



northern
beaches
council

MEMORANDUM

DATE: 23/04/2024
TO: Development Determination Panel (DDP)
FROM: Tom Prosser
SUBJECT: Item 3.3 – MOD2023/0549 – 50 Lauderdale Avenue, Fairlight

The purpose of this Memorandum is to address a late submission made to the Development Determination Panel, submitted by Four Towns Planning, on behalf of the owners of 2/37 Upper Clifford Avenue, Fairlight.

Request for deletion/refusal of works at the rear

Where the proposal relates to unauthorised works already under construction, these works have been deleted from the consent (see condition 2H).

Where the proposal involves new works that relate to the existing consent, a merit assessment has been conducted in relation to these. Subject to amended plans and conditions, the assessment has found these items to be reasonable, for the reasons outlined in the assessment report.

Request for site inspection

Comments are made below in relation to the request made for a site visit in the submission to the Development Determination Panel:

There was no request made for a site visit to 2/37 Upper Clifford Avenue, Fairlight, prior to the submission made to the Development Determination Panel.

It was determined by the Assessment officer during assessment that all matters subject to the application and submissions, could be properly considered through site visits to the subject site and to the adjoining neighbours to the east and west.

Site photos are provided to assist the panel. The original submission provided by Four Towns Planning dated 30 November 2023, also provides photos from 2/37 Upper Clifford Avenue, Fairlight, to further assist the panel.

A condition requires that the structure under construction at the rear is not a part of this application.

It is therefore recommended by Council's Assessment officer that a site visit to 2/37 Upper Clifford Avenue, Fairlight, is not necessary to assess planning matters in relation to the application.

However, the request for a site visit is passed on the Development Determination Panel for their consideration.

Concerns with Amended Plans

A comment is made below in response to each of the concerns raised in response to amended plans:

Concern is raised that amended plans are confusing and do not portray an accurate representation of what is to be approved.

Comment:

Conditions require that clear notation is to be provided on the plans to delineate between works approved under this consent and works already under construction. For clarity, the proposed works not recommended for approval in this consent are blacked out in a diagram under Condition 2H.

Concern is raised that the proposed stairs do not lead to anywhere as this the works to the terrace area are deleted by condition.

Comment:

The proposed stairs lead to RL50.45, the level of the paved area approved under MOD2019/0358.

A condition is recommended to notate this on the plans for clarity.

Concern is raised with the lack of detail provided in the application for planting.

Comment:

Condition 2I provides detail for planting. Further amendment to this condition is detailed below to provide further clarity on planting approved under this application. A new condition is also recommended to restrict height for all new planting under this application (Condition 2K)ii).

Request for amendments to conditions

Condition 2H

A request is made that Condition 2H is amended so that no consent be granted to the stairs and that all landscaping is to be restricted to 1.8m.

Comment:

As above, the proposed stairs lead to the level approved under MOD2019/0358 (RL50.45). A condition is imposed to provide notation of this

The Landscaping issue is addressed under Condition 2K.

Condition 2I

A request is made to amend condition 2I to provide further clarity as the restricted level of the approved planting.

Comment:

It is agreed that further clarity can be provided to the condition by referring to the approved level of the rear structure under MOD2019/0358 (RL50.45). The condition is therefore recommended to be amended as follows (changes highlighted red):

Condition 2I - Screen Planting to read as follows:

a) screen planting along the western boundary in the area labelled "proposed garden - provide new plants for privacy" shall be planted in accordance with the following:

- i) for the full north-south extent of the deck under construction (as shown on plans),
- ii) the selected planting, at maturity, is to comprise of species capable of attaining a height up to RL52.25. This is 1.8 metres above the approved level of the paved area (RL50.45) under MOD2019/0358.
- iii) The planting shall be maintained at a height of no greater than RL52.45, being 2 metres above the approved level under MOD2019/0358.
- iv) plants are to be installed at minimum 1 metre intervals (or less) and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

b) details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

Condition 2K

A request is made to add a further condition to provide restriction on the height of planting.

A further condition is added to require that no planting approved under this application is to reach a height of greater than RL52.45.

Conclusion

After further consideration, two further requirements are recommended to be added under Condition 2K. These relate to the correction of an erroneous RL on the plans, and the notation of materials used for stairs (as agreed by the applicant).

All other matters raised, including regarding non-compliances with the MDCP, have been addressed in the Assessment report.

Recommendations –

1. The Development Determination Panel consider the request to visit the property to the rear at 2/37 Upper Clifford Avenue, Fairlight.
2. Condition 2I be amended to read as follows:

Condition 2I - Screen Planting to read as follows:

- a) screen planting along the western boundary in the area labelled "proposed garden - provide new plants for privacy" shall be planted in accordance with the following:
 - i) for the full north-south extent of the deck under construction (as shown on plans),
 - ii) the selected planting, at maturity, is to comprise of species capable of attaining a height up to RL52.25. This is 1.8 metres above the approved level of the paved area (RL50.45) under MOD2019/0358.
 - iii) The planting shall be maintained at a height of no greater than RL52.45, being 2 metres above the approved level under MOD2019/0358.
 - iv) plants are to be installed at minimum 1 metre intervals (or less) and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

b) details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

3. The following condition be added to the consent:

Condition 2K – Amendment to approved plans under this modification

- i) The top of the proposed stairs is to be notated on the plans to be RL50.45.
- ii) No planting approved under this application is to reach a height of greater than RL52.45
- iii) The level on the west elevation labelled RL42.86 is in error. This should be corrected based on survey detail.
- iv) The staircase is to be constructed from timber with a glass balustrade.

Details are to be provided prior to the issue of a Construction Certificate.

Reason: To maintain environmental amenity and ensure appropriate clarity is provided with approved plans.