

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2024/0857
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<b>Responsible Officer:</b>	Simon Ferguson Tuor
<b>Land to be developed (Address):</b>	Lot 2 DP 815540, 96 Wakehurst Parkway ELANORA HEIGHTS NSW 2101
<b>Proposed Development:</b>	Strata Subdivision of a dual occupancy
<b>Zoning:</b>	C4 Environmental Living SP2 Infrastructure
<b>Development Permissible:</b>	Yes - Zone SP2 Infrastructure Yes - Zone C4 Environmental Living
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Bruce Colin McDonald

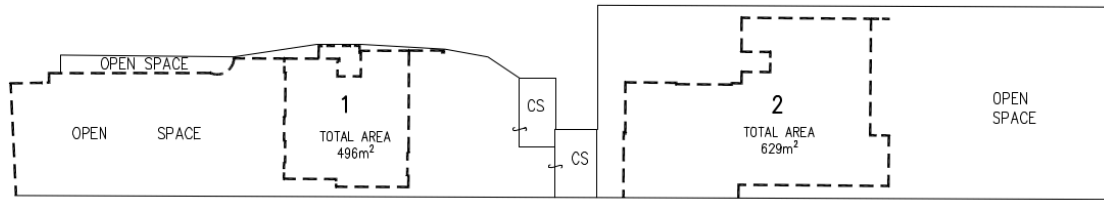
<b>Application Lodged:</b>	09/07/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Subdivision only
<b>Notified:</b>	17/07/2024 to 14/08/2024
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 0.00
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### PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the strata subdivision of an existing attached dual occupancy.

The submitted draft strata subdivision plan nominates the existing shared driveway as common property with the proposed private open space allocations. Lot 1 is proposed to have an area of 496m<sup>2</sup> and Lot 2 a total area of 629m<sup>2</sup> (see Figure 1 below).



PLEASE NOTE:  
THE POSITION OF STRATA LOT BOUNDARIES AND AREAS SHOWN  
ARE SUBJECT TO FINAL SURVEY

*Figure 1: Proposed Strata Subdivision Plan*

The proposed development does not involve any demolition work or physical modification to the existing buildings, landscaping or existing driveway area. No site works for stormwater drainage or other ancillary infrastructure is required.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones

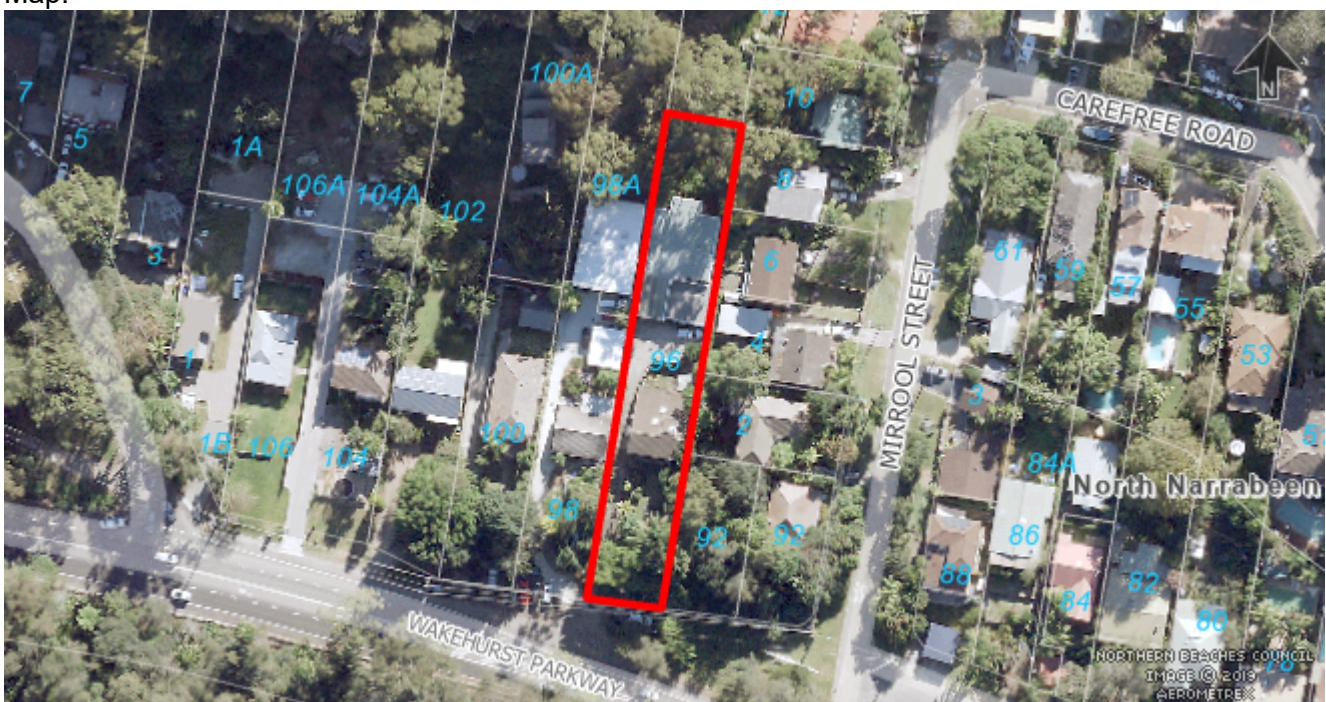
Pittwater 21 Development Control Plan - B2.2 Subdivision - Low Density Residential Areas

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2 DP 815540 , 96 Wakehurst Parkway ELANORA HEIGHTS NSW 2101
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<p><b>Detailed Site Description:</b></p>	<p>The subject site consists of one (1) allotment located on the northern side of Wakehurst Parkway, west of the Mirrool Street intersection.</p> <p>The site is regular in shape, with a frontage of 15.245m to Wakehurst Parkway and side boundaries of 98.6m and 99.1m respectively. The rear boundary measures 15.24m and the site has a total area of 1523m<sup>2</sup>.</p> <p>The site is located within the C4 Environmental Living zone and accommodates an existing detached dual occupancy which was approved on 2 November 1994 via Application No. 1994/229.</p> <p>The site has a sloping topography from the rear to the front boundary that meets Wakehurst Parkway. Stormwater from the site is currently dispersed to Wakehurst Parkway.</p> <p>Vehicular access is available from the Wakehurst Parkway via with parking provided for both detached dwellings.</p> <p>The site contains grassed areas, shrubs, hedges and some trees.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one and two storey dwellings of varying architectural styles. There are other similar dual occupancy developments in the nearby vicinity.</p>
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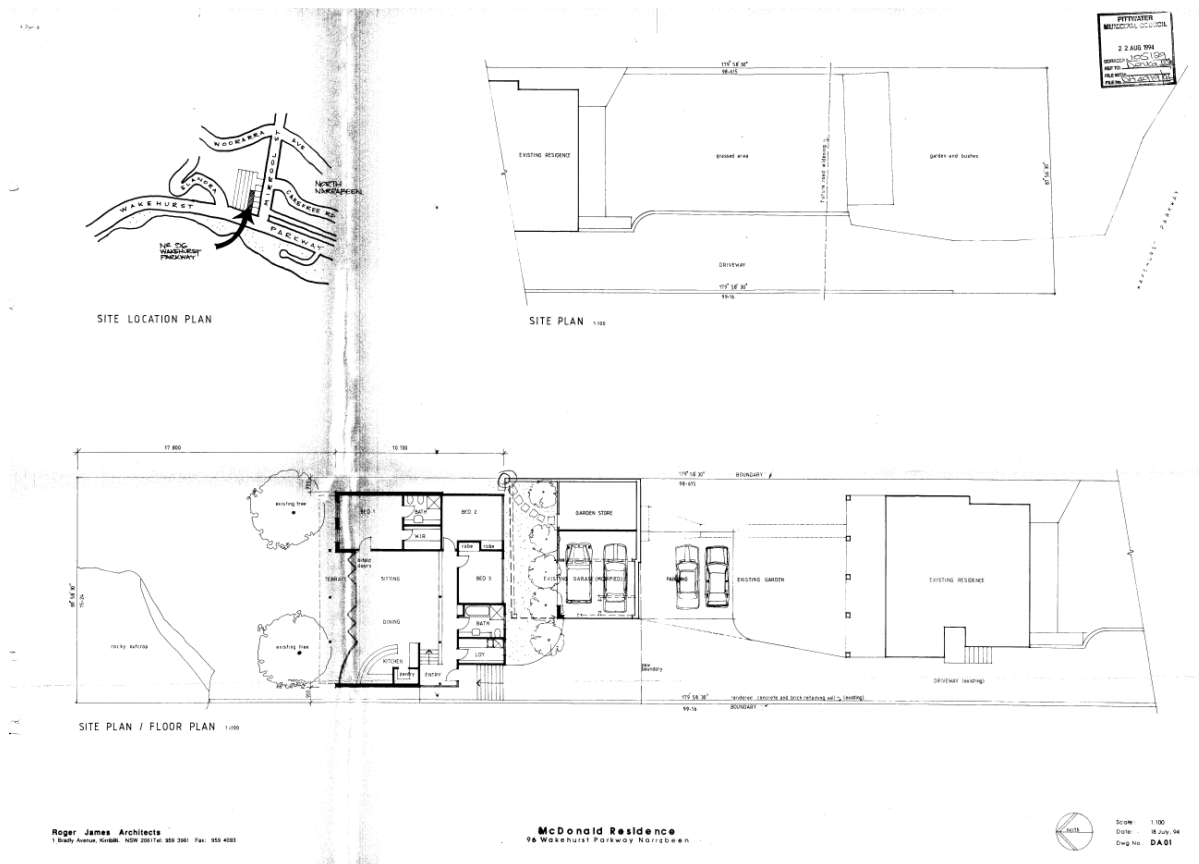
Map:



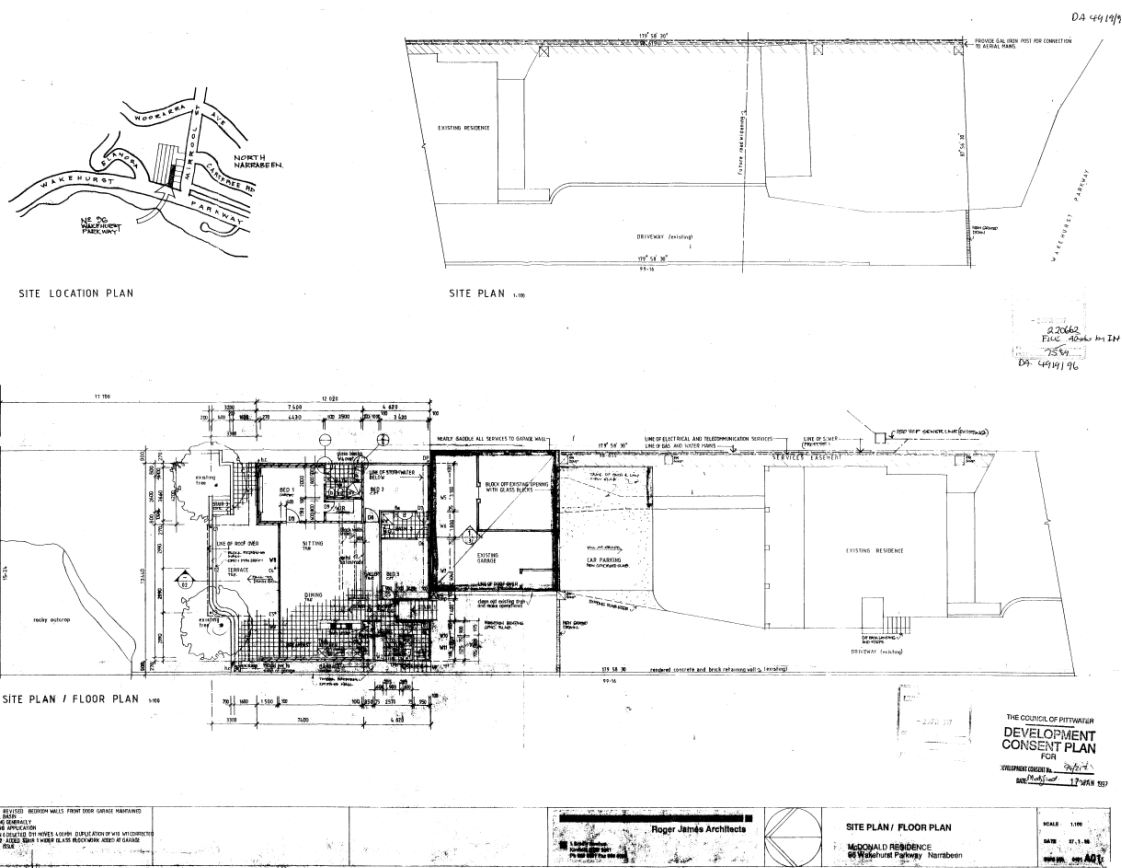
## SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- 0200/94 (Consent No: 94/212)**  
 Detached dual occupancy and subdivision  
 Approved : 14/11/1994



- DA4919/96 - Modification of Development Consent No: 94/212**  
 Retention of existing garage and change to parking area to provide turning circles  
 Approved 11/11/1996



## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.  <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent



Section 4.15 Matters for Consideration	Comments
	authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (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	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is classified as bush fire prone land and the proposed development is for a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes / a special fire protection purpose under Section 100B of the Rural Fires Act 1997. As such, the proposal is integrated development and requires a bush fire safety authority from the NSW Rural Fire Service.

The application was referred to the NSW RFS as integrated development. The NSW RFS issued a bush fire safety authority, subject to conditions. The recommendations of the Bush Fire Report , along with the conditions from the NSW RFS as part of the bush fire safety authority, have been included as part of the recommended conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 17/07/2024 to 14/08/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Elisa Lee	4 Mirrool Street NORTH NARRABEEN NSW 2101

The following issues were raised in the submissions:

- **Damaged Boundary Wall**
- **Parking**
- **Landscaping**

The submissions raised concerns that a damaged boundary wall was needing repair and was dangerous in its current state. The submission noted that parking arrangements meant the vehicle headlights shined into the adjoining property at 4 Mirrool Street and restrictions should be imposed under this application to prevent parking in this location. Finally, it was requested that landscaping be conditioned to provide privacy screening between the subject site and 4 Mirrool Street.

Comment:

There are no works proposed under this development application and therefore no nexus for Council to impose any conditions requiring works or landscape planting. The boundary wall matter is a civil matter between property owners. The parking shown on the strata subdivision plans under this application align with the approved dual occupancy (as modified) at the site.

## REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>• NSW Biodiversity Conservation Act 2016</li> <li>• NSW Biodiversity Conservation Regulation 2017</li> <li>• SEPP (Resilience and Hazards) 2021 - Coastal Wetlands and Proximity Area</li> <li>• Pittwater LEP - Clause 7.6 Biodiversity Protection</li> <li>• Pittwater DCP - Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</li> </ul> <p>Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). However, the submitted plans and documentation indicate that the proposal would not require the removal of any vegetation as it is for the subdivision only and therefore will not trigger entry into the BOS.</p>

Internal Referral Body	Comments
	<p>Furthermore, the site is on land identified as proximity area for coastal wetlands and as such the development must not impact on the ecological integrity of the wetlands.</p> <p>A bushfire report has been submitted with the application and concludes that the existing asset protection zones are sufficient for compliance with Planning for Bushfire Protection 2019 - no additional vegetation removal is required.</p> <p>No native vegetation or fauna habitat would be impacted, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p><b><u>Planner comment</u></b></p> <p>The condition recommended by the Biodiversity Officer has been removed as there are no works proposed under this application and therefore no construction certificate.</p>
NECC (Development Engineering)	Development engineering raises no objections to the proposed development.

External Referral Body	Comments
Integrated Development - Rural Fire Service - Rural Fires Act, s100B - Subdivisions and Special Fire Protection Purposes	<p>The Development Application is considered to be 'integrated development' for the purposes of Section 100B of the <i>Rural Fires Act 1997</i> and requires approval from the NSW Rural Fire Service.</p> <p>The proposal was referred to NSW Rural Fire Service who provided a response on 11 October 2024 stating that the proposal is acceptable subject to compliance with the recommended conditions. These recommendations will be included as a condition of consent.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP (Resilience and Hazards) 2021

### Chapter 2 – Coastal Management



The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

## **2.8 Development on land in proximity to coastal wetlands or littoral rainforest**

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
  - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
  - b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment:

## **Division 2 Coastal Vulnerability Area**

### **2.9 Development on land within the coastal vulnerability area**

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- b) the proposed development:
  - i) is not likely to alter coastal processes to the detriment of the natural environment or
  - ii) other land, and
  - iii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

Comment:

No physical works are proposed, hence there will be no impact on the adjoining coastal wetland.

## **Division 3 Coastal environment area**

### **2.10 Development on land within the coastal environment area**

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - b) coastal environmental values and natural coastal processes,
  - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed

- development on any of the sensitive coastal lakes identified in Schedule 1,
- d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- f) Aboriginal cultural heritage, practices and places,
- g) the use of the surf zone.

Comment:

As no physical works are proposed, there is no adverse impact on the coastal environment area.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
  - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

As no physical works are proposed, there is no adverse impact on the coastal environment area.

## **Division 4 Coastal use area**

### **2.11 Development on land within the coastal use area**

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
  - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - i) existing, safe access to and along the foreshore, beach, headland or rock
    - ii) platform for members of the public, including persons with a disability,
    - iii) overshadowing, wind funnelling and the loss of views from public places to
    - iv) foreshores,
    - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
  - b) is satisfied that:
    - i) the development is designed, sited and will be managed to avoid an
    - ii) adverse impact referred to in paragraph (a), or
    - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

As no physical works are proposed, there is no adverse impact on the coastal use area.

**Division 5 General**

**2.12 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

No physical works are proposed, hence there will be no increased risk of coastal hazards.

**2.13 Development in coastal zone generally—coastal management programs to be considered**

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The proposal has been reviewed against all relevant legislation and policies.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

**Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

**Pittwater Local Environmental Plan 2014**

Is the development permissible?	Zone SP2: Yes Zone C4 : Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone SP2: Yes Zone C4 : Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
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Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	550sqm	Lot 1: 496sqm Lot 2: 629sqm	N/A	Yes*
Height of Buildings:	8.5m	No physical change proposed	N/A	N/A

\* Clause 4.2A (4) States that this "clause does not apply to the strata subdivision of land used, or proposed to be used, for the purpose of a dual occupancy for which development consent was granted on or before 2 June 2003." The subject dual occupancy was approved by Council under Development Consent No 94/212 dated 2 November 1994, therefore this clause does not apply.

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision - consent requirements	Yes
4.1 Minimum subdivision lot size	N/A
4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones	N/A
5.1A Development on land intended to be acquired for public purpose	Yes
5.21 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

#### Detailed Assessment

#### **4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones**

This clause does not apply to the proposed strata subdivision pursuant to subclause 4, as development consent for the existing dual occupancy was granted before 2 June 2003.

#### **Pittwater 21 Development Control Plan**

##### Built Form Controls

This application relates only to the strata subdivision of the existing dual occupancy on the site. The proposal does not comprise of any works to the building that require an assessment of the built form controls.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	Yes	Yes
B2.2 Subdivision - Low Density Residential Areas	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.2 Bushfire Hazard	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
C4.1 Subdivision - Protection from Hazards	Yes	Yes
C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities	Yes	Yes

#### Detailed Assessment

#### **B2.2 Subdivision - Low Density Residential Areas**

Clause B2.2 requires that any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot width at the building line of 16 metres. The proposed strata subdivision would result in a minimum lot width of 15.245m

A merit assessment has been carried out against the objectives of the control is carried out below:

- *Achieve the desired future character of the locality.*

#### Comment:

The proposed subdivision is consistent with development in the area. The existing buildings at the site will be retained. The desired future character of the Elanora Heights locality is maintained.

- *Maintenance of the existing environment.*

#### Comment:

The proposed subdivision is not expected to have any significant adverse impacts on the existing environment.

- *Equitable preservation of views and vistas to and/or from public/private places.*

#### Comment:

No physical works are proposed. Views and vistas to and from private and public spaces will not



be unreasonably impacted by the proposal.

- *The built form does not dominate the natural setting.*

Comment:

The existing built form on the site will be maintained.

- *Population density does not exceed the capacity of local and regional infrastructure and community services.*
- *Population density does not exceed the capacity of local and regional transport facilities.*

Comment:

No increase to the population density will result from the proposed subdivision as the dual occupancy that is to be subdivided is existing.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/0857 for Strata Subdivision of a dual occupancy on land at Lot 2 DP 815540, 96 Wakehurst Parkway, ELANORA HEIGHTS, subject to the conditions printed below:

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
11263SD Sheet 1 of 2	Issue A	Plan of Subdivision of Lot 2 in DP815540 - Location Plan	Paul Barry Byrne	N/A
11263SD Sheet 2 of 2	Issue A	Plan of Subdivision of Lot 2 in DP815540 - Ground Floor	Paul Barry Byrne	N/A

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Bushfire Assessment Report (Reference Number 241036)	1	Bushfire Hazard Solutions	24.06.2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	15.07.2024
NSW Rural Fire Service	RFS Referral Response	11.10.2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

### 3. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. 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.

### 4. Title Encumbrances

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Simon Ferguson Tuor, Planner**

The application is determined on 15/10/2024, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**