

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0393
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 1 DP 202857, 7 Trentwood Park AVALON BEACH NSW 2107
Proposed Development:	Subdivision of one lot into two
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	James Brian Dargaville Margot Christina Dargaville
Applicant:	Gartner Trovato Architects
Application Lodged:	16/04/2019
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	06/05/2019 to 20/05/2019
Advertised:	Not Advertised
Submissions Received:	6
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval
Estimated Cost of Works:	\$ 50,000.00

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for subdivision of approved (but unregistered) Lot 2 under N0530/15 lot into two lots. The proposal is supplemented by indicative architectural drawings demonstrating a potential dwelling house, though no dwelling house is proposed under this application.

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

Pittwater 21 Development Control Plan - C1.3 View Sharing

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

SITE DESCRIPTION

Property Description:	Lot 1 DP 202857 , 7 Trentwood Park AVALON BEACH NSW 2107
Detailed Site Description:	<p>The Assessing Officer inspected the subject site on 17 July 2019.</p> <p>The subject site consists of one (1) battleaxe allotment located on the eastern side of Trentwood Park, Avalon Beach.</p> <p>The site is irregular in shape with a frontage of 12.79m along the cul-de-sac of Trentwood Park and a surveyed area of 5,417m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a detached dwelling house and garage.</p> <p>The site is heavily vegetated with a slope of approximately 39m from the west (rear) to east (front).</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached dwelling houses. To the south of the site is Ruskin Rowe Heritage Conservation Area.</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 recent history:

- N0259/14 for Subdivision of site into three (3) lots was withdrawn on 19 March 2015 by the Applicant.
- 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 refused on 10 January 2017 by Council. The refusal was appealed through the NSW Land and Environment Court, where the appeal was upheld on 15 November 2017.
- Pre-lodgement Meeting PLM2018/0179 was held on 23 August 2018 for Subdivision of one lot into 4.
- MOD2019/0169 for Modification of Development Consent N0530/15 granted 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 on 26 July 2019 under staff delegation.
- DA2019/0394 for Construction of a dwelling house (Lot 1) was granted deferred commencement approval on 13 September 2019 under staff delegation.
- DA2019/0395 for Construction of a dwelling house (Lot 3) was granted deferred commencement approval on 7 August 2019 under staff delegation.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 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 50(1A)</u> of the EP&A Regulation 2000 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 54 and 109</u> of the EP&A Regulation 2000 allow Council to requested additional information. All requested additional information has been received.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are</p>

Section 4.15 Matters for Consideration'	Comments
and social and economic impacts in the locality	<p>addressed under the Pittwater 21 Development Control Plan 2014 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

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

The application was referred to the NSW RFS as integrated development. The NSW RFS issued a bush fire safety authority, subject to conditions. The recommendations of the Bush Fire Report prepared by Australian Bushfire Protection Planners dated 11 February 2019, along with the conditions from the NSW RFS as part of the bush fire safety authority, have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Mr Darren Ross Jones	2/150 Avalon Parade AVALON BEACH NSW 2107
Mr Michael Dennis Frost	8 Trentwood Park AVALON BEACH NSW 2107
Ms Susan Mary Ralston	43 B Chisholm Avenue AVALON BEACH NSW 2107

Name:	Address:
Mr Michael John Ridley	9 Trentwood Park AVALON BEACH NSW 2107
Susan Roberts	59 Northcote Street NAREMBURN NSW 2065
Ms Elizabeth Sodahl Inge Sodahl	43 C Chisholm Avenue AVALON BEACH NSW 2107

The following issues were raised in the submissions and each have been addressed below:

- Previous application for subdivision into five lots was refused.
- Proposal is inconsistent with the NSW Land and Environment Court judgement consenting to subdivision into three lots.
- Environmental impacts - Threatened species and native animals are present in the locality. Tree removal inconsistent with *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.
- Flora and fauna report is inadequate.
- Impacts on the heritage significance of the Ruskin Rowe Heritage Conservation Area.
- Inconsistency with the low-density Avalon Beach locality character.
- Proposed development has not been designed for adequate access for waste, recycling, delivery and emergency vehicles.
- Lot shape is irregular.
- Proposed one-metre wide strip of land could become a short-cut for residents, impacting on privacy and amenity.
- No provision for additional bin storage beyond that approved on Lot 1. Approved bin storage structure impacts on trees and streetscape character. Who owns/maintains bin storage structure on Lot 1?
- Stormwater management measures will require significant excavation. Run off to Nos. 9 and 10 Trentwood will be exacerbated.
- Additional traffic will lead to pedestrian/vehicular conflicts and safety risks.
- Proposed dwelling will result in visual and acoustic privacy impacts.
- Proposed dwelling would be visually intrusive to surrounding neighbours.
- Proposed dwelling height and setbacks are inappropriate.
- Proposed driveway is dangerously steep.
- Impacts of access to the site during construction of the dwelling.
- Development on the site will result in impacts on views from 43C Chisholm Avenue.
- Fencing is to be open, dark-coloured and allow passage of wildlife. Fencing will lead to loss of natural light to 43C Chisholm Avenue.
- Information placed online for this application and other applications on the site is confusing and conflicting.

The matters raised within the submissions are addressed as follows:

- Previous Application and Court Approval
Comment:
The previous application for subdivision into five lots was refused due to unacceptable impacts on vegetation and wildlife. The NSW Land and Environment Court (NSW LEC) judgement granted consent to subdivision of 7 Trentwood Park into three lots and this development application proposed subdivision of one of the approved lots into two. The proposed resultant four-lot subdivision is demonstrated to be of acceptable impact and is therefore acceptable. The existence of a NSW LEC judgement does not prevent further development by way of development application or other lawful proposal.

- Environmental Impacts

Comment:

The proposed development is supported by adequate arboricultural and flora/fauna investigation and documentation. The proposed development is demonstrated to be of acceptable impact in relation to vegetation and wildlife. The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 defers assessment of tree clearing to Clause B4.22 Preservation of Trees and Bushland Vegetation of the Pittwater 21 Development Control Plan 2014. The proposed development is acceptable in relation to the requirements of that clause. The application (and its supporting documentation) have been reviewed by Council's Environmental Officer, who raises no objections to the proposal, subject to conditions of consent, including in relation to tree protection and replacement.

- Locality Character / Heritage Significance

Comment:

The minimum subdivision lot size for the locality is 700sqm. The proposed subdivision of approved Lot 2 into two lots results in four lots of greater area than 700sqm, as detailed in the section of this report relating to Principal Development Standards. As such, the proposed development does not propose a density beyond that envisaged for the locality. While the lot shape is irregular, the locality consists of an array of lot sizes and shapes. In this way, the proposed development is consistent with the existing subdivision pattern of the area. The proposed development is acceptable in the context of the Ruskin Rowe Heritage Conservation Area in that the building footprint allows for suitable vegetation retention, and is supported by replacement tree planting.

- Access - Waste, Delivery and Emergency Vehicles

Comment:

The proposed development includes driveways of acceptable grades, and a passing bay, to allow for adequate access for resident, visitor, delivery and emergency access. Waste trucks will not need to access the driveway, as bins are collected from the street.

- Land Strip - Privacy Impacts

Comment:

The one-metre strip of land may be used for pedestrian access to the proposed new lot, though this is unlikely due to the steep slope of land at this point. However, if the land is used in this way, it is not anticipated that unreasonable privacy impacts would result, as it would be for access only, and not for extended periods, such as for recreation.

- Bin Storage

Comment:

The bin storage structure remains as approved on Lot 1, with an easement for use by Lots 2, 3 and 4 as needed. The arrangement of who maintains the structure is a civil matter to be negotiated by relevant parties. The indicative dwelling plans for Lot 4 and the approved plans for the remaining lots demonstrate adequate space for bin storage on the lot, thus removing the need for the approved bin storage room on Lot 1 to be altered. Bins for Lots 2, 3 and 4 would be brought to the bin storage room for collection by residents as required. That is to say, not all bins for all four lots will need to be stored in the approved bin storage structure at once.

- Stormwater Management

Comment:

Council's Development Engineer has reviewed the proposed development and supporting stormwater management measures, and is supportive, subject to conditions of consent. While the stormwater works require excavation, the resultant outcome will ensure run off across the site is better managed overall.

- Traffic Impacts - Vehicular/Pedestrian Conflicts

Comment:

The proposed development introduces one additional lot to the subject site, which is anticipated to result in two additional cars. The supporting traffic and parking assessment demonstrates a low traffic generation as a result of the development, thus indicating there will not be a significant increase in risk in relation to vehicular and pedestrian safety. This is particularly so in consideration of the cul-de-sac setting of the subject site, as the area does not see high pedestrian traffic. Further, the proposed development includes a vehicular passing bay in accordance with Council requirements, to ensure safe passage along the driveway.

- Proposed Dwelling and Driveway and Construction

Comment:

Submissions raised concern that the proposed dwelling will result in visual and acoustic privacy impacts, visual dominance of the site, and excessive height, bulk and scale. It should be noted that the architectural plans for the dwelling are indicative only, in order to demonstrate that a dwelling can be built on the proposed new lot. No dwelling is proposed or consented to under this application. Any dwelling on the subject site will be subject to a future development application, which will be assessed in detail. Any future development application for the dwelling will also address impacts of access to the site during construction of the dwelling. The proposed driveway is compliant with gradient requirements under the Pittwater 21 Development Control Plan 2014 and is therefore acceptable.

- View Loss

Comment:

The proposed development is for subdivision only. The submitted architectural plans are for indicative purposes only. Any future development application for a dwelling on the proposed new lot must consider view sharing. While no dwelling is strictly proposed under this application, an assessment of the potential impact on views is provided in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP in response to this submission.

- Fencing

Comment:

No fencing is proposed as part of this development application.

- Application Documentation / References to Two-Lot and Four-Lot Subdivision

Comment:

The other applications simultaneously lodged for the subject site (MOD2019/0169, DA2019/0394 and DA2019/0395) showed four lots at 7 Trentwood Park for indicative purposes only. Those applications did not propose such subdivision and thus, the works were not consented to. Council's description of "subdivision of one lot into two" is in relation to subdividing approved Lot 2 into two lots.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>Original comments 12/07/2019</p> <p>This subdivision application was assessed against Pittwater LEP Clause 7.6 and Pittwater DCP B4.2 Flora and fauna conservation category 1 and wildlife corridor, and B4.4 Flora and fauna habitat enhancement category 2 and wildlife corridor. The site is also mapped as Pittwater Spotted Gum EEC in the SMCMA V3 mapping (OEH 2016).</p> <p>Any development application must consider proposal options which are compliant with applicable Pittwater LEP and DCP controls, specifically:</p> <ul style="list-style-type: none"> • <i>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</i> • <i>Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.</i> • <i>Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat.</i> • <i>Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.</i> • <i>Development shall ensure that at least 80% 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. Development shall provide an adequate buffer to wildlife corridors.</i> • <i>Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.</i> • <i>Fencing, where permitted, shall be passable by native wildlife.</i> <p>The property already has a previous court approved for 3 lot subdivision. The court approved subdivision will result in the removal of 34 trees (23 prescribed).</p> <p>This application proposes to further subdivide one of the approved lots into two, resulting in changes to Lots 1 and 2 and the creation of Lot 4. This application is for the subdivision only. The submitted draft subdivision plans include building footprints for the lots.</p> <p>The submitted Arboricultural Impact Assessment - Addendum (Urban Forestry Australia 30/01/2019) assesses the impacts of the new lot including the driveway and indicative house plans. The further subdivision will result in removal of a further 7 trees (5 prescribed, being T86, T89, T60, T62, T69). In addition, trees T66 and T87, which were originally approved for removal for bushfire management purposes, are now proposed to be removed to facilitate future development on proposed Lot 4.</p>

Internal Referral Body	Comments
	<p>The Arborist Report does not assess the impacts of the proposed stormwater plans or connection to utilities for proposed lot 4. There is a proposed <i>"150mm uPVC above ground pipe and Nepean pebble stabilising bed 1m wide and pipe anchor block @ 2m cts"</i> which is aligned within the Structural Root Zones (SRZ) of many large locally native trees to be retained. There is also proposed trenching along the driveway alignment. The approved driveway is to be on natural ground level or raised with piers (except one small section south-west of the existing house which will require excavation). Trenching impacts have not been assessed.</p> <p>Further information required including details on how the new Lot 4 will be connected to utilities, and an Amended Arborist assessment which assesses the impacts of installation of stormwater infrastructure is required, including recommended locations for the concrete anchor blocks.</p> <p>A biodiversity assessment titled "Supplementary Ecological Assessment" (Cumberland Ecology, 12/03/2019) was provided to assess the biodiversity impacts of the proposal. The report relies on the field survey completed in September 2017. The calculated additional impacts of further subdivision within the report is 0.04 ha of native vegetation to be removed, and the remainder of the native vegetation within proposed Lot 4, 0.08 ha to be maintained as an Asset Protection Zone (APZ), the report states a total of 0.14 ha. The clearing threshold for entry into the Biodiversity Offset Scheme (BOS) for this property is 0.25 ha, and therefore the proposal does not trigger the BOS through the clearing threshold trigger. It should be noted that the cumulative impacts of the 4-lot subdivision is a total impact to 0.44 ha of native vegetation.</p> <p>Cumberland Ecology Ecologists previously ground-truthed the vegetation to be "Coastal Enriched Sandstone Moist Forest" NSW PCT 1841, hence no impacts to any EEC. The report includes formal Assessment of Significance for the Powerful Owl, combined microbats (Little Bentwing-bat, Eastern Bentwing-bat, Yellow-bellied Sheath-tail-bat only), and the Grey-headed Flying-fox, all concluding that the proposal will not result in significant impacts to threatened entities. The site and surrounding land contains many records of threatened species, and to date, no targeted survey for hollow-roosting microbats has been undertaken at the site. The likelihood table within the report assesses threatened microbats as having either "low likelihood" or "unlikely to occur" despite some species having many records nearby. Furthermore, the subdivision can reasonably assumed to result in the increase of artificial night light - this known indirect impact has not been assessed. At a minimum a ultrasonic call detector must be deployed during prescribed survey season for a minimum of 14 nights to determine presence of species currently visiting the site, as well as stag watching of suitable roosting hollows. The report states, <i>"The hollow-bearing stag (i.e. T112) with two hollows suitable as roosting habitat for microchiropteran bats will be</i></p>

Internal Referral Body	Comments
	<p><i>removed.</i>". Council notes the mitigation measures "<i>in the previous FFA must apply to the proposed development application.</i>".</p> <p>Furthermore, no information on how the proposal can achieve no net loss of canopy trees was provided.</p> <p>Council's Natural Environment - Biodiversity section cannot complete this assessment until further information is provided.</p> <p>Additional information required:</p> <ul style="list-style-type: none"> • Updated Arborist Report to assess impacts resulting from installation of stormwater infrastructure and connection of utilities, including recommendations for tree protection measures throughout construction, and recommended locations for the concrete anchor blocks. • An original detailed subdivision plan with proposed building envelope on Lot 4, and all surveyed trees numbered. • Updated Ecological Assessment, including targeted microbat survey and assessment of significance assessing all likely direct and indirect impacts, including potential roosting habitat. • Details on replacement canopy trees <p>Updated comments 18/09/2019</p> <p>The applicant has provided additional information including:</p> <ul style="list-style-type: none"> • <i>Addendum Letter 1: DA for Additional Subdivision of Lot 2, Trentwood Park, Avalon</i> (Cumberland Ecology, 05/09/2019) • <i>Arboricultural Impact Assessment - Additional Information Request</i> (Urban Forestry Australia, 10/09/2019) • Proposed subdivision survey with surveyed trees (Adam Clerke, 09/09/2019) <p>The Arboricultural letter confirms that any services under the driveway will "<i>have no effect on remaining trees</i>". The impacts of the proposed stormwater piping in Lot 4 was assessed and confirms no excavation is required to seat anchors. Trenching near Tree 1 and Tree 3 require direct Arborist Supervision. Two replacement canopy tree plantings are proposed.</p> <p>Council's Natural Environment - Biodiversity section raises no objections provided the following changes are made to the proposed building envelope for Lot 4:</p> <ul style="list-style-type: none"> • <i>The building envelope for proposed Lot 4 is to be amended to be a minimum of 3 metres from the trunk of T64 Angophora costata, T90 Turpentine, and T91 Turpentine.</i>

Internal Referral Body	Comments
Engineering)	<p>Original Comments:</p> <p>The proposal has been assessed and the following comments apply:</p> <p>Subdivision The proposal does not include a plan of subdivision by a Surveyor and as such the proposed boundary lines do not include the bearings and there is no proposed lot area for the new allotment and remainder of the existing allotment. The plan of subdivision must also include the proposed lot areas excluding the access handles and rights of way including the passing bays. The plan must also include the proposed easements for services and easements for drainage. A draft 88b instrument should also be included to demonstrate which lots will be burdened and benefited as part of the proposal. It is unclear if there will be a revised garbage area provided in the original subdivision for the benefit of the new allotment on existing proposed Lot 1. If this is the case then the area is to be shown on the subdivision plan and reflected in the 88b instrument. It is unclear if a letter box has been shown in the original subdivision. It is considered that this structure must be included on the plans and the relevant easement shown on the subdivision plan and respective 88b instrument.</p> <p>Drainage A review of the submitted drainage plan indicates that the proposal will not achieve the required discharge rate of 30 litres per second for the entire site to the kerb. The pre-lodgement advice required the connection of the inter-allotment drainage from the proposal to Council's pit and pipe drainage system in Trentwood Park. A concept design for this system by the applicant's hydraulic Engineer is to be provided including a junction pit adjacent to the kerb and a concrete rubber ring pipeline of sufficient capacity up to the existing inlet pit in Trentwood Park.</p> <p>Services It is unclear from the submitted plans where the services for the new allotment are to be located. Once this plan is provided, it may be necessary for the plan to be reviewed by the Hydraulic Engineer and Arborist to ensure there is no conflict with the stormwater design and existing trees.</p> <p>Driveway Access The submitted plan is unclear and does not include a long section or cross sections for the proposed access driveway with adequate chainages, any existing levels and road details including any retaining walls or columns where the driveway is to be elevated. The passing bays must be shown with the required concrete areas of 5 metres wide by 10 metres long and any necessary transitioning. It is considered that a plan by a Civil Engineer is to be provided for assessment as detailed in the pre-lodgement advice.</p> <p>Development Engineers cannot support the application due to insufficient information to assess Clauses B5, B6 and C4.</p>

Internal Referral Body	Comments
	<p>Updated Comments: Additional Information submitted 28/06/19 and 11/09/19</p> <p>The revised stormwater management plan addresses the issues raised above and the subdivision plan is also satisfactory. The plan indicates the provision of the passing bay. The extension of the driveway will be located within the proposed right of way to proposed lot 4 which is acceptable.</p> <p>Provided that this approval is deferred subject to the creation of proposed lot 2 of the original subdivision of the lot into 3 lots, Development Engineers raise no objection to approval, subject to conditions as recommended.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development is not considered to increase flood risk. No flood related development controls applied.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	<p>The NSW Rural Fire Service has commented on the proposal as follows:</p> <p><i>The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:</i></p> <p>Asset Protection Zones <i>The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:</i> 1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.</p> <p>Water and Utilities <i>The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:</i> 2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.</p>

External Referral Body	Comments
	<p>3. Hydrants are to be provided within the site so that the existing and future dwellings are entirely within 70m of any hydrant.</p> <p>The above requirements have been included as conditions of consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Coastal Management) 2018

The site is classified as being within the littoral rainforests area, according to the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*
 - (iv) *environmental protection works,*
 - (d) *any other development.*

Comment:

The proposed development falls under (d), being subdivision of one lot into two. The proposed development is in accordance with Clause 10 above.

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

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

Comment:

The proposed development is satisfactorily designed and site so as not to increase risk of coastal hazards on the subject site or adjacent sites.

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:	700sqm	Lot 1: 839.6sqm (848.1sqm with access)	N/A	Yes
		Lot 2: 1,512sqm (1,652sqm with access)	N/A	Yes
		Lot 3: 1,389sqm (1,621sqm with access)	N/A	Yes

		Lot 4: 1,255sqm (1,297sqm with access)	N/A	Yes
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Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
4.1 Minimum subdivision lot size	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

There are no built form controls under the P21 DCP to consider as part of this assessment.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B2.2 Subdivision - Low Density Residential Areas	No	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5.1 Water Management Plan	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.3 View Sharing	Yes	Yes
C4.1 Subdivision - Protection from Hazards	Yes	Yes
C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities	Yes	Yes
C4.3 Subdivision - Transport and Traffic Management	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	No	Yes

Detailed Assessment

B2.2 Subdivision - Low Density Residential Areas

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.

Comment:

Proposed Lot 4 has a depth of 49.945m and reconfigured Lot 2 has a depth of minimum 33.05m.

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.

Comment:

Proposed Lot 4 has a width of 20.86m and reconfigured Lot 2 has a width of 33.31m.

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.

Comment:

The proposal demonstrates the lots are capable of providing for the construction of a building that is safe from hazards, does not unreasonably impact on the natural environment, and can be provided with adequate and safe access and services. The site is not heritage listed, nor within a heritage conservation area. The site is in the vicinity of the Ruskin Rowe Heritage Conservation Area, though does not unreasonably impact upon the heritage significance of this area, as the proposed development is suitable in relation to visual impact, acceptable in relation to tree removal, and is supported by tree replacement.

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).

Comment:

Proposed Lot 4 has a slope of approximately 19 degrees (34.43%). The proposed development is acceptable in relation to the relevant outcomes of this clause, as detailed below.

The minimum area for building shall be 175m².

Comment:

Proposed Lot 4 allows for an indicative building footprint of at least 235sqm as modified by conditions of consent.

Given the non-compliance in relation to the slope of the site, an assessment of the proposal against the relevant outcomes of this clause is as follows:

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

Comment:

The proposed development is consistent with the requirements of Clause A4.1 Avalon Beach Locality of the P21 DCP, and therefore achieves the desired future character of the locality.

Maintenance of the existing environment. (En)

Comment:

The proposed development provides a suitable balance between sufficiently retaining the existing environment without precluding development.

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

Comment:

The proposed development is acceptable in relation to view loss for the reasons detailed in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP.

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

Comment:

The proposed development does not include construction of a dwelling house. However, the indicative architectural drawings demonstrate that development of the proposed new lot will not dominate the setting of the site.

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

Comment:

The proposed further subdivision of the subject site does not result in lots smaller than the minimum subdivision lot size development standard under Clause 4.1 of the PLEP 2014. As such, the density proposed is consistent with that envisaged for the locality.

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

Comment:

As above, the density proposed is consistent with that envisaged for the locality.

C1.3 View Sharing

A submission raised concern that the proposed development would result in view loss from No. 43C Chisholm Avenue. The proposed development is considered against the outcomes of the control as follows:

A reasonable sharing of views amongst dwellings. (S)

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning

principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

The affected views are of trees and bushland, other properties and a distant view to the ocean. See photographs below:



Above left: View to the south towards the subject site from the northern end of the bedroom level deck of No. 43C Chisholm Avenue from a standing position. Above right: View to the east towards the ocean (subject site to the right of the photograph) from the southern end of the bedroom level deck of No. 43C Chisholm Avenue from a standing position.

What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2:

The affected views are obtained from both seated and standing positions across the southern side boundary of No. 43C Chisholm Avenue. The view to the ocean is obtained from both seated and standing positions across the eastern rear boundary of No. 43C Chisholm Avenue.

Extent of impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".

Comment to Principle 3:

The proposed development does require the removal of additional trees beyond those approved for removal under N0530/15 for subdivision of 7 Trentwood Park, in order to facilitate development of the proposed new lot. However, the proposed development does not result in unreasonable visual impact due to tree loss, as replacement trees are required. Further, the view towards the ocean (being a more significant and valuable portion of the view than vegetation) will remain unaffected by development of the proposed new lot. The overall impact of the proposed development is considered minor.

Reasonableness of the proposal that is causing the impact

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

Comment to Principle 4:

The proposed development is for subdivision only, with indicative architectural plans submitted to demonstrate the proposed new lot can be reasonably developed. The architectural plans include compliant setbacks, building height and landscaped area, demonstrating compliant development can be achieved on site. As the view affected is of vegetation only and the view to the ocean is retained, and considering the site can be developed in a compliant manner, the indicative dwelling design is proven to be skilful and the development is acceptable.

Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)

The proposed development retains a reasonable balance between retaining the bushland character of the locality and orderly development. The proposed development does not impact upon views or vistas from roads or public places to water, headlands, or beaches.

Canopy trees take priority over views. (En, S)

The proposed development does not result in the removal of any trees for the purpose of gaining views. Any trees to be removed are to facilitate reasonable development of the site.

C4.7 Subdivision - Amenity and Design

Clause C4.7 Subdivision - Amenity and Design of the P21 DCP requires that where an allotment has a boundary dimension of 6.5 metres or less to a road, the site area of the allotment shall be increased by 20% over that required for the area. In this case, the minimum subdivision lot size is 700sqm (840sqm where boundary dimensions are undersized). The proposed further subdivision results in lots with front boundary dimensions of less than 6.5m, and areas as follows:

- Lot 1: 839.6sqm (848.1sqm with access)
- Lot 2: 1,512sqm (1,652sqm with access)
- Lot 3: 1,389sqm (1,621sqm with access)
- Lot 4: 1,255sqm (1,297sqm with access)

As such, Lot 1 is undersized in consideration of Clause C4.7 of the P21 DCP. The non-compliance is acceptable in relation to the relevant outcomes of this clause, as follows:

Desired character of the locality.

Comment:

The proposed development is consistent with the requirements of Clause A4.1 Avalon Beach Locality of the P21 DCP and therefore achieves the desired character of the locality.

Protection of the natural environment. (En)

Comment:

As demonstrated by the supporting documentation, the proposed development results in an acceptable impact on the subject site in relation to the natural environment and wildlife.

Ecologically sustainable development. (En)

Comment:

The proposed development is supported by arboricultural and flora/fauna investigation and documentation, demonstrating that the works are not of unreasonable impact, and are sustainable.

Minimal design constraints. (S)

Comment:

The resultant lot is constrained by its slope and vegetation. However, the indicative architectural plans show that a dwelling can be constructed on the new lot to a reasonable level of compliance and impact, thereby demonstrating that the site constraints do not preclude development of that new lot.

Adequate access and services. (En, S)

Comment:

The proposed new lot is supported by a compliant driveway and suitable access to services.

Access driveways to public roads are minimised.

Comment:

The proposed development does not require creation of an additional driveway beyond that approved under development consent no. N0530/15.

The proposal includes indicative architectural plans for a potential dwelling on the proposed new lot (though no works are actually proposed on the new lot under this application). The plans demonstrate

that the proposed subdivision is acceptable in relation to:

- the slope, topography and any natural features;
- trees and vegetation;
- viewlines from within the proposed lots and from adjoining properties;
- solar access to the subdivision site;
- the applicable setbacks;
- the visual impact of future built development;
- vehicular access to, and onsite car parking for, the future buildings on the proposed lots;
- landscaping and/or recreation space for each proposed lot;
- provision of services to each lot; and
- provision of emergency services to each lot.

The submitted plans demonstrate that each property achieves a level of amenity commensurate with the locality and the desired character of the area. The proposal demonstrates that the impact on the environment of potential completed development is acceptable. Development on the proposed new lot will be subject to a full assessment at such time as a development application is lodged.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 2019

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2019/0393 for Subdivision of one lot into two on land at Lot 1 DP 202857,7 Trentwood Park, AVALON BEACH, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Registration of Lots

The lots approved under Development Consent N0530/15 and as modified by MOD2019/0169 are to be registered with NSW Land Registry Services. Evidence that the lots have been registered with NSW Land Registry Services is to be provided to Council in order to activate the consent.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA.01 Site Plan & Site Analysis	10 September 2019	Gartner Trovato Architects
Plan of Proposed Subdivision of Lot 1 in D.P.202857	9 September 2019	Adam Clerke Surveyors

Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 4 Lot Subdivision Full Site Stormwater Management Plan	23 June 2019	Barrenjoey Consulting Engineers
SW2 Lot 2 & Driveway Stormwater Management Plan	24 June 2019	Barrenjoey Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation J1457	15 September 2017	White Geotechnical Group
Letter - Geotechnical Investigation J1457B	31 January 2019	White Geotechnical Group
Arboricultural Impact Assessment	10 September 2019	Urban Forestry Australia
Supplementary Ecological Assessment	12 March 2019	Cumberland Ecology
Addendum Letter 1	5 September 2019	Cumberland Ecology
Bushfire Protection Assessment	11 February 2019	Australian Bushfire Protection Planners
Traffic and Parking Report	31 February 2019	Terrafic Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

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,	EDMS Reference	Dated
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Authority or Service		
NSW Rural Fire Service	NSW Rural Fire Service Integrated Referral Response	29 May 2019

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website 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. No Consent for Dwelling

The consent does not authorise the construction of any dwelling on the site. Any future dwelling is to be subject of a separate application to Council.

Reason: To ensure correct approval of works.

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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, details demonstrating payment are to be submitted to the Certifying Authority 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).

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

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

6. 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 31 January 2019 and 15 September 2017 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

7. Submission of Engineering Plans

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the inter-allotment drainage line from proposed lot 4 through proposed lots 2 and 1, drainage collection and connection of the driveway extension through proposed lot 2 up to the boundary of proposed lot 4 and the driveway design for the driveway extension to the boundary of proposed lot 4 which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

8. Vehicle Driveway Gradients

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.

9. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Principal Certifying Authority that

- (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 provider, requirements for the development can be provided.

Reason: To ensure that service have been provided as required by this consent.

10. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

11. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

12. **Construction Management Program**

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

13. **Engineering Details**

Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution 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.

Reason: To ensure excavation and landfill are completed to an appropriate standard and conducted in a safe manner.

14. **Lot 4 Building Envelope**

The building envelope for Lot 4 is to be amended to be a minimum of 3 metres from the trunks of T64 *Angophora costata*, T90 *Syncarpia glomulifera*, and T91 *Syncarpia glomulifera*. Details demonstrating compliance with this condition (including on the Plan of Subdivision and within the Restriction on Use of Land and corresponding Section 88B Instrument) are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.

15. **Preparation of a Construction Environment Management Plan (CEMP)**

A detailed construction environment management plan for the site is to be prepared by the Project Ecologist prior to the commencement of any works on site. The construction management plan is to be consistent with the approved Tree Protection Plan, Flora and Fauna Report and Arborist Report and is to include detailed information and specifications concerning the following:

- Proposed access for tree pruning and removal works and methods for removal of tree waste;
- Proposed access methods for the delivery and storage of materials and storage and removal of waste materials;
- Proposed storage areas for waste and construction materials;
- Quantity of material to be transported
- Proposed truck movements per day
- Proposed hours of operation
- Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area
- Location of on/off site parking for construction workers during the construction period.

Reason: Protection of native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

16. Preparation of a Tree Protection Plan

A Tree protection Plan, prepared by a minimum AQF level 5 Arborist, shall be issued to the Certifying Authority documenting the extent and alignment of tree protection fencing for all existing prescribed trees within 5 metres of the proposed works. All tree protection measures are to be in accordance with AS4970-2009.

Reason: To protect existing trees not impacted by the development.

17. Preparation of Erosion and Sedimentation Control

An Erosion and Sediment Control Plan is to be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

18. Engage a Project Arborist

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and supervise all works within 5m of significant trees. Evidence demonstrating Project Arborist engagement (i.e. cover letter from Project Arborist) is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.

19. Engage a Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the reports listed below. The Project Ecologist will ensure that all conditions relating to the biodiversity

management of the property are fully implemented.

- Addendum Letter 1: DA for Additional Subdivision of Lot 2, Trentwood Park, Avalon (Cumberland Ecology, 05/09/2019)
- Supplementary Ecological Assessment (Cumberland Ecology, 12/03/2019)
- Flora and Fauna Assessment by Cumberland Ecology October 2017

The Project Ecologist must have one of the following memberships/accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Employment of a project ecologist is to be certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **Compliance with Arborist's Recommendations – Pre-Construction**

All pre-construction tree protection measures specified in the Arborist reports listed below and these conditions of consent are to be implemented at the appropriate stage of development.

- Tree Protection Plan as required by this consent
- Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017)
- Arboricultural Impact Assessment - Additional Information Request (Urban Forestry Australia, 10/09/2019)
- Arboricultural Impact Assessment - Addendum (Urban Forestry Australia 30/01/2019)

Compliance with pre-construction measures is to be certified by the project arborist and details submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Road Reserve**

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

Reason: Public safety.

22. **Stormwater Connection**

Where connection to Council's nearest stormwater drainage system is required, the applicant shall connect the pipeline in accordance with Council's specification for engineering works and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

23. **Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

24. **Traffic Control During Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public safety.

25. **Temporary Sediment**

Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

Reason: To reduce erosion and prevent sediment runoff into public assets.

26. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective.

27. **Erosion and Sedimentation Responsibilities**

Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.

Reason: To ensure sediment and erosion controls comply with standards.

28. **Site Entry Access Way**

An all-weather access way at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.

Reason: To reduce sediment being taken offsite.

29. **Cleaning of Vehicles Leaving Site**

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite.

30. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

Reason: To ensure the amenity of the surrounding area for residents.

31. **Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety.

32. **Replacement Tree Planting**

Replacement planting is to be provided for any trees removed as part of the civil works, including construction of the access driveway and services. Replacement planting is to be at a ratio of 3:1 for every tree removed. Replacement planting is to be located outside of construction zones and building envelopes to ensure survival. Location of new trees should also be in accordance with the Bushfire requirements of the site. The trees are to be retained for the life of the development.

Reason: To replace locally native trees in accordance with relevant Natural Environment LEP/DCP controls.

33. **No Material Storage Within 5m / Calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m or the notional TPZ of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

Reason: To protect and retain trees proposed for retention.

34. **Compliance with Arborist's Recommendations – During Construction**

All tree protection measures to be implemented during construction, as specified in the Arborist reports listed below and these conditions of consent are to be implemented at the appropriate stage of development.

- Tree Protection Plan as required by this consent
- Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017)
- Arboricultural Impact Assessment - Additional Information Request (Urban Forestry Australia, 10/09/2019)
- Arboricultural Impact Assessment - Addendum (Urban Forestry Australia 30/01/2019)

Compliance with these measures is to be certified by the project arborist in writing, including photographic evidence, and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

35. **Implementation of Erosion and Sediment Control Plan**

The Erosion and Sediment Control Plan is to be fully implemented and measures are to remain in effective operation until all development activities have been completed and the site fully stabilised. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction. Evidence of compliance is to be certified by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

36. **Compliance with Ecologist's Recommendations – During Construction**

All biodiversity-related measures are to be implemented during construction, as specified in the

approved Flora and Fauna Assessment by Cumberland Ecology October 2017, Addendum Letter 1: DA for Additional Subdivision of Lot 2, Trentwood Park, Avalon (Cumberland Ecology, 05/09/2019), Supplementary Ecological Assessment (Cumberland Ecology, 12/03/2019) and these conditions of consent. Specifically the Project Ecologist must undertake pre-clearance surveys and direct supervision of all tree removal works. Compliance with these measures is to be certified by the project ecologist in writing including photographic evidence to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

37. Tree removal for building envelope not permitted

The removal of trees within, or immediately adjacent to, the designated building envelopes as indicated in the , is to be further considered in relation to the subsequent development applications for the house/s on these lots and no trees within the building envelopes nominated on the two proposed lots are to be removed as part of the subdivision works. Trees may be removed only where necessary to carry out the approved engineering works of the subdivision, including the new driveway and services.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.

38. Signage – No Work / Storage Within Dripline

The project manager is to erect signs advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

Reason: To protect and retain trees proposed for retention.

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

39. Compliance with Arborist's Recommendations – During and Post-Construction

All tree protection measures to be implemented, as specified in the Arborist reports listed below and these conditions of consent are to be implemented at the appropriate stage of development.

- Tree Protection Plan as required by this consent
- Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017)
- Arboricultural Impact Assessment - Additional Information Request (Urban Forestry Australia, 10/09/2019)
- Arboricultural Impact Assessment - Addendum (Urban Forestry Australia 30/01/2019)

Completion of arborist requirements and satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

40. Compliance with Ecologist's Recommendations – Post-Construction

All biodiversity-related measures are to be implemented at the appropriate stage of development, as specified in the approved Flora and Fauna Assessment by Cumberland Ecology (October 2017) and as amended by Addendum Letter 1: DA for Additional Subdivision of Lot 2, Trentwood Park, Avalon (Cumberland Ecology, 05/09/2019), Supplementary Ecological Assessment (Cumberland Ecology, 12/03/2019) and these conditions of consent. Removal of exotic weeds is to be certified by Project Ecologist. Satisfactory establishment/initiation of post-

construction measures is to be certified by the project ecologist prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

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

41. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website.

Reason: Weed management.

42. **Retention of Natural Features**

All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To ensure the retention of natural features.

43. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

44. **Works to Cease if Item Found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

45. **Dead or Injured Wildlife**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

46. **Asset Protection Zones - On-Going**

In perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To ensure development in accordance with NSW RFS requirements.

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

SUBDIVISION OR SUBDIVISION CERTIFICATE

47. **Provision of Services for Subdivision**

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

48. **Right of Carriageway**

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access and manoeuvring areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

49. **Certification of Civil Works**

A Certificate is to be submitted 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 to the satisfaction of the Principal Certifying Authority that the stormwater drainage system and driveway access for the subdivision have been constructed in accordance with the plans nominated on the Development Consent, relevant conditions of Development Consent and approved Construction Certificate. The Subdivision Certificate will not be released until this certification has been submitted and accepted by the Principal Certifying Authority.

Reason: To ensure the Civil Works have been built to the appropriate standards.

50. **Stormwater Drainage and Utility Services Plan**

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor is to be submitted to Council. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

51. **Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

52. **Certification of Utility Services**

The provision of all utilities/services and/or street lighting are to be certified by the relevant authority(s) and/or authorised contractor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

53. **Easement for Drainage**

An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

54. **Easement for Services**

An easement for services (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 88B instrument to ensure all utility services are located within the appropriate easement(s). Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate

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

55. **Subdivision Certificate Application**

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

Reason: Statutory requirement of the Conveyancing Act 1919.

56. **Geotechnical Certification Prior to Subdivision Certificate**

Prior to issue of the Subdivision Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

57. **Title Encumbrances**

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Northern Beaches Council as the sole authority empowered to release or modify. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

58. **Restriction on Use of Land - Building Footprint**

A Restriction on Use of Land is to be created, burdening Lot 4, restricting future buildings within Lot 4 to the building area/s shown on DA.01 Site Plan & Site Analysis dated 10 September 2019 prepared by Gartner Trovato Architects and Plan of Proposed Subdivision of Lot 1 in D.P.202857 dated 9 September 2019 prepared by Adam Clerke Surveyors, and as modified by conditions of consent. Full details in this regard are to be submitted to Council on the final plan of Subdivision / and an accompanying Section 88B instrument. The creation of the Restriction on Use of Land is achieved through registration of the Plan of Subdivision.

Reason: To ensure consistency with the approval.

59. **Asset Protection Zones - Subdivision Certificate**

At the issue of subdivision certificate, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To ensure development in accordance with NSW RFS requirements.

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

Signed



Claire Ryan, Principal Planner

The application is determined on 01/10/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments