Memo

Environment

To:	Daniel Milliken , Development Assessment Manager
From:	Michael French, Planner
Date:	18 August 2025
Application Number:	Mod2025/0405
Address:	Lot 2 DP 900589 , 30 Pacific Street MANLY NSW 2095
Proposed Modification:	Modification of Development Consent DA2023/1367 granted for Alterations and additions to a dwelling house and associated works

Background

The abovementioned development consent was granted by Council on 26 April 2024 for alterations and additions to a dwelling house and associated works;

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to modify condition(s) No.17A, which reads as follows:

Condition 17A First floor balcony overhang

First floor balcony overhang should be set back from the front boundary, to be in line with the approved balcony. Details, demonstrating compliance with this condition, are to be submitted to Council for approval prior to the issue of a Construction Certificate.

Reason: To minimise the adverse impact upon the streetscape.

Consideration of error or mis-description

Council's heritage advisor originally recommended that the first-floor balcony roof overhang be reduced to align fully with the approved balcony. In response, the applicant submitted revised drawings showing the overhang reduced by approximately 300mm and positioned significantly lower than the approved roof form. The applicant's email dated 4 April 2025 explained that the overhang would project only 300mm forward of the original first-floor terrace roof setback, while being 500mm lower in height, resulting in a reduced visual impact.

Council's response dated 11 April 2025 accepted the revised proposal, confirming that a 450 mm front setback (rather than the 560mm implied by the condition) would be acceptable, as it would maintain visibility of the pitched roof facing the street and present a more appropriate streetscape outcome.

It is evident that the condition amendment was not made prior to determination. Consequently, Condition 17A, as issued in the notice of consent, does not reflect Councils final position. This constitutes an error/mis-description in the consent, and the condition should be modified to align with the revised roof overhang accepted by Council on 11 April 2025.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2025/0405 for Modification of Development Consent DA2023/1367 granted for Alterations and additions to a dwelling house and associated works on land at Lot 2 DP 900589,30 Pacific Street, MANLY, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
Mod2025/0389	The date of this notice of determination	Modification of Development Consent DA2023/1367 granted for Alterations a to a dwelling house and associated works

Mod2025/0126	25 June 2025	**A. Add Condition No.1A - Modification of Consent - Approved Plans and documentation, to read as follows:** Development must be carried out in accordance with the following approved (stamped by Council) and supporting documentation, except where the cond consent expressly require otherwise.

Approved Plans

Plan Number	Revision Number	Plan Title	Drawn By	I
DA04	A	SITE, ROOF, SEDIMENT & EROSION CONTROL PLANS	Vaughan Architects	6
DA05	A	EXISTING GROUND FL & DEMOLITION PLAN	Vaughan Architects	6
DA06	A	PROPOSED GROUND FL PLAN	Vaughan Architects	6
DA07	A	PROPOSED FIRST FLOOR PLAN	Vaughan Architects	6
DA08	A	ATTIC PLAN	Vaughan Architects	6
DA09	A	SOUTH-WEST, NORTH-EAST & STREETFRONT ELEVATIONS	Vaughan Architects	6
DA10	A	NORTH-WEST & SOUTH-EAST ELEVATIONS	Vaughan Architects	6
DA11	A	LONGITUDINAL SECTION	Vaughan Architects	6
DA12	A	CROSS SECTIONS	Vaughan Architects	6
DA13	A	DRIVEWAY DETAIL PLAN	Vaughan Architects	6
DA14	A	SWIMMING POOL DETAILS	Vaughan Architects	6
DA19	A	EXTERNAL FINISHES SCHEDULE	Vaughan Architects	6

Approved Reports and Documentation

Document Title	Version Number	Prepared By
BASIX Certificate	A1788409	The Trustee for The Starboard Trust
Geotechnical Report	-	Ascent Geo

Waste Management Plan	-	-

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 the condition prevails.

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

B. Add Condition *17A First floor balcony overhang* to read as follows:

First floor balcony overhang should be set back from the front boundary, to b the approved balcony. Details, demonstrating compliance with this condition, submitted to Council for approval prior to the issue of a Construction Certifica

Reason: To minimise the adverse impact upon the streetscape.

C. Add *Condition 17B Amendments to the approved plans t*o read as fo

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

- *The pool paving is to be set back a minimum of 0.5m from the north boundary line, and a minimum of 1m from the south-eastern side bo*

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

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

Modified conditions

A. Modify Condition 17A First floor balcony overhang to read as follows:

First floor balcony overhang should be 450mm set back from the edge of the balcony and the architectural drawings are to be amended to reflect this. Details, demonstrating compliance with this condition, are to be submitted to Council for approval prior to the issue of a Construction Certificate.

Reason: To minimise adverse impacts and provide a better response to the heritage context.

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

Signed

northern beaches council

Michael French, Planner

The application is determined on 18/08/2025, under the delegated authority of:

Daniel Milliken, Manager Development Assessments