



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

Electronically determined on

TUESDAY 30 AUGUST 2022

Minutes of a Meeting of the Development Determination Panel
Electronically determined on Tuesday 30 August 2022

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2022/0084 - 73 MARINE PARADE AVALON BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE, SECONDARY DWELLING AND SWIMMING POOL

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel previously deferred this matter based on concerns raised by the objectors in relation to the potential impact of the excavation for the dwelling-house and swimming pool on the nearby St Michael's Cave.

The applicant was requested to address these issues by the submission of expert reports.

On 12 August 2022, the applicant submitted a *Letter Addressing Impact of Proposed Works on St. Michael's Cave*, prepared by White Geotechnical, dated 5 August 2022, and a *Surveyors Report* confirming the location of St Michael's Cave and its relationship to the subject property, prepared by Bee and Lethbridge, dated 10 August 2022.

The supplementary geotechnical engineers letter and surveyors report have been reviewed and are considered to adequately address the location and potential for impact on the cave. The geotechnical letter states that the location of the excavation is setback 50 metres from the nearest point of the cave. Furthermore, the letter states that "*vibrations will be limited to 5mm/s at the property boundaries and at the sea cliff adjacent to the subject property*" and "*given the relatively large distance to the cave from the excavation works, we expect the vibrations impacting on the cave to be well below a peak particle velocity of 3mm/s (which is an industry acceptable vibration limit for sensitive structures)*".

Based on the fact that the required investigations have been carried out, the supplementary information has been submitted and there is no expert evidence to the contrary, the information submitted in response to the Panels deferral and residents' concerns in relation to the cave has been satisfactorily addressed and the provisions of the Pittwater Local Environmental Plan 2014 have been met.

Therefore, the Panel is satisfied that; the reasons for deferral have been addressed, the residents' concerns have been addressed, and there is no demonstrable need to obtain advice from Council's Engineers in relation to this matter.

The Panel is satisfied in relation to the impacts of the proposed development and the variations in relation to the planning controls.

STATEMENT OF REASON

The Panels reasons for deferral have been satisfactorily addressed and there are no remaining concerns in relation to the merits of the proposed development.

COMMUNITY CONSULTATION

Issues raised in the submissions and at the meeting have been taken into account in the Assessment Report and via the additional information from the applicant's geotechnical engineer and surveyor.

FINAL DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Application No. DA2022/0084 for demolition works and construction of a dwelling house, secondary dwelling and swimming pool on land at Lot 114 DP 8394, 73 Marine Parade AVALON BEACH, subject to the conditions contained in the assessment report, and in accordance with the following amendments to Condition No. 1 to include the supplementary geotechnical advice and surveyors report:

1. **Approved Plans and Supporting Documentation**

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

a) **Approved Plans**

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-01 Site Plan + Site Analysis issue B	5 May 2022	Gartner Trovato Architects
A-02 Garage + Entry Plan Revision B	5 May 2022	Gartner Trovato Architects
A-03 Lower Level Plan Revision B	5 May 2022	Gartner Trovato Architects
A-04 Mid Level Plan Revision B	5 May 2022	Gartner Trovato Architects
A-05 Upper Level Plan Revision B	5 May 2022	Gartner Trovato Architects
A-06 North + South Elevation Revision B	5 May 2022	Gartner Trovato Architects
A-07 East + West Elevation	5 May 2022	Gartner Trovato Architects
A-08 Section A + B	5 May 2022	Gartner Trovato Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 Site Stormwater Management Plan Issue DA-C	1 June 2022	Barrenjoey Consulting Engineers
SW2 Site Stormwater Management Detailing 1	27 April 2022	Barrenjoey Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment & Management Report	June 2022	Aura Tree Services

BASIX Certificate No. 1268226M	17 January 2022	Gartner Trovato Architects
Bushfire Risk Assessment	5 October 2021	Bushfire Planning Services
Coastal Engineering Advice	10 January 2022	Horton Coastal Engineering
Geotechnical Investigation J3808	14 January 2022	White Geotechnical Group
<i>Letter Addressing Impact of Proposed Works on St. Michael's Cave</i>	<i>5 August 2022</i>	<i>White Geotechnical Group</i>
<i>Surveyors Report</i>	<i>10 August 2022</i>	<i>Bee and Lethbridge</i>

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape DA Plan Sheet 2 of 3 Issue C	12 May 2022	Banksia Design Group
Landscape DA Plan Sheet 3 of 3 Issue C	12 May 2022	Banksia Design Group

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	17 January 2022	Sean Gartner

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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 6 pages numbered 1 to 6 of the Development Determination Panel meeting held on Tuesday 30 August 2022.