

## Memo

### Development Assessment

**To:** Development Determination Panel

**Cc:** Steve Findlay  
Manager, Development Assessment

**From:** Tom Burns  
Principal Planner

**Date:** 10 February 2025

**Subject:** DA2024/0790 - Amendment to Recommended Conditions

Dear Panel members,

The purpose of this memo is to advise of changes to the recommended conditions of consent for Development Application DA2024/0790, which was subject to the Northern Beaches Development Determination Panel (DDP) meeting on Wednesday 5 February 2025.

Following the conclusion of the DDP meeting, the DDP chairperson queried whether landowner's written consent was required by the Department of Crown Lands for the removal of the existing structures that encroach partially into the Wirreanda Road North public road reserve.

Subsequently, the assessing officer contacted Council's Transport and Civil Infrastructure Assets Department to confirm the ownership of the public road reserve.

Council's Transport and Civil Infrastructure Department provided written correspondence to confirm that the section of the public road reserve where the structures are proposed for removal are owned by Northern Beaches Council. As such, written landowner's consent from the Department of Crown Lands is not required for the removal of the structures partially within the road reserve.

Notwithstanding, a separate approval pursuant to Section 138 of the *Roads Act 1993* is required for the removal of these structures from the public road reserve. The Assessment Report for Development Application DA2024/0790 did not recommend any conditions of consent to this effect.

Accordingly, this memo recommends the inclusion of the following condition of consent:

***Roads Act Approval for removal of structures within the Public Road Reserve***

*The applicant is to submit an application to Council for approval for the removal of the existing structures that encroach partially into the Wirreanda Road North public road reserve in accordance with Section 138 of the Roads Act 1993.*

*The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.*

*A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.*

*Reason: To ensure compliance with the Roads Act and Council policy.*