



northern
beaches
council

MEMORANDUM

DATE: 15 August 2023

TO: Development Planning Panel (DDP)

FROM: Maxwell Duncan, Principal Planner

SUBJECT: Additional Information – REV2023/011 – 143 -145 Riverview Road, Avalon Beach

The purpose of this memo is to provide a response to the Panel in relation additional information provided to Council from the Applicant. The information is in response to the DDP's request for clarification in relation to the works within the foreshore area.

The proposed amendments do not introduce any new elements into the proposal or increase environmental impact. Therefore, re-notification was not required in accordance with Northern Beaches Community Participation Plan.

An assessment of the additional information (architectural and landscape plan) against *Clause 7.8 (Limited development on foreshore area)* of the Pittwater Local Environment Plan (PLEP) 2014 is provided below:

PLEP 2014 – Clause 7.8 (Limited Development on Foreshore Area)

Under Clause 7.8 Limited Development on Foreshore Area, development consent must not be granted for development on land in the foreshore area except for the following purposes:

- the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,
- boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

Comment:

The proposed development includes a waterway access stair. No other works are proposed in the foreshore area.

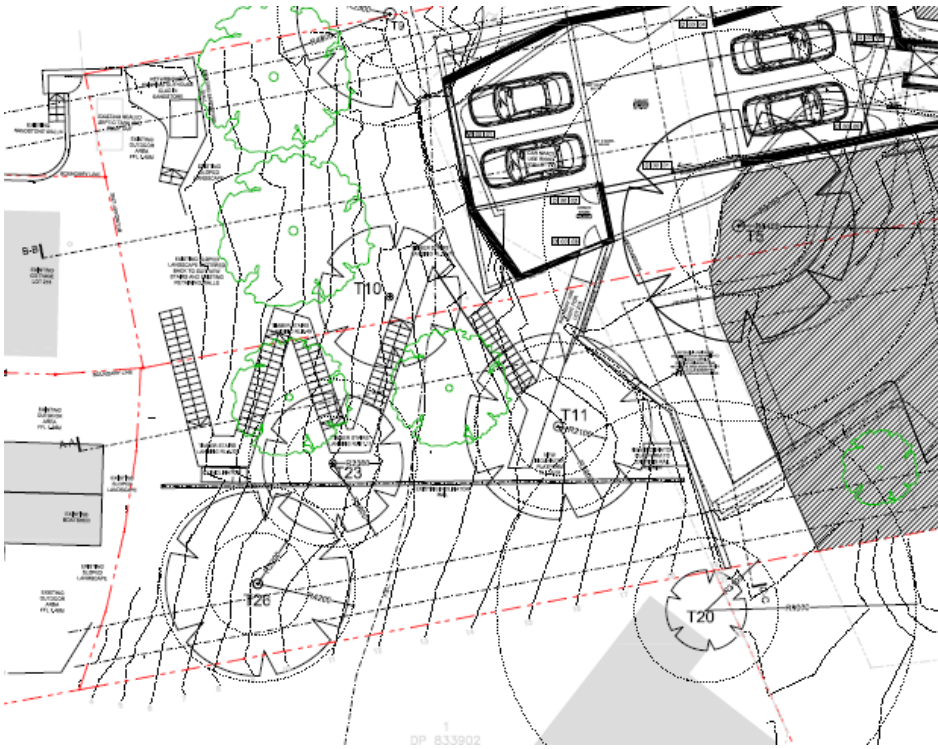


Image 1 – Proposed waterway access stairs

Assessment against criteria

Development consent must not be granted under this clause unless the consent authority is satisfied that:

- *the development will contribute to achieving the objectives for the zone in which the land is located, and*
- *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
- *the development will not cause environmental harm such as:*
 - *pollution or siltation of the waterway, or*
 - *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - *an adverse effect on drainage patterns, or*
 - *the removal or disturbance of remnant riparian vegetation, and*
- *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*
- *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
- *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
- *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
- *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change have been considered.*

Comment:

The proposed development is consistent with the objectives of the C4 Environmental zone. The appearance of the proposed development is compatible with the surrounding area. The proposed stairs will not cause environmental harm in relation to pollution, siltation, surrounding uses,

marine habitat, wetland areas, flora or fauna habitats, drainage patterns or remnant riparian vegetation. The proposed stairs will not cause congestion or generate conflict between people using the adjacent open space or waterway. The proposed stairs retains public access along the foreshore. The proposed development will not result in adverse impacts to any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land. The proposed stairs will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. The proposed development will not impact upon sea level rise, coastal erosion or recession, or change flooding patterns.

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- *continuous public access to and along the foreshore through or adjacent to the proposed development,*
- *public access to link with existing or proposed open space,*
- *public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- *public access to be located above mean high water mark,*
- *the reinforcing of the foreshore character and respect for existing environmental conditions.*

Comment:

The proposed development will retain continuous public access to and along the foreshore. The proposed development does not impact upon any public access. The proposed development is acceptable in relation to the foreshore character and the existing environmental conditions.

CONCLUSION

The applicant has satisfied the Panels query in relation to extent of works in the foreshore area. The works proposed within the foreshore area are limited to the water-way access stair detailed in the architectural and landscape plan. Condition 1 and Condition 41 are recommended to be amended to ensure that if consent is granted for this application, the conditions relate to the amended set of plans.

RECOMMENDATION

As a result of the amended proposal, the following changes are proposed to the conditions contained in the assessment report:

- **Amend Condition 1 - Approved Plans and Supporting Documentation – as follows:**

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-05-00/ Rev 5	10 August 2023	NOMAD
DA-10-00/ Rev 7	10 August 2023	NOMAD
DA-10-01/ Rev 6	10 August 2023	NOMAD
DA-10-02/ Rev 6	10 August 2023	NOMAD
DA-10-03/ Rev 6	10 August 2023	NOMAD

DA-10-04/ Rev 6	10 August 2023	NOMAD
DA-10-05/ Rev 6	10 August 2023	NOMAD
DA-10-10/ Rev 5	9 August 2023	NOMAD
DA-10-11/ Rev 5	9 August 2023	NOMAD
DA-10-12/ Rev 6	10 August 2023	NOMAD
DA-10-15/ Rev 5	9 August 2023	NOMAD
DA-10-16/ Rev 5	9 August 2023	NOMAD
DA-10-17/ Rev 5	9 August 2023	NOMAD

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment Tree Protection Specification (ref: 143- 145/RIVER/AIA/B)	10 May 2022	Tree IQ
Biodiversity Development Assessment Report (ref: BDAR032) rev. Final	6 June 2022	GIS Environmental Consultants
BASIX Certificate No. 1301888S_02	28 March 2023	ADP Consulting
NatHERS Certificate no. ZF30O10L4W-01	28 March 2023	NOMAD
Geotechnical Report	May 2022	Crozier

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Development Application Report	August 2023	Arcadia

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	5 May 2022	Chris Watt and Fiona Zielinski

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

- **Amend Condition 41 – Landscape Completion – as follows:**

Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings L_003, L_004, L_005, L_006, L_007 by Arcadia dated **August 2023**), and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; 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 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,

- c) tree planting shall be installed as indicated on the approved Landscape Plan(s) (9 x trees),
- d) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.