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MEMORANDUM

DATE: 22 February 2022

TO: Development Determination Panel (DDP)

CC: Steve Finlay, Development Assessment Manager

FROM: Anne-Marie Young, Principal Planner

SUBJECT: Item 3.3, DA2021/1814– 58 Forrest Way Road, Frenches Forest

REFERENCE: Response to Applicants comments on draft conditions

Dear Panel Members,

An e-mail was received on 22 February 2022 from the applicant in response to the draft conditions published in the agenda report for the above item. My response to the comments from the applicant is provided below.

- Applicant - *Condition 4(n) bears no relevance to the project. Please Remove.*

Response: Condition 4 (General requirements) is a standard condition. Sub-clause (n) relates to swimming pools. As there is no swimming pool proposed it is agreed that sub-clause (n) of the condition is not relevant and as such can be deleted.

- Applicant - *Condition 8 – not needed as it has been prepared by Rise Engineers and submitted as part of the DA. This is not relevant as their drawings are already referenced in condition 1.*

Response: Condition 8 (Erosion and sediment control plan). This condition was requested by Council's Engineer. While the Erosion and Sediment Control Plan has been approved by Council the condition requires the submission of the plan to the Certifying Authority. This is not considered to be unreasonable, as such it is recommended that the conditions should remain.

- Applicant - *Condition 13 - part of the condition is cuts off, do not agree with the word "painted" in part (b). Agree with a dark wall, but we can do it out of dark blockwork to be recessive. Painting it isn't the answer as that will degrade over time. Part (c) has a typo and should be "floor" not flood.*

Response: The full wording of Condition 11 is provided below. There are no objections to the deletion of the word "painted" in part (b) and the typo in part (c) is noted and will be corrected in the final condition.

Condition 13 (Amendments to the approved plans) reads as follows:



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The following amendments are to be made to the approved plans:

(a) The following landscape planting is to be provided to enhance the street frontage and retaining wall located on Forest Way

(i) Include planting 'Silver Falls' spaces at 1m intervals along the eastern boundary on the inside edge of the retaining wall. The Silver Falls are to be a minimum 150mm pots.

(ii) The first 1m from Northern Boundary is to remain Strata Area to ensure retention of Silver Falls for the life of the property.

Details are to be shown on the Landscape Plans, drawn by Plot Design Group and submitted to the satisfaction of the Accredited Certifier prior to the issue of the Construction Certificate.

(b) Articulation of the front retaining wall should be provided by the use of split faced concrete blocks; engaged piers and corbels in brickwork or other means of articulation through materials and form. The wall shall be painted a dark recessive colour.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

(c) Fixed and angled privacy screen to a minimum height of 1.6m shall be installed along the outer edge of the south facing bedroom windows to unit 3 level 1 and the outer edge of the first flood landing to the common stairwell.

Reason: To ensure the development is consistent with the landscaped character of the Locality and ensure that the proposal will not result in unreasonable amenity impacts to neighbours.

- Applicant - Condition 18 – Please remove (g) (h) as no relevance to the project.

Response: Condition 18 (compliance with standards) this is a standard condition which requires compliance with the relevant Australian standards. Sub-clause (g) relates to commercial parking facilities and sub-clause (h) relates to on-street parking facilities. It is agreed that sub-clause (g) and (h) of the condition are not relevant and as such can be deleted.

- Applicant - Condition 42 – there are no rainwater tanks? Remove.

Response: Condition 42 (Installation of Rainwater Tanks). The condition has been recommended by Council's Water Management Team and requires the installation of rainwater tanks. The condition should remain in place.

- Applicant Condition 11 (and 45) – generally agree but there is a power pole located 2.77m from the boundary on the south-eastern side of the site. Should the footpath then be 2.77m wide or is it 3m and ends on a power pole? The power pole technically isn't outside our frontage so we shouldn't have to move it, but it will just look silly. Condition 11 should also be moved down to the Prior to OC as per 85 Blackbutts Road where the DDP agreed to this with



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some modified wording.

Response: Condition 11 (Submission of engineering plans) reads:

The submission is to include four (4) copies of Civil Engineering plans for the design of:

The 3 metre wide shared user footpath across the full frontage of the site including details of the transitions at the driveway into the developments basement car park.

These are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

Reason: To ensure compliance with Council's specification for engineering works.

The condition was recommended by Council's Transport Officer who has been asked to respond to the request to amend the condition. At the time of writing this memo no response has been received.