



northern
beaches
council

MEMORANDUM

DATE: 11 April 2023

TO: Development Determination Panel (DDP)

CC: Steve Findlay, Manager Development Assessment

FROM: Olivia Ramage – Planner

SUBJECT: Item No. 3.3 – REV2023/0002 82 Binburra Avenue, Avalon Beach

TRIM REFERENCE: 2023/224165

The purpose of this memo is to advise the Panel that the referral comments from the NSW Rural Fire Service and Council's Development Engineering section have now been received.

The referral comments are as follows:

External Referral - NSW Rural Fire Service

***Development Application s4.14 – Other – Single Dwelling - Alterations & Additions
82 Binburra Avenue Avalon Beach NSW 2107, 30//DP22275, 1//DP178999, 70//DP22275,
1//DP523914, 29//DP22275***

I refer to your correspondence dated 04/04/2023 seeking advice regarding bush fire protection for the above Development Application in accordance with s4.55 of the Environmental Planning and Assessment Act 1979.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- 1. From the start of building works, the property around the building must be managed as an inner protection area (IPA) for a distance of 9 metres or to the property boundary where this can not be achieved in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:*

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

2. Proposed construction must comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

3. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note

- The NSW RFS recognises that the site is constrained and that the proposed development falls within the Flame Zone. Flame Zone development is high risk development; consequently, in situations such as this, the NSW RFS seeks to improve the overall fire safety of the existing development. This requires greater emphasis on construction standards, landscaping, siting, and vegetation management practices to ensure improved levels of protection are afforded to

the development, its occupants and fire fighters. The Service has undertaken a merit based assessment of the proposal and provides the above advice in accordance with Planning for Bush Fire Protection 2019.

- *This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval/recommendations dated 11 July 2022.*

Internal Referral - Development Engineering

Officer Comments (5/04/2023):

Plans are unchanged in respect of works on road reserve from DA2022/0885, apart from saving the existing trees along driveway within public road reserve.

- Engineer to make sure while designing driveway, this planting does not create any sight obstruction to the driver reversing the vehicle from garage. This has been added in condition Submission Roads Act Application for Civil Works in the Public Road.
- Condition - Notification of Inspections (infrastructure works to be handed over to Council), has also been amended.

Apart from above, the rest of the existing Development Engineering conditions for DA2022/0885 are considered to still be relevant and adequate.

The proposal is therefore supported.

Recommended Engineering Conditions:

Conditions to be satisfied prior to the issue of the Construction Certificate

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 vehicular crossing and retaining wall which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- 1) Construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council's Standard Drawing No A4-3330/4 EH.*
- 2) At a minimum, the drawings must show the works in plan view, longitudinal section, details at a relevant scale including all existing levels, any existing services/ infrastructure to be retained in the area of works.*
- 3) Longitudinal section of driveway from street gutter invert to proposed garage with existing and proposed levels and grades.*
- 4) All driveways gradients and safe sight distances etc. shall be designed comply with AS 2890.1:2004 (Off-street Parking Standards).*
- 5) Details of the the demolition of the existing dry stack retaining wall*
- 6) Details of new retaining wall to support excavation across road reserve for new driveway construction.*
- 7) Structural Engineers design certificate for the driveway and retaining wall.*
- 8) The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White geotechnical group dated 20th April 2022 are to be incorporated into the construction plans. Submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP)*
- 9) Any adjustment to existing services are to be approved by the relevant service authority with all costs associated borne by the applicant*

10) Landscape adjacent to proposed driveway within public road reserve should not create any sight obstruction to the driver while reversing the vehicle.

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 Certifier prior to the issue of the Construction Certificate

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

Conditions to be complied with during demolition and building work

Notification of Inspections (infrastructure works to be handed over to Council)

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to pouring driveway crossing
- (c) Prior to pouring for footings of any retaining wall within public road reserve

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

RECOMMENDATION - That the Panel notes the above referral comments and makes the following changes to the recommendation as contained in the Assessment Report:

1. Amend Condition 2 to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Undated
NSW Rural Fire Service	RFS Referral Response	5 April 2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

2. Add Condition 11A to read as follows:

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 vehicular crossing and retaining wall which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- 1) Construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council's Standard Drawing No A4-3330/4 EH.
- 2) At a minimum, the drawings must show the works in plan view, longitudinal section, details at a relevant scale including all existing levels, any existing services/ infrastructure to be retained in the area of works.
- 3) Longitudinal section of driveway from street gutter invert to proposed garage with existing and proposed levels and grades.
- 4) All driveways gradients and safe sight distances etc. shall be designed comply with AS 2890.1:2004 (Off-street Parking Standards).
- 5) Details of the the demolition of the existing dry stack retaining wall
- 6) Details of new retaining wall to support excavation across road reserve for new driveway construction.
- 7) Structural Engineers design certificate for the driveway and retaining wall.
- 8) The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White geotechnical group dated 20th April 2022 are to be incorporated into the construction plans. Submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP)
- 9) Any adjustment to existing services are to be approved by the relevant service authority with all costs associated borne by the applicant
- 10) Landscape adjacent to proposed driveway within public road reserve should not create any sight obstruction to the driver while reversing the vehicle.

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 Certifier 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. Add Condition 18A to read as follows:

Notification of Inspections (infrastructure works to be handed over to Council)

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to pouring driveway crossing
- (c) Prior to pouring for footings of any retaining wall within public road reserve

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.