

NORTHERN BEACHES COUNCIL
VIA NSW PLANNING PORTAL

7 NOVEMBER 2024

To the Development Advisory Team,

RE: APPLICATION TO MODIFY DEVELOPMENT CONSENT SECTION 4.55 (1A) ENVIRONMENTAL
PLANNING + ASSESSMENT ACT

Development Application no:

DA2024/0830

Date of Determination:

6 September 2024

Premises

Lot 18 within DP 21687, 49 Elaine Avenue, Avalon Beach

Proposed Development:

New South Boundary Fence

This submission has been prepared to assist Council in the consideration of an application pursuant to Section 4.55 (1a) of the Environmental Planning + Assessment Act 1979 to alter the development as approved by Development Consent DA2024/0830.

The application to the approved Development Application is shown on the revised architectural drawing F.02 rev. B prepared by Atelier Haefeli Pty. Ltd. – Chartered Architects.

The original Notice of Determination of DA2024/0830 included condition 5 which required fencing to be:

"...a minimum of 50% open area along any straight length, from natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm."

The fencing type that both owners agreed upon is black chainwire with timber frame to match the existing chainwire fence located from the garage to the front boundary.

The openings in the chainwire are a 60mm x 60mm diamond pattern resulting in an open area of 90-95%.

Please note that the open part of the fence was required to 800mm above ground level as stated in the Flood Engineer's Statement and Mr. + Mrs. Menhinick's brief was to have a solid timber paling fence above that height. It was revised to the height as shown giving more open area.

There will be a much greater percentage opening above the 50% requirement with this type of fencing and both property owners recognise the preference for the new fencing to match the existing.

To conclude, we request that the fencing remain as specified and that the requirement for 75mm x 75mm openings be removed from Condition of Consent 5.

Council's support of the modification is sought and please contact this office should you wish to discuss further.

If you have any queries, please ring.

Yours Faithfully,

