
From: Lance Doyle
Sent: 8/09/2025 9:19:33 AM
To: Council Northernbeaches Mailbox
Cc: Shane Oliver; Dinusha Peiris
Subject: TRIMMED: Application Number: Mod2025/0277 205 RIVERVIEW ROAD AVALON BEACH
Attachments: LETTER TO COUNCIL RE 205 RIVERVIEW RD AVALON 8 SEPTEMBER 2025.pdf;

Please forward the attached correspondence to Mr England.

Kind regards

LANCE DOYLE

B.AppSc (UWS), M.Plan (UTS), RPIA, EPLA

REGISTERED PLANNER


DOYLE CONSULTING GROUP


Doyle Consulting Group

Planning and Development Services



8TH SEPTEMBER 2025

The General Manager

Northern Beaches Council

By email council@northernbeaches.nsw.gov.au

Re Application Number: Mod2025/0277

Address: 205 RIVERVIEW ROAD AVALON BEACH

ATTN Mr Nic England,

Dear Mr England,

I am writing to you on behalf of the owners of the adjoining property at 203 Riverview Road Avalon, a site that is likely to be materially impacted by the proposal if approved.

Firstly, thank you for attending my client's site to understand their concerns over the proposal clearly set out in their correspondence to you of 1 July 2025.

I am confident that you have a full understanding of these concerns and will assess the proposal, giving due regard to these matters and other relevant issues, including the following.

Following my engagement last week, I have examined the proposal and supporting documentation, particularly the Statement of Environmental Effects (SEE) accompany the architectural plans and associated professional reports.

My immediate concern was the fact that the SEE is silent on the assessment of the proposal under the relevant legislation, in

particular Section 4.55 (2) of the *Environmental Planning and Assessment Act* regarding *Modification of Consents* – generally.

Of particular relevance to the proposal is the overarching provisions of Section 4.55(2) which clearly state -

4.55 Modification of consents—generally

(1) N/A

(1A) N/A

(2) (2) **Other modifications** 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 development to which the consent as modified relates is the same or 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), (emphasis added)

The proposal, as described in the submitted documentation incorporates the following “modifications” (described as PROPOSED AMENDMENT) to the approved proposal-

The deletion of one storey from four to three **(25% change)**

A reduction Gross Floor Area of 109.2 square metres from 427.2 square metres to 318 square metres **(SEE states 26% change)**

Increase in Landscape Area from 414 square metres to 558 square metres **(25.8% change).**

In summary, the proposal has not only disregarded the relative tests under Section 4.55 but proposed a suite of modifications that could not, by any measure, be termed as **the same or substantially the same development as the development for which consent was originally granted.**

In summary, the SEE has been crafted with a focus on perceived benefits of the proposal however the content has a fundamental failure by setting aside the relevant legislative provisions and failing to address the relevant tests for a Section 4.55(2) modification.

I am strongly of the view that the proposal, due to the absence of any criteria addressing the relevant legislation and a proposal that clearly fails the “same or substantially the same” test under Section 4.55 (2) prevents Council from granting consent to the proposed modifications.

This is particularly pertinent given the likely adverse effects that the new proposal will impose upon my clients at 203 Riverview Road in terms of increased overshadowing, potential further loss of view and increased noise and privacy issues along their border with the subject site.

Thank you for the opportunity to provide this submission on behalf of my clients.

LANCE DOYLE

M.Plan (UTS), B.AppSc (UWS), RPIA

