

21 August 2025



Roland Martinez
Level 4 50 Stanley Street
EAST SYDNEY NSW 2010

Dear Sir/Madam,

Development Application No: Mod2025/0392 for Modification of Development Consent DA2020/0008 for Demolition works and construction of a seniors housing development at 3 Central Road AVALON BEACH.

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

- **Issues**

The following is a list of the issues and concerns identified in the assessment that cannot be supported:

1. Stormwater Management

Council's Development Engineer has provided the following comments in relation to stormwater management:

The proposal includes updated stormwater management plans. These plans show proposed pits and pipes within the proposed dedication strip of land adjacent to the Patterson Lane frontage which is not supported. The plans must be amended to relocate pits 1/1 and 1/2 and the pipeline between them to within the proposed site boundary.

It is also considered that the Architectural plans should clearly indicate the location of the proposed new boundary line in accordance with the VPA for clarity.

Development Engineering cannot support the proposed modification due to insufficient information on the submitted stormwater plans.

2. Tree Removal

Council's Landscape Officer has provided the following comments in relation to the proposal:

The application is for modification to development consent DA2020/0008 as described in reports and as illustrated on plans. Landscape Referral note the following modifications for consideration and assessment: Simplification of the entry ramp; Tree removal due to infrastructure provision required, with replacement of trees provided; and Retention and addition of trees to mitigate



the removal of trees to accommodate the modifications to the pedestrian access from Central Road.

An Arboricultural Impact Assessment (AIA) is submitted. It is noted that no Landscape Plan is submitted, and this is required to demonstrate the changes to the landscape outcomes and to co-ordinate the Landscape Plan with the architectural layout modifications.

The AIA recommends the removal of existing trees identified as T12 to T17 inclusive. Landscape Referral note that under MOD2021/0853 trees T12 and T13 are approved for removal due to the impacts of the footpath within the road reserve and thus shall not be further discussed. The AIA report includes assessment based on excavation for in-ground utility services and this is accepted for trees T12 to T16, however the alignment does not impact upon T17 within the road reserve verge. Tree T17 shall be retained as there is no layout change from the development consent to this modification that would require removal. The Arborist report under the development consent identified that construction of works on top of existing ground level presented no concerns and that "should excavation or compaction be required for pathway construction adjacent T17 tree root mapping would provide more information on the location, distribution and impact to underlying tree roots" and this information is not presented in the modification, therefore there is no arboricultural reason to remove tree T17 and certainly on review T17 has not declined significantly.

Replacement tree planting is required to offset the canopy loss of T12 to T16, and a Landscape Plan shall be submitted to continue the assessment to indicate this as well as provide a co-ordination plan to match architectural plans.

- **Objector's concerns**

You are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

Options available to the Applicant

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.



2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Submitting further information/amendments

Council will offer **one** opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was lodged on 25 July 2025 and 27 days in the assessment period have now elapsed.



This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Anaiis Sarkissian on 1300 434 434 during business hours Monday to Friday.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Anaiis Sarkissian'.

Anaiis Sarkissian
Planner