

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0611
Responsible Officer:	Stephanie Gelder
Land to be developed (Address):	Lot 383 DP 16902, 85 Palmgrove Road AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2023/1745 granted for Alterations and additions to a dwelling house including a swimming pool and carport
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Drafting Help Pty Ltd

Application Lodged:	13/11/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	21/11/2024 to 05/12/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification works to DA2023/1745 comprise of the following:

- Widening of carport;
- Amendment of existing pedestrian stairway to dwelling house;
- Amended main bathroom layout; and
- Changes to approved windows and access door along eastern elevation.

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 C4 Environmental Living
Pittwater 21 Development Control Plan - D1.8 Front building line

SITE DESCRIPTION

Property Description:	Lot 383 DP 16902 , 85 Palmgrove Road AVALON BEACH NSW 2107
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Palmgrove Road.</p> <p>The site is irregular in shape with a frontage of 15.24m and 0.61m along Palmgrove Road and a depth of 98.56m. The site has a surveyed area of 1551.1m².</p> <p>The site is located within the C4 Environmental Living zone from PLEP 2014 and accommodates a dwelling house, detached studio, and detached carport currently on the site.</p> <p>The site slopes from the front northern boundary upwards to the rear southern boundary over approximately 29 metres.</p> <p>The site contains trees, plantings, garden beds, and dense vegetation and rock outcrops at the rear.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by</p>

one and two storey dwelling houses varying in architectural style and design.

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:

BC0003/02

Building Certificate for Timber stairs to the northern elevation of the dwelling leading from lower level deck to ground level.

Approved on 14 January 2002.

DA2023/1745

Development Application for Alterations and additions to a dwelling house including a swimming pool and carport.

Approved on 19 January 2024.

APPLICATION HISTORY

Following the preliminary assessment of the application, additional information was requested in relation to amended Master Plans to detail the location of the existing stairs in relation to the proposed double carport, a Geotechnical Cover Letter, and a Bushfire Cover Letter. Subsequently, the applicant submitted amended Master Plans, a Geotechnical Cover Letter, and a Bushfire Cover Letter. The amended plans did not alter the environmental impact and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan (CPP).

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 DA2023/1745, 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
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 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed modification works are considered to minimal as the works will not result in any adverse impacts to the amenity or environment. • The proposed works are considered to be minor and will not result in any unacceptable environmental impacts.
(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 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 DA2023/1745 for the following reasons:</p> <ul style="list-style-type: none"> • 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 DA2023/1745.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or	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.

Section 4.55(1A) - Other Modifications	Comments
(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 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)(iiia) – 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>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended Master Plans to detail the location of the existing stairs in relation to the proposed double carport, a Geotechnical Cover Letter, and a Bushfire Cover Letter. Subsequently, the applicant submitted amended Master Plans, a Geotechnical Cover Letter, and a Bushfire Cover Letter.</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>Clauses 62</u> and/or 64 of the EP&A Regulation 2021 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 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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bushfire Report was submitted with the Development Application that included a certificate (prepared by Bushfire Planning & Design, dated 16 November 2023) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. A Bushfire Cover Letter (prepared by Bushfire Planning & Design, dated 29 November 2024 that details the following: *Having reviewed and considered the proposed modifications in Drafting Helps plans, we confirm the recommendations contained in our initial report remain unaffected by the proposed modifications.*

The recommendations of the Bushfire Report and Bushfire Cover Letter have been included as conditions of consent. The proposed development is therefore considered to be satisfactory with regard to the considerations of Section 4.14 of the Act.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 21/11/2024 to 05/12/2024 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The application is for modification to development consent DA2023/1745 as described in reports and as illustrated on plans. The proposed modifications include a widened carport and hardstand; as well as relocated external stairs. The proposal is within close proximity to an existing tree which is identified as an exempt species. It is noted that exempt species under the DCP may be managed or removed without Council consent, thus Landscape Referral raise no concerns.
NECC (Bushland and Biodiversity)	<p><u>Updated Comments</u></p> <p>The proposed modifications include a widened carport and hardstand; as well as relocated external stairs. The proposal is within close proximity to an existing tree which is identified as an exempt species. It is noted that an exempt tree species under the DCP may be managed or removed and the Biodiversity Planning team raise no concerns.</p> <p><u>Original Comments</u></p>

Internal Referral Body	Comments																																	
	<p>The proposed modification seeks approval for minor changes to the approved development, including enlarging the existing carport. The plans indicate the tree upslope from the works is to be retained. This tree is also not mapped within the Biodiversity Values map area and therefore will not trigger entry into the BOS.</p>																																	
NECC (Development Engineering)	<p>The proposed modification includes the widening of the carport and relocation of the existing stairs which will require some excavation and construction of a retaining wall. The Geotechnical report provides recommendations for the excavation and retaining structures. The works may impact an existing tree which will need to be assessed by Council's Landscape Officer.</p> <p>Development Engineering support the proposal with no additional or modified conditions of consent recommended.</p>																																	
Strategic and Place Planning (Heritage Officer)	<table border="1"> <thead> <tr> <th colspan="3" data-bbox="529 824 1433 857">HERITAGE COMMENTS</th> </tr> <tr> <th colspan="3" data-bbox="529 857 1433 891">Discussion of reason for referral</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="529 891 1433 1037"> <p>This application has been referred as it is within the vicinity of a heritage item. I2270107 - Angophora Reserve - 93 Palmgrove Road, Avalon Beach.</p> </td> </tr> <tr> <th colspan="3" data-bbox="529 1037 1433 1070">Details of heritage items affected</th> </tr> <tr> <td colspan="3" data-bbox="529 1070 1433 1597"> <p>Angophora Reserve - I2270107 <u>Statement of Significance</u> Angophora Reserve and Angophora costata tree are significant in that the tree is thought to be the biggest of its species and the reserve provides a small taste of the Peninsula similar to what it was like pre-settlement and provides significant samples of vegetation communities and fauna habitats that are under threat. It is one of the most significant reserves in an area that is now dominated by suburbia and true bushland is restricted to mostly small reserves. <u>Physical Description</u> Angophora Reserve is located in the core of the Barrenjoey Peninsula bordering the suburbs of Avalon, Clareville and Taylors Point. The reserve consists of 18.5 hectares of urban bushland in Avalon on the Barrenjoey Peninsula.</p> </td> </tr> <tr> <th colspan="3" data-bbox="529 1597 1433 1630">Other relevant heritage listings</th> </tr> <tr> <td data-bbox="529 1630 858 1742">SEPP (Biodiversity and Conservation) 2021</td> <td data-bbox="858 1630 954 1742">No</td> <td data-bbox="954 1630 1433 1742"></td> </tr> <tr> <td data-bbox="529 1742 858 1821">Australian Heritage Register</td> <td data-bbox="858 1742 954 1821">No</td> <td data-bbox="954 1742 1433 1821"></td> </tr> <tr> <td data-bbox="529 1821 858 1888">NSW State Heritage Register</td> <td data-bbox="858 1821 954 1888">No</td> <td data-bbox="954 1821 1433 1888"></td> </tr> <tr> <td data-bbox="529 1888 858 1966">National Trust of Aust (NSW) Register</td> <td data-bbox="858 1888 954 1966">No</td> <td data-bbox="954 1888 1433 1966"></td> </tr> <tr> <td data-bbox="529 1966 858 2067">RAIA Register of 20th Century Buildings of Significance</td> <td data-bbox="858 1966 954 2067">No</td> <td data-bbox="954 1966 1433 2067"></td> </tr> </tbody> </table>	HERITAGE COMMENTS			Discussion of reason for referral			<p>This application has been referred as it is within the vicinity of a heritage item. I2270107 - Angophora Reserve - 93 Palmgrove Road, Avalon Beach.</p>			Details of heritage items affected			<p>Angophora Reserve - I2270107 <u>Statement of Significance</u> Angophora Reserve and Angophora costata tree are significant in that the tree is thought to be the biggest of its species and the reserve provides a small taste of the Peninsula similar to what it was like pre-settlement and provides significant samples of vegetation communities and fauna habitats that are under threat. It is one of the most significant reserves in an area that is now dominated by suburbia and true bushland is restricted to mostly small reserves. <u>Physical Description</u> Angophora Reserve is located in the core of the Barrenjoey Peninsula bordering the suburbs of Avalon, Clareville and Taylors Point. The reserve consists of 18.5 hectares of urban bushland in Avalon on the Barrenjoey Peninsula.</p>			Other relevant heritage listings			SEPP (Biodiversity and Conservation) 2021	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No	
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Internal Referral Body	Comments		
	Other	No	
	Consideration of Application		
	<p>This proposal seeks the modification of Development Consent DA/2023/1745 which was granted for alterations and additions including a rear extension connecting the rear of the dwelling to the studio, deck, swimming pool and carport. The proposed works also include changes to the internal floorplan. While the site is located within the vicinity of Angophora Reserve, it is separated by several properties (87-91 Palmgrove Road). Given the spatial separation between the site and the heritage item, as well as the minor nature of the works which are mostly contained between the existing buildings on site, the proposal is not considered to impact upon the heritage item or impact its significance.</p> <p>Therefore, Heritage raises no objections to the proposal and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP. Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>		

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)

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.A1770443 dated 28 October 2024).

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

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 1 Coastal Wetlands and littoral rainforest area

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment:

The subject site is located on land identified as "proximity area for littoral rainforest". The proposal as modified will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development as modified is not likely to cause an increased risk of coastal hazards on the land or other land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

There is no certified coastal management program applicable to the land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (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	% Variation	Complies
Height of Buildings:	8.5m	4.7m	unaltered	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
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
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The subject site is located in Zone C4 Environmental Living of Pittwater Local Environmental Plan 2014.

The proposal as modified has been assessed against the objectives of zone as detailed below:

- ***To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.***

Comment:

The proposal will continue to provide for low-impact residential development in areas with special ecological, scientific, or aesthetic values.

- ***To ensure that residential development does not have an adverse effect on those values.***

Comment:

The residential development will not have any adverse effects on the special ecological, scientific or aesthetic values.

- ***To provide for residential development of a low density and scale integrated with the landform and landscape.***

Comment:

The proposal will continue to provide a low density and scale that will integrate with the landform, and landscape.

- ***To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.***

Comment:

The development will not impact upon any riparian, foreshore vegetation, or wildlife corridors.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m (North)	0.1m	unaltered	N/A
Rear building line	6.5m (South)	37.8m	unaltered	Yes
Side building line	2.5m (East)	2.8m (Swimming Pool)	unaltered	Yes
	1m (West)	1.0m (Sauna)	1.9m (Carport Extension)	Yes
Building envelope	3.5m (East)	Within envelope	unaltered	Yes
	3.5m (West)	Within envelope	Within envelope	Yes
Landscaped area	60% (930.66m ²)	69.39% (1076.3m ²)	68.89% (1068.6m ²)	Yes

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
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	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
D1.8 Front building line	N/A	N/A
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

D1.8 Front building line

The proposal as modified retains the approved front building line setback under DA2023/1745. As such, no further assessment is required, and the merit consideration conducted under DA2023/1745 is applicable and is retained.

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. Mod2024/0611 for Modification of Development Consent DA2023/1745 granted for Alterations and additions to a dwelling house including a swimming pool and carport on land at Lot 383 DP 16902,85 Palmgrove Road, AVALON BEACH, 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-485075 Mod2024/0611	The date of this notice of determination	Modification of Development Consent DA2023/1745 granted for Alterations and additions to a dwelling house including a swimming pool and carport Add Condition 1A - Modification of Consent - Approved Plans and supporting documentation

Modified conditions

A. Add Condition 1A - Modification of Consent - 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
1	A	Site Plan	Drafting Help	27 September 2022
2	A	Lower Floor Plan	Drafting Help	27 September 2022
3	A	Ground Floor Plan	Drafting Help	27 September 2022
4	A	1st Floor Plan	Drafting Help	27 September 2022
5	A	Roof Plan	Drafting Help	27 September 2022
6	A	West Elevation	Drafting Help	27 September 2022

7	A	North Elevation	Drafting Help	27 September 2022
8	A	East Elevation	Drafting Help	27 September 2022
9	A	South Elevation	Drafting Help	27 September 2022
10	A	Section	Drafting Help	27 September 2022
11	A	Section	Drafting Help	27 September 2022
12	A	Lower Floor Demo Plan & Ground Floor Demo Plan	Drafting Help	27 September 2022
13	A	Roof Plan Demo	Drafting Help	27 September 2022

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	A1770443	Max Brightwell	28 October 2024
Bushfire Cover Letter	BL-858224-A	Bushfire Planning & Design	29 November 2024
Geotechnical Cover Letter	AG 23751.01	AscentGeo Geotechnical Consulting	25 November 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.

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

Signed



Stephanie Gelder, Planner



The application is determined on 09/12/2024, under the delegated authority of:

A handwritten signature in black ink, appearing to read "Ar".

Adam Richardson, Manager Development Assessments