

3.3	136 Anzac Avenue Collaroy Plateau - Subdivision of 1 lot into 3 lots
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DEVELOPMENT ASSESSMENT REPORT

Assessment Officer: Michael Edwards
Address / Property Description: Lot 1, DP 235748
No.136 Anzac Avenue, Collaroy Plateau
Proposed Development Subdivision of 1 lot into 3 lots

Development Application No: DA2009/1571
Application Lodged: 24/11/2009
Plans Reference: 16880 Sheets 1 and 2 of 2, dated 18/5/2009, prepared by
Bee & Lethbridge Pty Ltd.
28409-1/A, 2/A, 3, dated November 2009, prepared by
T.J.Taylor Consultants Pty Ltd
Amended Plans: NO
Applicant: Boston Blyth Fleming Town Planners
Owner: G Tsivis

Locality: E1 Dee Why North
Category: Category Two (2) (Subdivision)
Draft WLEP 2009 Permissible or Prohibited Land use: Permissible
Draft WLEP 2009 Land Zoning R2 Low Density Residential
Variations to Controls (Cl.20/Cl.18(3)): Housing Density – supported
Referred to ADP: YES
Referred to WDAP: NO
Land and Environment Court Action: NO

SUMMARY

Submissions: YES – Three (3) submissions
Submission Issues: Configuration and positioning of dwellings, landfill, stormwater easement, housing density and allotment dimensions.
Assessment Issues: Compliance with Built Form Controls (Housing Density)
Compliance with Schedule 7 Matters for consideration in a subdivision of land.
Recommendation: Approval – subject to conditions
Attachments: Site Plan
Pre-lodgement Notes

LOCALITY PLAN (not to scale)



Subject Site: Lot 1, DP 235748

No.136 Anzac Avenue, Collaroy Plateau

Public Exhibition:

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 12 adjoining land owners and occupiers (notice was sent to last known address) for a period of 14 calendar days commencing on 7/12/2009 and being finalised on 11/1/2010, furthermore, the application has been advertised within the Manly Daily on 20/2/2010 and a notice was placed upon the site.

SITE DESCRIPTION

Description: The subject site has a registered title of Lot 1 in DP 235748, commonly known as No.136 Anzac Avenue, located on the southern side of Anzac Avenue. The site in total comprises an area of 1615.0sqm, is irregular in shape and has a predominant north-south orientation. The site has a northern street-front boundary measuring 24.385m, an eastern side boundary of three lengths measuring 42.67m, 5.385m and 18.29m, a western side boundary of three lengths measuring 42.67m, 12.19m and 18.29m and a southern rear boundary measuring 31.495m.

- a) **Topography:** The site is considered predominantly level with a slight cross fall of approximately 7.9% (4.8m).
- b) **Existing Works:** Currently, the subject site contains a detached style residential dwelling, with a freestanding garage structure and swimming pool. The site is located within the existing established streetscape, and adjoined by detached style residential dwellings, consisting of single and double storey construction within landscaped settings.



- c) **Site Burdens/Constraints:** Council records do not reveal any site burdens or constraints over the subject site.



Figure 1: The subject site as viewed from Anzac Avenue.

RELEVANT BACKGROUND

- 23/7/2009** A pre-lodgment meeting was held between Council and the Owners of the subject site, together with the Applicant's Town Planning Consultant.
- 24/11/2009** DA2009/1571 for the subdivision of one lot into three lots was submitted with Council.
- 30/12/2009** Clock stopped. Council requested additional information relating to stormwater disposal.
- 14/1/2010** Clock restarted. Council received revised stormwater drainage plans.

PROPOSED DEVELOPMENT

The application proposes the subdivision of the existing one lot into three lots.

The following table identifies the characteristics of each existing allotment:

Lot	Area (Including Access Handle)	Area (Excluding Access Handle)	Boundary Dimensions
Lot 1	520.0sqm	437.5sqm	Street-front: 12.19m Eastern Side: 42.67m Rear: 12.19m Western Side: 42.67m
Lot 2	520.0sqm	437.5sqm	Street-front: 12.19m Eastern Side: 42.67m

Lot	Area (Including Access Handle)	Area (Excluding Access Handle)	Boundary Dimensions
			Rear: 12.19m Western Side: 42.67m
Lot 3	576.0sqm	576.0sqm	Northern: 31.495m Easter Side: 18.29m Rear: 31.495m Western Side: 18.29m

AMENDMENTS TO THE SUBJECT APPLICATION

There are no amendments to the plans for this application.

STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulations 2000;
- State Environmental Planning Policy – Infrastructure;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Warringah Local Environmental Plan 2000;
- Warringah Development Control Plan;
- Section 94A Developer Contributions Plan; and
- Draft Warringah Local Environmental Plan 2009.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 12 adjoining land owners and occupiers (notice was sent to last known address) for a period of 14 calendar days commencing on 20/2/2010 and being finalised on 16/2/2010, furthermore, the application has been advertised within the Manly Daily on 20/2/2010 and a notice was placed upon the site.

A total of 3 submissions were received in response to the application. Submissions were received from the following:

Submission Received:	Address:
Cramer, D & S	No.31A Parkes Road, Collaroy Plateau
Kelly, W & J	No.134 Anzac Avenue, Collaroy Plateau
Hall, J	No.10A Plateau Road, Collaroy Plateau

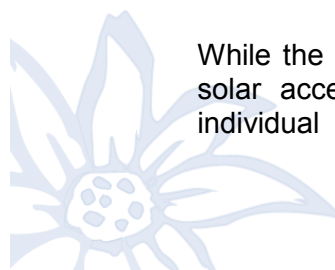
Discussion of the relevant issues raised in the submissions received is provided as follows:

i) Configuration and positioning of dwellings

Concern is raised in that the proposed dwellings will be of double storey construction and with a common driveway running down the centre of the site, will result in the dwellings being sited closer to the side boundaries which will result in a loss of solar access and impact visual privacy.

Response: This application proposes the subdivision of the site only and does not include the construction of dwellings. It is noted that the application is accompanied with an indicative building footprint plan which demonstrates that the proposed allotments are capable of accommodating a reasonably sized dwelling.

While the suitability and merit of each future dwelling with regards to positioning, setbacks, solar access and visual privacy would be considered during the assessment of each individual Development Application for a dwelling house, in accordance with the planning



principle for subdivision of *Parrott v Kiama [2004] NSWLEC 77* the development footprint of an allotment can be restricted where an allotment is smaller than usual, environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them.

It is recommended that the footprint of the dwelling on the rear allotment be restricted by way of condition of consent, to the footprint as proposed, increasing the rear building setback to 6.0m.

Accordingly, the submission issue does not warrant the refusal of the application.

ii) **Landfill**

Concern is raised in that the Statement of Environmental Effects states that the building material from the demolition of the existing building will be utilised to fill the former swimming pool. The concern is that the existing dwelling contains asbestos.

Response: The imposition of conditions in the draft consent will ensure any landfill on the subject site utilises clean fill material only. Further, the demolition of the dwelling will be required to be undertaken in accordance with the requirements of the NSW WorkCover Authority.

Additionally, DA2009/1017 for the demolition of the existing dwelling was approved 1/9/2009.

Accordingly, the submission issue does not warrant the refusal of the application.

iii) **Stormwater easement**

Concern is raised in that the proposed subdivision facilitates the need to establish an easement for drainage over No.31A Parkes Road and No.10A Plateau Road. Both properties have stated their objection to the establishment of a drainage easement over their land stating that the primary objection is that the easement would restrict the ability to further develop the land and would subsequently reduce the value of the property.

Response: Council's Development Engineers have reviewed the proposed development and the preferred method of stormwater disposal is via gravity disposal through the downstream properties. In this regard, Deferred Commencement Conditions have been provided, requiring the creation of an easement through the downstream properties. As this is a civil matter, the responsibility will be with the applicant of this application to satisfy the Deferred Commencement Condition.

Accordingly, the submission issue does not warrant the refusal of the application.

iv) **Housing density and allotment dimensions**

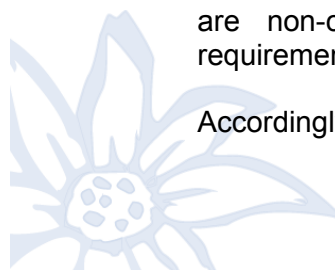
Concern is raised in that the proposed subdivision layout does not comply with the housing density requirement of 1 dwelling per 600sqm.

Furthermore, the proposed allotments do not comply with the minimum dimensions as specified in Schedule 7 of WLEP 2000.

Response: The assessment against the Desired Future Character Statement demonstrates that the proposed subdivision provides a consistent subdivision pattern and configuration in the locality and the lot sizes are consistent with those of the adjoining lots. The assessment against the provisions of Schedule 7 of WLEP 2000 demonstrates that, notwithstanding there

are non-compliances, on balance; the proposed subdivision satisfies the relevant requirements.

Accordingly, the submission issue does not warrant the refusal of the application.



MEDIATION

Mediation was not requested for this development application.

REFERRALS

A summary of the relevant comments is provided as follows:

a) Development Engineers

No objection was raised in relation to the proposed works; subject to conditions of consent (Deferred Commencement – stormwater drainage) which will be imposed should this application be recommended for approval.

b) Landscape Assessment

Council's Landscape Officer raised no objection to the proposed works stating:

'as works proposed on site with the subdivision comprise construction of the driveway and stormwater pipes, only trees on site affected by these specific works should be removed. As the stormwater easement traverses adjoining properties, conditions have been included regarding retention of trees on other sites.'

The recommended conditions have been imposed in the draft consent.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	Refer to discussions on "State Environmental Planning Policy No. 55 – Remediation of Land", "State Environmental Planning Policy (Infrastructure) 2007" and "WLEP 2000" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on "Draft Environmental Planning Instruments" in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan is applicable to this application and the relevant provisions are considered in this report.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i> . This matter has been address via a condition of consent. Clause 54 and 109 of the EPA Regulations 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed in detail under the General Principles of Development Control in this report and are found to be acceptable and reasonable. (ii) The proposed development will not have a detrimental social impact in the locality considering the residential character of the proposal.

Section 79C 'Matters for Consideration'	Comments
	(iii) The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site does not contain any significant constraints and the development's satisfactory compliance with the Built Form Controls and merit consistency against the Desired Future Character, General Principles of Development Control and Schedule 7, demonstrates the suitability of the site for the proposed subdivision.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	A total of 3 submissions were received. The issues raised in the submissions are addressed under 'Notification and Submissions Received' in this report.
Section 79C (1) (e) – the public interest	The proposal is in the public interest as the development is generally consistent with the planning controls which apply to the site and the proposal will not result in any unacceptable amenity impacts on the surrounding properties.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Subdivision
Land Use Zone: R2 Low Density Residential
Permissible or Prohibited: Permissible

Principal Development Standards:

Development Standard	Required	Proposed	Complies
Minimum Subdivision Lot Size:	600sqm	(Excluding the right of way) Lot 1 437.5sqm Lot 2 437.5sqm Lot 3 576sqm	NO NO NO
Height of Buildings:	8.5m	No buildings are proposed under this application.	Not applicable

Notwithstanding the numerical variation to the minimum subdivision lot size, the proposed development is consistent with the aims and objectives of the Draft WLEP 2009 in that the proposed allotments are consistent with the size, configuration and pattern of subdivision in the locality.

State Environmental Planning Policies

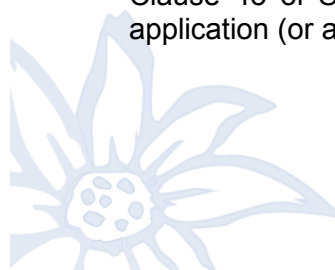
State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated.

Council records indicate that the subject site has been consistently used for residential purposes for a significant period of time. There is no evidence to indicate that the land is contaminated and as such, no further consideration under Clause 7(1)(b) and (c) of SEPP 55 is required. Therefore the land is suitable for the continued residential use.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:



- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

Regional Environmental Planning Policies

There are no Regional Environmental Planning Policies applicable to this application.

STATUTORY CONTROLS

Warringah Local Environmental Plan 2000

Desired Future Character

The subject site is located in the E1 Dee Why North Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

'The Dee Why North locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.'

Future development will relate to the established pattern and predominant scale of detached style housing in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise its visual impact when viewed from afar.

Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.'

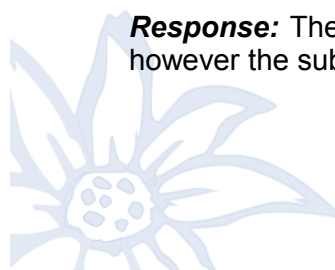
The proposed development is defined as 'subdivision' according to the WLEP 2000 Dictionary. 'Subdivision' is classified as Category 2 development in this locality.

Clause 12(3)(b) states that before granting consent for development classified as Category Two (2), the Consent Authority must be satisfied that the development is consistent with the Desired Future Character described in the relevant Locality Statement. As the proposed subdivision involves variations to Built Form Controls, Clause 20 requires a higher consistency test of the development against the Desired Future Character (DFC) Statement and also must be consistent with the DFC.

Accordingly, an analysis of the various relevant components of the Desired Future Character of the E1 Dee Why North Locality is as follows:

Requirement 1: *'The Dee Why North locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.'*

Response: The proposed subdivision does not propose any dwellings as part of this application, however the subdivision will facilitate the future accommodation of dwelling houses.



Requirement 2: 'Future development will relate to the established pattern and predominant scale of detached style housing in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise its visual impact when viewed from afar.'

Response: No building works are proposed as part of this application and the establishment of front building setbacks and landscaped front gardens would be considered at the time of assessment of future individual Development Applications for dwellings. However, it is noted that future dwellings would be capable of maintaining the pattern and scale of housing in the locality and the established setbacks in this section of Anzac Avenue. The subdivision application proposes the removal of some trees and Council's Landscape Officer has recommended the imposition of conditions to restrict tree removal to those impacted by the site drainage only.

Requirement 3: 'Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.'

Response: The existing subdivision character of the locality comprises a variety of regular and irregular shaped allotments as demonstrated in Figure 2 below. Within the immediate vicinity of the subject site, there is a strong established pattern of rectangular shaped allotments. The allotments along this section of Anzac Avenue are a consistent allotment size of 520sqm. The proposed two allotments fronting Anzac Avenue will present a high degree of consistency with the established character and subdivision pattern within Anzac Avenue and the proposed third allotment at the rear of the site will maintain the character of battle-axe allotments. Accordingly, notwithstanding the numerical variation to the Housing Density Built Form Control for the three allotments, the resulting allotments provide a configuration and size that is consistent with the strong established pattern and is satisfactory in this regard.

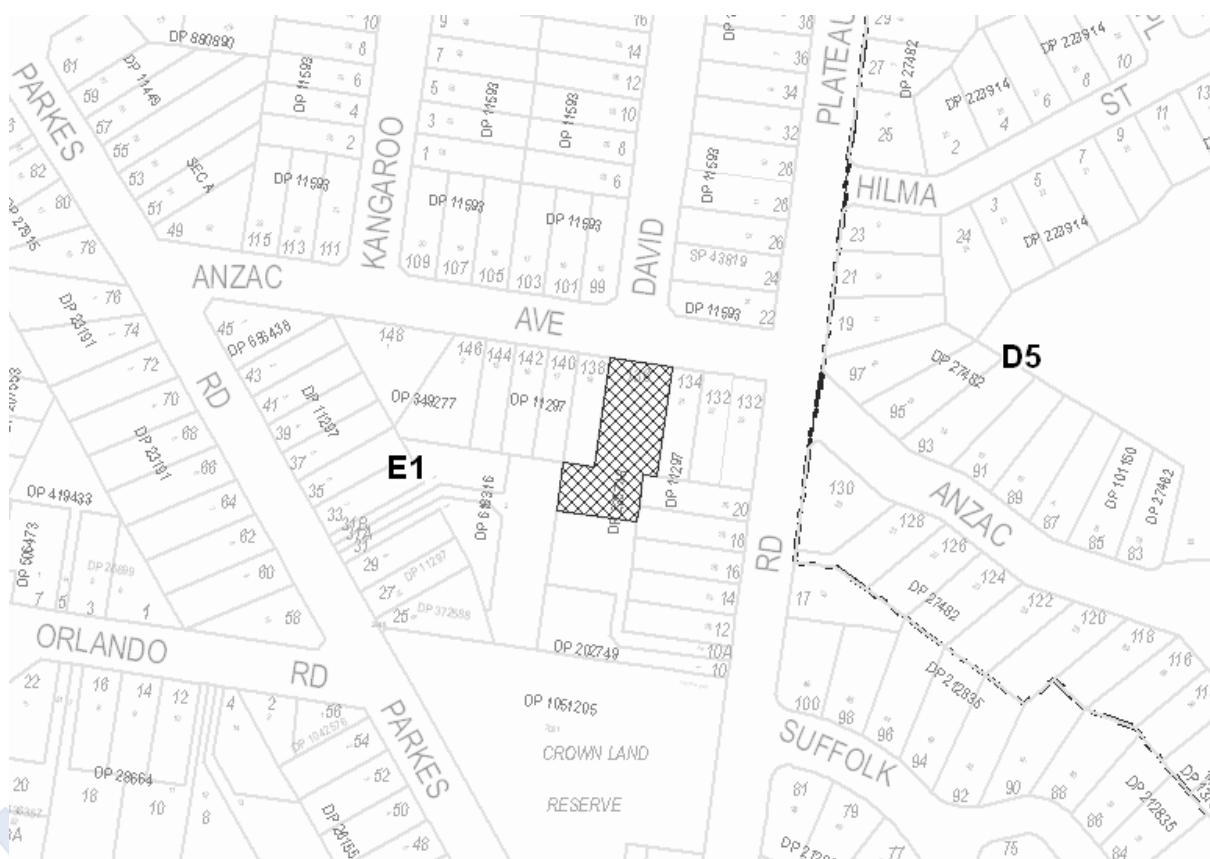


Figure 2: Illustration showing the established subdivision pattern and allotment configuration surrounding the subject site. (See plans for proposed lot layout)

Requirement 4: 'The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.'

Response: Not applicable.

The test above demonstrates that the proposed development is consistent with the Desired Future Character Statement.

Built Form Controls for Locality E1 Dee Why North

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Standard	Required	Proposed	Compliance Comment	Compliance
Housing Density	1/600sqm	<p><i>Excluding access way:</i></p> <p>Lot 1 520sqm Lot 2 520sqm Lot 3 576sqm</p> <p><i>Including access way:</i></p> <p>Lot 1 437.5sqm Lot 2 437.5sqm Lot 3 576sqm</p> <p>1 dwelling per 483.6sqm</p>	See assessment for variation under Clause 20 of WLEP 2000.	NO
Front Setback	6.5m	No dwellings are proposed as part of this application.	An indicative building footprint plan was submitted with the application which demonstrates that future dwellings would be able to comply with this requirement.	YES
Landscaped Open Space	40% of site	No dwellings are proposed as part of this application.	An indicative building footprint plan was submitted with the application which demonstrates that future dwellings would be able to comply with this requirement.	YES
Rear Setback	6.0m	No dwellings are proposed as part of this application.	An indicative building footprint plan was submitted with the application which demonstrates that future dwellings would be able to comply with this requirement.	YES
Side Setbacks	Min 900mm.	No dwellings are proposed as part of this application.	An indicative building footprint plan was submitted with the application which demonstrates that future dwellings would be able to comply with this requirement.	YES

Clause 20 – Variation to Built Form Controls

Pursuant to Clause 20 of WLEP 2000, consent may be granted to proposed development notwithstanding that the development does not comply with one or more of the abovementioned development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant Statement Environmental Planning Policies.

Does the Proposal Qualify for a Clause 20 Variation?

In determining whether the proposal qualifies for a Clause 20 variation under WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20 (refer to General Principles table in the Assessment Report for a detailed assessment of compliance with the General Principles.)

(ii) Desired Future Character of the Locality

The subject site is located within the E1 Dee Why North Locality, which, in the locality of the subject site, is characterised by residential uses. The proposed subdivision maintains a consistent subdivision pattern and allotment configuration and is considered to be consistent with the Desired Future Character of the locality. As such, the proposal is considered to satisfy this component of Clause 20. (Refer to discussion in assessment report on consistency with the DFC.)

(iii) Relevant State Environmental Planning Policies

The provisions of the relevant State Environmental Planning Policies have been considered in the assessment of the application and considered satisfactory. Accordingly, the proposal satisfies this criterion of Clause 20.

Description of variations sought and reasons provided:

Required: One (1) dwelling per 600sqm.

Proposed: The Housing Density Built Form Control states that housing density is to be calculated excluding the area of any access corridor. In this regard, the assessment is based on the following allotment sizes:

Lot 1 437.5sqm

Lot 2 437.5sqm

Lot 3 576sqm

The proposed housing density is 1 dwelling per 483.6sqm.

Response: The following considerations have been applied in the assessment of the Housing Density Built Form Control:

Each allotment proposed will contain one dwelling except in medium density areas, local retail centres, housing for older people or people with disabilities and on land equal to or greater than 3000sqm in area, where a building may contain more than one dwelling.



Comment: The proposed indicative building footprint plan submitted with this application demonstrates that each allotment created, will allow for the future accommodation of one (1) dwelling per allotment. In this regard, a future total of three dwellings will be achieved.

The proposal should respond to site opportunities and constraints, the size and configuration of allotments should be designed so that the resulting allotments can be developed to meet the requirements of the LEP such as the Locality Statements and General Principles.

Comment: The Built Form Controls compliance table demonstrates that the proposed allotments, albeit the numerical variation proposed to the housing density requirement, will still enable the accommodation of a reasonably sized dwelling house that can achieve numerical compliance with the Built Form Controls and merit consistency with the General Principles of Development Control. Any future dwellings would be required to respond to the site features including topography and allotment configuration with regards to the access way.

It should be noted that with the inclusion of the area of the access way, the proposed allotments result in an area as follows:

Lot 1 – 520sqm, Lot 2 – 520sqm, Lot 3 – 576sqm.

The existing subdivision pattern within the vicinity of the site comprises allotments with an area of 520sqm. In this regard, the resulting allotment sizes are consistent with the established size and pattern.

Clause 20 Variation – Supported

Having regard to the above, the resulting allotments maintain a consistent subdivision pattern and will still enable the future accommodation of dwelling houses that will be capable of achieving compliance with the Built Form Controls, the Desired Future Character statement and the General Principles of Development Control.

Other Relevant WLEP 2000 Clauses

Clause 21 – Can Land be Subdivided?’

The following table demonstrates the proposal’s compliance with Clause 21 of WLEP 2000.

Clause	Requirement	Proposed	Complies
21(1)(a)	Land can be subdivided on the basis that the resulting allotment(s) can be developed in accordance with this plan.	The proposal’s ability to accommodate future development in compliance with the development standards is discussed above under the Built Form Controls compliance table.	YES
21(1)(b)	Land can be subdivided on the basis that the resulting allotment(s) contain buildings or works that were lawfully created and approved.	Not applicable	Not applicable
21(3)	Land can be subdivided on the basis that the Consent Authority is satisfied that the proposed development is consistent with the provisions of Schedule 7 (Matters for Consideration in a Subdivision of Land) before approving an application for consent to subdivide land.	The proposal’s consistency with the provisions of Schedule 7 is discussed further in this report, which demonstrates that the proposal satisfies this provision of WLEP 2000.	YES

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	NO	No Comment	Not applicable
CL39 Local retail centres	NO	No Comment	Not applicable
CL41 Brothels	NO	No Comment	Not applicable
CL42 Construction Sites	YES	Conditions of consent would adequately address the construction requirements associated with the building works proposed on the site. Accordingly, the proposal satisfies this General Principle.	YES, subject to conditions.
CL43 Noise	NO	No Comment	Not applicable
CL44 Pollutants	NO	No Comment	Not applicable
CL45 Hazardous Uses	NO	No Comment	Not applicable
CL46 Radiation Emission Levels	NO	No Comment	Not applicable
CL47 Flood Affected Land	NO	No Comment	Not applicable
CL48 Potentially Contaminated Land	YES	The site has historically been used for residential purposes. Based on both a site inspection and desktop investigation into the site's land use history and upon the basis of information available to Council at the time of assessment, there is no evidence to suggest that the site is contaminated. Accordingly, no further consideration of the merit of the proposal is required.	YES
CL49 Remediation of Contaminated Land	NO	No Comment	Not applicable
CL49a Acid Sulfate Soils	NO	No Comment	Not applicable
CL50 Safety & Security	NO	No Comment	Not applicable
CL51 Front Fences and Walls	NO	No Comment	Not applicable
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	NO	No Comment	Not applicable
CL53 Signs	NO	No Comment	Not applicable
CL54 Provision and Location of Utility	YES	Conditions have been imposed in the draft consent to ensure that each of the proposed allotments have	YES, subject to

General Principles	Applies	Comments	Complies
Services		individual services connection. Accordingly, the proposal satisfies this General Principle.	conditions.
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	Not applicable
CL56 Retaining Unique Environmental Features on Site	NO	No Comment	Not applicable
CL57 Development on Sloping Land	NO	No Comment	Not applicable
CL58 Protection of Existing Flora	YES	This General Principle seeks to ensure that development is sited to minimise the impact on remnant indigenous flora. Council's Landscape Officer has made recommendations regarding the retention of trees and required tree planting to counter the removal of trees. The imposition of conditions will address these recommendations. Accordingly, the proposal satisfies this General Principle.	YES, subject to conditions
CL59 Koala Habitat Protection	NO	No Comment	Not applicable
CL60 Watercourses & Aquatic Habitats	NO	No Comment	Not applicable
CL61 Views	NO	No Comment	Not applicable
CL62 Access to sunlight	YES	While there are no residential dwellings proposed as part of this subdivision, pursuant to <i>Parrott v Kiama [2004] NSWLEC 77</i> the development footprint of an allotment can be restricted where an allotment is smaller than usual, environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them. In this regard, concern was raised by the neighbour of No.10A Plateau Road in that the rear allotment will enable the future development of a dwelling that will result in unreasonable overshadowing of the private open spaces of No.10A Plateau Road. Accordingly, a condition of consent is recommended to restrict the building footprint of the future dwelling on the rear allotment to ensure that any future dwelling is positioned in such manner that does not result in any unreasonable loss of solar access.	YES, subject to condition
CL63 Landscaped Open Space	NO	No Comment	Not applicable
CL63A Rear Building Setback	NO	No Comment	Not applicable
CL64 Private open space	NO	No Comment	Not applicable
CL65 Privacy	YES	While there are no residential dwellings proposed as part of this subdivision, pursuant to <i>Parrott v Kiama [2004] NSWLEC 77</i> the development footprint of an allotment can be restricted where an allotment is smaller than usual, environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them.	YES, subject to condition

General Principles	Applies	Comments	Complies
		<p>In this regard, concern was raised by the neighbour of No.10A Plateau Road in that the rear allotment will enable the future development of a dwelling that will result in unreasonable overlooking of the private open spaces and habitable portions of No.10A Plateau Road.</p> <p>Accordingly, a condition of consent is recommended to restrict the building footprint of the future dwelling on the rear allotment to ensure that any future dwelling is positioned in such manner that does not result in any unreasonable loss visual privacy.</p>	
CL66 Building bulk	NO	No Comment	Not applicable
CL67 Roofs	NO	No Comment	Not applicable
CL68 Conservation of Energy and Water	NO	No Comment	Not applicable
CL69 Accessibility – Public and Semi-Public Buildings	NO	No Comment	Not applicable
CL70 Site facilities	NO	No Comment	Not applicable
CL71 Parking facilities (visual impact)	NO	No Comment	Not applicable
CL72 Traffic access & safety	YES	<p>This General Principle seeks to ensure that vehicle movements to and from a development do not interfere with the flow of traffic or compromise pedestrian safety.</p> <p>All three proposed allotments will utilise a shared vehicle crossing and driveway which will reduce the number of vehicle entry points to the street. Traffic access and safety within the confines of the site will be controlled through the incorporation of a passing bay located directly off the front boundary.</p> <p>Councils' Development Engineers raised no objections to the proposed works, subject to conditions of consent which have been imposed in the draft consent. The conditions will ensure the driveway and vehicle crossing works comply with Councils technical specifications for driveways and vehicle crossings.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES, subject to conditions
CL73 On-site Loading and Unloading	NO	No Comment	Not applicable
CL74 Provision of Carparking	NO	No Comment	Not applicable
CL75 Design of Carparking Areas	NO	No Comment	Not applicable
CL76 Management of Stormwater	YES	<p>This General Principal seeks to ensure that adequate provision is made for the management of stormwater.</p> <p>The application has been assessed by Council's Development Engineers and their recommendations incorporated in the consent conditions. (See further discussion under Referrals in this report.)</p>	YES, subject to conditions

General Principles	Applies	Comments	Complies
		Accordingly, the proposal satisfies this General Principle.	
CL77 Landfill	YES	<p>This General Principle seeks to ensure that landfill does not have an adverse impact on the visual and natural environment.</p> <p>The proposed works involve landfill of the former in-ground swimming pool.</p> <p>Should the application be considered worthy of approval, it is recommended that a condition of consent be imposed to ensure that any fill material used, is clean and uncontaminated.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES, subject to conditions
CL78 Erosion & Sedimentation	YES	<p>Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site will be imposed should this application be recommended for approval.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES, subject to conditions
CL79 Heritage Control	NO	No Comment	Not applicable
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No Comment	Not applicable
CL81 Notice to Heritage Council	NO	No Comment	Not applicable
CL82 Development in the Vicinity of Heritage Items	NO	No Comment	Not applicable
CL83 Development of Known or Potential Archaeological Sites	NO	No Comment	Not applicable

SCHEDULES

A detailed assessment with regard to the provisions of the relevant Schedules of Warringah Local Environmental Plan 2000 is as follows:

Schedule 7 - Matters of consideration in a subdivision of land

The relevant components for consideration under Schedule 7 – Matters of consideration in a subdivision of land, as contained in WLEP 2000, are assessed in the following table:

Component:	Requirement	Proposed	Complies
Access:	<p>Subdivision should be designed to allow for access for motor vehicles on to each allotment of residential land.</p> <p>Access should be provided from a constructed road and dedicated public road.</p>	Access to the properties will be provided from Anzac Avenue by a Right of Carriageway and will accommodate a vehicle driveway with passing bay designed in accordance with Council's Development Engineers requirements.	YES
Bushfire	New subdivision should be designed to minimise the risk from potential bushfire.	The subject site is not identified as land affected by bushfire risk. Accordingly, this component of Schedule 7 is not applicable.	Not applicable

Component:	Requirement	Proposed	Complies																																
Design and Construction	All design and construction is to be in accordance with the Council's Specification for Engineering works and On-site Stormwater Detention policy and technical specifications.	The application was assessed by Council's Development Engineers and conditions of consent imposed to ensure the construction of vehicle crossings and driveways and the provision of services is in accordance with Council's technical specifications.	YES, subject to condition																																
Drainage	Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system.	The proposal has been assessed by Council's Development Engineers who raised no objection, subject to the imposition of conditions of consent (Deferred Commencement – stormwater drainage) to ensure that appropriate water and drainage connections are made prior to the issue of the Subdivision Certificate.	YES, subject to condition																																
Environmentally Sensitive / Constrained Land	Subdivision should have regard to environmentally sensitive and constrained land.	Council GIS system does not indicate any environmental constraints on the site and as such, the proposal is considered satisfactory in addressing this component of Schedule 7.	YES																																
Lot Dimensions	Subdivision should provide allotments that meet the minimum specified dimensions.	<p>The proposed Lots resulting from the subdivision of the site are considered to generally comply with the numerical dimensions as specified under this requirement.</p> <p>The following table demonstrates this compliance:</p> <table border="1"> <thead> <tr> <th>Lot</th><th>Minimum Width</th><th>Proposed</th><th>Comply</th></tr> </thead> <tbody> <tr> <td>1</td><td>13.0m</td><td>12.19m</td><td>NO</td></tr> <tr> <td>2</td><td>13.0m</td><td>12.19m</td><td>NO</td></tr> <tr> <td>3</td><td>13.0m</td><td>18.29m</td><td>YES</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Lot</th><th>Minimum Depth</th><th>Proposed</th><th>Comply</th></tr> </thead> <tbody> <tr> <td>1</td><td>27.0m</td><td>42.67m</td><td>YES</td></tr> <tr> <td>2</td><td>27.0m</td><td>42.67m</td><td>YES</td></tr> <tr> <td>3</td><td>27.0m</td><td>31.495m</td><td>YES</td></tr> </tbody> </table> <p>While it is noted that Lots 1 and 2 do not comply with the minimum allotment width of 13.0m, the provision of 12.19m still maintains a reasonable allotment width to enable the accommodation of future dwellings capable of achieving compliance with the Built Form Controls. It is also noted that the allotment width is consistent with the adjoining allotments.</p> <p>Accordingly, it is considered that the proposed allotments are of sufficient dimensions with regard to the allotment width and length.</p>	Lot	Minimum Width	Proposed	Comply	1	13.0m	12.19m	NO	2	13.0m	12.19m	NO	3	13.0m	18.29m	YES	Lot	Minimum Depth	Proposed	Comply	1	27.0m	42.67m	YES	2	27.0m	42.67m	YES	3	27.0m	31.495m	YES	YES
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1	27.0m	42.67m	YES																																
2	27.0m	42.67m	YES																																
3	27.0m	31.495m	YES																																
Restrictions	The Council will require that any easement, right-of-way, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party, to ensure that section of land is retained for the designated purpose.	Should this application be recommended for approval, specific conditions of consent will be imposed to ensure that any easement, right-of-carriageway or other restriction placed on the title of the land of the subdivision, is protected by a positive covenant or like instrument with Council nominated as a party to release such restrictions.	YES, subject to condition																																

Schedule 8 – Site Analysis

A Site Analysis plan was submitted as part of this application and is considered satisfactory in addressing the requirements of this Schedule.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94A Contributions are not applicable to this application as the proposal is for the subdivision of one (1) allotments into three (3) and does not propose any new dwellings and as the cost of subdivision works does not exceed \$100,000.00.

As such, any future development of the site will be subject to the Warringah Section 94A Development Contribution Plan, effective 4 December 2006 and will be calculated on a total cost of works basis.

OTHER MATTERS FOR CONSIDERATION

There are no other matters for consideration that are relevant in the assessment of this application.

CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and the proposed development does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

The proposed subdivision is consistent with the Desired Future Character of this locality in that the proposed allotments maintain a consistent pattern of subdivision with regards to their size and configuration.

While the proposed subdivision results in non-compliance with the Housing Density, in accordance with Clause 20(1) of Warringah Local Environmental Plan 2000, the variation is supported. Support to such variation is given, as the proposal is considered to satisfy Clause 20(1) of the Plan, being consistent with the Desired Future Character Statement and the relevant General Principles.

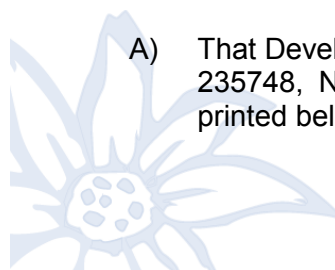
The proposed subdivision also provides consistency with the provisions of Schedule 7 *Matters to be considered in a subdivision of land* and the proposed allotments will enable the future accommodation of detached style residential dwellings, capable of achieving numerical compliance with the Built Form Controls and General Principles of Development Control of WLEP 2000.

The issues raised in the submissions received have been considered and the merit assessment against the Desired Future Character Statement, General Principles of Development Control and Schedule 7, demonstrates that the proposal is satisfactory and does not warrant further amendment to the allotment design or warrant the refusal of the application.

Accordingly, the proposal is recommended for approval, subject to conditions.

RECOMMENDATION (DEFERRED COMMENCEMENT APPROVAL)

- A) That Development Application No.DA2009/1571 for the subdivision of 1 lot into 3, at Lot 1, DP 235748, No.136 Anzac Avenue, Collaroy Plateau, be approved subject to the conditions printed below; and



- B) That pursuant to Section 95(C) of the Environmental Planning Assessment Act 1979, the Council vary the provisions of Section 95(1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

GENERAL CONDITIONS

DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement conditions have been satisfied.

1. Stormwater Drainage Easement

As the natural fall of the land is towards the rear of the site, the disposal of stormwater drainage is to be via an easement through the downstream property(s) and the Crown Land Reserve. The easement is to be created under Sections 88B, and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the creation of the easement in order to activate the consent.

Evidence required to satisfy this condition must be submitted to the satisfaction of Council within twelve (12) months of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENA02)

CONDITIONS THAT IDENTIFY APPROVED PLANS

2. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
16880 Sheet 2 of 2	18/5/2009	Bee & Lethbridge Pty Ltd
28409-1/A	January 2010	T.J.Taylor Consultants Pty Ltd
28409-2/A	January 2010	T.J.Taylor Consultants Pty Ltd
28409-3	November 2009	T.J.Taylor Consultants Pty Ltd

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)



3. Dwelling Footprints

- a) The location and design of the concept dwellings with carparking on Lot 3 are described in the following plans to demonstrate that each of the lots can be developed for a dwelling generally in accordance with Warringah Local Environmental Plan 2000 as required by Clause 21(1)(a) of that plan.

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
16880 Sheet 2 of 2	18/5/2009	Bee & Lethbridge Pty Ltd

- b) The dwelling on Lot 3 shall have a minimum rear building setback of 6.0m.
- c) The plans listed in the table are not approved under this consent except and to the extent that a specific plan or matter described in a plan referred to in the table is expressly provided for in other conditions of consent.

Reason: Statutory compliance.

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.



In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement. (DACPLB09)

5. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:
8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.



Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Compliance with Standards

The development (where applicable) is to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- (b) AS2601.2001 - Demolition of Structures
- (c) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (d) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities.

Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website www.hreoc.gov.au/disability_rights/buildings/good.htm.
www.hreoc.gov.au/disability%20rights%20/buildings/good.htm.

- (e) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (f) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted)
- (g) AS 4970 - 2009 'Protection of trees on development sites'

(**Note:** that the above list is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

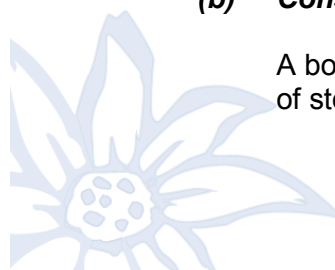
7. Bonds

(a) Security Bond

A bond of \$1,000 and an inspection fee paid of \$210.00 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

(b) Construction, Excavation and Associated Works Bond (Drainage)

A bond of \$5000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.



(c) Construction, Excavation and Associated Works Bond (Pollution)

A bond of \$3000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

8. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Construction Certificate Plans

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) Trees approved for removal

This consent includes approval to remove the following trees:

Species	Location
Trees	Within the alignment of the approved driveway and stormwater pipes on the site

(c) Existing trees which must be retained

Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements.

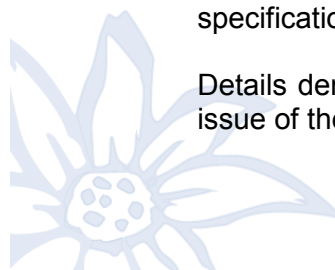
Species	Location
All trees	Adjoining sites, including those on the alignment of any approved stormwater easement traversing other properties. Installation of pipes traversing other properties must be undertaken using tunnel boring or similar where pipes are located under the drip line of any canopy of trees

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

9. Submission of Engineering Plans

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of vehicular access and stormwater drainage (including on-site detention structures) which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

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



Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

12. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

13. Layback Construction

A layback 5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)



14. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

15. Notification of Inspections

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 backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter

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. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

16. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

17. Imported Fill

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material at any time. All fill imported onto the site shall be validated by either one or both of the following methods:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained;
- b) Sampling and analysis of the fill material should be conducted in accordance with the Environment Protection Authority's Contaminated Sites: Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: To ensure that imported fill is of an acceptable standard. (DACHEif)



18. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

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

19. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

20. Certification Civil Works

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)



CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

21. Positive Covenant for On-site Stormwater Detention

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Warringah Council. Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENH02)

22. Easement for Drainage

An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919. (DACENH16)

23. Easement for Services

An easement for services (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 88B instrument to ensure all utility services are located within the appropriate easement(s).

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.(DACENH18)

24. On-Site Stormwater Detention Compliance Certification

Prior to issue of a subdivision certificate the on-site stormwater detention (OSD) system must be certified by a consulting engineer and include a "works as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Reason: To ensure stormwater disposal is constructed to standard specifications AUSPEC 1. (DACENH21)



25. Subdivision Certificate Application

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919. (DACENH24)

26. Provision of Services for Subdivision

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan.

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

Reason: To ensure that utility services have been provided to the newly created lots.(DACENH03)

27. Right of Carriageway

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access and manoeuvring areas.

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

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919. (DACENH04)

28. Restriction as to User for On-site Stormwater Detention

A restriction as to user (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements, which are available from Warringah Council. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

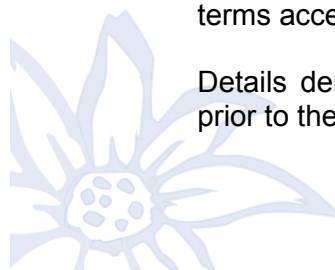
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval. (DACENH07)

29. Restriction as to User for Vehicular Access

A restriction as to user shall be incorporated in the title of Lots A and B that shall preclude that lot from utilising its frontage for vehicular traffic except for the section created as a Right of Carriageway. The wording of the restriction of use is to be prepared by a surveyor, with terms acceptable to Council.

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



Reason: To ensure compliance with Council policy for vehicular access.
(DACENH08)

30. Stormwater Drainage and Utility Services Plan

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor is to be submitted to Council.

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

Reason: To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919. (DACENH10)

31. Survey Plan - Construction Identification

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.

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

Reason: To ensure accurate location of buildings, access and services.

(DACENH12)

32. Sydney Water Compliance Certification

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

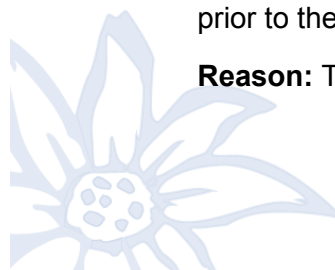
Reason: To ensure compliance with the statutory requirements of Sydney Water.
(DACENH13)

33. Title Encumbrances

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Warringah Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land. (DACENH14)



The site plan shows a proposed subdivision of Lot 1 in D.P. 23248, located on the north side of Anzac Avenue. The plan is divided into three lots: Lot 1 (approx. 1.0 acre), Lot 2 (approx. 1.0 acre), and Lot 3 (approx. 1.0 acre). Lot 1 is the largest and contains a large building footprint. Lot 2 is a smaller lot to the east of Lot 1. Lot 3 is a smaller lot to the south of Lot 1. The plan also shows Anzac Avenue to the north, a proposed street to the east, and a proposed street to the south. The plan is signed by a professional engineer and includes a title block with project information.

PROPOSED SUBDIVISION DATA

LOT NO.	TOTAL AREA (Ac.)	NET AREA (Ac.)	NET AREA (Sq. Ft.)	NET AREA (Sq. Ft.)
1	1.00	0.95	65,340	65,340
2	1.00	0.95	65,340	65,340
3	1.00	0.95	65,340	65,340
TOTAL	3.00	2.85	196,020	196,020

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.
3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT.

REFERENCE: SEE THE SITE PLAN FOR THE PROPOSED SUBDIVISION.

PROPOSED SUBDIVISION DATA

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
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REFERENCE: SEE THE SITE PLAN FOR THE PROPOSED SUBDIVISION.

Pre-lodgement Notes



Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website
Email
www.warringah.nsw.gov.au
council@warringah.nsw.gov.au

Notes of Pre-DA meeting

Planning and Development Services

Application No: PLM2009/0060

Meeting Date: 23/07/2009

Property Address: No.136 Anzac Avenue COLLAROY PLATEAU

Proposal: Subdivision of one (1) lot into three (3)

Attendees for Council: Steven Findlay - Team Leader Development Assessment
Michael Edwards – Development Assessment Officer
David Halliday – Senior Development Engineer

Attendees for applicant: Greg Boston – Applicant
Alastair Duncan – Builder
George Tsivis – Property Owner

General Comments:

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.

Note: No pre-application meeting nor this letter can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process.

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Pre-lodgement Notes

Consideration of proposal against Warringah Local Environment Plan 2000

'The fundamentals'	
Definition of proposed development: (ref. WLEP 2000 Dictionary)	Subdivision (One (1) lot into three (3))
Locality:	E1 Dee Why North
Category of Development:	Pursuant to Clause 14(2) of WLEP 2000, subdivision is identified as Category Two (2) development. Any future housing on the site would be Category One (1) development.

Desired Future Character
<p>The Dee Why North locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.</p> <p>Future development will relate to the established pattern and predominant scale of detached style housing in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise its visual impact when viewed from afar.</p> <p>Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.</p> <p>The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.</p> <p>In accordance with Clause 14(2) of WLEP 2000 subdivision is identified as Category Two (2) development. In accordance with Clause 12(3)(b) of WLEP 2000, before granting consent for development classified as Category Two (2) development, the consent authority must be satisfied that the development is consistent with the desired future character statement for the relevant locality statement.</p> <p>The proposed subdivision is for the purposes of establishing new allotments for the erection of detached style dwelling houses. In this regard, the proposed development will maintain the existing character of detached style housing in landscaped settings.</p> <p>Although the proposed subdivision does not achieve strict numerical compliance with the housing density standard of one (1) dwelling per 600sqm, the proposed layout of the subdivision is considered to be consistent with the established pattern, size and configuration of surrounding allotments.</p> <p>Accordingly, the proposed subdivision is considered to be consistent with the Desired Future Character Statement.</p>

Built Form Control Compliance Table		
Built Form Control	Requirement	Comment
Building Height Metres	8.5m	The proposal does not involve the erection of any dwellings therefore no details were provided at the pre-lodgement meeting. Future dwellings are capable of complying with building height controls.
Building Height: Natural ground to upper ceiling (metres)	7.2m	The proposal does not involve the erection of any dwellings therefore no details were provided at the pre-lodgement meeting. Future dwellings are capable of complying with building height controls.
Front Setback	6.5m	The proposal does not involve the erection of any dwellings.

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Pre-lodgement Notes

Built Form Control Compliance Table		
Built Form Control	Requirement	Comment
		Notwithstanding, the indicative building footprint plan demonstrates that future dwellings are capable of complying with the Front Building Setback control.
Landscape Open Space	40%	Detailed landscaped open space calculation plans should be submitted to demonstrate that each of the three (3) proposed Lots will comply with the landscaped open space control. The areas of landscaped open space should be calculated in accordance with the requirements of WLEP 2000.
Rear Setback	6m	The proposal does not involve the erection of any dwelling. Notwithstanding, the indicative building footprint plan indicates that future dwellings are capable of complying with the Rear Building Setback control. The dwelling on proposed Lot 3 does not have a typified rear boundary given that the allotment is accessed from an access handle. Notwithstanding, future development on this allotment should demonstrate consistency with the underlying objectives of the Rear Building Setback control. The following considerations are applied in assessment of the Rear Building Setback control: <ul style="list-style-type: none"> • Create a sense of openness in rear yards; • Preserve the amenity of adjoining land; • Maintain the visual continuity and pattern of buildings, rear gardens and landscape elements; and • Provide opportunities to maintain privacy between dwellings.
Side Boundary Envelope	4m with inward projecting planes at 45 degrees	The proposal does not involve the erection of any dwellings therefore no details were provided at the pre-lodgement meeting. Future dwellings are capable of complying with Side Boundary Envelope control.
Side Setbacks	0.9m	The proposal does not involve the erection of any dwelling. Notwithstanding, the indicative building footprint plan indicates that future dwellings are capable of complying with the Side Setback control.

General Principles of Development Control	
Division 1 General 38 Glare and reflection 39 Local retail centres 40 Housing for older people or people with disabilities 41 Brothels 42 Construction sites	Clause 42 Construction Sites The subdivision application should include the demolition of the existing dwelling. A demolition plan and waste management plan should be submitted identifying the storage location of building materials and recycling of materials.
Division 2 Health and safety 43 Noise 44 Pollutants 45 Hazardous uses	Not Applicable

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Pre-lodgement Notes

General Principles of Development Control	
46 Radiation emission levels 47 Flood affected land 48 Potentially contaminated land 49 Remediation of contaminated land 49A Acid sulfate soils	
Division 3 Public domain 50 Safety and security 51 Front fences and walls 52 Development near parks, bushland reserves and other public open spaces 53 Signs	Not Applicable
Division 4 Site planning and building design 54 Provision and location of utility services 55 Site consolidation in "medium density areas" 56 Retaining distinctive environmental features on sites 57 Development on sloping land 58 Protection of existing flora 59 Koala habitat protection 60 Watercourses and aquatic habitat 61 Views 62 Access to sunlight 63 Landscaped open space 63A Rear building setback 64 Private open space 65 Privacy 66 Building bulk 67 Roofs 68 Conservation of energy and water 69 Accessibility—premises available to the public 70 Site facilities	Clause 54 Provision and Location of Utility Services Utility services must be provided to the site of the development, including provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage. Utility services including service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets. A services plan should be submitted with any development application for the subdivision of the site identifying the provision and location of services and any easements required over any allotment. A Section 73 Certificate would be required from Sydney Water for the connection of the sewer. Clause 58 Protection of Existing Flora The existing site contains a number of mature trees which contribute to the landscaped setting and visual amenity of the streetscape. In this regard, the trees located within the 6.5m front building setback area must be retained. Any provision and location of utility services including vehicle driveways and passing bays should be located so as to not impact on the trees including the critical root zones. Clause 63 Landscaped Open Space A Landscaped Open Space Calculation Plan must be provided, demonstrating the allotments are capable of achieving numerical compliance with the Landscaped Open Space Built Form Control which requires a total provision of 40% of each lot as soft landscaping.
Division 5 Traffic, access and carparking 71 Parking facilities (visual impact) 72 Traffic access and safety 73 On-site loading and unloading 74 Provision of carparking 75 Design of carparking areas	Clause 72 – Traffic Access and Safety Council's Development Engineers have indicated that the location of the proposed driveway from Anzac Avenue should be between Lots 1 and 2 and servicing Lot 3 is preferable. This is concurred with in the proposed subdivision plans. The creation of a Right-of-Carriageway will be required over the driveway. The driveway must provide a minimum width of 3.5m and accommodate a vehicle passing bay. A passing bay should be provided forward of the dwellings on Lots 1 and 2 so as to provide a functional configuration that will benefit Lot 3. Turning circles should be provided on the driveway plan to indicate

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Pre-lodgement Notes

General Principles of Development Control	
	<p>that there is adequate ability for vehicles to manoeuvre on-site to exit in a forward direction.</p> <p>The construction of the driveway will be required as part of the subdivision application and constructed prior to the issue of any Subdivision Certificate.</p> <p>Clause 74 Provision of Carparking</p> <p>Car parking is to be provided in accordance with the requirements of Clause 74 – Provision of car parking and Schedule 17 of WLEP. In this regard, provision for two (2) carparking spaces will be required for each future dwelling. The proposed subdivision should demonstrate how each allotment will be able to accommodate the minimum required number of carparking spaces.</p>
<p>Division 6 Soil and water management</p> <p>76 Management of stormwater 77 Landfill 78 Erosion and sedimentation</p>	<p>Clause 76 – Management of Stormwater</p> <p>Stormwater runoff from the development is to discharge to a Council drainage system approved by the Council for the purpose and is to have minimal impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake, waterway or the like.</p> <p>In particular, stormwater runoff is to be controlled using on-site stormwater detention in accordance with the Council's "On-site Stormwater Detention Technical Specification". Details demonstrating the connection and location of stormwater discharge should be submitted.</p> <p>An On-site Stormwater Detention System should be provided at the rear of Lots 1 and 2 and discharged to a Council drainage system.</p> <p>A Catchment Analysis / Capacity Check of the existing drainage line should be submitted to identify its ability to withstand any additional loading. The Catchment Analysis / Capacity Check should take into consideration drainage from all properties connected to the line.</p> <p>Should the pipeline which drains to Parkes Road necessitate upgrading and cannot be achieved due to physical constraints, an easement for drainage will be required through No.25 Parkes Road.</p> <p>Council's Parks Reserves and Foreshore division have no objections to using the pipeline, however Council records indicate the pipeline runs through a Crown Reserve in which Council has no interest.</p> <p>Accordingly, you are advised to liaise with the Department of Lands to obtain Owners Consent. It is also unclear who owns the existing drainage line as it not mapped on Councils GIS.</p> <p>Should it be the case that Council has some management responsibility over this reserve and vehicular access over the reserve is required during construction phase then a "Vehicular Access over Reserves Application will need to be submitted to Council.</p> <p>Clause 78 Erosion and Sedimentation</p> <p>A Soil and Water Management Plan which ensures minimum soil erosion and maintenance of downstream water quality that has been prepared in accordance with the Council's "Specification for Erosion and Sediment Control" and "Design and Specification Manuals for Engineering Works" is to be considered by the Council before consent for the relevant development is granted.</p>

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Pre-lodgement Notes

General Principles of Development Control	
Division 7 Heritage 79 Heritage control 80 Notice to Metropolitan Aboriginal Land Council and Department of Environment and Conservation 81 Notice to Heritage Council 82 Development in the vicinity of heritage items 83 Development of known or potential archaeological sites	Not applicable

Other Relevant WLEP 2000 Clauses
Clause 21 – Can land be subdivided Any subdivision must demonstrate consistency with Clause 21 of WLEP 2000. Schedule 7 Matters for Consideration in a Subdivision of Land Any subdivision must demonstrate consistency with the requirements of Schedule 7 of WLEP 2000. It is noted that Lots 1 and 2 do not achieve numerical compliance with the minimum allotment dimensions, specifically the minimum allotment widths. Accordingly, supporting documentation must accompany the application for subdivision to demonstrate the consistency and suitability of the proposed subdivision layout, configuration and allotment sizes, with adjoining allotments. Justification must be provided in the Statement of Environmental Effects.

Other Relevant Environmental Planning Instruments / Council Policies
You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au : <ul style="list-style-type: none"> • Applications for Development - Policy for the handling of unclear, non conforming, insufficient and Amended applications: PDS-POL 140 • Stormwater drainage for low level properties PDS-POL 135 • Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130 • Common vehicular access to multiple properties: LAP-PL 310 • Development Applications relating to trading hours under the Liquor Act 1982: LAP-PL 610 • Onsite stormwater detention rainwater reuse policy for single residential dwellings: PAS-PL 100 • Vehicle access to all roadside development: LAP-PL 315

Draft Environmental Planning Instruments
There are no Draft Environmental Planning Instruments applicable to the subject site.

Required Documentation
<ul style="list-style-type: none"> • All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000; • All information as required on the Development Application form checklist; • Site Analysis (prepared in accordance with Schedule 8 of WLEP 2000); • Site Survey (prepared by a registered Surveyor); • Statement of Environmental Effects addressing: <ul style="list-style-type: none"> ◦ Section 79C of EPA Act; ◦ all relevant sections of WLEP 2000, including demonstrating consistency with the locality's Desired Future

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Pre-lodgement Notes

Required Documentation

- Character Statement, Built Form Controls and General Principles of Development Control and Schedule 7;
 - o and other relevant Environmental Planning Instruments;
- Erosion and Sediment Control Plan;
- Waste Management Plan;
- Stormwater Management Plans;
- Catchment Analysis / Capacity Check of the existing stormwater pipeline;
- Planning Principle – Subdivision with Building Envelope (Kiama Council v Parrott) NSWLEC77

Concluding Comments

In accordance with Clause 12 of WLEP 2000, before granting consent to a development application for a Category Two (2) development, the consent authority must be satisfied that the development is consistent with the Desired Future Character Statement. Subdivision is identified as Category Two (2) development pursuant to Clause 14(2) of WLEP 2000.

The Desired Future Character (DFC) Statement for the E1 Dee Why North Locality states that subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

Although the proposed subdivision does not achieve strict numerical compliance with the housing density standard of one (1) dwelling per 600sqm, the proposed layout of the subdivision is considered to be consistent with the established pattern, size and configuration of surrounding allotments. Accordingly, the proposed subdivision is considered to be consistent with the Desired Future Character Statement.

The subdivision does not achieve numerical compliance with the Lot Dimensions as contained within Schedule 7 of WLEP 2000, specifically the widths of Lots 1 and 2. Justification for the suitability of the proposed subdivision is required.

The capacity of the existing stormwater drainage line must be checked for its ability to withstand any additional loading from the allotments. Should the pipeline require upgrading, you are advised to liaise with the Department of Lands to obtain Owners Consent. Should Owners Consent not be obtained, an easement for drainage will need to be created over No.25 Parkes Road.

Subject to the above advice and satisfactory resolution of the stormwater drainage, the proposal should proceed to Development Application lodgement.

Other Matters

• **Requirement to Submit Correct, Clear and Accurate Information at Lodgement**

You are advised, that if an application Unclear, Non-Conforming, provides In-sufficient information or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame – your application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

• **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Councils website – DA's online. www.warringah.nsw.gov.au

• **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au

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