



northern
beaches
council

MINUTES

EXTRAORDINARY DEVELOPMENT DETERMINATION PANEL MEETING

FRIDAY 25 JUNE 2021

Minutes of a Meeting of the Extraordinary Development Determination Panel

held on Friday 25 June 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rod Piggott	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 23 JUNE 2021

The adoption of the Minutes of the Development Determination Panel held 23 June 2021, will be deferred until the next meeting on 14 July, 2021.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2021/0058 - 93 HEADLAND ROAD, NORTH CURL CURL - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0545 GRANTED FOR DEMOLITION WORK AND CONSTRUCTION OF A DWELLING HOUSE WITH A SWIMMING POOL.

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a neighbour, the owner and a representative of the owner.

The Panel does not concur with the recommendations of the assessment report.

The Panel notes that the application to modify the consent involves the construction of openings in the external wall and the use for habitable purposes of void subfloor area, which was formally habitable floorspace under the original consent. The assessment is constrained to these discrete items and the Panel recognises that a secondary dwelling was approved under a Complying Development Certificate and an Occupation Certificate issued based on the reduced floor area of the main dwelling through a modification of consent to DA2016/0545. The Panel are also aware that a consent, or the ability to modify that consent is not necessarily constrained by a second consent (Complying Development Certificate or Development Consent) on the same site.

In the jurisdictional question as to whether Council has the authority to determine this modification, the Panel has come to the conclusion that the modified proposal is substantially the same development.

The proposed modification has no impact or changes to the landscaped open space, or rear setback of the site. Changes to these controls have occurred under a separate consent (CDC).

Issues of geotechnical risk were addressed in the original consent and the proposed modification directly relates to the same design contained in the original consent and original construction certificate. The issue of certification of works will need to be addressed by the Certifier.

The concerns raised with works not included on the modification plans do not form part of modified approval and will need to be separately pursued.

STATEMENT OF REASON

The modification is substantially the same development as originally approved and the proposed changes present no direct impacts.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

DECISION ON APPLICATION

THAT Council as the consent authority **approves** Mod2021/0058 for Modification of Development Consent DA2016/0545 granted for demolition work and construction of a dwelling house with a swimming pool on land at Lot 4 DP 10571, 93 Headland Road, North Curl Curl, subject to the following conditions.

See condition below

Delete condition 35.

Amend Condition No.1A to read:**Modification of Consent - Approved Plans and supporting Documentation to read as follows:**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp			
Drawing No.	Titled	Dated	Prepared By
A.01 Issue A	Section 4.55 Application 2020 Site Plan and Site Calculations	12 February 2021	Gartner Trovato Architects
A.03 Issue A	Section 4.55 Application 2020 Level One & Two	12 February 2021	Gartner Trovato Architects
A.06 Issue A	Section 4.55 Application 2020 East & West Elevations	12 February 2021	Gartner Trovato Architects
A.07 Issue A	Section 4.55 Application 2020 Section A & Front Fence Details	12 February 2021	Gartner Trovato Architects

- b) This modification is limited to the new openings on Level One on the Eastern Elevation and the use of the floorspace identified as "Create new habitable rooms in the undercroft area" as indicated on Plan A.03 above.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

Vote: 3/0

This is the final page of the Minutes comprising 5 pages
numbered 1 to 5 of the Extraordinary Development Determination Panel meeting
held on Friday 25 June 2021.