

SUBJECT: N0520/07/S96/3 – Section 96(1A) Modification

24 CABARITA ROAD, AVALON (Lot 9 DP 17704)

Modification of Development Consent N0520/07 which approved A SWIMMING POOL, DECK, BOATSHED AND LANDSCAPING WORKS

Determination Level:

PRINCIPAL OFFICER

Date: 02/02/2017

SUMMARY OF RECOMMENDATION

MODIFY CONSENT

REPORT PREPARED BY: CHRISTOPHER NGUYEN

APPLICATION SUBMITTED ON: 06/12/2016

APPLICATION SUBMITTED BY: IAN WALTERS
24 CABARITA ROAD
AVALON NSW 2107

OWNERS: IAN WALTERS

1.0 Development Controls

The site is zoned E4 Environmental Living under the provisions of Pittwater Local Environmental Plan 2014 Pursuant to the PLEP 2014, the proposed development being alterations and additions to an existing dwelling is permissible on this land. The following relevant local and state policies apply to this site:

- Environmental Planning and Assessment Act 1979 (the Act);
- Environmental Planning and Assessment Regulation 2000 (the Regulation);
- Pittwater Local Environmental Plan 2014;
 - Acid Sulphate Soils: Class 5
 - Height of Buildings: 8.5m
 - Minimum Lot Size: 700sqm
- Pittwater 21 Development Control Plan
 - Avalon Beach Locality
 - Geotechnical Risk Management Area
 - Landscaped Area Map: Area 1
 - Land Containing or Adjoining Pittwater Spotted Gum Forest
 - Wave Action and Tidal Inundation

2.0 Site Details

The site is known as 24 Cabarita Road, Avalon Beach and legally referred to as Lot 9 DP 17704. The site contains a single dwelling, swimming pool and boat shed. Adjoining the site are similar low density residential dwellings.

3.0 Proposal in Detail

A Section 96(1A) modification application has been lodged in relation to development consent N0520/07 which approved the alterations and additions to the existing dwelling at 24 Cabarita Road, Avalon Beach.

The modification application has been submitted to alter the previously approved application in the following ways:

- The addition of a roof to create a covered storage area on the southern side of the boat shed

4.0 Background

N0520/07 – Development Application for a swimming pool, deck, boatshed and landscaping works was granted consent on 13/02/08

N0431/09 – Development application for alterations and additions to the dwelling was withdrawn on 09/10/09

N0520/07/S96/1 – S96 Modification which involved removal of trees was granted consent on 09/09/10

N0520/07/S96/2 – S96 Modification for a retaining wall and relocation of the boat shed was granted consent on 20/02/12

5.0 Compliance Table

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

The original Development Application and subsequent S96 Modifications did not contain a compliance table. As the modifications are minor in nature, the impact of the proposal is discussed below.

D1.9 Side and rear building line

The proposed roof extends towards the retaining wall along the southern boundary, creating a space beside the boatshed used for storage. The elevation plans show the roof does not extend higher than the top of the retaining wall, minimizing the bulk and scale of the works. Therefore the roof cover is considered to have a minimal impact.

6.0 Internal Referral Comments

Council's Development Engineer provided the following comments;

No engineering objections are raised to the proposed modifications

Paul Brisby – 16/01/2017

Council's Natural Resources Officer chose to not provide a comment.

Therefore, Council's Development Engineer and Natural Resources Officer support this modification.

7.0 Assessment – Consideration of Section 96 of The EP&A Act 1979

The modification application has been lodged and considered in accordance with Section 96(1A) of the *Environmental Planning & Assessment Act 1979*.

Section 96(1A) of the *Environmental Planning & Assessment Act 1979* is considered as follows;

Is the proposed modification of minimal environmental impact?

The proposed modifications involve minor additions. As the proposal does not result in any additional environmental impacts other than the ones that have been addressed in the original application, the proposed modifications are considered to be of minimal environmental impact.

Are the proposed modifications considered to result in substantially the same development as that which was originally approved?

The development has been assessed as being substantially the same development under Section 96(1A). The proposed alterations and additions are considered to be consistent with the original approval for alterations and additions to the existing dwelling. Therefore the resultant development is considered to be substantially the same development as originally approved.

Has the proposed modification application been notified in accordance with the regulations and P21 DCP?

Adjoining property owners were notified from 14/12/2016 to 18/01/2017 in accordance with Council's Notification policy. It is considered that the modified application has been adequately notified.

Have all submissions made within the notification period been considered as part of the assessment?

Over the course of the notification period, zero (0) submissions were received in response to the proposed development.

The proposal is considered to fall under the provisions of Section 96(1A) of the EP&A Act 1979.

8.0 Conclusion

The modification application has been assessed in accordance with the provisions of Section 96(1A) of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 2014 and Pittwater 21 DCP and other relevant Council policies.

The proposed amendments to the existing dwelling are considered to be of minimal environmental impact and will not result in any unreasonable impacts upon adjoining properties. Accordingly, the application is recommended for approval.

9.0 Recommendation

That Council as the consent authority pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 modify development consent N0520/07/S96/2 in the following way:

- **Architectural drawings MO-01, MO-02 and MO-03 prepared by Nvisage, dated 29/11/2016**

Report prepared by

Christopher Nguyen
PLANNER