

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2024/1376
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<b>Responsible Officer:</b>	Dean Pattalis
<b>Land to be developed (Address):</b>	Lot G DP 408223, 7 Cooleena Road ELANORA HEIGHTS NSW 2101
<b>Proposed Development:</b>	Subdivision of one lot into two including demolition works, new driveway and carport
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Jvurban Pty Ltd

<b>Application Lodged:</b>	21/10/2024
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Subdivision only
<b>Notified:</b>	30/10/2024 to 13/11/2024
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	10
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 248,050.00
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### EXECUTIVE SUMMARY

This development application seeks consent for a torrens title subdivision of one lot into two, including demolition, stormwater, parking and driveway works.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to 10 unique submissions being received during the community notification period.

The subject site is constrained by virtue of its slope, irregular shape and presence of a topographical drop-off at the rear of the site, which renders a significant portion of the proposed rear Lot 2 as being unsuitable for construction and use as open space.

Concerns raised in the objections predominantly relate to stormwater, traffic, landslip, amenity, landscape and biodiversity.

Critical assessment issues include; compliance under Clause B2.2 Subdivision - Low Density Residential Areas under P21DCP and the suitability of using an indicative scheme for the future development on the proposed rear allotment, and demonstration of compliance with the relevant built form and amenity controls, as opposed to a fully integrated dwelling proposal.

The maximum slope of proposed Lot 2 (the vacant rear lot) is calculated to be 37% between the highest and lowest points of the allotment which is a numerical non-compliance with the control of 30% under clause B2.2. The non-compliance is considered acceptable on merit, noting that the majority of the allotment is compliant with the control and that an indicative dwelling footprint for future development on proposed Lot 2 shall be the subject of a Section 88B "Restriction As To User" instrument to ensure that future development on the vacant rear lot is carried out in accordance with the agreed footprint within the indicative plans, including any future ancillary development such as a swimming pool. A future development application will be lodged for the construction of a dwelling house on Lot 2 within the stipulated building footprint.

The steeply sloping rear portion of proposed lot 2 beyond the sandstone retaining wall as represented on the site and subdivision plans (drawings L01 and L02), shall remain vacant and undeveloped in accordance with the footprint restriction. Therefore, notwithstanding the topographical constraints of the site, the proposed subdivision is supported on merit based on a suitably restricted developable area.

Within the developable area for a future dwelling house on proposed Lot 2, the detailed indicative dwelling plans submitted with the application demonstrate an acceptable design outcome can be achieved that retains full compliance with the built form controls of P21 DCP, as well as in the context of amenity and environmental outcomes including solar access, private open space, visual privacy, excavation and tree retention. The existing dwelling house development is retained on Lot 1, and the existing attached single garage will be demolished to accommodate the proposed right of way providing access to both lots.

The approach taken to ensuring the site is suitable for subdivision and the environmental planning outcome is sufficiently certain, is consistent with the requirements of PLEP 2014, P21DCP, the LEC Planning Principle for subdivision of land (Parrot v Kiama Council), and is consistent with how the adjoining property (No. 5 Cooleena Road) was approved for a 1 into 2 subdivision, which was under the former PLEP 1993 and DCP, which contained similar subdivision controls.

The application has been referred to the relevant internal referral bodies who are supportive of the application, subject to the conditions provided.

This report concludes that, despite the significant natural constraints affecting the site, the applicant has demonstrated that it is suitable for subdivision, satisfies the provisions of PLEP 2014 and P21DCP, subject to special conditions requiring a restriction on the location of the future dwelling-house on the vacant rear lot.

Accordingly, the application is recommended for **approval** subject to conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The development application seeks consent for torrens title subdivision of one allotment into two, as well as the following works:

- Demolition of the existing attached single garage on the western side of the existing dwelling on proposed Lot 1
- Construction of a new driveway with right of carriageway to service the respective allotments, as well as a suspended slab located on Lot 2
- New double carport to the rear of proposed Lot 1
- Landscaping and stormwater management works

### Amended Information

Further information was submitted during the assessment period in response to Council's Request for Information (RFI) letter.

The additional information included:

- Additional indicative architectural plans of a future development on proposed Lot 2 that is able to demonstrate adequate compliance with relevant development standards and controls,
- Additional shadow diagrams for both the existing and indicative development,
- Updated Geotechnical Report to reflect the currently proposed development,
- New Survey Plan to supersede the original which had not surveyed the rear portion of the existing site and
- Additional driveway and turning details in response to development engineering requirements.

## **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.

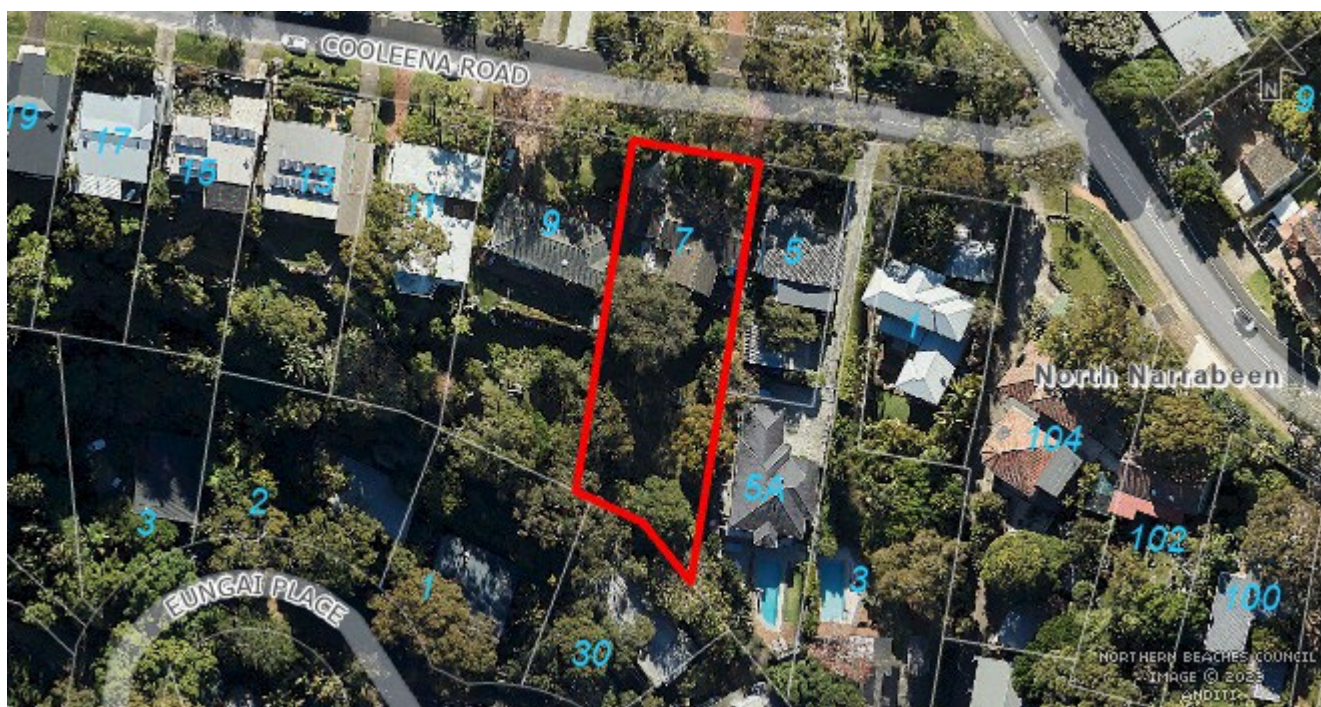
## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living  
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks  
Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards  
Pittwater 21 Development Control Plan - A4.5 Elanora Heights Locality  
Pittwater 21 Development Control Plan - B2.2 Subdivision - Low Density Residential Areas  
Pittwater 21 Development Control Plan - B3.1 Landslip Hazard  
Pittwater 21 Development Control Plan - C1.4 Solar Access  
Pittwater 21 Development Control Plan - C1.5 Visual Privacy  
Pittwater 21 Development Control Plan - C1.7 Private Open Space  
Pittwater 21 Development Control Plan - C4.1 Subdivision - Protection from Hazards  
Pittwater 21 Development Control Plan - C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities  
Pittwater 21 Development Control Plan - C4.7 Subdivision - Amenity and Design  
Pittwater 21 Development Control Plan - D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)  
Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)  
Pittwater 21 Development Control Plan - D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)

## SITE DESCRIPTION

<b>Property Description:</b>	Lot G DP 408223 , 7 Cooleena Road ELANORA HEIGHTS NSW 2101
<b>Detailed Site Description:</b>	<p>The subject site consists of 1 allotment located on the southern side of Cooleena Road, Elanora Heights.</p> <p>The site is irregular in shape with a frontage of 20.88 metres along Cooleena Road and a maximum depth of 68.13 metres. The site has a surveyed area of 1268.1m<sup>2</sup>.</p> <p>The site is located within the C4 Environmental Living zone pursuant to PLEP 2014 and accommodates an existing 1-2 storey brick dwelling with a single garage. The lower level at the rear contains an approved secondary dwelling.</p> <p>The site slopes steeply from the street frontage towards the rear and is densely vegetated with several significant trees in the front and rear portions.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by low-density residential development of varying architectural styles and within a landscaped setting.</p>

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:

### **(a) Development Application No. N0177/16 for Subdivision of one lot into two and the demolition of existing garage**

This Development Application was refused by Council on 02/11/2016, citing various inconsistencies with the objectives of PLEP 2014 and the outcomes of P21 DCP including:

#### *Pittwater Local Environment Plan 2014:*

- *Permissibility and E4 zone objectives*
- *Clause 4.1 Minimum subdivision lot size*
- *Clause 7.6 Biodiversity protection*
- *Clause 7.7 Geotechnical hazards*
- *Clause 7.10 Essential services*

#### *Pittwater 21 Development Control Plan*

- *Part A1.7 Considerations before consent is granted*
- *Part A4.5 Elanora Heights Locality*
- *Part B2.2 Subdivision - Low Density Residential Areas*
- *Part B3.1 Landslip Hazard*
- *Part B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor*
- *Part B5.1 Water Management Plan*
- *Part B5.10 Stormwater Discharge into Public Drainage System*
- *Part B5.12 Stormwater Drainage Systems and Natural Watercourses*
- *Part B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)*
- *Part B6.1 Access driveways and Works on the Public Road Reserve*
- *Part B6.2 Internal Driveways*
- *Part B6.3 Off-Street Vehicle Parking Requirements*

- *Part C4.1 Subdivision - Protection from Hazards*
- *Part C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities*
- *Part C4.7 Subdivision - Amenity and Design*
- *Part D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)*

#### **Internal Referrals**

*Development Engineer - Not supported*

*Natural Environment Officer - not supported*

#### **(b) Building Certificate No. BC0136/16 for Single storey secondary dwelling located at lower ground floor partly below main dwelling**

*The Building Information Certificate was approved for the previously unauthorised secondary dwelling ordered for removal under NOT0246/16.*

#### **(c) Development Application No. N0584/16 for a Secondary Dwelling**

*This Development Application was approved for the use of lower ground floor as a secondary dwelling on 09/03/2017.*

#### **(d) Development Application No. N0533/17 for Subdivision of one (1) lot into two (2) lots, alterations and additions to existing dwelling and construction of new dwelling**

*This Development Application was lodged and subsequently withdrawn by applicant on 06/02/2018 upon advice from Council, citing various inconsistencies with the objectives of PLEP 2014 and the outcomes of P21 DCP including:*

##### **PLEP 2014**

- cl. 4.1 Minimum subdivision lot size: The development did not demonstrate that the adequate and safe access and services will be provided for the newly created lot.*
- cl. 4.3 Height of buildings: The maximum height of the dwelling exceeds 8.5m and a variation to this control is not supported because the design of the dwelling house and associated site works do not satisfactorily respond sensitively to the natural topography of the newly created site.*
- cl. 7.7 Geotechnical hazards: The Geotechnical report relates only to the subdivision and does not include any physical works assessment.*
- cl. 7.10 Essential services: An Essential Services plan has not been submitted with the application to demonstrate that services which are essential for the development will be available for the newly created lot.*

##### **P21DCP**

- cl. C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities: The proposal did not demonstrate that safe and convenient access and parking will be provided for each lot.*
- cl. C4.5 Subdivision - Utility Service: The development did not demonstrate that services which are essential for the development will be available for the newly created lot.*
- cl. C4.7 Subdivision - Amenity and Design: The proposal did not demonstrate that safe and convenient access and parking will be provided for each lot.*
- cl. A4.5 Elanora Heights Locality: The proposed dwelling did not satisfactorily provide a landscape setting nor integrate with the landform.*
- cl. B2.2 Subdivision - Low Density Residential Areas: The newly created lot, being Lot 2, will have a slope in excess of 16.7 degrees (30%).*
- cl. D5.7 Building envelope (Excluding Elanora Heights Village Centre): The western elevation non-compliance is substantial and does not satisfactorily minimise bulk and scale of the built form.*
- cl. D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights*

*Village Centre): Site disturbance has not been minimised and the building design does not respond sensitively to the natural topography.*

#### **Referral Issues**

*Council's Development Engineer assessed the application and found it to be inconsistent and or non-complying with the following Pittwater 21 Development Control Plan (P21DCP) clauses:*

*cl. B5.7 Stormwater Management - On-Site Stormwater Detention; cl. B5.10 Stormwater Discharge into Public Drainage System; B6.1 Access driveways and Works on the Public Road Reserve; and B6.2 Internal Driveways*

*Council's Natural Environment Officer assessed the application and requires further documentation with respect to P21DCP cl. C1.1 Landscaping.*

#### **(e) Pre-lodgement Meeting No. PLM2018/0175 for Subdivision of one lot into two**

*This PLM was held on 30/08/2018 specifically relating to stormwater drainage design for a future subdivision as well as vehicle access and utility services.*

#### **(f) Development Application No. DA2022/0448 for Subdivision of one lot into two and partial demolition of existing dwelling**

*This Development Application was refused by NBLPP on 06/09/2022, citing various inconsistencies with the objectives of PLEP 2014 and the outcomes of P21 DCP including:*

*Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living*

*Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards*

*Pittwater Local Environmental Plan 2014 - 7.10 Essential services*

*Pittwater 21 Development Control Plan - A1.7 Considerations before consent is granted*

*Pittwater 21 Development Control Plan - A4.5 Elanora Heights Locality*

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

*Pittwater 21 Development Control Plan - B3.1 Landslip Hazard*

*Pittwater 21 Development Control Plan - B6.2 Internal Driveways*

*Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements*

*Pittwater 21 Development Control Plan - B6.6 On-Street Parking Facilities*

*Pittwater 21 Development Control Plan - C1.1 Landscaping*

*Pittwater 21 Development Control Plan - C1.4 Solar Access*

*Pittwater 21 Development Control Plan - C1.5 Visual Privacy*

*Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy*

*Pittwater 21 Development Control Plan - C1.7 Private Open Space*

*Pittwater 21 Development Control Plan - C4.1 Subdivision - Protection from Hazards*

*Pittwater 21 Development Control Plan - C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities*

*Pittwater 21 Development Control Plan - C4.7 Subdivision - Amenity and Design*

*Pittwater 21 Development Control Plan - C4.8 Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots*

*Pittwater 21 Development Control Plan - D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)*

*Pittwater 21 Development Control Plan - D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)*

*Pittwater 21 Development Control Plan - D5.9 Landscaped Area - Environmentally Sensitive Land*

#### **Internal Referrals**

*Development Engineer - Not supported*

Water Management Officer - Not supported  
Landscape Officer - Not supported  
Traffic Engineer - Not supported

**(g) Pre-lodgement Meeting No. PLM2024/0055 for Subdivision of one lot into two**

**(h) Application DA2024/1376 for Subdivision of one lot into two including demolition works, new driveway and carport (Current Application)**

*This relates to the subject application currently under assessment. Additional information has been submitted which is considered to adequately address the information which was deficient from the prior applications that prevented approval including:*

- Detailed indicative architectural plans which have reconfigured the proposed allotments and demonstrate adequate numerical compliance with the built form and amenity controls of P21 DCP for both proposed allotments.*
- Updated geotechnical reporting and section plans which clarify the extent of cut and fill which has been reviewed by Council's Development Engineer and Water Management Officer and is now considered acceptable in the context of drainage patterns, subject to recommended conditions.*
- Updated stormwater management details which have been reviewed and now supported by Council's Development Engineer, subject to a deferred commencement condition for the registration on title of an inter-allotment drainage easement.*
- Further detailed analysis and justification of the proposed vehicle access, maneuvering and parking arrangement which has been reviewed and now supported by Council's Traffic Engineer.*
- Updated arboricultural analysis which has been reviewed and now supported by Council's Landscape Officer.*

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

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

<b>Section 4.15 Matters for Consideration</b>	<b>Comments</b>
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 Matters for Consideration	Comments
Section 4.15 (1) (a)(iia) – 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)	<p>Part 4, <u>Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in response to a Council RFI as outlined within this report.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
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 Matters for Consideration	Comments
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 not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 30/10/2024 to 13/11/2024 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 10 submission/s from:

Name:	Address:
Mr Igor Molitor Mrs Ruzena Molitorova	1 Eungai Place NORTH NARRABEEN NSW 2101
Ms Rosalyn Claire Pursey	6 Cooleena Road ELANORA HEIGHTS NSW 2101
Mr Bakhtiar Sadeghi	2 Eungai Place NORTH NARRABEEN NSW 2101
Mr Christopher Ara Avakian	3 Eungai Place NORTH NARRABEEN NSW 2101
Mrs Iris Joan Bell	9 Cooleena Road ELANORA HEIGHTS NSW 2101
Mr William Fleming	1 / 9 Narabang Way BELROSE NSW 2085
Mr Adam Joseph Cummings	5 Cooleena Road ELANORA HEIGHTS NSW 2101
Mr Adrian Alan Bartlett	3 Cooleena Road ELANORA HEIGHTS NSW 2101
Nick Middleton	Invalid Address NSW
Corona Projects Pty Ltd	Po Box 1062 BONDI JUNCTION NSW 1355

Ten (10) unique submissions were received during the community notification period and the following concerns were raised:

- **Stormwater Management**

### Comment

*Concern was raised in regards to stormwater management impacts resulting from the proposed development and natural fall of the land.*

It is proposed to discharge stormwater via an inter-allotment drainage easement to the Council pipeline traversing the western neighbouring site. Council's Development Engineer has assessed the proposed development in this context and is supportive of the proposed stormwater drainage arrangement, pending satisfaction of a deferred commencement condition of consent requiring evidence of the creation of the inter-allotment drainage easement on the land title.

- **Geotechnical**

Comment

*Concern was raised regarding geotechnical and landslip impacts resulting from the development.*

An updated Geotechnical Report prepared by White Geotechnical Group (dated 10/12/2024) was submitted during the assessment process as requested by Council, as it was noted the Geotechnical Report initially submitted with the application was dated from 2017 and not expressly relevant to the current proposal. Conditions of consent are recommended requiring compliance with the findings and recommendations of the Geotechnical Report to ensure site stability. Additional conditions are also required for dilapidation reporting to be conducted for the adjoining western property which is in proximity to the proposed driveway and stormwater works. It is noted additional dilapidation reporting may be required under a future consent for a development on proposed Lot 2.

- **Traffic Impacts**

Comment

*Concern was raised in regards to traffic impacts resulting from the proposed development including safe access and egress and additional pressure on on-street parking availability.*

As discussed within this report, the existing approved quantum of off-street parking is retained to the existing development on proposed Lot 1, whilst a compliant amount of off-street parking is proposed to Lot 2. Council's Development Engineer and Traffic Engineer have also reviewed the application in this context, as well as in relation to vehicle access and maneuvering, and are supportive of the proposed arrangement, subject to recommended conditions of consent.

- **Landscape and Biodiversity**

Comment

*Concern was raised in regards to proposed tree removal and impacts to biodiversity including wildlife corridors.*

As outlined within this report, Council's Landscape Officer and Bushland and Biodiversity Officer have reviewed the proposal in this context and raised no objection to approval, subject to recommended conditions of consent. A project arborist shall be engaged to supervise all works in the tree protection zone of trees to be retained.

- **Amenity**

Comment

*Concern was raised in regards to impact to internal and external amenity including solar access, visual privacy and private open space.*

A merit discussion of the respective amenity features is included within this report. The existing

development on proposed Lot 1 is generally unchanged, whilst it is considered the proposed indicative plans for the future development on Lot 2 demonstrates an adequate amenity arrangement can be achieved. As established under *Parrott v Kiama* [2004] NSWLEC 77, a subdivision application should provide detailed information as to how the constraints of the site will be incorporated into future buildings and therefore a suitable condition of consent is recommended for the Section 88B instrument submitted with the subdivision certificate application to include the indicative dwelling footprint demonstrated on Drawing No. L01.

- **Density**

Comment

*Concern was raised in regards to unreasonable density resulting from the proposal.*

The proposal complies with the minimum lot size standard prescribed by PLEP 2014 and is considered to be commensurate with amenity, environment and traffic requirements of P21DCP as discussed within this report. The proposal is not considered to result in a development that is not anticipated by the relevant planning instruments.

- **Acoustic Privacy/New Driveway location**

Comment

*Concern was raised in regards to acoustic impacts resulting from the proximity of the proposed battle-axe handle to the adjoining western dwelling at No.9 Cooleena Road.*

It is noted that battleaxe allotments are not uncharacteristic of the existing Cooleena Road locality and surrounding areas. It is considered that the portion of the driveway that is in proximity to the dwelling at No.9 is located at or below existing ground level and therefore will not be pronounced in impact or appearance. A driveway servicing two dwellings is not considered to be an unreasonable noise source in a low density residential locality.

- **Slope non-compliance**

Comment

*Concern was raised in regards to the sloping topography of proposed lot 2 which does not comply with clause B2.2 P21DCP.*

A merit discussion is included within this report which considers that the outcomes of the control are satisfied.

- **District views**

Comment

*Concern was raised in regards to loss of views of district vegetation and greenery from the adjoining eastern site at 5 Cooleena Road.*

Such district views are not considered to require an assessment against the principles of Tenacity Consulting vs Warringah Council (2004) or the outcomes of clause C1.3 View Sharing.

## **REFERRALS**

Internal Referral Body	Comments
Landscape Officer	<p><b>SUPPORTED</b></p> <p>The proposal is supported with regard to landscape issues.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> <li>• D5 Elanora Heights Locality</li> </ul> <p>The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>The Arboricultural Impact Assessment (AIA) identified 9 trees of which trees 1, 2, 3, 5, and 6 are located outside the property boundaries and as such must be retained. The retention of trees 1, 2, 3, 5, and 6 is supported in the AIA. Tree 4 can be supported for removal as it is an environmental weed. To avoid any canopy loss tree 4 shall be replaced with a native species within proposed lot 1. Tree 9 is an exempt species and can be managed or removed at the discretion of the applicant without consent. Tree 7 is not impacted by the physical works that form part of the subdivision and as such tree 7 must be retained. As outlined in the Statement of Environmental Effects <i>"the construction of the new dwelling on proposed lot 2 will be the subject of a separate application"</i> and the removal of tree 7 will be assessed at this time. A project arborist shall be engaged to supervise all works in the tree protection zone of trees to be retained.</p> <p>Upon review of the 'Rock Outcrop Assessment', prepared by AW Geotechnical dated 13 April 2016, no concerns are raised with the portion or rock that will be required to be removed on the subject site to accommodate the driveway. All rock outcrop outside the approved construction footprint must be retained and protected during works.</p> <p>The landscape proposal for lot 2 is indicative only at this stage and any future development application for lot 2 will require the submission of a Landscape Plan in accordance with Northern Beaches Council's Development Application Lodgement Requirements; for approval or otherwise.</p>
NECC (Bushland and Biodiversity)	<p><b>SUPPORTED</b></p> <p><b>Original Comments</b></p> <p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• Pittwater LEP 2014 cl. 7.6 Biodiversity Protection</li> <li>• Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</li> </ul> <p>An Arboricultural Impact Assessment (Advanced Treescape Consulting, August 2024) was submitted with the application which identifies the tree removal required for the proposed subdivision application. The Arborist identified that Tree 4 (<i>Schinus molle</i>) and Tree 7 (<i>Toona ciliata</i>) require removal from within the current lot. No objection in relation to the removal of these trees subject to replacement at a 1:1 ratio within the site. It is noted that <i>Schinus molle</i> is an environmental weed listed under the NSW Biosecurity Act 2015.</p> <p>The Ecology Report (Kingfisher Urban Ecology and Wetlands, May 2023) is noted, however does not provide an assessment of the current application.</p> <p>Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and should not include environmental weeds. Landscaping must also include at least 2 native canopy trees to fulfil the replacement planting ratio.</p> <p>No objection in relation to biodiversity, subject to recommended conditions.</p> <p><b>Amended Comments</b> It is noted that Council's Landscape referrals team have conditioned the retention of Tree 7 (<i>Toona ciliata</i>), and as such amendments are made to the biodiversity conditions with regard to tree replacement. Landscaping is to include at least 1 native canopy tree to fulfil the replacement planting ratio.</p>
NECC (Coast and Catchments)	<p><b>SUPPORTED</b></p> <p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Resilience &amp; Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><b>Coastal Management Act 2016</b> The subject site is not within the coastal zone and therefore <i>Coastal Management Act 2016</i> is not applicable to the proposed development.</p> <p><b>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</b></p>

Internal Referral Body	Comments
	<p>The subject land is not included on the 'Coastal Environment Area' or 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 of the SEPP do not apply for this DA.</p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b></p> <p>No other coastal related issues identified.</p>
NECC (Development Engineering)	<p><b>SUPPORTED</b></p> <p><b>Additional Information Provided on 2/4/2025</b> The amended driveway plans have been reviewed. No objections to approval subject to conditions as recommended.</p> <p><b>Additional Information Provided on 19/3/2025</b> <u>Access</u> The submitted driveway sections are not acceptable. The sections show grades that exceeds 1 in 4 which do not comply with current standards. No engineering longsections have been provided as requested above. Considering the proposed levels of the parking areas it is recommended that Council's standard Maximum Low profile be utilised for the driveway design. The applicant is to provide engineering long section along both edges of the proposed driveway, showing chainages, existing and proposed levels and grades, to demonstrate compliance with AS2890.1 as previously requested. The proposed garage levels may need to be raised to achieve compliance.</p> <p><b>Additional Information Provided on 29/1/2025</b> <u>Stormwater</u> The deed of agreement for the interallotment easement is noted. However, for Council to provide approval for an for a stormwater system discharging via a private interallotment easement it must be an easement created on title of the property in accordance with the Conveyancing Act. Applicant is to provide a Title search to confirm if the easement has been registered on Title.</p> <p><u>Access</u> The amended driveway plans have been reviewed. The proposed grades at the kerb and the boundary are likely to cause scraping. The applicant is to provide engineering long section along both edges of the proposed driveway to demonstrate compliance with AS2890.1. The vehicle crossing is to be in accordance with Council's standard Normal Low profile. The applicant is to also include an scrape analysis to demonstrate</p>

Internal Referral Body	Comments
	<p>vehicle scraping do not occur.</p> <p><b>Original Comments</b></p> <p>The proposal is for demolition works, construction of a driveway and carport and subdivision of one Lot into two.</p> <p><u>Stormwater</u> The proposal is to discharge stormwater via an inter allotment drainage easement to the Council pipeline traversing No 11 Cooleena Road. Documents for a deed of easement has been provided. Applicant is to provide a Title search to confirm if the easement has been registered.</p> <p>A copy of the easement plan as documented in the Deed agreement, prepared by Structerre Consulting is to be submitted for Council records.</p> <p><u>Subdivision</u> A draft subdivision plan prepared by a registered surveyor is to be submitted showing all proposed lot boundaries, areas, right of ways and easements only with no reference to any features or contours for assessment.</p> <p><u>Geotechnical</u> The site is in H1 Geotechnical Hazard Area and as such a geotechnical engineers report and certified Form 1 &amp; 1A are required in accordance with Geotechnical Risk Management Policy for Pittwater – 2009. The submitted geotechnical report by AW Geotechnical Pty Ltd is dated 11/10/2017 and does not refer to the current plans. The applicant is to submit a current geotechnical report and Forms for assessment.</p> <p><u>Access</u> The proposal is to retain the existing vehicular crossing while constructing the ROW servicing both proposed Lots. As the vehicle crossing will service multiple Lots it is required to be reconstructed to suit Council specifications for multiple Lots. A vehicular crossing in accordance with Council's standard Normal Low profile will be conditioned.</p>
NECC (Flooding)	<p><b>SUPPORTED</b></p> <p>This proposal is for the subdivision of one lot into two, demolition of an existing garage and construction of a new driveway and carport.</p>

Internal Referral Body	Comments
	<p>The proposed site is not affected by the Low, Medium, or High flood risk precincts and as such is not subject to any flood related controls.</p> <p>The proposal generally complies with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</p>
NECC (Water Management)	<p><b>SUPPORTED</b></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Northern Beaches Water Management for Development Policy (WMD Policy); and</li> <li>• Relevant LEP and DCP clauses.</li> </ul> <p>The proposal is for partial demolition and subdivision of one lot into two.</p> <p>No construction is proposed as part of this proposal. A concept plan for the site drainage has been provided and includes two 3000 litre rainwater tanks, on-site detention and a raingarden. These design features are supported in principle.</p> <p>Water quality to be assessed at the individual lot development stage.</p> <p>No objections regarding water management.</p>
Traffic Engineer	<p><b>SUPPORTED</b></p> <p><b>Further Comments dated 18 February 2025</b></p> <p><b>Comments</b></p> <ul style="list-style-type: none"> <li>• It is noted that a response letter together with updated swept paths and updated grades have been provided to address previously raised concerns in Traffic referral comments. The developer has argued that Lot1 does not currently have provision of side by side parking and, as such, relies upon tandem parking and shuffling of cars to meet parking demands. The proposed double garage to serve that lot is therefore an improvement upon teh existing situation allowing two spaces to be independently accessible. In practice, this is likely to result in less on street parking activity associated with that lot. Furthermore, there are no changes being made to the number of bedrooms of both main dwelling and secondary dwelling in lot 1. Therefore, Council accepts the proposed two car parking spaces for lot 1. Lot 2 has also been shown to be capable of accommodating two side by side spaces in a garage.</li> <li>• It is noted that an updated swept path analysis has been provided and is acceptable to Council.</li> <li>• It is noted that an updated driveway long section along the vehicle access ramp and driveway has been provided although this long section suggests that there are excessive changes of grade between the kerb alignment and the front building alignment without adequate transition zones. As a result vehicle scraping is considered likely. It is noted that</li> </ul>

Internal Referral Body	Comments
	<p>Council's development engineering referral has requested that the vehicle crossing be reconstructed to meet Council's Normal Low Profile. This would be supported. A ground clearance check to confirm that vehicle scraping does not occur for a B99 vehicle has not been provided as required by AS2890.1 clause 2.6.2 and will be conditioned to be provided prior to the release of a Construction Certificate.</p> <p><b>Conclusion</b> The application is supported subject to conditions.</p> <p><b>Original Comments dated 18 December 2024</b> <b>Proposal Description:</b> Proposed subdivision of one lot into two lots with demolition works, new Right of Way, carport for lot 1 and double garage for lot 2 on 7 Cooleena Road, Elanora Heights</p> <p>The Traffic Team has reviewed the following documents:</p> <ul style="list-style-type: none"> <li>Plans (Master Set) - revision K, dated 08/10/ 2024 (unknown architect).</li> <li>The Statement of Environmental Effects, prepared by JV Urban, dated September 2024</li> <li>Pre-Lodgement Advice (PLM2024/0055) dated 20 June 2024</li> <li>Survey Plan, prepared by Structerre Surveying, dated 07/10/2015 (survey plan has a note stating, "Boundaries of the site have been identified onsite by survey on 27/04/2022).</li> </ul> <p><b>Comments</b></p> <ul style="list-style-type: none"> <li>It is understood that the proposal is for a subdivision of the existing single lot into two lots. The proposal retains the existing primary dwelling with a granny flat and proposes a new double carport for the lot 1 and a double garage for lot 2 accessed via a new Right of Way.</li> <li>The Pittwater DCP applies to the subject site. According to the DCP, the subject site is required to provide a total of 3 carparking spaces for lot 1 and 2 car parking spaces for lot 2, as the lot 1 has primary dwelling and a granny flat. Although both the dwellings are existing with single garage, this proposal requires lot 1 to be provided with a minimum of 3 car parking spaces in compliance with DCP requirement because the granny flat previously approved under N0584/16 had opportunities for tandem parking on the driveway. In this proposal, there will be no opportunity for tandem parking in the driveway as the proposed RoW needs to be kept clear for access to lot 2. It has also been stated in the PLM notes for this development (PLM2024/0055) that a third off-street parking space for lot 1 must be provided for consistency with DCP requirements and as there is high on-street parking demand and congested traffic conditions on Cooleena Road.</li> <li>It is noted that at the time of this assessment, no Traffic report was provided.</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>It is noted that swept path plots have been provided within the architectural plans to demonstrate access to the car parking spaces on lot 1 and lot 2. However, these swept path plots are incomplete as they do not show entry plots and are unsatisfactory as they are not show continuous movement swept paths, i.e. the positions of propped cars change in the exit manoeuvres. Furthermore, the swept paths do not consider the door widths of the garage for lot 2 and wheels are shown traversing the landscaped area for northmost vehicle of lot 2 even with one corrective manoeuvre.</li> <li>A new Right of Way (RoW) connected to the existing driveway is proposed to provide access to lot 1 and lot 2 car parking spaces. Due to the topography of the site, the internal driveway or RoW is very steep with a slope maximum of 24.79%. According to the Pittwater DCP, the gradient on internal driveway is be at a maximum of 20%, however, the gradient can be increased to maximum 25% for steeply sloping or difficult sites. While the gradients of 24.79% can therefore be accepted for the proposed development, the proposed gradients are not compliant with AS2890.1 as they do not have compliant transitions, most notably at the top of the driveway where AS2890.1 Clause 2.6.2 requires grades no more than 5% crossing a property alignment. The driveway is therefore considered excessively steep and non compliant in its current form. Amended driveway grades are required together with a ground clearance check using a B85 vehicle starting from the centre of the road and extending into the double garage of lot 2 must be provided to demonstrate suitable access without scraping.</li> <li>The internal driveway or Right of Way is proposed to be minimum 3 metres wide. with a kerb provided on alongside the driveway wherever a the driveway is elevated 600mm or more above surrounding land .</li> <li>As there is no traffic report, there is no information provided on projected traffic generation from the proposed development. However, Council believes that the proposal will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance, considering the proposed development meets the car parking requirements as outlined in the council DCP.</li> </ul> <p><b>Conclusion</b></p> <p>The application is not supported at this stage with further information as outlined above required prior to further consideration of the proposal.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

## 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)

### Housing and Productivity Contribution

#### Part 2 Development for which contribution is required and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

#### Comment:

The proposal is for a residential subdivision and new dwelling lot that is located within the Greater Sydney region.

As such, the contribution amount is \$12,000 and a suitable condition has been imposed.

## SEPP (Transport and Infrastructure) 2021

### Ausgrid

Section 2.48 of Chapter 2 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 5.0m 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 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

**SEPP (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?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size	550m2	Lot 1: 554m2 Lot 2: 593.6m2 (excl. ROW)	- -	Yes Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.1 Minimum subdivision lot size	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes

Clause	Compliance with Requirements
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

### Detailed Assessment

## **Zone C4 Environmental Living**

### Objectives of zone

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment: The proposed development is not considered to unreasonably impact the environmental values of the site. Council's Landscape and Bushland & Biodiversity Officers have reviewed the application and raised no objection to approval, subject to recommended conditions.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment: The special ecological, scientific or aesthetic values are generally maintained.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment: The proposed density and scale of the development is considered to suitably maintain the character of the existing landform and landscape.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment: The proposal does not unreasonably impact riparian and foreshore vegetation and wildlife corridors.

## **7.2 Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

It is noted that cut and fill works are required to accommodate the proposed new access driveway. A new Geotechnical Investigation Report prepared by White Geotechnical Group has been submitted during the assessment process, as the initially submitted report was dated from 2017 and not expressly relevant to the currently proposed development. The proposal has also been reviewed by Council's Development Engineer who is satisfied the proposed earthworks will not unreasonably

impact upon drainage patterns.

A suitable condition of consent is also recommended for a pre and post construction dilapidation report to be conducted for the adjoining western property that is in proximity to the proposed earthworks.

The indicative plans have also demonstrated that a suitable future development on proposed Lot 2 is achievable without an unreasonable extent of site disturbance or earthworks, however further reporting will be necessary at lodgement of a future application for that lot.

As a result, providing the the findings and recommendations of the Geotechnical Report, as well as the recommended conditions of consent are complied with, the proposal is considered to be acceptable.

## 7.7 Geotechnical hazards

The objectives of this clause are to ensure that development on land subject to geotechnical hazards:

- *matches the underlying geotechnical conditions of the land, and*

### Comment

The site is predominantly mapped as 'Geotechnical Hazard H1' under the PLEP 2014 Geotechnical Hazard Map. As mentioned elsewhere in this report, amended geotechnical reporting has been provided with the application and reviewed by Council's Development Engineer ensuring that the proposed development is conducive with the underlying geotechnical conditions of the land, subject to conditions.

- *is restricted on unsuitable land, and*

### Comment

As mentioned elsewhere in this report, a suitable condition of consent is recommended for the Section 88B instrument to include the indicative footprint of the proposed dwelling on Lot 2 which has demonstrated that no unreasonable cut and fill works are required for the future development. The indicative footprint is located upslope from the rear of proposed Lot 2 which experiences a steep drop in topography. Further geotechnical reporting and analysis will be required under a future application to ensure the acceptability of any specific design of the future dwelling.

- *does not endanger life or property.*

### Comment

As mentioned elsewhere in this report, a suitable condition of consent is recommended for pre and post construction dilapidation reporting to ensure there is no endangerment to life or property to the western adjoining site as a result of the proposed earthworks required for the new access driveway.

## Pittwater 21 Development Control Plan

### Built Form Controls

#### Existing Dwelling Lot 1:

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Existing	-	Yes

Rear building line	6.5m	4.0m (carport) 11.0m (dwelling)	38.46% -	<b>No</b> Yes
Side building line	2.5m (E)	1.5m (Existing)	-	Existing
	1.0m (W)	Nil	100%	<b>No</b>
Building envelope	3.5m	Existing	-	Existing
Landscaped area	60% (332.4m2)	60% (332.4m2 incl. 6% impervious treatment)	-	Yes

### Indicative Dwelling Lot 2:

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
Front building line	N/A (Battleaxe rear lot)	N/A	N/A	N/A
Rear building line	6.5m	10.0m	-	Yes
Side building line	2.5m (E)	3.0m	-	Yes
	1.0m (W)	2.0m	-	Yes
Building envelope	3.5m	Within	-	Yes
Landscaped area	60% (356.16m2)	63% (377.9m2 incl. 6% impervious treatment)	-	Yes

### Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
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
B3.1 Landslip Hazard	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.7 Private Open Space	Yes	Yes
C4.1 Subdivision - Protection from Hazards	Yes	Yes
C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities	Yes	Yes
C4.5 Subdivision - Utility Services	Yes	Yes
C4.6 Service and delivery vehicle access in subdivisions	Yes	Yes
C4.7 Subdivision - Amenity and Design	Yes	Yes
C4.8 Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots	Yes	Yes
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.2 Scenic protection - General	Yes	Yes
D5.5 Front building line (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	No	Yes
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes

#### Detailed Assessment

#### **A4.5 Elanora Heights Locality**

The locality statement for Elanora Heights requires the maintenance of a primarily low-density residential character of a minimised bulk and scale, retaining existing and new native vegetation with a development that integrates with the landscape and topography. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations.

The proposed development generally maintains the existing on-site development on proposed Lot 1, whilst a detailed indicative design on proposed Lot 2 has been submitted which demonstrates a dwelling that is numerically compliant with the built form and amenity controls of P21 DCP. The site is also numerically compliant with the minimum lot size standard under PLEP 2014.

The proposal is therefore considered to result in a development that is generally anticipated by Council's planning controls and is consistent with the DFC.

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

#### **Description of Non-compliance**

This control requires the following:

- *Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres*
- *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*
- *Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.*
- *A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).*
- *The minimum area for building shall be 175m<sup>2</sup>.*

The proposed subdivision complies with the minimum lot depth requirement.

Proposed Lot 1 has a frontage width of 14.91m, which to a minor extent does not comply with the 16.0m requirement. The non-compliance is a result of the proposed right of the way that shall be used for vehicle access servicing proposed Lot 1 and 2. The proposed frontage width is not considered to be inconsistent with the allotment pattern along the streetscape, whilst the rear boundary width is numerically compliant with the requirement. The proposal is considered acceptable in this regard.

Indicative architectural plans have been submitted with the application demonstrating the capability of the proposed allotments to provide an adequately constructed development with safe access and no unreasonable environmental impacts. Council's referral officers; including, Bushland and Biodiversity, Coast and Catchments, Landscape and Flooding have reviewed the application and raised no objection to approval, subject to recommended conditions.

Proposed Lot 1 results in a maximum slope of 22% between the highest and lowest point of the allotment which complies with the requirement.

Proposed Lot 2 results in a maximum slope of 37% at the western boundary which does not comply with the requirement. This is measured between the existing rock outcrop at the front western corner of Lot 2 (RL45.98) and the bottom of the escarpment at the south-western corner (RL36). The southwestern-most corner of Lot 2 is not surveyed on the Survey Plan prepared by Robert Friend (dated March 2025), however an extrapolated ground level of RL36 has been measured based on the general slope of the land. Despite this non-compliance, it is considered the vast majority of Lot 2 is compliant with the control, including the proposed eastern side boundary which results in a slope of 21%. The area of non-compliance is entirely localised to the western boundary only as a result of the elevated rock outcrop at the north-western corner and the sloping escarpment at the south-western corner, as well as the skewed irregular rear boundary line. The area of non-compliance accounts for the indicative side setback area of the proposed building footprint which shall remain a buffer zone and undeveloped. All areas of Lot 2 which are proposed to be developed by an indicative dwelling house and private open space are located upon a compliant slope. Given the overall allotment is generally compliant with the control with the exception of the western side setback area, the proposal is considered acceptable in this regard.

An indicative building footprint of 180m<sup>2</sup> on proposed Lot 2 has been illustrated on the architectural plans which complies with the requirement. The footprint is considered to represent numerical compliance with the relevant built form controls of P21DCP. Under the principles of *Parrott v Kiama* [2004] NSWLEC 77, a subdivision application should provide detailed information as to how the constraints of the site will be incorporated into future buildings when the proposed allotments are environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them. A condition of consent is therefore recommended for the Section 88B instrument submitted with the subdivision certificate application to include the indicative dwelling footprint for proposed Lot 2 that is demonstrated on drawing no. L01. This shall ensure the developable area of proposed lot 2 is restricted within the accepted indicative design and private open space of the dwelling as represented on the subdivision and site plans and does not encroach the more challenging topographical portion to the rear of the allotment where the environment impact of a future development is considered to be greater.

Further, it is noted that the approach adopted, using indicative building envelope and S88B for the current proposal is entirely consistent with how the adjoining property (No. 5 Cooleena Road) was approved for a 1 into 2 subdivision, which was under PLEP 1993 and DCP LP 18 - Elanora and Wimbledon Avenue, which contained very similar subdivision controls.

The indicative plans have also suitably demonstrated that a built form and building envelope can be achieved on proposed Lot 2 that is commensurate with the desired character and scale of development envisioned by the relevant site standards and controls. The building envelope and dwelling design that is sited within the conditioned footprint shall be assessed and determined under a future application for development on proposed Lot 2.

### **Merit Consideration**

With regards to the consideration for a variation, the development is considered against the underlying outcomes of the control as follows:

- *Achieve the desired future character of the locality. (S)*

#### **Comment:**

The proposal is considered to be consistent with the locality statement for Elanora Heights.

- *Maintenance of the existing environment. (En)*

#### **Comment:**

The proposal is not considered to result in unreasonable impacts upon the existing environment. Council's referral officers including Bushland and Biodiversity, Coast and Catchments, Landscape and Flooding and reviewed the application and raised no objection to approval, subject to recommended conditions.

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

#### **Comment:**

The proposal is not considered to impact views.

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

#### **Comment:**

The proposed indicative plans are considered to result in development of an adequate size

and scale.

- *Population density does not exceed the capacity of local and regional infrastructure and community services. (En, S, Ec)*

Comment:

The proposal is not considered to result in a population density that is not anticipated by the existing locality and infrastructure.

- *Population density does not exceed the capacity of local and regional transport facilities. (En, S, Ec)*

Comment:

The proposed development is not considered to unreasonably impact the capacity of local transport facilities.

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.

### **B3.1 Landslip Hazard**

The outcomes of the control are as follows:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

Comment

As mentioned elsewhere in this report, updated Geotechnical reporting has been submitted and has been reviewed by Council's Development Engineer ensuring an acceptable impact upon the natural environment, subject to recommended conditions, including for pre and post construction dilapidation reporting to the western adjoining site. The proposal is considered acceptable in this context.

### **C1.4 Solar Access**

#### **Merit Consideration**

Indicative shadow diagrams have been submitted with the application, including elevational shadows, which demonstrate that the main private open space of both proposed lots, as well as the windows to the principal living area of the indicative dwelling on proposed lot 2, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

The diagrams also demonstrate that adjoining sites shall retain a compliant amount of solar access in accordance with the control requirements.

The proposal is therefore acceptable in this regard.

### **C1.5 Visual Privacy**

## **Merit Consideration**

A substantial rear setback is proposed from the Lot 1 dwelling to the rear boundary, therefore providing reasonable spatial separation to protect visual privacy to the private open space areas of Lot 2. The indicative plans also demonstrate a landscape buffer area between the rear boundary and the proposed carport and outcrop of Lot 1, including boundary screen planting, to further enhance privacy towards Lot 2.

The indicative dwelling on proposed Lot 2 is also considered to result in an adequate privacy arrangement, as the windows on the first floor of the eastern elevation adjoin low-traffic areas (bedrooms and bathrooms) whilst the western elevation of the first floor features privacy screens and high-silled windows.

The proposed principal private open space area on Lot 2 is also not considered to be unreasonably overlooked by the existing neighbouring dwelling to the east (No.5A), as the western elevation of No.5A consists of low-traffic areas including a garage, bedrooms and bathrooms.

The proposal is therefore considered acceptable in this regard.

## **C1.7 Private Open Space**

### **Outcomes**

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy. (En, S)*

## **Merit Consideration**

The proposed private open space arrangement is demonstrated on plan no. L04A (Rev Q).

### **Lot 1**

There is not considered to be any material change to the existing private open space arrangement to the existing dwelling on proposed Lot 1. The existing dwelling is serviced by existing private open space to the front of dwelling as well as the ground floor deck adjoining a living room. Additional private open space is also proposed at the immediate external areas towards the western boundary accessed from the existing ground floor and existing secondary dwelling on the lower ground floor. The rear areas of the existing site, including the area proposed to be used for the Lot 1 carport, are substantially sloping and spatially distanced from the existing building and therefore are not considered to be currently used as functional private open space.

### **Lot 2**

As per the private open space diagram, functional private open space is provided at ground level to the east and rear of the indicative development on proposed Lot 2, as well as to the first floor balcony areas adjoining the internal living space. As calculated on the diagram, the private open space areas satisfy the numerical requirement of 80m<sup>2</sup>. Of the overall POS area, a principal area of 16m<sup>2</sup> with minimum dimensions of 4m<sup>2</sup> (as required by the control) is provided in the form of a patio to the east of the indicative dwelling and directly accessed by the internal ground floor family room. As discussed elsewhere in this report, this principal POS area is considered to be adequately protected for visual privacy as well as receiving a sufficient amount of solar access.

The proposal is therefore considered acceptable in this regard.

#### **C4.1 Subdivision - Protection from Hazards**

The outcomes of the control are as follows:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

##### Comment

As mentioned elsewhere in this report, updated Geotechnical reporting has been submitted and has been reviewed by Council's Development Engineer, Coast & Catchments Officer and Flood Engineer ensuring an acceptable impact upon the natural environment, subject to recommended conditions, including for pre and post construction dilapidation reporting to the western adjoining site. The proposal is considered acceptable in this context.

#### **C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities**

##### Merit Consideration

The underlying outcomes of the clause are as follows:

*Safe and functional access for vehicles, cyclists and pedestrians.*

*Safe and convenient access and parking is provided on each lot.*

The existing site currently accommodates an attached single garage and a hardstand area to the front of the garage for one additional space. It is noted this is an existing non-compliant arrangement as the Clause B6.3 requires dwellings with two or more bedrooms to provide at least two off-street parking spaces on the site, as well as a minimum of one additional space for secondary dwellings. It is noted this non-compliance was supported under DA N0584/16 (dated 09/03/2017) which gave consent for the use of the lower ground floor as a secondary dwelling with no additional off-street parking. It is also noted, clause 53(b) of SEPP (Housing) 2021 states that the number of parking spaces provided on site shall be the same as the number of parking spaces provided on the site immediately before the development for a secondary dwelling is carried out.

In the context of proposed Lot 1, the existing attached single garage and hardstand parking are to be demolished to accommodate the proposed access driveway and right of way. Off-street parking shall be replaced by a new double carport to the rear of proposed Lot 1. Therefore the existing numerical off-street parking arrangement for the existing dwelling is to be maintained.

In the context of proposed Lot 2, the indicative floor plans illustrate an attached double garage that shall be accessed via the suspended driveway approved under this subject consent, therefore satisfying the control.

Furthermore, Council's Traffic Engineer has reviewed the proposal in the context of proposed off-street vehicle parking to Lot 1 and Lot 2 and is supportive, subject to recommended conditions.

Council's Development Engineer and Traffic Engineer have also reviewed the proposed driveway works, vehicle access and maneuvering and are supportive, subject to recommended conditions.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the P21DCP 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.

#### **C4.7 Subdivision - Amenity and Design**

##### **Merit Consideration**

The underlying outcomes of the clause are as follows:

*Desired character of the locality.*

*Protection of the natural environment. (En)*

*Ecologically sustainable development. (En)*

*Minimal design constraints. (S)*

*Adequate access and services. (En, S)*

*Access driveways to public roads are minimised.*

As discussed elsewhere within this report under clauses C1.4, C1.5 and C1.7, the proposal is considered to demonstrate adequate compliance with the respective amenity controls. Sufficient indicative architectural plans have been provided ensuring a reasonable arrangement in the context of solar access, visual privacy and private open space can be achieved for a future development on proposed Lot 2.

As also discussed elsewhere in this report, a condition of consent is recommended for the Section 88B instrument submitted with the subdivision certificate application to include the indicative dwelling footprint for proposed Lot 2 that is demonstrated on drawing no. L01. The indicative plans have also suitably demonstrated that a built form and building envelope can be achieved on proposed Lot 2 that is commensurate with the desired character and scale of development envisioned by the relevant site controls and therefore the building envelope and dwelling design that is sited within the conditioned footprint shall be assessed under a future application on proposed Lot 2.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the P21DCP 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.

#### **D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)**

##### **Comment**

The proposal does not result in any material change to the existing streetscape or appearance of the subject site when viewed from the public domain. The existing on-site development on proposed Lot 1 is generally maintained with the exception of the demolition of the existing attached single garage to be replaced with an access driveway. As mentioned elsewhere in this report, the proposal is considered to be compatible with the DFC statement of Elanora Heights.

#### **D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)**

##### **Description of Non-compliance**

The creation of the proposed battleaxe handle along the western side of Lot 1 results in a reduced (nil) setback to the existing ground floor deck. The rest of the dwelling excluding the deck remains compliant with the 1.0m control.

Notwithstanding the non-compliance, there is no change to the built form of the existing dwelling on proposed Lot 1 whilst the proposed access handle acts as a spatial buffer to the adjoining site to the west.

Lot 1 also proposes a new carport to the rear of the allotment with a rear setback of 4.0m which does not comply with the 6.0m control. Notwithstanding the non-compliance, the carport is considered to be a low-lying, lightweight and predominantly open structure that is not considered to result in unreasonable visual or amenity impacts to adjoining sites. The carport is a low-use area that is not conducive to high volumes of pedestrian traffic. There is considered to be sufficient spatial distance between the existing dwelling on proposed Lot 1 and the indicative design on proposed Lot 2, as well as between the proposed carport and any adjoining private open space areas.

### **Merit Consideration**

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To achieve the desired future character of the Locality.*

#### **Comment**

The proposal maintains the desired future character of the Elanora Heights locality.

- *The bulk and scale of the built form is minimised.*

#### **Comment**

No change is proposed to the existing built form.

- *Equitable preservation of views and vistas to and/or from public/private places. To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

#### **Comment**

Views to and from public and private places will not be impacted by the proposal.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

#### **Comment**

A reasonable level of privacy, amenity and solar access is maintained by the proposal.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

#### **Comment**

The proposal retains significant vegetation onsite and within the road reserve.

- *Flexibility in the siting of buildings and access.*

#### **Comment**

Notwithstanding the non-compliance, it is considered the proposal is designed and sited to maintain the character of the locality.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment

On-site vegetation shall be reasonably retained and enhanced.

- *To preserve and enhance the rural and bushland character of the locality.*

Comment

The proposal retains significant vegetation onsite and within the road reserve.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment

N/A the site does not adjoin a commercial zone.

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.

### **D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)**

Outcomes

*To achieve the desired future character of the Locality.*

*To protect and minimise disturbance to natural landforms.*

*To encourage building design to respond sensitively to natural topography.*

Comment

A retaining structure is proposed under this consent towards the western boundary of proposed Lot 2 to accommodate the suspended driveway and turning area. This wall is proposed to possess a maximum indicative height up to 3m at the downslope southernmost point. The retaining wall is separated to the western boundary by a 600mm landscaped buffer and is located adjacent to the lower escarpment of the adjoining western allotment which is densely vegetated and uninhabited. The driveway retaining wall is therefore generally not considered to be readily visible from any existing adjoining private open space or principal living areas and shall not result in any unreasonable visual bulk.

Indicative retaining wall works are also represented on the plans which are to be required for the future development on Lot 2 at the rear and eastern boundary. The retaining walls shall have top of wall heights up to 1 metre as represented on the indicative site plan (Drawing No. L02, Issue R, dated 29/04/2025). The walls are required to retain the proposed indicative private open space areas and dwelling foundations due to the steeply sloping topography of the proposed rear allotment. The top of wall heights are not considered to result in any unreasonable additional size and scale and will generally not be visible from adjoining private open space or principal living areas. An addendum to the applicant's Geotechnical Report has also been submitted (dated 08/04/2025) which declares that the proposed indicative architectural plans are conducive with the context of the existing topography of Lot 2 and further reporting shall be submitted with any future development application.

The proposed indicative retaining walls are therefore considered to be consistent with the outcomes of

the control and are considered to fulfill the intended purpose of minimising disturbance to the natural landform and landscape of the existing site and responding sensitively to the natural topography.

### **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 2024**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$2,481 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$248,050.

### **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

### **PLANNING CONCLUSION**

This application, involving a torrens title subdivision of one lot into two has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to 10 unique submissions being received during the community notification period.

The concerns raised in the objections have been addressed within this report and in the conditions of consent. The concerns raised including stormwater management, traffic impacts, landslip, amenity and biodiversity are discussed in detail within this report and considered acceptable on merit.

The critical assessment issues included the demonstration of indicative development on the proposed allotments to be able to comply with the relevant built form and amenity controls of P21DCP in the context of the relevant site constraints such as the sloping topography towards the rear. Detailed plans have been submitted during the assessment process which are considered to demonstrate that a development of a suitable size, scale and impact can be achieved. The footprint of the indicative development on Lot 2 shall be the subject of a Section 88B "Restriction As to User" on the title of that lot. This will provide certainty to the owner of that lot as to the limitations on siting a dwelling and ancillary development which is not permitted to encroach into the rear portion of the allotment where environment impacts are considered to be greater.

The manner in which the suitability of the site for subdivision has been dealt with is consistent with the provisions of PLEP 2014, P21DCP, the LEC Planning Principle for subdivision of land (Parrot v Kiama Council) and with how the adjoining property (No. 5 Cooleena Road) was approved in 2000 for a 1 into 2 subdivision, which was under the former PLEP 1993 and DCP, which contained similar subdivision controls, and the two adjoining sites have similar constraints.

The application has been referred to the relevant internal referral bodies who are supportive of the application, subject to conditions of consent provided.

On balance, despite the significant natural constraints affecting the site, the applicant has demonstrated that it is suitable for subdivision, satisfies the provisions of PLEP 2014 and P21DCP, subject to special conditions requiring a restriction on the location of the future dwelling-house on the vacant rear lot.

The proposed development will not result in any unreasonable impacts on adjoining or nearby properties, or the natural environment, subject to the draft conditions contained in the recommendation.

The proposal has therefore been recommended for approval.

## **REASON FOR DETERMINATION**

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2024/1376 for Subdivision of one lot into two including demolition works, new driveway and carport on land at Lot G DP 408223, 7 Cooleena Road, 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.

## DEFERRED COMMENCEMENT CONDITIONS

### 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 in accordance with the drainage plan submitted by Lodessa Consulting, drawing number 5-COO-002, dated 22/8/2024 & Inter -allotment Easement plan by Structerre Consulting Engineers, drawing number 3.19.13340.7, dated May 2023. The easement is to be created under Sections 46 and/or 46A of the Real Property Act 1900 No 25 or under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the created easement on title in order to activate the consent.

Stormwater drainage plans are to be submitted to Council for written approval detailing disposal of stormwater from the site in accordance with Council's Water Management Policy.

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

Evidence required to satisfy these conditions must be submitted to Council (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

## GENERAL CONDITIONS

### 2. 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
L01	Q	Subdivision Plan	WY Design Studio	18/03/2025
L03	Q	Demolition Plan	WY Design Studio	18/03/2025
L07	R	Driveway Detail Plan 01	WY Design Studio	18/03/2025
L08	R	Driveway Detail Plan 02	WY Design Studio	18/03/2025
L09	G	Carport Detail Plan 01	WY Design Studio	18/03/2025
L10	G	Carport Detail Plan 02	WY Design Studio	18/03/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Geotechnical Investigation	-	White Geotechnical Group	10/12/2024
Arboricultural Impact Assessment	-	Advanced Treescape Consulting	21/08/2024
Driveway Plan	A	Barker Ryan Stewart	02/04/2025
Stormwater Plan	B	Lodessa	22/08/2024
Waste Management Plan	-	JV Urban	Undated

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.

### 3. **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	07/11/2024

(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.

#### 4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) 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 Certifier 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.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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 Certifier 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.

## 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that

applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2018
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## 6. Scope of Works

Physical works approved under this development application relate only to those described in the description of development written in this report, being:

- Demolition of the existing attached single garage on the western side of the existing dwelling on proposed Lot 1
- Construction of a new driveway with right of carriageway to service the respective allotments, as well as a suspended slab/turning area located on Lot 2
- New double carport to the rear of proposed Lot 1
- Stormwater management works

All other works including the indicative dwelling house on Lot 2 and retaining structures shall require separate development consent.

Reason: To ensure compliance with the terms of this consent.

## FEES / CHARGES / CONTRIBUTIONS

## 7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$2,480.50 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning &

Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$248,050.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

## 8. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## 9. **Housing and productivity contribution - Development consents**

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

<b>Contribution Type</b>	<b>Amount</b>
Housing and Productivity Contribution	\$12,000
<b>Total:</b>	<b>\$12,000</b>

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

***consent PPI number***

where—

***highest PPI number*** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

***consent PPI number*** is the PPI number last used to adjust HPC rates when consent was granted.

***June quarter 2023 and PPI*** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

- 6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **10. On-Site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Lodessa Consulting, drawing number 5-COO-001, 5-COO-002, dated 22/8/2024. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group dated 10/12/2024 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

### **12. Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.5 metres wide in accordance with concept plans by Barker Ryan Stewart,

drawing number 230937-01-101, 230937-01-102, dated 2/4/2025 and Northern Beaches Council specifications in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

**13. Off Street Parking Design**

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

**14. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

**15. Car Parking Finishes**

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

**16. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
  - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
  - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by

vehicles servicing the development site to undertake works or activity during site works.

- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
  - Compare the post-construction report with the pre-construction report,
  - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
  - Should any damage have occurred, identify remediation actions taken.
  - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with

Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

**17. Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space dimensions must be designed and constructed to comply with the relevant section of AS 2890.1 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades including between the kerb alignment and the front building alignment, where scraping or height restrictions could potentially occur and is to demonstrate adequate clearance for the B99 vehicle as required by AS2890.1.

Plans prepared by a suitably qualified Engineer shall be submitted to the Council's Traffic Engineer for review and the traffic engineers approval provided to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

**18. Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

**19. Amendments to the approved plans**

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

- No approval for side and rear boundary fencing is given under this consent, as this is a matter for civil negotiation between relevant property owners. Plans are to be amended to remove reference to all side and rear boundary fencing.

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

Reason: To ensure consistency with the relevant legislation under the Dividing Fences Act 1991.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Certifier.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

21. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

22. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

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

23. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

## BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

### 24. Utilities Services

Prior to the issue of the Subdivision Works Certificate, the Applicant is to obtain the following:

- (a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and
- (b) Evidence that notification has been received from a utility authority that, requirements for the development can be provided.

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

Reason: To ensure that services have been provided as required by this Consent

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 25. Project Arborist

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

i) works in the tree protection zone of trees 3, 5, and 6 including any proposed stormwater works.

c) All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

### 26. Tree Removal Within the Property

a) this consent approves the removal of existing prescribed trees on the subject site as listed below:

i) tree 4 - *Schinus molle*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to

removal.

Reason: To enable authorised development works.

**27. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

**28. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties: 9 Cooleena Road, Elanora Heights

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

## **DURING BUILDING WORK**

**29. Protection of Rock and Sites of Significance**

a) all rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition, excavation and construction works.

b) should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

**30. Protection of Existing Street Trees**

a) all existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

b) all street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

**31. Tree and Vegetation Protection**

a) existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,  
xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

**32. Condition of Trees**

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) 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.

**33. Wildlife Protection**

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

Reason: To protect native wildlife.

**34. Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

35. **Road Reserve**

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

Reason: Public safety.

36. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across the site, and any remaining areas stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

37. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

38. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

39. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

**40. Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

**41. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

**42. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**43. Required Tree Planting**

a) one locally native tree shall be planted within the property boundary of proposed lot 1 to achieve at least 8.5 metres height at maturity, and in accordance with the following:  
i) tree planting shall be a minimum pre-ordered planting size of 75 litres; generally selected from Northern Beaches Council's Native Planting Guide, or Council's Tree Guide; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn.

b) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

c) details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

**44. Condition of Retained Vegetation**

a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved

Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

**45. Replacement of Canopy Trees**

At least 1 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

**46. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

**47. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

**48. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- o Compare the post-construction report with the pre-construction report,
- o Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- o Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal

Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

49. **Geotechnical Certification Prior to Occupation Certificate**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

50. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

51. **Certification of Off Street Parking Works**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

52. **Geotechnical Certification Prior to Occupation Certificate**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

53. **Landscape Maintenance**

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) trees required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) if any tree required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with any conditions of consent.

d) the approved landscape planted areas for proposed lot 1, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

**54. Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m. The required 2.0m x 2.5m pedestrian sight line triangle at the point where the driveway meets the property boundary is not to be obstructed by landscaping, solid fencing or signage.

Reason: To maintain unobstructed sight distance for motorists.

**55. Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

## **BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

**56. No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Subdivision Works Certificate.

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

Reason: To protect native vegetation.

**57. Easement Creation**

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

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

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

**58. 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) <<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 Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water

59. **Release of Subdivision Certificate**

The final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919. Blank condition for prior to subdivision certificate

60. **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 Northern Beaches Council. Northern Beaches 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 Certifier prior to the issue of the Subdivision Certificate

Reason: To ensure ongoing maintenance of the on-site detention system.

61. **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 of subdivision.

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

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

62. **Right of Carriageway**

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) 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 Certifier prior to the issue of the Subdivision Certificate.

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

63. **Restriction as to User (On-site Stormwater Detention)**

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the

Conveyancing Act) 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. Council shall be nominated as the party to release, vary or modify such restriction.

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

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

**64. Restriction as to User (Vehicular Access)**

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) to be incorporated on the title of Lot 1. The restriction 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 Certifier prior to the issue of the Subdivision Certificate.

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

**65. Services**

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

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

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

**66. Certification of On-site Detention System (New Subdivision)**

A Certificate is to be submitted by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifier that the on-site stormwater detention system has been constructed in accordance with the approved subdivision works certificate and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifier has confirmed that this condition has been satisfied.

Reason: To ensure the On-site Detention System has been built to the appropriate standard.

**67. Sydney Water Compliance Certification**

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by 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) <<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 fees to be paid. Please make early contact with the coordinator, 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 Certifier prior to the issue of the Subdivision Certificate.

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

**68. 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.

**69. 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.

**70. Restriction on Building Footprint**

The following restriction is to be placed on the title of Lot 2.

A. A restriction limiting the future building footprint (including a dwelling house) to that illustrated on the approved Subdivision Plan (Drawing L01, Issue Q) referenced under Condition 1.

B. A Restricted Development Area (RDA) restricting any forms of development, (with the exception of drainage works within the easement and site stability works if required) from the lower portion of the site below the indicative southernmost retaining wall.

C. A restriction limiting the required Private Open Space for the future dwelling to be located outside the RDA

The restriction is to include Council as the consent authority with the power to vary the terms of the restriction. The final terms of the restriction are to be submitted and approved by Council prior to being registered on the title of the allotment under S88B of the Conveyancing Act, prior to release of the Subdivision Certificate.

Reason: To ensure that future development is consistent with the intent of this approval and the environmental values of the site are protected.

71. **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 of subdivision.

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.