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MEMORANDUM

DATE: 8 April 2021

TO: Northern Beaches Local Planning Panel

CC: Anna Williams, Development Assessment Manager ; Peter Robinson, Executive Manager Development Assessment

FROM: Adam Croft, Development Assessment Officer

SUBJECT: DA2020/0816 – 23-33 Bassett Street, Mona Vale

REFERENCE: 2021/253307

Dear Panel,

DA2020/0816 was deferred by the NBLPP on 16 December 2020 for the following reason:

1. To allow the applicant to explore alternate means of motorised and pedestrian access through the road reserve along Bassett Street and Barrenjoey Road, with a view to complying with the gradient requirements of SEPP HSPD clause 26(3). Alternatively, a revised Clause 4.6 written request is required to further justify the non-compliance as the Panel does not consider that the purpose of the clause is only to provide access for motorised wheelchairs.

In relation to the deferral of DA2020/0816, the applicant has provided the attached alternative pedestrian access plan and updated ground floor plan. The applicant advises that the amended pedestrian plan achieves full compliance with SEPP HSPD Clause 26(3).

The revised footpath plan was publicly notified from 8-25 February 2021, with four (4) further submissions received.

Comments were also sought from Council's internal referral bodies in relation to the new footpath location, with the following responses received:

Development Engineers

I have no objection to the proposed footpath shown on the plan by Gartner Trovato Architects, project number 1816, drawing number A-12 Revision A dated 20/01/21.

Could you please ensure that this drawing is added to the condition headed: "Submission Roads Act Application for Civil Works in the Public Road".

Transport and Civil Infrastructure Assets



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The concept proposal of an elevated compliant walkway is acceptable to Council subject to the applicant addressing our concerns as part of a s138 application.

Landscaping

There are a large number of trees within the landscape zone at the corner of Bassett Street and Barrenjoey Road, including eleven (11) trees of high retention value that are not impacted by development works. These eleven trees provide a physical and visual landscape buffer along the streetscape.

Additional trees of lower retention value are also present within this landscape zone, and of these four (4) trees are required to be removed to accommodate the proposed footpath works at the junction of the existing driveway along Bassett Street. The removal of these four trees will not impact the streetscape amenity value as the location of these trees does not reduce the amenity value of the buffer zone as viewed from Barrenjoey Road as well as from Bassett Street.

These four trees include Sydney Golden Wattle which is a short-lived native, Tuckeroo which has become an environmental seed nuisance, and otherwise a Bangalay Gum and Swamp She-Oak that are located too close to the proposed works to realistically protect in the long term, and works are required within the structural root zone, further limiting longevity.

Removal of these four trees is supported as the other high retention value trees in close proximity, not impacted by the proposed works, will be presented with increased soil volume for future root and canopy growth.

Planning Comments

The comments from Council's internal referral bodies have been taken into consideration, with suitable amended/additional conditions included below as recommended.

The design and location of the proposed path and ramp within the road reserve is generally consistent with the existing pedestrian access available through the shared driveway from Bassett Street, and will provide safer pedestrian access within the shared driveway to Barrenjoey Road. The proposed footpath is therefore considered to be acceptable, subject to the satisfaction of the amended conditions below, including the required design details for the s138 application outlined in Condition 20.

Four further submissions were received in response to the notification of the amended footpath location. The issues raised in the submissions are not considered to warrant refusal of the application and are addressed as follows:

- Privacy impacts resulting from ramped footpath

Comment:

The ramped footpath located within the public road reserve is generally consistent with the existing pedestrian access available through the shared driveway to the western staircase to Barrenjoey Road. The footpath maintains adequate physical separation from the properties to the south and will not result in a materially different or unreasonable privacy outcome in comparison to the existing situation.



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- Litter/rubbish
Comment:
Existing pedestrian access is available via the shared driveway between Bassett Street and Barrenjoey Road, and the provision of the proposed accessible ramp is not anticipated to result in additional litter or rubbish disposal in this area.
- Impact to car parking
Comment:
The recommended amendments to Condition 20 below require confirmation that the proposed footpath will not reduce the availability of off-street parking on the shared driveway.
- Street lighting and glare impacts
Comment:
No additional street lighting is proposed as part of the new footpath construction.
- Stormwater runoff
Comment:
The recommended amendments to Condition 20 below require details regarding the disposal of stormwater from the ramp to the satisfaction of Council.
- Compliance of footpath with the relevant standards
Comment:
The footpath plans achieve compliance with the SEPP HSPD requirements, as required by Condition 20 below. Condition 20 also requires upgrades to the footpath link from the ramp to the bus stop at 72 Barrenjoey Road, which will also be upgraded to DDA compliance.
- Renotification of amended proposal
Comment:
The amended proposal was renotified to all objecting residents and adjoining properties. Confirmation of satisfactory placement of the notification sign at the front of the subject site was also received. As such, the renotification was completed in accordance with the Northern Beaches Community Consultation Plan.
- Further submission in relation to the location of the proposed electricity substation
Comment:
The recommended amendments to Condition 35 below are considered to address the concerns raised in relation to the substation location.
- Further submission in relation to the density of the development, car parking, traffic and waste/deliver impacts, flooding and privacy
Comment:
The Assessment Report prepared for this application is considered to have sufficiently addressed all concerns raised in the submissions and includes detailed consideration of all relevant provisions contained within the Pittwater LEP and DCP, and SEPP HSPD. The Report includes detailed comments and conditions from Council's Urban Design, Traffic, Flood and Waste Officers.



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Amendment to conditions

1. Condition 1a requires amendment based on the revised footpath location.

a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|--|---|--|
| Drawing No. | Dated | Prepared By |
| A-01 Site Analysis and Context Plan | Rev. B, 17 November 2020 | Gartner Trovato Architects |
| A-02 Roof Plan | Rev. B, 17 November 2020 | Gartner Trovato Architects |
| A-03 Basement Plan | Rev. B, 17 November 2020 | Gartner Trovato Architects |
| A-04 Ground Floor Level | Rev. C, 3 February 2021 | Gartner Trovato Architects |
| A-05 First Floor Level | Rev. B, 17 November 2020 | Gartner Trovato Architects |
| A-06 Elevations - North & South | Rev. B, 17 November 2020 | Gartner Trovato Architects |
| A-07 Elevations - East & West | Rev. B, 17 November 2020 | Gartner Trovato Architects |
| A-08 Sections | Rev. B, 17 November 2020 | Gartner Trovato Architects |
| A-12 Bus Stop Access Path | Rev. A, 20 January 2021 | Gartner Trovato Architects |

2. Condition 20 requires amendment based on the revised footpath location.

20. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of drainage pits and pipe connection from the site into the existing Council drainage system in Bassett St, 3 vehicular crossings, reconstruction of concrete footpath and reconstruction of the redundant laybacks to kerb, footpath and turf and replacement street tree planting which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, the concept engineering plans by ACOR Consultants, drawing number SY140363 C3.01 Issue C dated 29.10.20, [and the revised footpath plan prepared by Gartner Trovato Architects, drawing number A-12 Revision A dated 20/01/21](#). The plans shall be prepared by a qualified Civil Engineer.

The design must include the following information:

- The vehicular crossing width at the boundary for the below ground car park and loading dock shall have a maximum width of 8.0 metres and the profile is to be in accordance with Council drawing A4/3330/3 NL.
- The vehicular crossings for the entry and exit for the ambulance shall be 3.0 metres wide and the profile is to be in accordance with Council drawing A4/3330/1 N.
- All redundant laybacks shall be removed and reinstated to kerb and gutter, footpath and turf.



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- Removal of existing concrete footpath and provision of a new 1.5 metre wide concrete footpath fronting the development site and extended to the bus stop located in front of 72 Barrenjoey Road to provide for safe pedestrian access to public transport. The footpath grade shall be not be more than 1:14 except in accordance with the requirements of Clause 26 of HSPD 2004. Any trees/vegetation which need to be removed must be approved by Council with suitable replacement trees provided.
- Provision of a DDA compliant bus stop outside of 72 Barrenjoey Road.
- A pit and pipe drainage system within the public road in Bassett St shall be proved for the connection of the proposed drainage system.
- All existing and proposed electrical and telecommunications servicing the site and in the adjacent road reserve are to be located underground.
- All public utility services adjustments are to be detailed with concurrence from the relevant service authority if adjustment is required with costs borne by the applicant.

The design of the new elevated footpath/ramp must also address the following matters:

- Delineation of pedestrian pathways from vehicles using shared driveway, protection of the walkway structure from vehicle impact and appropriate design of balustrading.
- Surface drainage of stormwater.
- Integrated access from ramp landing to ground level at Barrenjoey Road.
- Obtain concurrence from RMS/TfNSW as state road authority for Barrenjoey Road.
- Confirmation that the structure will not impact existing utilities.
- Confirmation that the shared driveway from Bassett Street meets the required standards, including signage, and that the structure will not reduce the availability of off-street parking.
- Address the poor condition of the existing asphalt surface of the driveway that has been used by the current facility for many years.

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

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

3. Condition 35. Substation location requires clarification on the intended substation location.

Condition 35 reads as follows:

The proposed electricity substation is to be relocated a minimum of 1.5m to the east of the adjoining pedestrian entry path.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To maintain physical separation between the substation and adjoining properties.

The intention of this condition was that substation be located 1.5m to the east of the initially proposed pedestrian path location, resulting in a setback of 8.4m from the western site boundary. However, it is noted that the revised drawing A-04 Ground Floor Plan removes the kink from the path, and re-locates



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the electricity substation to 1.5m to the east of the straightened path (a setback of 5.255m from the western boundary). These amendments would technically comply with the wording of the recommended condition of consent No. 35, but do not meet the intent behind the imposition of the condition (a minimum boundary setback of 8.4m).

As such, the following amendment is proposed to Condition 35:

35. Electricity Substation

The proposed electricity substation is to be relocated maintain a minimum setback of 8.4m to the western boundary.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To maintain physical separation between the substation and adjoining properties.

4. Condition 39 requires amendment based on Council's Landscape review of the revised footpath plan.

39. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment [and the Addendum to Arboricultural Impact Assessment](#), including:

- i) works as recommended in section 5.3 Minimising Impacts on Trees to be Retained, including tree 5 (Cooks Pine), tree 6 (Chinese Elm), tree 10 (Umbrella Tree) in adjoining property, trees 11 and 12 (Old Man Banksia) within road verge, group 13 (Swamp She-Oak), group 14 (Brush Cherry), tree 15 (Paperbark), and tree 16 (Common Ash),
- ii) works as recommended in Appendix D Tree Protection Plan [of the Arboricultural Impact Assessment](#),
- iii) [works as recommended in the Addendum to Arboricultural Impact Assessment, including section 5. Recommendations and Appendix 1 - Tree Protection Plan.](#)

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.



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Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: tree protection.

5. Add Condition 45a based on Council's Landscape review of the revised footpath plan.

45a. Tree Removal Within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Addendum to Arboricultural Impact Assessment):

- i) tree number 50 Bangalay Gum
- ii) tree number 51 Swamp She Oak
- iii) tree number 52 Tuckeroo
- iv) tree number 54 Sydney Golden Wattle

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section prior to removal.

Reason: public liability.

6. Condition 61 requires amendment based on Council's Landscape review of the revised footpath plan.

61. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, including trees numbered 5 (Cooks Pine), 6 (Chinese Elm), 13 (group of Swamp She-Oak), 14 (group of Brush Cherry), 15 (Paperbark), and 16 (Common Ash),
- ii) all trees and vegetation located on adjoining properties, including trees numbered 11 and 12 (Old Man Banksia),
- iii) all road reserve trees and vegetation, including tree numbered 10 (Umbrella Tree),
- iv) [all road reserve trees and vegetation as listed for retention in the Addendum to Arboricultural Impact Assessment.](#)

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 with minimum AQF Level 5 in arboriculture,



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- 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 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 with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an 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 to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 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 Australian Standard 4373-2007 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.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment [and the Addendum to Arboricultural Impact Assessment](#) prepared by Urban Forestry Australia. The Certifying Authority must ensure that:

d) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: tree and vegetation protection.

An assessment of the revised footpath plan and related submissions has undertaken by Council Officers, including the relevant referral bodies. No objections are raised, subject to the above conditions, and the proposal is supported.

The application is referred back to the Northern Beaches Local Planning Panel for determination.

Adam Croft
Development Assessment Officer
Planning & Place



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02 8495 6496