

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2019/0485
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Responsible Officer:	Rebecca Englund
Land to be developed (Address):	Lot 6 DP 3632, 3 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2018/1616 granted for alterations and additions to a dwelling house including alterations to an existing boathouse and swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Nicola Domazet
Applicant:	Jure Domazet

Application Lodged:	04/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	17/10/2019 to 31/10/2019
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The modification application seeks consent for a number of amendments to the approved development under DA2018/1616, as listed in the Statement of Environmental Effects and as highlighted in red on the architectural drawings. Some of the more notable modifications include:

- reconfiguration of access stairs within the foreshore area,
- internal reconfiguration,
- reconfiguration of access tunnel to boathouse,
- sandstone cladding to underside of pool and boathouse, and
- alteration to approved paint colours.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 5.7 Development below mean high water mark
 Pittwater 21 Development Control Plan - D1.5 Building colours and materials
 Pittwater 21 Development Control Plan - D1.11 Building envelope
 Pittwater 21 Development Control Plan - D1.14 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 6 DP 3632 , 3 Riverview Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The site has a legal description of Lot 6 DP 3632, and is commonly known as 3 Riverview Road, Avalon Beach. The site is slightly irregular in shape, with a 27.74m wide frontage to Riverview Road, a maximum depth of 153.96m, and a total area of 4224m². The site has a direct frontage to the Pittwater Waterway, with the Mean High Water Mark (MHWM) acting to divide public and private land. The site contains an existing dwelling situated on the lower portion of the site, with a boat shed and boathouse within the foreshore area. The upper portion of the site is generally free of development with a number of existing significant canopy trees.</p> <p>The existing dwelling is identified as an item of local heritage significance. The site is located within the Coastal Zone, and is subject to estuarine and geotechnical hazards. The site is located within a low density residential area, and is surrounded by dwellings of varied age, character and architectural style.</p>

Works have commenced on site pursuant to DA2018/1616.

Map:



SITE HISTORY

On 22 March 2019, Development Application DA2018/1616 was approved by Council.

On 4 October 2019, the subject modification application was lodged with Council.

On 15 November 2019, the assessing officer undertook an inspection of the subject site.

On 19 November 2019, the applicant provided confirmation of the placement of the notification sign.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.55(1A) Modifications involving minimal environmental impact

The relevant matters for consideration under Section 4.55(1A) of the EP&A Act, are:

Section 4.55(1A)	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 proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact.</p>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially</p>

Section 4.55(1A)	Comments
was originally granted and before that consent as originally granted was modified (if at all), and	the same as those already approved under DA2018/1616.
(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 Pittwater 21 Development Control 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.	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 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	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 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>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.</p>

Section 4.15 'Matters for Consideration'	Comments
	Clause 98 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	<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 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:
Ms Jill Christine Johnson	PO Box 5423 WEST CHATSWOOD NSW 1515

A submission has been received from the adjoining property owners to the north, raising concern with regard to the design of a pergola over the northern end of the elevated swimming pool. However, further correspondence was received to withdraw these concerns, subject to detailed design amendments nominated on a new plan. Should the application be approved, the detail design solution is to be incorporated into conditions of consent.

REFERRALS

Internal Referral Body	Comments																																				
Landscape Officer	<p>The modification application is acceptable, with the landscape outcome not impacted by the proposals. The existing trees required under DA2018/1616 are not impacted by the modification proposals.</p> <p>Tree protection conditions applied under DA2018/1616 remain in force.</p> <p>Council’s Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls: B4.22 Preservation of Trees or Bushland Vegetation C1.1 Landscaping</p>																																				
NECC (Development Engineering)	No modification is required.																																				
Strategic and Place Planning (Heritage Officer)	<table border="1"> <tr> <th colspan="3" data-bbox="520 1111 1431 1144">HERITAGE COMMENTS</th> </tr> <tr> <th colspan="3" data-bbox="520 1144 1431 1178">Discussion of reason for referral</th> </tr> <tr> <td colspan="3" data-bbox="520 1178 1431 1279">The application has been referred to Heritage as the subject property is a heritage item</td> </tr> <tr> <th colspan="3" data-bbox="520 1279 1431 1323">Little House (Yoorami) - 3 Riverview Road, Avalon Beach</th> </tr> <tr> <th colspan="3" data-bbox="520 1323 1431 1357">Details of heritage items affected</th> </tr> <tr> <td colspan="3" data-bbox="520 1357 1431 1435">Details of the item as contained within the Pittwater Heritage inventory is as follows:</td> </tr> <tr> <td colspan="3" data-bbox="520 1435 1431 1480"><u>Statement of significance:</u></td> </tr> <tr> <td colspan="3" data-bbox="520 1480 1431 1805">Little House (Yoorami) at 3 Riverview Road, Clareville, built c1965 to a design by the architect Douglas Snelling, has historic and aesthetic significance as an early example of Late Twentieth-Century Sydney Regional architecture showing direct influences by Frank Lloyd Wright. Typical modernist features include: horizontal emphasis in the structure, free asymmetrical massing, flat roof, clerestory windows, timber deck, exposed structure, retention and adaptation to the natural setting and use of natural materials.</td> </tr> <tr> <td colspan="3" data-bbox="520 1805 1431 1850"><u>Physical description:</u></td> </tr> <tr> <td colspan="3" data-bbox="520 1850 1431 2029">The house is located on a terraced sloped site covered with large rocks, trees and ferns with scenic views over Pittwater. The view from the street is screened by luxuriant vegetation creating a natural bush setting. It is not possible to see it from the public domain.</td> </tr> <tr> <th colspan="3" data-bbox="520 2029 1431 2063">Other relevant heritage listings</th> </tr> <tr> <td data-bbox="520 2063 850 2136">Sydney Regional</td> <td data-bbox="850 2063 951 2136">No</td> <td data-bbox="951 2063 1431 2136"></td> </tr> </table>	HERITAGE COMMENTS			Discussion of reason for referral			The application has been referred to Heritage as the subject property is a heritage item			Little House (Yoorami) - 3 Riverview Road, Avalon Beach			Details of heritage items affected			Details of the item as contained within the Pittwater Heritage inventory is as follows:			<u>Statement of significance:</u>			Little House (Yoorami) at 3 Riverview Road, Clareville, built c1965 to a design by the architect Douglas Snelling, has historic and aesthetic significance as an early example of Late Twentieth-Century Sydney Regional architecture showing direct influences by Frank Lloyd Wright. Typical modernist features include: horizontal emphasis in the structure, free asymmetrical massing, flat roof, clerestory windows, timber deck, exposed structure, retention and adaptation to the natural setting and use of natural materials.			<u>Physical description:</u>			The house is located on a terraced sloped site covered with large rocks, trees and ferns with scenic views over Pittwater. The view from the street is screened by luxuriant vegetation creating a natural bush setting. It is not possible to see it from the public domain.			Other relevant heritage listings			Sydney Regional	No	
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Internal Referral Body	Comments		
	Environmental Plan (Sydney Harbour Catchment) 2005		
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	Yes	
	Other	N/A	
Consideration of Application			
<p>The proposal seeks consent for the modification of an approved application. As the original application was referred to an external heritage advisor for comment, this modification was also referred to the advisor for comment. The advisor noted that the majority of the proposed changes were of no effect on the heritage significance of the item. There was however a few matters that due to a lack of detail could not be properly assessed for their impact on the heritage item and they are discussed below.</p> <p>The increased height of the lift overrun does not make clear the proposed external finish to the overrun. Heritage will condition details of this finish to be provided to Heritage's satisfaction.</p> <p>Changes to the pool's western edge and cladding are not shown in the plans but mentioned in the application documents. The lack of information means Heritage is not able to assess the impact of this and will condition that these changes are not approved.</p> <p>Proposed widening to the northern and southern edges of the entry foyer are not shown on the plans. The foyer is of significance and as such Heritage cannot assess these changes. Therefore it will condition that these changes are not approved.</p> <p>The modification also proposes the painting of external brickwork. The original consent includes a condition that the external brickwork is to remain unpainted. Heritage recommends that the condition be kept as painting the brick will impact upon the item and its significance. Additionally it will condition that the external soffits remain in their existing colour.</p> <p>Finally the modification proposes changes to the treatment of the garage doors on the western elevation of the boatshed. Heritage would recommend that rather than changing only one set of doors, all of these doors should adopt the same treatment to provide consistency. However Heritage understands that these works are</p>			

Internal Referral Body	Comments
	<p>below mean high water mark and as there is no consent from Crown Lands, these changes will not be approved.</p> <p>Overall Heritage raises no objection to the majority of changes, but cannot assess the impact of two changes due to a lack of information. Therefore Heritage will recommend approval of the modification, subject to 3 conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Provided with the original application.</p>
	<p>Further Comments</p>
	<p>COMPLETED BY: Brendan Gavin, Principal Planner</p>
	<p>DATE: 25 November 2019</p>

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 (Building Sustainability Index: BASIX) 2004

A amended BASIX certificate has been submitted with the application (see Certificate No. A329719_02 dated 30 September 2019). Should the modification application be approved, a condition will be imposed to require consistency with the amended certificate.

SEPP (Coastal Management) 2018

The proposed modified development remains consistent with the relevant matters prescribed by SEPP Coastal Management.

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	6.9m	Unchanged	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	No
5.10 Heritage conservation	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

5.7 Development below mean high water mark

The architectural plans include works below MHWM, yet owners consent from Crown Lands for these works has not been provided and the modification application does not seek to include the land below MHWM as part of the application. The existing consent contains a condition to remove any works beyond the boundaries of the site, and this will remain applicable in relation to the subject modification application.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	97m	Unaltered	Yes
Rear building line	FSBL	FSBL	Unaltered	Yes
Side building line	2.5m	2.06m (no change)	Unaltered	No
	1m	0.317m	Unaltered	No
Building envelope	3.5m	Within envelope	Unaltered	Yes

	3.5m	Outside envelope	Outside envelope - 900mm increase	No
Landscaped area	60%	49.6%	50.4%	No

FSBL: Foreshore Building Line

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
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
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
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
C1.14 Separately Accessible Structures	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	No	No
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	No	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	No	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

D1.5 Building colours and materials

The modification application seeks to paint the existing brickwork in a light white tone. The painting of the brickwork is antipathetic to the heritage significance of the dwelling and is inconsistent with the requirements of this control which prescribe the need for dark and earthy tones. However, it is noted that this was also proposed in the original development application and a condition was imposed to

prevent any painting of the brickwork. The applicant has not sought to amend this condition, and the condition is to be retained.

D1.11 Building envelope

The modification application seeks consent to introduce a 900mm high lift overrun along the southern elevation, which was not anticipated at the time of the original approval. The southern elevation was approved with a variation to the prescribed building envelope, which is to be intensified as a result of the proposed lift overrun, resulting in a maximum encroachment of the prescribed envelope of 2.4m.

Nonetheless, the lift overrun is set well back from the rear (western) facade and will not be readily discernible from the waterway. Furthermore, the proposed intensification of the building envelope non-compliance will not detract from consistency with the outcomes of the control, as follows:

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

Comment: The proposed development is consistent with the desired future character of the Avalon Beach locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment: The resultant development presents with a maximum height of two storeys in any one place, with the lift overrun is consistent with and below the height of the existing dwelling. Furthermore, the resultant built form will be maintained below existing and proposed tree canopy.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment: The resultant development is considered to be a sensitive design response in consideration of the natural characteristics of the site, with the retention of all existing canopy trees and the enhancement of landscaping within the foreshore area.

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

Comment: The proposed non-compliant lift overrun is setback from the rear facade, and will be screened by existing and proposed landscaping within the foreshore area.

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

Comment: The proposed modifications to not result in any unreasonable impacts upon views.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment: The proposed modifications to not result in any unreasonable impacts upon the amenity of adjoining properties.

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

Comment: Vegetation is retained and enhanced within the foreshore area to reduce the visual impact of the development.

D1.14 Landscaped Area - Environmentally Sensitive Land

The proposed modifications result in a net increase to the landscaped area calculation of 33.6m², increasing the landscaped area calculation to 2,129.6m² or 50.4% of the total site. The increase to the landscaped area calculation arises as a result of the proposed reconfiguration of access stairs and pathways within the foreshore area, and provide for an improved landscaped treatment presenting to the waterway. The proposed modifications remain consistent with the outcomes of this control.

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.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

Section 7.12 contributions were levied on the Development Application.

CONSIDERATION OF OTHER SPECIFIC MODIFICATIONS

1. Reconfiguration of ground floor of boathouse

Comment: The application seeks consent to divide the internal floor space of the lower level of the boathouse. In addition to the division of space, the application also proposes to alter the garage door to the smaller area to the south, which is to be connected to the primary dwelling with an internal walkway. There is concern that these changes are to facilitate the use of the southern portion of the boathouse for habitable purposes, inconsistent with the conditions of the existing consent. Further concern is also raised in relation to the proposed changes to the doorway, noting that the door straddles the MHWM, requiring the consent of Crown Lands which has not been provided. As such, the division of the ground floor boathouse and the change to the boathouse garage door is not supported.

2. Reconfiguration of first floor of boathouse

Comment: The application seeks to reconfigure the first floor of the boathouse, the most notable change being in relation to the increase and relocation of the bathroom. A small bathroom was shown in the plans referenced in the original consent. However, a condition was imposed on the original consent to require the removal of these facilities. The proposed bathroom is essentially three times the size of that previously proposed (but not supported), is reoriented to the front of the structure, and is more akin to a main bathroom or a master ensuite. Noting that existing conditions preventing the use of the boathouse for residential purposes remain in place (and are not proposed to be modified) the change to the bathroom is not supported.

3. **Cladding to boathouse**

Comment: The modification application also seeks to re-clad the western facade of the boathouse. As above, the western facade of the boathouse straddles the MHWM, requiring the consent of Crown Lands, which has not been provided. As such, the cladding of the boathouse is not supported.

4. **Retention of 1.8m solid fence to waterway boundary**

Comment: The modification application seeks to retain an existing solid wall/fence in the south-western corner of the site, presenting to the waterway. The wall/fence was to be removed in the original application and replaced with an open style fence in the same location. The retention of the existing wall is not sympathetic to the desired treatment of the foreshore area and results in the dominance of structures along the MHWM. Furthermore, the stability of the fence/wall has not been confirmed to be able to withstand wave and tidal inundation, despite being below the EPL. As such, the proposed modification to retain the existing structure is not supported.

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. Mod2019/0485

for Modification of Development Consent DA2018/1616 granted for alterations and additions to a dwelling house including alterations to an existing boathouse and swimming pool on land at Lot 6 DP 3632,3 Riverview Road, AVALON BEACH, subject to the conditions printed below:

A. Add Condition No.1A - 'Modification 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 Approved Plans and Supporting Documentation referred to in Condition 1, as modified by the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site/Roof Plan DA003, revision H	4 October 2019	Smart Design Studio
G Plan - Boatshed DA100, revision E	4 October 2019	Smart Design Studio
L1 Plan - Terrace, Cellar DA101, revision G	4 October 2019	Smart Design Studio
L2 Plan - Gym, Media, Art DA102, revision H	4 October 2019	Smart Design Studio
L3 Plan - House DA103, revision E	4 October 2019	Smart Design Studio
L3 Plan - Guest & Carport DA104, revision E	4 October 2019	Smart Design Studio
North Elevation DA300, revision F	4 October 2019	Smart Design Studio
South Elevation DA301, revision F	4 October 2019	Smart Design Studio
West & East Elevation DA302, revision G	4 October 2019	Smart Design Studio
Section AA & BB DA400, revision G	4 October 2019	Smart Design Studio
Pool Cabana Plan	8 November 2019	[unknown]
Pool Cabana Elevation	8 November 2019	[unknown]
Pool Cabana Section	8 November 2019	[unknown]

Landscape Plans		
Drawing No.	Dated	Prepared By
Site Plan LS4.55-02, issue B	2 October 2019	Fieldwork Associates
Landscape Plan - Rear Garden LS4.55-03	2 October 2019	Fieldwork Associates

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate A329719_02	30 September 2019	Delisle Hunt Wood Pty Ltd

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

B. New Condition 2A 'Amendments to the Modification Approved Plans' to read as follows:

The following amendments are to be made to the Modification Approved Plans (referenced in Condition 1A of this consent):

- The proposed widening of the entrance foyer is to be removed from all plans.
- The proposed widening of the western edge of the pool apron is to be removed from all plans.
- The proposed internal dividing wall within the ground floor of the boatshed is to be removed from all plans.
- The proposed replacement of the doors to the western facade of the ground floor of the boatshed is to be removed from all plans.
- The proposed cladding of the existing western facade of the boatshed is to be removed from all plans.
- The proposed retention and cladding of the existing wall/fence along the southern side of the western boundary, adjacent to Tree 20, is to be removed from all plans and replaced with an open style fence constructed of timber or finished in black, with a height not exceeding 1.8m above existing or proposed ground levels.
- No works are approved below Mean High Water Mark (MHW) or on adjoining properties, and any such works are to be removed from all plans.
- The proposed bathroom on Level 1 of the boatshed is to be removed from all plans.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land and the heritage significance of the development.

C. New Condition 2B 'Clarification of Approved Modifications and Use of Structures' to read as follows:

For the avoidance of doubt, in addition to the amendments required above, this consent does not authorise:

- the use of any part of the two storey boathouse/boatshed for habitable purposes, or
- the painting of external brickwork in any form or colour, or
- the painting of the external soffits in any colour other than an exact match with the existing colour, or
- any works on adjoining properties or below MHW.

Reason: To ensure the work is carried out in accordance with the determination of Council and to minimise impacts upon the heritage significance of the development.

D. Amend Condition 18 'External Finishes' to read as follows:

The external finishes of the development are to be consistent with the Schedule of Finishes (External) referenced in Condition 1 of this consent, with the exception of the proposed 'light paint colour to existing brick', which is not endorsed by this consent. The existing face brickwork is to be retained and is to remain unaltered. The external soffits are to be painted in a tone to match the existing paint colour. The lift overrun is to be finished in a dark, earthy and tone reflective material.

An amended Schedule of Finishes (External) is to be submitted to Council's Heritage Officer for approval.

Details demonstrating Council's approval of the amended Schedule of Finishes (External) are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development, and to minimise impacts upon the heritage significance of the development.

E. Amend Condition 23 'Landscape Works' to read as follows:

Landscaping is to be implemented in accordance with the Approved Landscape Plans referenced in Condition 1 of this consent, as modified by the Modification Approved Landscape Plans referenced in Condition 1A of this consent, as modified by any other condition.

Prior to the issue of an occupation certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the landscape plan and inclusive of any conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

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 06/12/2019, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager