Rev A Section A-A	04.03.2022	Hot House Architects
MOD 301 Rev A Section B-B	04.03.2022	Hot House Architects
MOD 302 Rev A Section C-C	04.03.2022	Hot House Architects
MOD 303 Rev A Section D-D	04.03.2022	Hot House Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate Number 1268859M_02	24.03.2022	BCA Energy
Stormwater Management Report	22.12.2021	Barrenjoey Consulting Engineers

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

c) The development is to be undertaken generally in accordance with the following:

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

B. Add Condition A.1(b) Compliance with Other Department, Authority or Service Requirements conditions to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the Ausgrid Referral Response dated 5 June 2022

(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. Amend Condition B.6 Landscape Plan to read as follows:

Landscaping is to be implemented in accordance with the approved Landscape Plan, Plan No. A09, Issue A, October 2017, prepared by Gartner Trovato Architects including the provision of turf and planting within the garden area to Unit 1. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.

Reason: To maintain environmental amenity.

D. Amend Condition B.15 Materials and Colour scheme to read as follows:

Materials and colour schemes are to be in accordance with the details identified in drawing MOD 202 Rev A, dated 4 March 2022, prepared by Hot House Architects.

Roofing materials must be of low glare and reflectivity. The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development is harmonious with the character and visual amenity of the area and ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

E. Add Condition C. 1(b) Amended plans to read as follows:

The following amendments are to be made to the approved plans:

The 'vent cowling' for the basement exhaust is to be housed in a louvered screen box to maintain visual amenity. The housing is to be finished in dark recessive colour similar to the roof finish.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development is harmonious with the character and visual amenity of the area.

F. Add Condition C. 16B(b) Fire Safety to read as follows:

The development is required to comply with Clause C1.5, Volume 1 of the Building Code of Australia and in particular each sole occupancy unit is required to:

- (a) Have access to at least 2 exits; or
- (b) Its own direct access to a road or open space.

Where this requirement cannot be met the building is required to be of Type B construction.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Modified Construction Certificate.

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

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

Signed



Anne-Marie Young, Planner

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



Steven Findlay, Manager Development Assessments