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MEMORANDUM

DATE: 24 September 2020
TO: Northern Beaches Local Planning Panel
CC: Steve Findlay, Planning Assessments Manager
FROM: Tom Prosser, Development Assessment Officer
SUBJECT: DA2020/0107 – 103 Narrabeen Park Parade, Mona Vale
REFERENCE: 2020/513184

Dear Panel,

On 3 June 2020, a decision was made by the panel to defer the determination so that the applicant would have a chance to provide demonstration of the following:

- “1. Orientation of a carport that has the longest wall/opening parallel to the public access from Narrabeen Park Parade to Warriewood Beach;*
- 2. The finished floor level of the redesigned carport referred to in point 1 above shall be no greater than RL 36.00 and with a ridge height no greater than RL 38.75;*
- 3. The redesigned carport shall have a roof constructed of non-reflective material;*
- 4. The redesigned carport may be constructed as an enclosed garage provided the reduced levels set out in point 2 above are achieved and not exceeded;*
- 5. The redesign is to allow for the vehicles to enter and exit the site in a forward direction;*
- 6. If the applicant wishes to pursue the lift then it is to be redesigned having regard to points 1-5 above.”*

Amended plans and information was submitted to Council on 31 July 2020 and the application was re-notified from 6 August 2020 to 26 August 2020. No submissions were received during this re-notification period.

The amended plans and information has addressed all of the above points, with the exception of point 3. In this regard, it is recommended that a condition be imposed to require the roof of the garage to be non-reflective.

Please also see draft conditions attached to this memo.

Kind regards,

Tom Prosser
Development Assessment Officer
Planning & Place
8495 6499



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DRAFT CONDITIONS

1. **Plan condition** – To be completed with amended plans received on 31 July to be inserted

2. **Non-reflective roof for Garage**

The garage is to have a non-reflective roof.

Details are to be provided prior to the issue of a Construction Certificate.

Reason: To minimise glare.

3. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White geotechnical group dated 20th December, 2019 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

4. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Section 138 Road Act approval. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

5. **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 driveway over the road reserve and retaining wall/piers which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1 where it applies. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- The access driveway at Narrenbeen Park Parade must be designed in accordance with section 3.2 of Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- Safety devices must be installed on the proposed driveway in accordance with AS/NZS 2890.1:2004..



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- The driveway be designed such that it is structurally independent of the road.
- The crossing slab between the kerb & gutter/road shoulder and the existing internal retaining wall/pier must be generally matching existing paved footpath levels.
- Longitudinal crossing sectional survey detail must be provided with the design, showing existing and proposed levels and must be commencing from the center line of the road.
- Structural details of the driveway retaining wall, piers and slab designed by a structural engineer.
- The application is to include a geotechnical report that is prepared by an appropriately qualified Geotechnical Engineer to assess the existing road embankment and the related area between the road to the property boundary road. The report must include a full assessment of the existing stability of the road embankment.
- Should there be any proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation.
- The car parking spaces must be wholly contained within the private property.
- The provision of appropriate protection for the embankment during and after completion of construction works.

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.

6. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

7. **Shoring of Council's Road Reserve (Temporary road anchors)**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.



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Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

8. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

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.

9. Tree removal within the property

This consent approves the removal of the following trees within the property (as recommended in the Arboricultural Impact Assessment):

- tree 11 (Norfolk Island Pine), subject to tree replacement within the property as conditioned,
- tree 14 (Crimson Bottlebrush)

Reason: to enable authorised building works

Note: Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

10. Tree removal within the road reserve

This consent approves the removal of the following trees within the road reserve (as recommended in the Arboricultural Impact Assessment):

- tree 13 (Coast Banksia), subject to tree replacement within the road reserve as conditioned,
- three (x 3) unnumbered Coastal Tee Trees and Crimson Bottlebrush, as documented in the Amended Landscape Plan.



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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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

12. Vehicle Crossings

The Applicant is to construct one vehicle crossing 4.0 metres wide at the kerb and 6.0 metres at the boundary in accordance with Northern Beaches Council Drawing No A4-3330/5 in accordance with plans approved under section 138 of the Road Act application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. The structural slab must also be supervised by the applicant's structural engineer.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

13. 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, excluding exempt trees and vegetation under the relevant planning instruments of legislation,

ii) all trees and vegetation located on adjoining properties,

iii) all road reserve trees and vegetation not approved for removal.

b) Tree protection shall be undertaken as follows:

i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on



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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,

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 prepared by Tree Consult, including report dated 16 December 2019

and updated report dated 26 July 2020.

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



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removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: tree and vegetation protection.

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

14. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

15. Landscape completion

Landscaping is to be implemented in accordance with the Amended Landscape Plan DA-L01, prepared by Trish Dobson Landscape Architecture, revision A dated 29.7.2020, inclusive of the following conditions:

i) one *Banksia integrifolia* (Coast Banksia) shall be installed within the road reserve between the proposed entrance steps and the driveway, installed at a minimum planting size of 75 litres, and shall

meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x

600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths, and shall generally be centralised within the road verge,

ii) the proposed *Banksia integrifolia* (Coast Banksia) within the front setback shall be installed at a minimum planting size of 75 litres,

iii) the proposed screen planting of three (3) x *Leptospermum laevigatum* between the front boundary and the proposed garage shall be augmented to a total of six (6).

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: environmental amenity.

16. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF

Level 5 in arboriculture shall be submitted to the Certifying Authority, assessing the health and impact

on all existing trees required to be retained, including the following information:



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- 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 protection.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

17. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

18. Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

19. Control of Domestic Animals

Domestic pet animals are to be kept from entering the adjoining bushland at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter the adjoining coastal bushland.

Reason: Wildlife protection

20. Landscape maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: to maintain local environmental amenity.