

8 February 2021

The General Manager
Northern Beaches
Council PO Box 882
Mona Vale NSW 1660

Dear Sir or Madam,

**APPLICATION TO MODIFY DEVELOPMENT CONSENT,
SECTION 4.55(1) ENVIRONMENTAL PLANNING & ASSESSMENT ACT**

Development Application No: N0530/15 (Court
approved) **Date of Determination:** 15 November 2017
(as modified)

Premises:	Lot 1 within DP 202857 No. 7 Trentwood Park, Avalon Beach
Approved Development: detached	Subdivision of one lot into three, demolition of existing garage and extension of existing access road to provide access to new lots

1.0 INTRODUCTION

This submission has been prepared on behalf of Mr. Jim & Mrs. Margot Dargaville to assist Council in the consideration of an application pursuant to Section 4.55(1) of the Environmental Planning & Assessment Act 1979 to alter the conditions of consent (as modified).

The proposal provides for modifications to the conditions of consent in order to allow the development to be staged to facilitate the subdivision of approved Lot 1 prior to the construction of the driveway. Lot 1 receives direct vehicular access from Trentwood Park, and can be connected to the existing services in Trentwood Park. No physical works are required as part of the subject modification.

2.0 BACKGROUND

Development Application No. N0530/15 for “Subdivision of one lot into three, demolition of existing detached garage and extension of existing access road to provide access to new lots” was approved by the Land and Environment Court on 15 November 2017.

The consent was subsequently modified on 26 July 2019 to create service handles from approved Lots 2 and 3 to Trentwood Park to enable the efficient and separate servicing of each allotment without the need for easements.

A further modification was lodged to facilitate the staging of the subdivision and creating Lot 1, and residual Lot 2. Notice of Determination was received on 16 December 2020.

This determination has not enabled the creation of proposed Lot 1 without works which are applicable to proposed Lots 2 and 3.

Some of the works stipulated as required in C6 and F6 in the prescribed Conditions of MOD 2020/0344 i.e. “that the bin stand area and driveway within the proposed right of way within proposed Lot 1 have been constructed in accordance with the approved staged 1 construction certificate plans and relevant conditions of development consent” do not allow the staging of the subdivision as their construction will block access to residual Lot 2. The proposed bin stand is approximately 600mm high and is situated across the driveway which is currently used by Lot 2. The construction of the driveway slab within the proposed right of way burdening Lot 1, would also block access to residual Lot 2 as it is to be built out of the ground and situated across the current driveway to Lot 2.

Lot 1 is already serviced by the existing driveway. At this time, the proposed driveway slab does not need to be built.

The schedule of the proposed modifications is detailed below, however it is submitted that the subsequent modifications to the original design detailed under N0530/15 have not fundamentally changed the nature of the development and it remains consistent with Council’s original Development Consent.

3.0 PROPOSED MODIFICATION

This submission under S4.55 (1) of the EP&A Act seeks minor modifications to the approved conditions of consent (as modified) in order to allow the staging of the allotment registration. The proposed amendments are detailed below.

Condition C6 is to be amended to move the requirement for construction of the bin stand and driveway slab from Stage 1 to Stage 2. The amended condition is to read as follows:

Engineering plans including specifications and details of all required future services including water, sewer, electricity, telecommunications, gas etc., within the proposed handle to residue Lot 2 along the northern boundary of proposed Lot 1, ~~and the structural slab details for the proposed bin stand area within proposed lot 1, and the driveway slab within the proposed right of way burdening proposed lot 1~~ are to be submitted to the Accredited Certifier or Council with the Construction Certificate application for Stage 1. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with the relevant Australian Standards and Pittwater 21 DCP 2014.

Condition C2.6 is to be amended to reflect the requirement for the construction of the bin stand and driveway slab in Stage 2.

Engineering plans including specifications and details of the internal driveway, and the structural slab details for the proposed bin stand area within proposed lot 1, and the driveway slab within the proposed right of way burdening proposed lot 1, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B6.2 of Pittwater 21 DCP and generally with the plan prepared by Gartnertrovato Architects drawing number 1711 A01 issue F dated October 17 and traffic report prepared by Michael Logan dated 19/10/2017.

Condition F.6 is to be deleted as it requires only the construction of the bin stand area and driveway slab within the proposed right of way within proposed Lot 1. This condition will be moved to **Condition F2.6**, as shown below.

~~*A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practicing Civil Engineer with corporate membership of Engineers Australia, or who is eligible to become a corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the bin stand area and driveway within the proposed right of way within proposed Lot 1 have been constructed in accordance with the approved Stage 1 Construction Certificate plans and relevant conditions of Development Consent.*~~

Condition F2.6 is to be amended to reflect the requirement for the construction of the bin stand and driveway slab in Stage 2.

A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practicing Civil Engineer with corporate membership of Engineers Australia, or who is eligible to become a corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the driveway within the proposed right of way within proposed Lots 2 and 3 and the bin stand area and driveway within the proposed right of way within proposed Lot 1 have been constructed in accordance with the approved Stage 2 Construction Certificate plans and relevant conditions of Development Consent.

4.0 CONCLUSION

The amendments seek to stage the approved conditions to facilitate the subdivision of approved Lot 1 prior to the construction of the driveway and bin storage to service proposed Lots 2 and 3.

The current proposal does not seek to provide any change to the subdivision layout or physical works.

Please contact me on 0404 626 165 or Jim Dargaville on 0418 259 003 should you wish to discuss the proposed amendments.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Dargaville', is positioned above the printed name.

FRAN DARGAVILLE
Town Planner
BPlan (Hons) UNSW