

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0545
Responsible Officer:	Anais Sarkissian
Land to be developed (Address):	Lot C DP 381427, 189 Riverview Road AVALON BEACH NSW 2107 Lot LIC 567410, 189 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2021/1522 granted for Demolition works and construction of a dwelling house.
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	James Paul Durie
Applicant:	Boston Blyth Fleming Pty Ltd

Application Lodged:	01/11/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	08/11/2023 to 22/11/2023
Advertised:	Not Advertised
Submissions Received:	12
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The modification application comprises the following works to the approved residential dwelling house:

Garage Level:

- Delete timber battens within the garage
- Delete window panels above garage door
- Delete hit and miss wall to provide additional space around tree 8
- Entrance roof level detailed to reflect structural changes and soil depth of the roof

Entrance Level:

- Reduce roof size to provide additional space around Tree 22
- Delete glazing to open the entry level and increase ventilation
- Delete bridge connection
- Enclose area under the garage for a plant room
- New south facing entry to the roof terrace garden with a new balustrade and 1.8m privacy screen provided along the southern elevation
- Level of terrace increased to accurately reflect the soil depth required

Mezzanine Level:

- Minor modification to internal stairs
- Reduction in floor area to allow additional space around Tree 22
- Enclose space below slab to the cloak/storage space and courtyard
- Delete window on northern elevation

Living Level:

- Delete sunken lounge
- Minor modification to internal stairs
- Align shoring wall both above and below as per geotechnical and structural advice
- Delete window to northern elevation
- Reduce floor space to increase space around Tree 22
- Delete window to southern elevation
- Reduce size of planter to provide more space around Tree 27
- Reduce planter size to the southern end of the pool
- Pool drainage shown on the plans
- 1.8m privacy screen provided to southern elevation to the pool
- Southern living room wall setback slightly adjusted to be 2.8m

Bedroom Level:

- Modifications to shoring wall so that it aligns to geotechnical and structural advice
- Relocate window to northern elevation
- Reduce house footprint to the north-western corner to provide additional space around Tree 27 and to satisfy DA condition 26. Stairs around the tree to be deleted
- Relocate and enclose external stairs

- Reduce floor area to align with pool structure above
- Relocated windows to bed 3 & 4
- Internal staircase modification

Gym Level:

- Delete northern elevation window
- Align rock face with pool structure as per geotechnical and structural advice
- Reduce planter size around Tree 27

Guest Room:

- Align rock face with pool structure above
- Modifications to layout to provide more space around tree 27

Roof Plan:

- Reduce roof shape around T13
- Reduced roof shape around T22

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 Local Environmental Plan 2014 - 5.7 Development below mean high water mark
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection
 Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards
 Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services

SITE DESCRIPTION

Property Description:	<p>Lot C DP 381427 , 189 Riverview Road AVALON BEACH NSW 2107 Lot LIC 567410 , 189 Riverview Road AVALON BEACH NSW 2107</p>
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Riverview Road.</p> <p>The site is regular in shape with a frontage of 18.3m along Riverview Road and a depth of 60.35m at the northern boundary and 59.13m at the southern boundary. The site has a surveyed area of 929.5m².</p> <p>The site is located within the C4 Environmental Living zone and accommodates vacant land on which construction of the approved residential dwelling has commenced.</p> <p>The site slopes steeply from the eastern boundary down toward the western boundary over approximately 32 metres.</p> <p>The site contains mature vegetation, trees and planting, including numerous native trees that form part of the wider Pittwater Spotted Gum endangered ecological community. The site also contains natural features, such as rock outcrops.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential dwelling houses, varying in architectural style and design.</p>

Map:



SITE HISTORY

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

TA2018/0247

Tree Application for the removal/Pruning of 1-2 trees.

DA2021/1522

Development Application for demolition works and construction of a dwelling house.
Approved by the Northern Beaches Local Planning Panel on 25 March 2022.

CC2023/0570

Construction Certificate for demolition works and construction of a dwelling house.
Approved by Private Certifier on 24 May 2023.

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 DA2021/1522, 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> <ul style="list-style-type: none"> • The proposed modifications will not affect compliance with approved key development standards. • The proposed modifications do not seek major changes to the approved building envelope • The proposed modifications will not result in any additional impact on surrounding properties or the public domain. • The proposed modifications result in an increased area of landscaping on the site. • Subject to compliance with imposed conditions, the proposed modifications will have no additional impact on the natural environment nor hazards which affect the site.
<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 was originally granted and before that consent as originally granted was modified (if at all), and</p>	<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 DA2021/1522 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed modifications will not substantially alter the external appearance of the building. • The proposed modifications do not change the approved use of the building as a dwelling house. • The proposed modifications do not seek major changes to the approved building envelope. • The proposed modifications will not result in any additional impact on surrounding properties or the public domain. • The proposed modifications will not affect compliance with approved key development standards. • Subject to compliance with imposed conditions, the proposed modifications will have no additional impact on the natural environment nor hazards which affect the site.
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p>	<p>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.</p>

Section 4.55(1A) - Other Modifications	Comments
<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>	
<p>(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.</p>	<p>See discussion on "Notification & Submissions Received" in this report.</p>

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
<p>Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument</p>	<p>See discussion on "Environmental Planning Instruments" in this report.</p>
<p>Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument</p>	<p>There are no current draft environmental planning instruments.</p>
<p>Section 4.15 (1) (a)(iii) – Provisions of any development control plan</p>	<p>Pittwater 21 Development Control Plan applies to this proposal.</p>
<p>Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement</p>	<p>None applicable.</p>
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)</p>	<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</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested on 4 December 2023 in relation to clarifying and clearly identifying the full scope of the modifications sought.</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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 08/11/2023 to 22/11/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 12 submission/s from:

Name:	Address:
Mr Michael Brian Hall	201 Riverview Road AVALON BEACH NSW 2107
Craig Boaden	34 Trappers Way AVALON BEACH NSW 2107
David Gardner	9 / 46 Golf Avenue MONA VALE NSW 2103
Mr Garry McEllister Leonard	1001 Barrenjoey Road PALM BEACH NSW 2108
Mr Anthony Charles Osborne James	72 Cumberland Avenue COLLAROY NSW 2097
Mr Robert Guest	8 Cheryl Crescent NEWPORT NSW 2106
Renee Ramsay	24 Avalon Parade AVALON BEACH NSW 2107
Mr Paul Norman Grey	18 Burruga Avenue TERREY HILLS NSW 2084
Mr Mitchell Stuart Bailey	38 Parkland Road MONA VALE NSW 2103
Mr Paul Raymond Brown	45 York Terrace BILGOLA PLATEAU NSW 2107
Dr Kathrin Zeleny	191 Riverview Road AVALON BEACH NSW 2107
Vanessa Louise Lenthall Mr Adam Richards	187 Riverview Road AVALON BEACH NSW 2107

Nine submissions were in support of the application and three submissions raised concerns over the proposed modifications.

The following issues were raised in the submissions:

- Dwelling size
- Native tree impact
- C4 zone objectives
- Inclinator location, noise and operation
- Granny flat
- Privacy and overlooking

The above issues are addressed as follows:

- **Dwelling size**

The submissions raised concerns that the dwelling will be "a large and substantial mansion rather than just a family home" given it is being "built on 6 levels with 6+ bedrooms (3 with ensuites), a swimming pool, butler's pantry, 2-car garage, music studio, media room, and a gym".

Comment:

The proposed dwelling house has already been approved; this application seeks minor modifications to the approved development. The number of levels is commensurate with the steep sloping topography of the land and the proposal as modified is considered to be relatively consistent with the bulk and scale of the adjoining properties along the streetscape, and is in keeping with the low-density residential character of the Avalon Beach locality.

- **Native tree impact**

The submissions raised concerns that the development will destroy many mature native trees which form part of the Pittwater and Wagstaffe Spotted Gum Forest, listed as an Endangered Ecological Community. Concern is also raised over the biodiversity credit not sufficing in compensation for the destruction of native vegetation.

Comment:

This modification application does not seek to remove any trees; rather, the development has been modified to provide a smaller building footprint to create more space for existing trees and provides an increased amount of landscaped areas and deep soil landscaping.

- **C4 zone objectives**

The submissions raised concerns that the development is contrary to the objectives of the C4 Environmental Living zone. In particular:

- the DA does not propose a low-impact residential development;
- it will adversely affect the special ecological, scientific or aesthetic values of the area;
- it is of unnecessarily large scale;
- it is not well-integrated with the landform and landscape – instead it proposes to dominate and subvert the landscape; and
- it shows no signs of retaining or enhancing riparian and foreshore vegetation and wildlife corridors – in fact quite the reverse.

Comment:

The dwelling house has been approved for the site and was demonstrated to be consistent with the objectives of the Environmental Living zone. The subject application is for minor modifications to the approved development and these changes do not result in a development that becomes contrary to the zone objectives. The proposal will continue to provide for residential development of a low density and scale that is integrated with the landform and landscape. The proposal provides 65.3% landscaped areas on the site, which is an increase to the approved development and therefore an improvement to ecological and aesthetic values. The proposed development does not negatively impact riparian and foreshore vegetation and wildlife corridors. Furthermore, the application has been reviewed by Council's Landscape and

Biodiversity officers and Coast and Catchments Team, who are supportive of the proposed modification application, without the need for any additional conditions.

- **Inclinor location, noise and operation**

The submissions raised concerns over the proximity of the inclinor to the northern neighbour's bedrooms and that the location of the inclinor and its tracks are not shown on any plans. The submission also proposed that limitations be placed on the noise and operating hours of the inclinor to mitigate amenity impacts.

Comment:

The location of the inclinor rail, carriage and landings have not changed from that approved under the original development application. It is noted that this detail is within the certified Construction Certificate drawings and changes to the inclinor do not form part of this modification application. Condition 61 of the original consent shall remain, limiting the hours of operation of the inclinor between the hours of 10pm and 6am.

- **Granny flat**

The submissions raised concerns that the bedroom on Level 5 now includes a kitchen sink and that the potential renting of this space be restricted.

Comment:

Submitted amended plans do not show a kitchen sink to the guest bedroom on Level 5. Nevertheless, a condition has been included to ensure the bedroom on Level 5 is not to be used as a secondary dwelling.

- **Privacy and overlooking**

The submissions raised concerns that the roof terrace appears to no longer have a balustrade, which now creates a trafficable area on the roof and that balustrading should therefore be installed on the terrace to restrict overlooking. Furthermore, concern was raised over the new access arrangement creating a trafficable connection between the lift and terrace towards the south. Concern was also raised over the privacy impacts to both the northern and southern adjoining properties at Level 2 and recommendation was made for fixed privacy screens to be installed to the pool and terrace on both sides, as well as all windows and balconies. Additionally, concern was raised in relation to potential overlooking from the mezzanine level to the balcony of the adjoining property to the south. It was recommended that access to the roof terrace be restricted after dark.

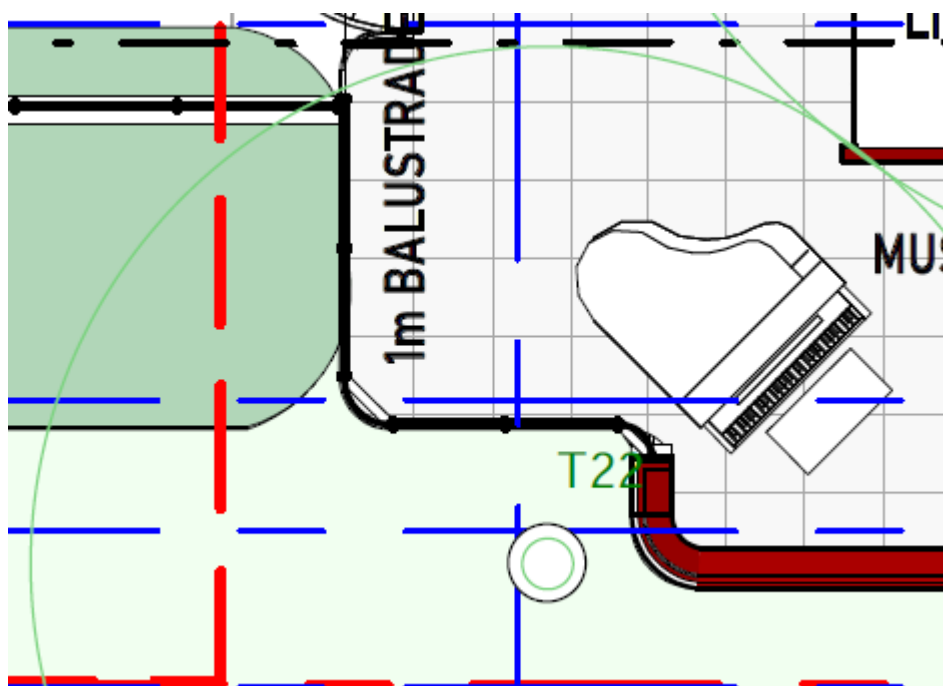
Comment:

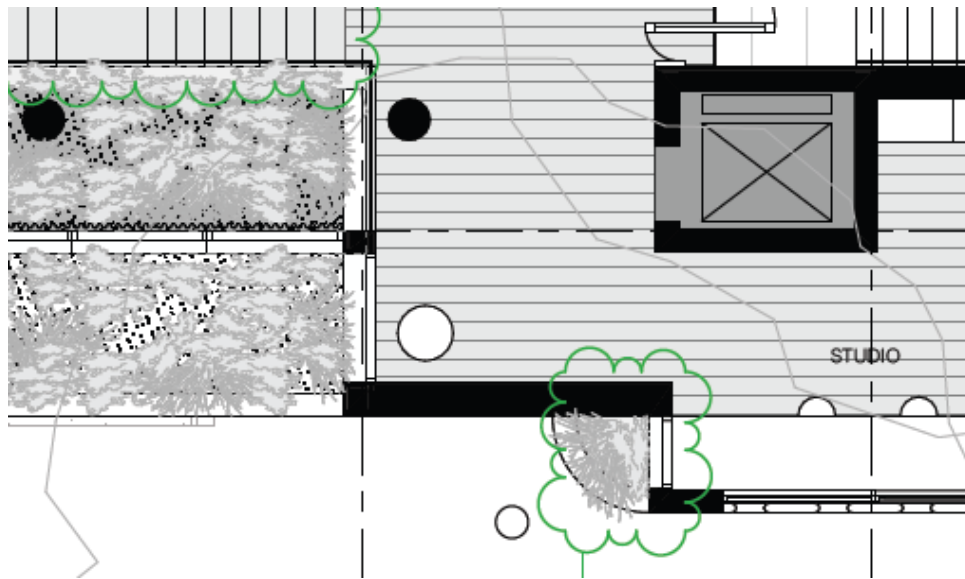
The original modification plans showed an increased trafficable area on the roof terrace to that approved, with a trafficable width of 9m and distance from the southern and northern boundaries to the terrace balustrading of 5.2m and 3.6m, respectively. The approved plans had a terrace with a trafficable width of 7.3m and balustrading sited 6m from the southern boundary and 4.3m from the northern boundary. Submitted amended plans demonstrate the balustrading for the roof

terrace has been brought further away from the northern and southern boundaries. The amended plans show a reduced trafficable width of 6.7m and greater setbacks from the southern and northern boundaries to the balustrading, at 6.6m and 4.5m, respectively. The amended plans also show a 1.8m high privacy screen to be installed to the portion of the southern edge of the rooftop balcony that is now trafficable and provides access from the lift to the terrace. As such, it is not considered necessary to install privacy screens along the entire northern and southern sides of the roof terrace given greater setbacks than approved are now proposed from both side boundaries to the terrace balustrading.

Amended plans include a 1.8m high privacy screen to the pool and terrace at Level 2 to the southern edge. A condition has been included to ensure a privacy screen is also installed along the northern edge. A condition has also been included to ensure privacy screens are installed to the terrace on Level 3 on both the northern and southern sides. Screening to the west-facing windows towards the south at the mezzanine level are not considered to be necessary as the proposed design does not appear to result in additional overlooking impacts to that approved, as evident in the extracts of the approved and proposed floorplans below.

In relation to the roof terrace access, the approved development still allowed for access to this roof terrace. As such, the enjoyment of this component of the dwelling cannot be restricted.





REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is for modification to development consent DA2021/1522.</p> <p>The proposed amendments will not change the landscape outcome approved in DA2021/1522, and as such the original conditions remain. No further conditions are imposed.</p>
NECC (Bushland and Biodiversity)	<p>The application seeks to modify Development Consent DA2021/1522.</p> <p>The following documents have been reviewed in relation to biodiversity impacts from the proposed modifications:</p> <ul style="list-style-type: none"> • Flora and Fauna Impact Assessment Addendum Letter (ACS Environmental Pty Ltd, 17th October 2023) • Arboricultural Confirmation Letter (Botanics Tree Wise People Pty Ltd, 20th October 2023) <p>The above listed documentation confirm that the proposed modifications slightly reduce impacts to biodiversity by increasing open space by 29m² and an increase in soft landscaping by 18m².</p> <p>As there are no additional impacts to biodiversity, there are no objections subject to the original conditions.</p>
NECC (Coast and Catchments)	<p>The proposal seeks approval for modification of development consent DA 2021/1522 granted for demolition works and construction of a dwelling house.</p>

Internal Referral Body	Comments
	<p>The proposed modifications predominately relate to reduction of the overall scale of the dwelling, internal reconfiguration, changes to shoring walls, increased landscape and open area and window changes/deletions.</p> <p>The subject property is located within the 'Coastal Environment Area' and the 'Coastal Use Area' maps of the Coastal Zone. In addition, the subject property is affected by estuarine hazards. Part of the subject property is within the 'Foreshores Building Line'.</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports, including; <ul style="list-style-type: none"> ◦ Statement of Modifications prepared by BBF Town Planners Pty. Ltd. dated 25 September 2023 • Coastal Management Act 2016 • State Environmental Planning Policy (Resilience & Hazards) 2021 • Relevant LEP and DCP Clauses <p>Proposed modifications are located above the Estuary Planning Level (EPL) and also outside the foreshores area.</p> <p>The objectives and requirement of the CMA 2016, SEPP -R & H 2021 and relevant LEP and DCP Clauses have been met.</p> <p>The proposed modifications appear consistent with the design intent of the original proposal and fulfills the objectives and requirements of the relevant clauses of the Act, SEPP, LEP and DCP.</p> <p>No conditions in additions to those for the original development application are considered necessary.</p>
NECC (Development Engineering)	<p>No objections to approval subject to the following amendments to Conditions of Consent DA2021/1522 Amend Condition 11 as follows: Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans</p> <p>The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by JK Geotechnics dated 20 October 2020 and ASCENT Geotechnical Engineering dated 21 February 2022 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction</p>

Internal Referral Body	Comments
	<p>Certificate.</p> <p>Reason: To ensure geotechnical risk is mitigated appropriately.</p> <p>Note to Planner: Please include Geotechnical Report prepared by JK Geotechnics dated 20 October 2020 and ASCENT Geotechnical Engineering dated 21 February 2022 as part of the approved documents.</p>
Traffic Engineer	no traffic objections

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.1227940S_03 dated 26 September 2023).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	55

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

2.7 Development on certain land within coastal wetlands and littoral rainforests area

- 1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:
 - a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,
 - b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,
 - c) the carrying out of any of the following:
 - i) earthworks (including the depositing of material on land),
 - ii) constructing a levee,
 - iii) draining the land,
 - iv) environmental protection works,
 - d) any other development

Comment:

The site is not identified as 'coastal wetlands' or 'littoral rainforests', and therefore this clause is not applicable.

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 site not identified as as 'proximity area for coastal wetlands' or 'proximity area for littoral rainforest', and therefore this clause is not applicable.

Division 2 Coastal Vulnerability Area

2.9 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- b) the proposed development:
 - i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and
 - ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
 - iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and

- c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

Comment:

The site is not identified as a coastal vulnerability area and therefore this clause is not applicable.

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
- a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The site is identified within the coastal environment area; however, consent has already been granted for development on the land. Notwithstanding, the proposed modifications do not change the overall form and function of the approved development and are therefore unlikely to cause an adverse impact on a) to g). Furthermore, the application is supported by Council's Natural Environment Unit officers without any additional conditions to those for the original development application. The proposal is therefore considered to comply with the requirements of this clause.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Consent has already been granted for development on the land. Notwithstanding, the proposed modifications do not seek major changes to the design and siting of the development and are unlikely to cause an adverse impact on a) to c). Conditions were imposed as part of the original development application to manage any potential impacts. As such, the proposal is therefore considered to comply with the requirements of this clause.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an
 - ii) adverse impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The site is identified within the coastal use area; however, consent has already been granted for development on the land. Notwithstanding, the proposed modifications are relatively minor and do not seek major changes to the design and siting of the development, nor do the changes significantly increase the bulk and scale of the development. Furthermore, the application is supported by Council's Natural Environment Unit officers without any additional conditions imposed. Therefore, the proposal is considered to comply with the requirements of this clause.

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 modifications to the development consent are considered relatively minor and do not involve major changes to the approved building envelope. As such, the proposal is unlikely to cause increased risk of coastal hazards on the subject 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:

Development consent has already been granted to development on 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	9.7m	Unaltered	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	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

Zone C4 Environmental Living

The site is located on land zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The proposal has been assessed against the objectives of the C4 zone and in this instance, the proposal satisfies the objectives, 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 within an area that contains special ecological, scientific or aesthetic values.

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

Comment:

The proposal has been reviewed by Council's biodiversity officer, who supported the application, subject to conditions. It is therefore satisfied that the proposal will not adversely affect those 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 for residential development of a low density and scale that is integrated with the landform and landscape as the works do not involve major modifications to the approved development.

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

Comment:

The proposal provides 65.3% landscaped areas on the site, which is an increase to the approved development. The proposed development does not negatively impact riparian and foreshore vegetation and wildlife corridors.

5.7 Development below mean high water mark

No works are sought below the mean high water mark.

7.2 Earthworks

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in

the locality of the development

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the approved Waste Management Plan for the development. A condition was included in original determination requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the approved Waste Management Plan for the development.

(f) the likelihood of disturbing relics

Comment: The area of development footprint is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions have been included in the approved development that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

7.6 Biodiversity protection

Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

(a) whether the development is likely to have:

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it can be satisfied that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. It is also satisfied that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land. The proposed modifications result in reduced impacts to biodiversity compared with the approved development.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it can be satisfied that the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it can be satisfied that the development is designed, sited and will be managed to any significant adverse environmental impact.

7.7 Geotechnical hazards

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following

matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The proposed modification application is accompanied by a geotechnical engineering letter, which confirms that the changes proposed are relatively minor and do not require any material modifications to the recommendations presented in the original geotechnical report approved as part of DA2021/1522, dated 21 February 2022. The application has also been reviewed by Council's Development Engineer, who is supportive of the proposed modifications, subject to conditions. It can therefore be satisfied that all geotechnical risks have been taken into account.

Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment:

The proposed modification application is accompanied by a geotechnical engineering letter, which confirms that the changes proposed are relatively minor and do not require any material modifications to the recommendations presented in the original geotechnical report approved as part of DA2021/1522, dated 21 February 2022. The application has also been reviewed by Council's Development Engineer, who is supportive of the proposed modifications, subject to conditions. Conditions were included in the original approval in relation to stormwater management to ensure that waste water, stormwater and drainage are suitably managed on site.

(b) the consent authority is satisfied that:

- (i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or*
- (ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or*
- (iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.*

Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, it can be satisfied that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

7.8 Limited development on foreshore area

Under Clause 7.8 Limited Development on Foreshore Area, development consent must not be granted for development on land in the foreshore area except for the following purposes:

- *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*

- *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

Comment:

The proposed development is for modifications to the approved residential dwelling, which sits outside the foreshore area. The proposed modifications will not result in the footprint of the building extending into the foreshore area.

Development consent must not be granted under this clause unless the consent authority is satisfied that:

- *the development will contribute to achieving the objectives for the zone in which the land is located, and*
- *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
- *the development will not cause environmental harm such as:*
 - *pollution or siltation of the waterway, or*
 - *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - *an adverse effect on drainage patterns, or*
 - *the removal or disturbance of remnant riparian vegetation, and*
- *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*
- *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
- *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
- *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
- *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change have been considered.*

Comment:

The proposed development is consistent with the objectives of the C4 Environmental Living zone. The appearance of the proposed development is compatible with the surrounding area. The proposed development will not cause environmental harm in relation to pollution, siltation, surrounding uses, marine habitat, wetland areas, flora or fauna habitats, drainage patterns or remnant riparian vegetation. The proposed development will not cause congestion or generate conflict between people using the adjacent open space or waterway. The proposed development retains public access along the foreshore. The proposed development will not result in adverse impacts to any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land. The proposed development will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. The proposed development will not impact upon sea level rise, coastal erosion or recession, or change flooding patterns.

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- continuous public access to and along the foreshore through or adjacent to the proposed development,
- public access to link with existing or proposed open space,
- public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
- public access to be located above mean high water mark,
- the reinforcing of the foreshore character and respect for existing environmental conditions.

Comment:

The proposed development will retain continuous public access to and along the foreshore. The proposed development does not impact upon any public access. The proposed development is acceptable in relation to the foreshore character and the existing environmental conditions.

7.10 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

Comment:

The proposal is for modifications to an approved residential dwelling house and therefore it can be satisfied that the development will have access to essential services where required.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	0.3m (garage) 7.8m (entrance lobby)	Garage unaltered	Yes
Rear building line	FSBL	> FSBL	Unaltered	Yes
Side building line	2.5m (north)	Nil to 1.5m (external stairs)	0.9m (inclinator car) 1.7m (external stairs)	Yes (setback increased)
	1m (south)	1.3m (garage) 1.14m to 2.96m (dwelling)	1.15m (garage) 1.6m (dwelling)	Yes
Building envelope	3.5m (north)	Outside envelope	Unaltered	Yes
	3.5m (south)	Outside envelope	Unaltered	Yes
Landscaped area	60% (557.7m ²)	Deep soil - 54.7% (586m ²) [approved as 54.7%; actual proportion 63%]	Deep soil - 59.3% (551.2m ²) + 6% impervious (55.77m ²) = 65.3% (606.97m ²)	Yes

		Landscaping over structures - 32.74% (304.34m ²)	Landscaping over structures - 205m ²	
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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
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	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
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
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.16 Fences - Flora and Fauna Conservation Areas	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes
D15.11 Waterfront lighting	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes

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 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. Mod2023/0545 for Modification of Development Consent DA2021/1522 granted for Demolition works and construction of a dwelling house. on land at Lot C DP 381427, 189 Riverview Road, AVALON BEACH, Lot LIC 567410, 189 Riverview 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-376798 MOD2023/0545	The date of this notice of determination	Modification of Development Consent DA2021/1522 granted for demolition works and construction of a dwelling house Modify Condition 1A - Modification of Consent - Approved Plans and Supporting Documentation Modify Condition 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans Add Condition 26A - Adherence to Natural Environment Consent Conditions Add Condition 56A - Amendments to the approved plans Add Condition 63 - No Approval for Secondary Dwelling

Modified conditions

A. Add Condition No.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
181	B	L01 Garage	Silvester Fuller Pty Ltd	20 December

				2023
182	B	L00 Entrance	Silvester Fuller Pty Ltd	20 December 2023
183	B	L01 Mezzanine	Silvester Fuller Pty Ltd	20 December 2023
184	B	L02 Living	Silvester Fuller Pty Ltd	20 December 2023
185	B	L03 Sleeping	Silvester Fuller Pty Ltd	20 December 2023
186	B	L04 Gym	Silvester Fuller Pty Ltd	20 December 2023
187	B	L05 Guest	Silvester Fuller Pty Ltd	20 December 2023
188	B	Roof	Silvester Fuller Pty Ltd	20 December 2023
221	B	East and West Elevation	Silvester Fuller Pty Ltd	20 December 2023
222	B	North Elevation	Silvester Fuller Pty Ltd	20 December 2023
223	B	South Elevation	Silvester Fuller Pty Ltd	20 December 2023
322	B	Section A	Silvester Fuller Pty Ltd	20 December 2023
323	B	Section B	Silvester Fuller Pty Ltd	20 December 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Overall Site Landscape Plan - L00	E	Durie Design	11 December 2023
Garage Level Landscape Plan - L01	E	Durie Design	11 December 2023
Entrance Level Landscape Plan - L02	E	Durie Design	11 December 2023
Mezzanine Level Landscape Plan - L03	E	Durie Design	11 December 2023
Living Level Landscape Plan - L04	E	Durie Design	11 December 2023
Sleeping Level Landscape Plan - L05	E	Durie Design	11 December

			2023
Gym Level Landscape Plan - L06	E	Durie Design	11 December 2023
Roof Level Landscape Plan - L07	E	Durie Design	11 December 2023
Planting Schedule - L08	E	Durie Design	11 December 2023
Planting Details - L09	E	Durie Design	11 December 2023
BASIX Certificate	1227940S_03	Gradwell Consulting	26 September 2023
NatHERS Certificate	0008945586	Durie Design	26 September 2023
Geotechnical Letter	AG 20235.01	ASCENT Geotechnical Consulting	31 August 2023
Geotechnical Inspection Site Report	1 - 33589BNM	JK Geotechnics	20 October 2020
Geotechnical Assessment	2 - AG 20235	ASCENT Geotechnical Consulting	21 February 2022
Arborist Letter	-	Botanics Tree Wise People	20 October 2023
Flora and Fauna Impact Assessment	-	ACS Environmental	17 October 2023

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

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

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

B. Modify Condition 11 - Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans, to read as follows:

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by JK Geotechnics dated 20 October 2020 and ASCENT Geotechnical Engineering dated 21 February 2022 are to be incorporated into the construction plans. Prior to issue

of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

C. Add Condition 26A - Adherence to Natural Environment Consent Conditions, to read as follows:

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2021/1522, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

D. Add Condition 56A - Amendments to the approved plans, to read as follows:

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

Install 1800mm high privacy screens to the following parts of the development:

- The northern and southern edges of the pool and terrace on Level 02
- The northern and southern edges of the terrace on Level 03

The screens are to be designed, and materials and colours used, to complement the character and design of the building.

Additionally, the front fence as show on the plans is not approved under this modification.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

E. Add Condition 63 - No Approval for Secondary Dwelling, to read as follows:

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built-in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

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

Signed



Anais Sarkissian, Planner

The application is determined on 21/12/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments