

Parks, Reserves and Foreshores Referral Response

Application Number:	REV2021/0034
Date:	28/10/2021
To:	Rebecca Englund
Land to be developed (Address):	Lot B DP 316404 , 231 Whale Beach Road WHALE BEACH NSW 2107

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

This application is for the review of a previously determined Development Application. Proposed works include the demolition of existing site structures, and the construction of a new shop top housing development, alongside associated car parking, landscaping and strata subdivision.

The property adjoins Whale Beach Reserve to the East, which is located down slope of proposed works. All works adjoining public land and foreshore must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries, and prevented from entering across the boundary and into the foreshore area and public reserve.

No encroachments are permitted on public land and all works shall be confined within the legal boundaries of the site. It is noted that the original Architectural Plans demonstrated new driveway access was to utilise public reserve, however this has since been amended and removed. For this reason, no major concerns are raised with the amended Architectural Plans, and no encroachments on public land is anticipated.

It is further noted that proposed works are inclusive of a four new car spaces and adjacent pathway on the southern side of surf road, with a new pathway linking to Whale Beach Road on the northern side of Surf Road. Although these works are subject to a Section 138 Roads Act application and are to be assessed by Councils Road Assets and Development Engineering Teams, no major concern is raised from a Parks perspective. It is however recommended that the new pathway on the northern side of the Surf Road be extended further east to the intersection of Surf Road and The Strand, providing better amenity and access for residents of Whale Beach Road..

Parks Referral raises no objections to the proposal, subject to the following conditions.

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:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Works on Land Owned or Managed By Council

No works are to be carried out on Land owned or managed by Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.), and landscaping works on Land owned or managed by Council.

Reason: To protect the land owned and managed by Council.

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.

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.

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.

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

Asset Protection Zones as defined within Planning for Bush Fire Protection 2019, shall be contained wholly within development sites, and shall be managed by the development site owner in perpetuity.

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. Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately Contact Council's Tree Services section and resolve the matter to Council's satisfaction.

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

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

Removal of All Temporary Structures/Materials and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds are to be removed from the site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect reserve amenity and public safety.