

Memo

Environment

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| To: | Rodney Piggott , Development Assessment Manager |
| From: | Kent Bull, Planner |
| Date: | 26 August 2021 |
| Application Number: | Mod2021/0618 |
| Address: | Lot 132 DP 24360 , 132 Elanora Road ELANORA HEIGHTS NSW 2101 Lot 133 DP 24360 , 130 Elanora Road ELANORA HEIGHTS NSW 2101 |
| Proposed Modification: | Modification of Development Consent DA2020/0246 granted for subdivision of two (2) lots to create four (4) lots |

Background

Mod2021/0618 seeks to amend development consent DA2020/0246, which approved the 'subdivision of two (2) lots to create four (4) lots' at 130 Elanora Road, Elanora Heights and 132 Elanora Road, Elanora Heights on the 24 November 2020.

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

Specifically, the s4.55(1) modification application seeks the following:

1. Delete heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE'. There is no requirement for the obtainment of a construction certificate in relation to the works approved pursuant to this consent. Consideration was given that Conditions 6, 7, 8, 9, 10, 11, 13 and 14 should be placed under the heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE'. With this in mind, the applicant has sought to modify 8 conditions of consent as follows:

- Modify Condition 6, which currently reads:

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 Certifying Authority for approval prior to the issue of the Construction Certificate.

to read as follows:

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 Certifying Authority for approval prior to the issue of the **Subdivision Works** Certificate.*

Reason: Protection of the receiving environment.

- Modify Condition 7, which currently reads:

Water Quality Management

At the boundary of EACH individual lot, the applicant must install a filtration device (a sediment control/silt arrestor pit is specified in the plans provided by Portes Civil and Structural Engineers) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and

maintenance.

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

Reason: Protection of the receiving environment.

to read as follows:

Water Quality Management

At the boundary of EACH individual lot, the applicant must install a filtration device (a sediment control/silt arrestor pit is specified in the plans provided by Portes Civil and Structural Engineers) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

- Modify Condition 8, which currently reads:

Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Transport Network Team 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*
- *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.*
- *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 traffic*
- *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 Seven (7) 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 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.

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

to read as follows:

Construction Traffic Management Plan

*As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Transport Network Team prior to issue of any **Subdivision Works 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*
- 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.*
- 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 traffic*
- 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 Seven (7) 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 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.

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

- *Modify Condition 9, which currently reads:*

Vehicle Access & Parking

All internal driveways, vehicle turning areas, garages and vehicle parking space/loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (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, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

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

to read as follows:

Vehicle Access & Parking

All internal driveways, vehicle turning areas, garages and vehicle parking space/loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (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, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

*Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a **Subdivision Works** Certificate.*

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

- Modify Condition 10, which currently reads:

Pedestrian sight distances 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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

to read as follows:

Pedestrian sight distances 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 Certifying Authority prior to the issue of the **Subdivision Works** Certificate.*

Reason: To maintain pedestrian safety

Note: The applicant also requested that Condition 10 be removed. Consideration was given that the incorporation of this condition is necessary to ensure appropriate sight distances for vehicles accessing the site area maintained and to maintain pedestrian safety along the Elanora Road frontage.

- Modify Condition 11, which currently reads:

Amendment to the approved subdivision plan

The following amendment is to be made to the approved subdivision plan:

- o *The proposed building footprints as indicated on Drawing No. 19051-DSUB (Plan of Proposed Subdivision of Lot 132 & 133 D.P.24360) are to be removed.*

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

Reason: To ensure that the proposed building footprints do not breach the rear setback areas of Lots 11 and 14.

to read as follows:

Amendment to the approved subdivision plan

The following amendment is to be made to the approved subdivision plan:

- o *The proposed building footprints as indicated on Drawing No. 19051-DSUB (Plan of Proposed Subdivision of Lot 132 & 133 D.P.24360) are to be removed.*

Details demonstrating compliance are to be submitted to the Certifying Authority prior

to the issue of the **Subdivision Works Certificate**.

Reason: To ensure that the proposed building footprints do not breach the rear setback areas of Lots 11 and 14.

- Modify Condition 13, which currently reads:

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 Certifying Authority prior to the issue of the Construction Certificate.

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

to read as follows:

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 Certifying Authority prior to the issue of the **Subdivision Works Certificate**.*

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

- Modify Condition 14, which currently reads:

Amendment to demolition plan

The following amendment is to be made to the approved demolition plan:

- o *The paved area (of approximately 69m²) fronting the existing dwelling on Lot 13 and reflected on Drawing No. C1.0, Issue G (Residential Vehicle Crossing/Driveways Conceptual Plan, dated 15.09.20), is to be annotated for removal and replacement with landscaping on Drawing No. A01 (Proposed Demolition Plan and Section, dated 28.07.20).*

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

to read as follows:

Amendment to demolition plan

The following amendment is to be made to the approved demolition plan:

- o *The paved area (of approximately 69m²) fronting the existing dwelling on Lot 13 and reflected on Drawing No. C1.0, Issue G (Residential Vehicle Crossing/Driveways Conceptual Plan, dated 15.09.20), is to be annotated for removal and replacement with landscaping on Drawing No. A01 (Proposed Demolition Plan and Section, dated 28.07.20).*

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

Reason: To ensure an acceptable level of landscape amenity is preserved on Lot 13.

The s4.55(1) modification application also seeks the following:

2. That Conditions 12 and 13 be incorporated as one (1) condition. As both conditions are in reference to compliance with Australian Standards, Condition 12 has been deleted to avoid unnecessary duplication in the consent.

- Delete Condition 12, which currently reads:

Compliance with Standards

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

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

- (a) AS2601.2001 - Demolition of Structures***
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings***
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting***
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) ***
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking***
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities***
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities***

(i) AS 2890.5 - 1993 Parking facilities - On-street parking**

(j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**

(k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**

(l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**

(m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements
- Buildings and facilities**

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

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

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

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

3. Delete heading 'CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT'. Condition 22 'Tree Removal within the Property' shall also therefore be deleted. Consideration is given that this condition should be replaced with new condition (Condition 61) that has been placed under the heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE'.

- Delete Condition 22, currently reads:

Tree Removal within the Property

The following trees located on the property and assessed as impacted from the proposed development works for access, stormwater, and dwelling construction, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Mark Bury Consulting:

T5 Sydney Blue Gum, of normal vigour and fair condition (subject to replacement within the site)

T6 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T7 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T8 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T9 Liquidamber, of poor vigour and poor condition, and an Exempt Species

T10 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T14 Grey Ironbark, of normal vigour and fair condition (subject to replacement within the site)

A total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed Lots 11 and 14, in association with the future development applications for each Lot.

No other existing trees may be removed. Any subsequent request for tree removal is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property

- Add Condition 61 to read as follows:

Tree Removal and Planting within the Property

The following trees located on the property and assessed as impacted from the proposed development works for access, stormwater, and dwelling construction, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Mark Bury Consulting:

T5 Sydney Blue Gum, of normal vigour and fair condition (subject to replacement within the site)

T6 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T7 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T8 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T9 Liquidamber, of poor vigour and poor condition, and an Exempt Species

T10 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)

T14 Grey Ironbark, of normal vigour and fair condition (subject to replacement within the site)

No other existing trees may be removed. Any subsequent request for tree removal is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property

a) A total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed Lots 11 and 14.

ii) Trees shall be planted into a prepared planting hole 1m x 1m and at least 700mm depth, backfilled with sandy loam soil mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established;

ii) The location of the tree plantings are to be located a minimum of 3 metres from existing and proposed buildings, other trees and any existing or proposed services.

Prior to the issue of a Subdivision Certificate, a report prepared by a landscape architect, landscape designer, or Arborist shall be submitted to the Certifying Authority, certifying that the tree planting works have been completed satisfactorily.

Reason: Tree protection and environmental amenity.

4. Delete heading 'CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE. There is no requirement for the obtainment of a occupation certificate in relation to the works approved pursuant to this consent. Consideration was given that conditions 39, 40, 41 and 42 be deleted and replaced with new conditions (Conditions 62, 63, 64 and 65) that shall be placed under the heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE'. With this in mind, the applicant has sought consent to amend a further 4 conditions of consent as follows:

- Delete Condition 39, which currently reads:

Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection and 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: To retain and protect significant planting on development and adjoining sites.

- Add Condition 62 to read as follows:

Condition of retained vegetation

*Prior to the issue of an **Subdivision** Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:*

- i) compliance to any Arborist recommendations for tree protection and 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: To retain and protect significant planting on development and adjoining sites.

- Delete Condition 40, which currently reads:

Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

- Add Condition 63 to read as follows:

Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

*The drawings shall be submitted to the Principal Certifying Authority prior to the release of the **Subdivision** Certificate.*

Reason: Protection of the receiving environment.

- Delete Condition 41, which currently reads:

Street Tree Planting

As part of the Subdivision, two (2) street trees shall be planted as follows:

- o *Two (2) Eucalyptus haemastoma street trees shall be planted at 75 litre container size, located centrally within the road verge, one in front of No. 130 and one in front of No. 132, within a prepared planting hole 1m x 1m x and at least 700mm depth, backfilled with sandy loam soil mix, and finished with a mulch layer and 3 post tree guard and hessian wrap.*

Prior to the issue of an Occupation Certificate for Subdivision works, a report prepared by a landscape architect, landscape designer, or Arborist shall be submitted to the Certifying Authority, certifying that the street tree planting works have been completed satisfactorily.

Reason: To enhance streetscape amenity.

- Add Condition 64 to read as follows:

Street Tree Planting

As part of the Subdivision, two (2) street trees shall be planted as follows:

a) Two (2) Eucalyptus haemastoma street trees shall be planted at a minimum 75 litre container size, located centrally within the road verge, one in front of No. 130 and one in front of No. 132

*b) All street trees shall be planted into a prepared planting hole 1m x 1m and at least 700mm depth, backfilled with sandy loam soil mix or approved similar, mulched to 75mm depth minimum **and maintained including a four post and top and mid rail timber tree guard and watered until established.***

*Prior to the issue of a **Subdivision** Certificate, a report prepared by a landscape architect, landscape designer, or Arborist shall be submitted to the Certifying Authority, certifying that the street tree planting works have been completed satisfactorily.*

Reason: To enhance streetscape amenity.

- Delete Condition 42, which currently reads:

Landscape completion on Lot 13

Evidence of the paved area fronting the existing dwelling on Lot 13 having been removed and replaced with landscaping is to be provided to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure the completion of landscaping.

Add Condition 65 to read as follows:

Landscape completion on Lot 13

*Evidence of the paved area fronting the existing dwelling on Lot 13 having been removed and replaced with landscaping **(as referred to under Condition 14 of this consent)** is to be provided to the Certifying Authority prior to the issue of any **Subdivision** Certificate.*

Reason: To ensure the completion of landscaping.

Consideration of error or mis-description

Following changes made to the Environmental Planning and Assessment Act 1979, construction certificate (CC) requirements for subdivision works should not have been enforced on development consents issued after 1 December 2019. Instead, a subdivision works certificate (SWC) is required before the carrying out of subdivision work in accordance with a development consent. A SWC is a certificate that operates in the same manner as a construction certificate but for subdivision works. It certifies that subdivision work will be completed in accordance with specified plans and specifications will comply with any requirements in the regulations. As such, Conditions 6-11, 13 and 14 should have

been made in reference to a SWC rather than a CC.

Whilst the applicant requested for Condition 10 'Pedestrian sight distances at property boundary' to be removed, consideration was given that the enforcement of this condition is necessary to ensure appropriate sight distances for vehicles accessing the site are maintained as well as for the pedestrian safety along the Elanora Road frontage. Condition 10 is therefore to remain in place.

It is also accepted that the placement of both Conditions 12 and 13 that are in reference to compliance with Australian Standards was unnecessary. To avoid duplication, Condition 12 has been deleted.

The applicant also requested that Condition 22 'Tree Removal within the Property' be relocated from being under the heading 'CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT' to being under the heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE'. It is agreed that the relocation of this condition would be appropriate. In this regard, Condition 22 has been deleted and replaced by Condition 61.

Lastly, the applicant requested the relocation of Conditions 39, 40, 41 and 42 from under the heading 'CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE' to being under the heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE'. As no construction certificate is being issued, likewise no occupation certificate is to be issued. As such, this request is also appropriate. For the avoidance of doubt, Conditions 39, 40, 41 and 42 were deleted and replaced with new conditions (Conditions 62, 63, 64 and 65) under the heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE'.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2021/0618 for Modification of Development Consent DA2020/0246 granted for subdivision of two (2) lots to create four (4) lots on land at Lot 132 DP 24360, 132 Elanora Road, ELANORA HEIGHTS, Lot 133 DP 24360, 130 Elanora Road, ELANORA HEIGHTS, as follows:

A. Delete heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE'

B. Modify Condition 6 'Erosion and Sediment Control Plan' to be relocated under heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE', to read as follows:

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 Certifying Authority for approval prior to the issue of the Subdivision Works Certificate.

Reason: Protection of the receiving environment.

C. Modify Condition 7 'Water Quality Management' to be relocated under heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE', to read as follows:

Water Quality Management

At the boundary of EACH individual lot, the applicant must install a filtration device (a sediment control/silt arrestor pit is specified in the plans provided by Portes Civil and Structural Engineers) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

D. Modify Condition 8 'Construction Traffic Management Plan' to be relocated under heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE', to read as follows:

Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and

submitted to and approved by the Northern Beaches Council Transport Network Team prior to issue of any Subdivision Works 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
- 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.
- 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 traffic
- 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 Seven (7) 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 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.

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

E. Modify Condition 9 ‘Vehicle Access & Parking’ to be relocated under heading ‘CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE’, to read as follows:

Vehicle Access & Parking

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (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, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a Subdivision Works Certificate.

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

F. Modify Condition 10 ‘Pedestrian sight distances at property boundary’ to be relocated under heading ‘CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE’, to read as follows:

Pedestrian sight distances 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 Certifying Authority prior to the issue of the Subdivision Works Certificate.

Reason: To maintain pedestrian safety.

G. Modify Condition 11 'Amendment to the approved subdivision plan' to be relocated under heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE', to read as follows:

Amendment to the approved subdivision plan

The following amendment is to be made to the approved subdivision plan:

- The proposed building footprints as indicated on Drawing No. 19051-DSUB (Plan of Proposed Subdivision of Lot 132 & 133 D.P.24360) are to be removed.

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

Reason: To ensure that the proposed building footprints do not breach the rear setback areas of Lots 11 and 14.

H. Delete Condition 12 'Compliance with Standards' under heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE'.

Reason: To remove duplicated conditions.

I. Modify Condition 13 'Compliance with Standards' to be relocated under heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE', to read as follows:

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 Certifying Authority prior to the issue of the Subdivision Works Certificate.

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

J. Modify Condition 14 'Amendment to demolition plan' to be relocated under heading 'CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE', to read as follows:

Amendment to demolition plan

The following amendment is to be made to the approved demolition plan:

- The paved area (of approximately 69m²) fronting the existing dwelling on Lot 13 and reflected on Drawing No. C1.0, Issue G (Residential Vehicle Crossing/Driveways Conceptual Plan, dated 15.09.20), is to be annotated for removal and replacement with landscaping on Drawing No. A01 (Proposed Demolition Plan and Section, dated 28.07.20).

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

Reason: To ensure an acceptable level of landscape amenity is preserved on Lot 13.

K. Delete heading 'CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT'

L. Delete Condition 22 'Tree Removal within the Property' under heading 'CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT'

Reason: Condition replaced with new condition (Condition 61).

M. Delete heading 'CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE'

N. Delete Condition 39 'Condition of retained vegetation' under heading 'CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE'

Reason: Condition replaced with new condition (Condition 62).

O. Delete Condition 40 'Works as Executed Drawings - Stormwater Treatment Measures' under heading 'CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE'

Reason: Condition replaced with new condition (Condition 63).

P. Delete Condition 41 'Street Tree Planting' under heading 'CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE'

Reason: Condition replaced with new condition (Condition 64).

Q: Delete Condition 42 'Landscape completion on Lot 13' under heading 'CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE'

Reason: Condition replaced with new condition (Condition 65).

R. Add Condition 61 'Tree Removal and Planting within the Property' under heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE', to read as follows:

Tree Removal and Planting within the Property

The following trees located on the property and assessed as impacted from the proposed development works for access, stormwater, and dwelling construction, and without an alternative design layout to retain the trees, are granted approval for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Mark Bury Consulting:

T5 Sydney Blue Gum, of normal vigour and fair condition (subject to replacement within the site)
T6 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
T7 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
T8 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
T9 Liquidamber, of poor vigour and poor condition, and an Exempt Species
T10 Tallowwood, of poor vigour and poor condition (subject to replacement within the site)
T14 Grey Ironbark, of normal vigour and fair condition (subject to replacement within the site)

No other existing trees may be removed. Any subsequent request for tree removal is subject to a Section 4.55 modification application, or an assessment by a AQF level 5 Arborist that determines that the tree presents an imminent risk to life or property

- a) A total of six (6) canopy native trees shall be planted with three (3) each to be planted within the proposed Lots 11 and 14.
- ii) Trees shall be planted into a prepared planting hole 1m x 1m and at least 700mm depth, backfilled with sandy loam soil mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established;
- ii) The location of the tree plantings are to be located a minimum of 3 metres from existing and proposed buildings, other trees and any existing or proposed services.

Prior to the issue of a Subdivision Certificate, a report prepared by a landscape architect, landscape designer, or Arborist shall be submitted to the Certifying Authority, certifying that the tree planting works have been completed satisfactorily.

Reason: Tree protection and environmental amenity.

S. Add Condition 62 'Condition of retained vegetation' to be relocated under heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE', to read as follows:

Condition of retained vegetation

Prior to the issue of an Subdivision Certificate, a report prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection and 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: To retain and protect significant planting on development and adjoining sites.

T. Add Condition 63 'Works as Executed Drawings - Stormwater Treatment Measures' to be relocated under heading 'CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE', to read as follows:

Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

U. Add Condition 64 'Street Tree Planting' to be relocated under heading "CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE", to read as follows:

Street Tree Planting

As part of the Subdivision, two (2) street trees shall be planted as follows:

- a) Two (2) Eucalyptus haemastoma street trees shall be planted at a minimum 75 litre container size, located centrally within the road verge, one in front of No. 130 and one in front of No. 132
- b) All street trees shall be planted into a prepared planting hole 1m x 1m and at least 700mm depth, backfilled with sandy loam soil mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established.

Prior to the issue of a Subdivision Certificate, a report prepared by a landscape architect, landscape designer, or Arborist shall be submitted to the Certifying Authority, certifying that the street tree planting works have been completed satisfactorily.

Reason: To enhance streetscape amenity.

V. Add Condition 65 'Landscape completion of Lot 13' to be relocated under heading "CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE", to read as follows:

Landscape completion on Lot 13

Evidence of the paved area fronting the existing dwelling on Lot 13 having been removed and replaced with landscaping (as referred to under Condition 14 of this consent) is to be provided to the Certifying Authority prior to the issue of any Subdivision Certificate.

Reason: To ensure the completion of landscaping.

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

Signed



Kent Bull, Planner

The application is determined on 26/08/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments