



northern
beaches
council

MEMORANDUM

DATE: 23 April 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 BBF, on behalf of the owners of 52A Lauderdale Avenue, Fairlight.

Many of the issues raised in this late submission have been addressed in the original assessment report, the previous supplementary Memorandum, and have been addressed by conditions.

New issues are addressed as follows:

- “Whilst amended plans were recently submitted to Council, they appear to include an incorrect revision date of 23.3.23 and continue to nominate both unauthorised works at the rear of the property and works that are entirely inconsistent with Mod2019/0358 and BC2021/0259.”

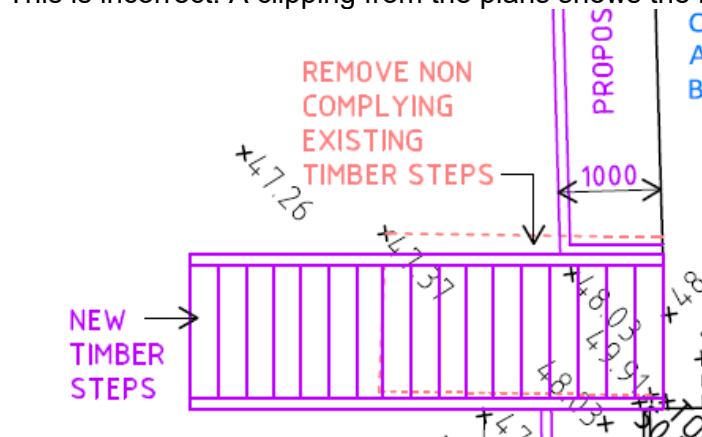
Comment:

An email has been sent (in TRIM) to request clarification of the amended plan revision date. This includes a request that any plans with corrected dates be submitted to the NSW Planning Portal.

- “Whilst there is some reference in the assessment report to the existing stairs being demolished and replaced by the new stairs this is not indicated on the plans.”

Comment:

This is incorrect. A clipping from the plans shows the labelling below:



- *“As the concrete terrace at the rear of the property is unauthorised no structures providing access to the unauthorised terrace or which proposed garden beds attached to the unauthorised terrace and/ or unauthorised rear deck extension should be approved.”*

Comment:

Subject to conditions in the assessment report, the stairs do not provide access to an unauthorised terrace. They provide access to the paved area approved under MOD2019/0358.

The western garden bed is adjacent to a wall that is subject to BC2021/0259.

A conditions requires that the eastern garden bed aligns with the decking approved under MOD2019/0358.

- *“As the concrete terrace at the rear of the property is unauthorised no structures providing access to the unauthorised terrace or which proposed garden beds attached to the unauthorised terrace and/ or unauthorised rear deck extension should be approved.”*

Comment:

Subject to conditions in the assessment report, the stairs do not provide access to an unauthorised terrace. They provide access to the paved area approved under MOD2019/0358.

- General concern conditions do not adequately exclude all unauthorised work

Comment:

For further clarity, it is recommended to add condition 2L under this Memo. This condition includes a requirement for works approved under this application are to be those labelled as purple only. The condition is in the recommendation below.

Further matter

It is also noted that condition 1B should be Condition 1C as condition 1B already exists. This is included in the recommendation.

Recommendation –

1. Condition 1B is to be amended to be Condition 1C.
2. Condition 2L be added to read as follows:

Condition 2L – Works Approved

The works approved in the plans for this application (Condition 1C) are to be those labelled purple only, and as excluded by the diagram in Condition 2H.

Construction Certificate plans and details should provide the dimensions for all decking at the rear to be consistent with MOD2019/0358.

The garden bed to the east is to align with the dimensions of the decking approved under MOD2019/0358.

Reason: To ensure this consent does not give any tacit approval.