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beaches
council

MEMORANDUM

DATE: 30 August 2022

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Steve Findlay, Development Assessment Manager

FROM: Anne-Marie Young, Principal Planner

SUBJECT: Item 5.2, DA2021/2447– 989 Barrenjoey Road, Palm Beach

REFERENCE: Applicant submissions – Review of Condition 19 (Amended Plans)

Dear Panel Members,

The purpose of this memo is to advise the Panel of the receipt of a late submission from the applicant that seeks consideration of the following amendment to Condition 19 to provide greater clarity in its intent.

The condition as contained in the report is as follows:

19. Amendments to the approved plans

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

No approval is granted for any structures or landscaping within the road reserve. A 3.0m clear distance from the kerb meaning the design of the steps, the retaining walls and the landscaping must be amended to provide a 3.0m clearance from the kerb.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Applicants Submissions

The applicant submits that;

“The condition as drafted excludes approval for any structures within the road reserve whereas the intention, as expressed in the second sentence, would appear to exclude structures within 3 metres of the kerb. The condition as drafted would also preclude the access driveway.”

The applicant requests that the condition be amended to read as follows (changes are highlighted in **bold/ italics**):

19. Amendments to the approved plans



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

*No approval is granted for any structures or landscaping within **3.0m of the road kerb with the exception of the approved driveway. Accordingly, the design of the steps, the retaining walls and the landscaping must be amended to provide a 3.0m clearance from the kerb.***

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Review by Road Assets Section:

The applicant's request to review Condition 19 has been reviewed by Council's Road Reserve Unit, who suggest the following wording of condition 19, changes are highlighted in **bold/ italic**:

19. Amendments to the approved plans

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

Council will not approve of any structures or landscaping within 3.0m of the road kerb with the exception of the approved driveway. Accordingly, the design of the steps, the retaining walls and the landscaping must be amended to provide a 3.0m clearance from the kerb.

For any works between the 3.0 m clearance from the kerb and the property boundary, Council requires a Roads Act Application for Civil Works to be lodged with appropriate engineering details.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Recommendation:

The Panel note the applicants submissions and amend Condition 19 as suggested by Council's Road Reserve Officer.