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## MEMORANDUM

**DATE:** 18 November 2019

**TO:** Northern Beaches Local Planning Panel

**CC:** Matthew Edmonds, Manager Development Assessments

**FROM:** Claire Ryan, Principal Planner

**SUBJECT:** DA2019/0332 – 55 Kalang Road, Elanora Heights

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Dear Panel,

Council is in receipt of DA2019/0332 for demolition and construction of a shop top housing development at 55 Kalang Road, Elanora Heights.

During assessment of the application, Council noted that stormwater works were proposed on 53 Kalang Road. Owner's consent was not able to be provided for this work, and the application notes the works relate to 55 Kalang Road only. As such, Council's recommendation to the Panel includes two deferred commencement conditions to address stormwater works:

**1. Stormwater Works on Adjoining Land**

*The Applicant is to obtain development consent for the installation of the necessary stormwater infrastructure over adjoining land. The stormwater works are to be generally in accordance with the submitted stormwater drainage plan prepared by itm design Pty Ltd, drawing number 14-202 H-DA-01 Rev B dated 1 April 2019.*

**2. Stormwater Drainage Easement(s)**

*As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be generally in accordance with the submitted stormwater drainage plan prepared by itm design Pty Ltd, drawing number 14-202 H-DA-01 Rev B dated 1 April 2019. The easement(s) required are to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The Applicant is to detail the size, gradient and capacity of the inter-allotment pipe traversing the downstream properties up to the connection with the Council drainage system in Allington Reserve. The onsite stormwater detention system is to be designed and constructed to accommodate the existing capacity of this pipe, based on the existing catchment areas of the properties draining to the inter-allotment pipe, for all storms up to and including the 1 in 100 year ARI storm event. The applicant is to provide evidence that this inter-allotment pipe is operating and is in reasonable condition to convey stormwater. Where this pipe is not in a condition to convey stormwater, details of works required to allow the pipe to convey stormwater must be detailed on the plan. The Applicant must provide Council with evidence of the creation of the easement and details demonstrating compliance with the capacity requirements listed above in order to activate the consent.*



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Following review of the recommendation by Council's legal team, it is recommended the conditions be amended to remove reference to the submitted stormwater plans, as they show works that do not form part of the application (i.e. works on land other than the relevant property), which cannot be considered/assessed under this application. The conditions are instead recommended to read as follows:

1. **Stormwater Works on Adjoining Land**

*The Applicant is to obtain development consent for the installation of the necessary stormwater infrastructure over adjoining land.*

2. **Stormwater Drainage Easement(s)**

*The disposal of stormwater drainage is to generally follow the fall of the land. The easement(s) required are to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The Applicant is to detail the size, gradient and capacity of the inter-allotment pipe traversing the downstream properties up to the connection with the Council drainage system in Allington Reserve. The onsite stormwater detention system is to be designed and constructed to accommodate the existing capacity of this pipe, based on the existing catchment areas of the properties draining to the inter-allotment pipe, for all storms up to and including the 1 in 100 year ARI storm event. The applicant is to provide evidence that this inter-allotment pipe is operating and is in reasonable condition to convey stormwater. Where this pipe is not in a condition to convey stormwater, details of works required to allow the pipe to convey stormwater must be detailed on the plan. The Applicant must provide Council with evidence of the creation of the easement and details demonstrating compliance with the capacity requirements listed above in order to activate the consent.*

Claire Ryan  
Principal Planner  
Planning and Place