

Parks, Reserves and Foreshores Referral Response

Application Number:	DA2025/0181
Proposed Development:	Demolition works and construction of a dwelling house attached to an existing restaurant/cafe
Date:	26/05/2025
To:	Kye Miles
Land to be developed (Address):	Lot 1 DP 1005148 , 1 Narrabeen Park Parade NORTH NARRABEEN NSW 2101

Reasons for referral

This application seeks consent for any application on land or land being adjoining or adjacent to any parks, reserves, beaches, or foreshore
And as such, Council's Parks, Reserves and Foreshores officers are required to consider the likely impacts of the proposal.

Officer comments

Amended plans are submitted to address the concerns raised by Parks Reserves and Foreshores Referral, and it is noted that the amended Stormwater Plans now provide relevant information to remove the concerns regarding impact to the amenity of the Reserve and the preservation of the prominent Norfolk Island Pines.

The amended Stormwater Plans indicates that the proposed development will connect stormwater to Council's stormwater pipe along Narrabeen Park Parade as shown on the plans, and this alignment is away from the Norfolk Island Pines and is located parallel to the southern boundary under existing external tiled or decking areas associated within the existing cafe.

Conditions for tree protection measures shall be imposed, should the application be approved, including enclosure of all Norfolk Island Pines by tree protection fencing as approved by Council.

Public access to the Reserve is not impacted by the proposed development and the development is not detrimental to the prevailing landscape character when viewed from the adjoining reserve, and as such Parks, Reserves and Foreshores raise no concerns with the development proposal.

NOTE: auto-generated file has repeated Condition for "Stormwater works upon Land owned or managed by Council" incorrectly under Prior to to Construction Certificate" - the correct Condition is applied under "Deferred Commencement"

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Parks, Reserves and Foreshores Conditions:

DEFERRED COMMENCEMENT CONDITIONS

Stormwater works upon Land owned or managed by Council

- a) Works upon Land owned or managed by Council is subject to the creation of an easement over Council Land for the proposed stormwater connection across Council's Reserve and connection to Council's existing stormwater asset.
- b) An application for "Easements over Council Land" shall be submitted to Council's Property Land Dealings Team for processing.

Reason: Creation of a legal easement over Council Land.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Stormwater works upon Land owned or managed by Council

- a) Works upon Land owned or managed by Council is subject to the creation of an easement over Council Land for the proposed stormwater connection across Council's Reserve and connection to Council's existing stormwater asset.
- b) An application for "Easements over Council Land" shall be submitted to Council's Property Land Dealings Team for processing.

Reason: Creation of a legal easement over Council Land.

Tree Protection Plan

- a) a Tree protection plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, to protect the following trees:
 - i) Norfolk Island Pines x 4 located within the Reserve, as shown on the plans between the development site and the existing pathway.
- b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:
 - i) location of all trees identified for retention,
 - ii) access routes throughout the site for construction activity,
 - iii) location of tree protection fencing to the extent of the existing path and to the development site, consisting of standard 2.4m panel length and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings,
 - iv) root protection in the form of mulching or boards proposed within the tree protection zone,
 - v) trunk and branch protection within the tree protection zone,
 - vi) location of stockpile areas and materials storage away from the tree protection zone,
 - vii) other general tree protection measures.

The Tree Protection Plan shall be submitted to Council for approval.

Reason: Tree protection.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Works on Land Owned or Managed By Council

Works (undertaken by principal contractors working without Council supervision) on land owned or managed by Council require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Reason: Public safety and the protection of Council infrastructure.

Construction Management Plan - Council Assets

Prior to commencement of works on site, appropriate environmental site management measures must be in place and incorporate the following throughout demolition and construction:

- a) access to and from the site during construction and demolition,
- b) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
- c) methods of loading and unloading machinery and building materials,
- d) location of storage materials, excavation and waste materials,
- e) methods to prevent material being tracked off the site onto surrounding roadways,
- f) erosion, sediment and dust control measures, and
- g) protection of existing trees and vegetation including the tree protection zone, in accordance with AS 4970-2009 Protection of Trees on Development Sites.

During works, the site management measures listed above must remain in place and be maintained until the completion of works.

Construction materials must not be stored on Land owned or managed by Council unless approval is provided by Council. Safe pedestrian access free of trip hazards must be maintained at all times on or adjacent to any public access routes connected to Land owned or managed by Council.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

Installation and Maintenance of Sediment and Erosion Control

Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period. Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

Protection of Trees on Land Owned or Managed by Council

Prior to commencement of any demolition works, the tree protection fencing identified in the Tree Protection Plan shall be in place, and this shall be inspected by Council's Tree Services business unit to approve the alignment of the tree fencing or otherwise direct any changes.

Reason: Ensure appropriate tree protection measures

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

No Access Through Land Owned or Managed by Council

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

Storage of Materials on Land Owned or Managed by Council Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

Protection of Council's Public Assets

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993. Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

Protection of Norfolk Island Pines

a) Existing trees within the Reserve shall be retained and protected, and tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and the approved Tree Protection Plan,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- b) The arboricultural works listed in a) are undertaken as complaint to AS4970-2009 Protection of

trees on development sites, and any recommendations of a Project Arborist as applicable.

Reason: Tree protection.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Condition of Trees on Land Owned or Managed by Council

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long-term retention of the vegetation.

Reason: Tree and public asset management