

The most recent set of architectural drawings shows the reduced rear setback of the first and second floor levels, which would result in reduced areas of private open space to the four rear facing apartments. This change is not supported and a recommended condition requires the originally proposed rear setback to be reinstated.

In order to address neighbour concerns relating to security and the possibility of an occupant jumping from the balcony of proposed unit 5 into the courtyard of Unit 6, 11-15 Foamcrest Avenue, a condition is recommended to set in the north eastern wall of this balcony by 1.5 metres, in order to increase the separation distance between the two areas. This would reduce the size of the balcony of proposed unit 5 from 23m² to 18m²; this continues to comply with the minimum 10m² size requirement and the original depth of 3.2 metres will also remain, exceeding the minimum 2.4 metre dimension.

- **D10.30 Facades (Newport Commercial Centre)**

The development has been designed to be naturally cross-ventilated and to maximise daylight and sunlight to reduce reliance on mechanical heating, cooling and lighting systems. The development is BASIX-compliant. The development includes awnings, roof overhangs, pergolas and blade walls to allow an appropriate level of shading to the apartments.

- **D10.31 Ecological Sustainable Development Responsive Design (Newport Commercial Centre)**

The development has been designed to maximise the attributes of the site and the surrounding area. The front elevation is oriented toward Newport Beach and ocean views are likely to be gained from the upper level of the development. The building has been designed to be naturally cross ventilated and to maximise the amount of daylight and sunlight received in order to reduce reliance on mechanical systems. While no solar panels or stormwater harvesting are currently proposed, the design of the development would be readily capable of accommodating such infrastructure in the future.

- **D10.32 Solar access and ventilation (Newport Commercial Centre)**

The control seeks to ensure good levels of daylight to all habitable rooms, natural cross-ventilation and the optimising of sunlight, requiring a minimum of three hours sunlight to 70% of apartments between 9.00am and 3.00pm on June 21 (midwinter's day).

Each of the habitable rooms within the development, and their open spaces, receive a satisfactory level of daylight. All of the apartments are naturally cross-ventilated. A solar access study of the subject development, provided by the applicant, indicates that 5 of the 6 apartments (the four north-facing apartments and the upper level southern apartment) can comply with this requirement, equating to 83% of the apartments. A condition is imposed relating to the expansion of the central courtyards and this is likely to result in further increases in the amount of daylight and sunlight received to the two southern apartments.

With regard to neighbouring properties, the control seeks a 'reasonable level' of solar access to existing residential properties unhindered by adjoining development, and does not specify minimum amounts of sunlight. The orientation of the site is such that shadows associated with the development will primarily fall onto the site to the south west, 327 Barrenjoey Road. This neighbouring site consists of a two storey development within the front portion, comprising a retail tenancy at ground level and shop top housing above and behind. The rear portion of the site is vacant, comprising low level vegetation only. This

neighbouring property can already be said to be 'hindered by adjoining development' being located directly adjacent to the existing commercial tenancy on the subject site.

The shadow diagrams which accompany the application show that the side and rear areas of this neighbouring property would be in shadow for a large portion of the period between 9.00am and 3.00pm on June 21. Sunlight would reach the rear windows of the development at approximately 1.00pm for the southern rear window (allowing two hours of sunlight) and approximately 2.00pm for the northern rear window (allowing one hour of sunlight). Many of the side windows are already self-shaded for the majority of the day by the deep roof overhang which exists on the northern corner of this building.

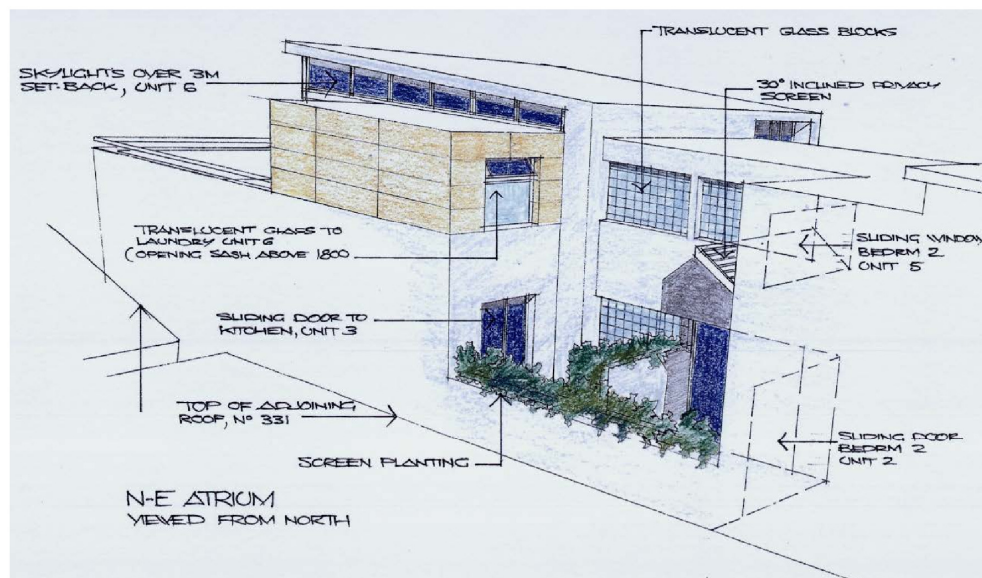
The applicant has addressed this issue by stating that Council's controls and Masterplan for the locality envisage and encourage the redevelopment of this site and adjoining sites for development of a type now proposed, and that any form of redevelopment would result in some form of overshadowing, given the largely low density and in parts vacant nature of the site as it currently exists. It is agreed that any form of redevelopment which sought to maximise the potential of this site would result in additional overshadowing and in light of the future desired character of the locality, which seeks the redevelopment of the south eastern neighbouring site, the proposed arrangement is supported in this instance.

A condition requiring the expansion of the internal courtyards would be likely to result in a minor increase to the amount of sunlight reaching this neighbouring property.

A submission was received from a resident of this neighbouring property who asked that the level of sunlight and daylight reaching these apartments be checked. Upon discussing this on the telephone it was apparent that the Architect of the proposal had met with this neighbour and explained the likely impact, and this neighbour no longer held concerns of this nature.

- **D10.33 Privacy (Newport Commercial Centre)**

As discussed within control D10.24 above, the separation distances proposed within the subject development, and in association with neighbouring properties, are held to be acceptable subject to a condition requiring the expansion of the central courtyard. While this courtyard would still include windows which faced each other, the applicant has proposed a series of measures to protect privacy including translucent glazing, glass blocks, louvred screens, screen planting and (at the lower level) a dividing courtyard wall. The below detail drawing (which shows the originally proposed 6.2m separation distance) demonstrates this:



The resulting development also has acceptable privacy impacts in terms of the surrounding properties. To the north east is the blank roof of the neighbouring property and to the north west is the side wall of the northern neighbouring apartment building. This side wall includes two small windows, however the positioning of these windows and the distance from the proposed development is such that no unreasonable overlooking is likely to occur. The development will not result in a loss of privacy to the south eastern neighbours provided that the external privacy louvres to bedroom 1 of unit 4 are amended to be angled upward rather than sideward. A condition is included in this regard.

Plant and noise-generating equipment has been located away from noise sensitive areas as far as possible, and conditions are included to restrict the level of noise from any plant and equipment on the site.

Unit 6, 11-15 Foamcrest Avenue

Submissions have been received from this neighbouring property relating to a loss of visual privacy resulting from the position and proximity of the proposed development. The submission contends that the balconies of the rear upper level apartments will be able to look over the proposed balustrades and over the existing neighbouring brushwood fence and down into the courtyard of this neighbouring unit. A site inspection from this neighbouring site was carried out on 9 January 2015 and photos are shown below:



Figure 1: View of neighbouring courtyard from rear portion of subject site (looking north and north west)



Figure 2: Aerial photo demonstrating relationship between subject site and Unit 6, 11-15 Foamcrest Avenue



Figure 2: From courtyard of Unit 6, 11-15 Foamcrest Avenue looking rearwards (to the south east)



Figure 3: From courtyard of Unit 6, 11-15 Foamcrest Avenue looking toward subject site (to south)



Figure 4: From centre of courtyard of Unit 6, 11-15 Foamcrest Avenue looking back toward apartment

The additional documentation submitted on 29 December 2014 indicates that it may be possible for occupants of the new apartments to look down into this adjacent courtyard and for this reason a privacy screen has been proposed by the applicant to a height of 1.8 metres above the finished floor level of the balcony. The latest submission from this neighbouring property states that the use of a privacy screen would be 'ineffective and would increase bulk', however it is considered that such a screen would resolve overlooking concerns and would not increase bulk from this viewpoint as the privacy screen would be set against the backdrop of the overall building. A condition to ensure that privacy screens are installed and maintained for the life of the development is included within the recommended conditions and is held to resolve this concern.

9. **STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

State Environmental Planning Policy No. 65 provides a framework for local and regional planning with regard to the design of residential flat buildings. The policy specifically provides a series of design principles which aim to improve the design quality of such development. With regard to the proposed development, these design principles are considered as follows;

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The building has been designed to integrate appropriately with both the development immediately adjacent to the site and with the character of the wider area. A submission has been received which asks that the Barrenjoey Road façade be amended to align more closely with the lines of the neighbouring building. However, both of the immediately adjoining sites can be said to be currently under developed and the Masterplan for the commercial centre envisages that these sites will ultimately be redeveloped. It is not considered logical therefore for the proposed new building to be amended to align with these older buildings. The location of the site is such that residents will benefit from easy access to Newport beach, public transport links, shops and amenities, making it well suited to this site.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The development complies with the height and front setback controls for the site meaning that it follows the existing and desired scale for development in this locality. The locality can be said to be going through a transition and the proposed development is in line with the desired future character for the locality, expressed through the Newport Village Commercial Centre Masterplan.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The development exhibits a satisfactory level of design and built form. The Barrenjoey Road elevation includes a sufficient level of modulation and variation in appearance to provide a development which is visually interesting from the public domain. The ground level retail unit is at the same level as the footpath allowing for a meaningful interaction between the public and private domain and contributing to the visual interest of the building from the street. The development demonstrates appropriate levels of internal amenity, subject to conditions.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The development includes six apartments of varying sizes and types (2 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom), which are accommodated comfortably within the subject site without resulting in undue harm to the surrounding area. In this regard the development displays an appropriate density. The location of the site provides ready access to public transport and surrounding amenities, supporting the proposed density.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The application seeks the retention of the majority of the existing commercial unit, limiting the amount of built fabric being disposed of, and limiting the amount of new construction materials required. The development has been designed to permit satisfactory levels of daylight, sunlight and natural cross-ventilation to reduce reliance on mechanical heating, cooling and lighting systems. The development is compliant with the principles of BASIX and the development is accompanied by a BASIX certificate.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

While the constraints of the subject site are such that it is not possible to include deep soil zones, an 47.5m² area of landscaping is proposed within the rear portion of the site, which accounts for 8.5% of the site area. While this landscaped area is accessible only to units 1 and 2, it assists in providing a pleasant outlook to all four north-facing units and provides a small area of habitat for wildlife in the surrounding area.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The applicant has demonstrated that 83% of residential units will receive adequate levels of solar access to living spaces and areas of private open space exceeding the minimum of 70%. The applicant has addressed initial concerns relating to visual privacy within the development and a further condition of consent requiring the expansion of the internal courtyards will ensure that appropriate levels of visual and acoustic privacy are provided. 100% of the apartments are naturally cross-ventilated, exceeding the minimum requirement of 60%, and all will receive satisfactory levels of daylight.

All apartments exceed the minimum apartment sizes suggested within the Residential Flat Design Code and this will remain the case following the implementation of the condition to require the expansion of the central courtyards. All apartments also include sufficient space to permit compliant levels of storage.

While the development does not include an area of communal open space, this is offset by the generous terraces and balconies provided to the apartments and the proximity of the site to areas of public open space.

The applicant has also demonstrated that the proposal will not unreasonably impact upon the amenity of adjoining properties, particularly with regard to ventilation, solar access, visual privacy and acoustic privacy. ***Further documentation has been submitted with regard to the impact of the development with the northern neighbouring property, and further discussion on the relationship between these two sites is provided above.***

The Newport Commercial Centre provides adequate services for all future occupants of the development, and the shoptop housing development has been designed to allow appropriate access for all age groups and degrees of mobility.

Principle 8: Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposed development is considered to provide an appropriate design response with regards to safety and security, including the crime prevention design principles identified by clauses C1.2 and C2.2 of Pittwater 21 DCP. Access to separate components of the development is considered to be clearly identifiable, and the proposed vehicle entry/exit has been designed in consideration of appropriate lines of sight and pedestrian safety. A condition to require the installation of a series of bollards to distinguish the vehicular and pedestrian areas of the driveway and increase safety in this area. ***It should be noted that the most recent drawing set shows the separation of the pedestrian and vehicular areas through the use of bollards and solid walls.***

A condition to amend the balcony of proposed unit 5 is recommended to assist in increasing the security of unit 6, 11-15 Foamcrest Avenue. This is further discussed above.

Principle 9: Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The proposed development incorporates a mix of housing types, including 1, 2, and 3 bedroom units providing housing for a range of household types and incomes. Two of the six apartments are adaptable, allowing access to housing for everyone.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The materiality of the proposed development includes predominantly dark and earthy finishes, with lighter coloured accents, in line with the Pittwater 21 DCP control. The design of the development is in line with the desired future character of the commercial centre and includes an appropriate degree of modulation and visual interest.

Conclusion

The proposed development is considered to achieve consistency with the design requirements identified by SEPP 65 and the “rule of thumb” requirements identified by the Residential Flat Design Code.

10. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development does not constitute traffic-generating development as defined within this SEPP. The proposal triggers the requirements of clause 101 however, given that it involves development adjacent to Barrenjoey Road, which is a Classified Road. Clause 101 states that the consent authority must not grant consent unless it is satisfied that the development will not affect the safety, efficiency or ongoing operation of the classified road.

The application was referred to Roads and Maritime Services who responded with no objections to the proposed development subject to a number of conditions, which have been included within the consent. The development utilises the existing vehicular crossover and access point meaning that no change in position is required, and the amount of cars entering and exiting the site will not unduly overload the capacity of this roadway.

Clause 102 relates to the impact of road noise and vibration on non-road development, although this applies to roads with a higher daily usage than is the case with the subject development.

11. STATE ENVIRONMENTAL PLANNING POLICY No. 55 – REMEDIATION OF LAND

The SEPP requires that before determining consent Council must be satisfied that a site is suitable, or can be made suitable, for its intended use. The subject site is currently commercial and is proposed to become a mixed use commercial and residential development, which is a more sensitive land use, and meaning that the provisions of the SEPP must be considered. The applicant has addressed this issue within the Statement of Environmental Effects and notes that:

- Council's records indicate that the site has continuously been used for retail/commercial premises;
- The subject site and surrounding sites have not been previously used by any potentially contaminating land uses, including those uses listed within Table 1 of the guidelines of the SEPP;
- The subject site and surrounding land have not historically been zoned, nor are they currently zoned, to allow for any uses or activities listed within Table 1;
- The subject site does not constitute land declared to be an investigation area by a declaration of force under the Contaminated Land Management Act 1997;
- While there is excavation proposed to the rear of the site, the slab beneath the existing retail tenancy is proposed to be retained and reused, with the earth beneath not being disturbed.

In light of these points, Council can be satisfied that the site has not historically operated as a potentially contaminating land use, and is not likely to contain contaminated land. The section of the development in direct contact with the ground will be commercial and car parking only, with the residential elements located wholly above existing ground level and not in contact with the ground. Council can therefore be satisfied that the site is suitable for its intended use.

12. EXISTING USE RIGHTS

The proposed does not rely upon existing use rights.

13. CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 2014, Pittwater 21 DCP and other relevant Council policies.

The constraints of the subject site (including its location within an existing urban area, size and flood planning requirements) are such that strict compliance with all of the numerical and technical requirements of the control would be difficult to achieve, and the resulting development would not necessarily be better. While a number of minor non-compliances have been identified within the above report, the development overall is one which largely complies with the intent of the various planning controls which relate to the site, including the Newport Village Commercial Centre Masterplan. The resulting development will achieve the desired future character of the commercial centre, and will provide an improved retail tenancy and six new homes, capable of accommodating varying household and income types.

Over the course of the application, and through the provision of amended drawings and additional documentation, the applicant has demonstrated that the development is able to achieve a reasonable level of amenity for future occupants of the development, without resulting in unreasonable impacts upon the amenity of adjoining properties or the character of the area. Accordingly, the application is recommended for a deferred commencement approval, subject to the below conditions.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application N0217/14 for the construction of a shop top housing development at 329 Barrenjoey Road, Newport subject to the attached draft conditions of consent.

Report prepared by

Cheryl Williamson
SENIOR PLANNER

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DRAFT DETERMINATION

CONSENT NO: N0217/14
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

ARAM SANDALCIYAN
15 PERONNE AVENUE
CLONTARF NSW 2093

Being the applicant in respect of Development Application No **N0217/14**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0217/14** for:

Alterations and additions to create a mixed use shop top housing development including the construction of two additional storeys above the existing retail unit to accommodate six (6) residential apartments, excavation to the rear of the site to create two levels of car parking (14 spaces in total) and internal alterations to the ground level retail unit.

At:

329 Barrenjoey Road, Newport (Lot 53/5 DP 6248)

Decision:

The Development Application has been determined by the granting of a **deferred commencement consent** based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with:

- Drawing SK-01 revision **B E**: Ground/Lower & Upper Carpark Floorplan prepared by Leech Harmon Architects and dated ~~19 November 2014~~ **22 January 2015**;
- Drawing SK-02 revision **B C**: First/Second Floor Plan prepared by Leech Harmon Architects and dated ~~19 November 2014~~ **22 January 2015**;
- Drawing SK-03 revision **B C**: Elevations prepared by Leech Harmon Architects and dated ~~19 November 2014~~ **21 January 2015**;
- Drawing SK-04 revision **B D**: Sections/Carpark Cross-Sections Floorplan prepared by Leech Harmon Architects and dated ~~19 November 2014~~ **22 January 2014**;
- **Diagram D01: Showing relative positions of courtyards and terraces between No. 329 Barrenjoey Rd and Unit 6, 11-15 Foamcrest Avenue, Newport prepared by Leech Harmon Architects and dated December 2014;**
- **Diagram D02: Section A-A prepared by Leech Harmon Architects and dated December 2014;**
- Addendum 1.01 Shared Vehicle Pedestrian prepared by Leech Harmon Architects and received 20 November 2014;
- Addendum 1.02: Shared Vehicle/Pedestrian Proposed Signage and Sight Lines prepared by Leech Harmon Architects and received 20 November 2014;
- Addendum 1.03: Shared Vehicle/Pedestrian Proposed Signage and Sightlines prepared by Leech Harmon Architects and received 20 November 2014;
- Landscape Concept/Site Analysis Plan LC-01/SA-01 prepared by Leech Harmon Architects and dated 2 July 2014;
- Stormwater Management Plan 18114-1 prepared by Taylor Consulting Civil and Structural Engineers and dated 3 July 2014;
- Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd and dated 1 July 2014;

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- Access and Compliance Requirements Assessment Report prepared by PSA Access Consulting and dated 18 June 2014;
- Tree Management Plan TMP01 prepared by Naturally Trees Arboricultural Consulting and dated 29 November 2014;
- Flood Risk Management Plan prepared by Taylor Consulting Civil and Structural Engineers and dated November 2014;
- Report on Geotechnical Site Investigation and Risk Assessment prepared by Crozier Geotechnical Consultants and dated June 2014;
- Acoustic Report prepared by West and Associates Pty Ltd.
- BASIX Certificate A193077 dated 2 July 2014

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent TBA

Mark Ferguson
GENERAL MANAGER
Per:

DRAFT

DRAFT CONDITIONS OF APPROVAL

PART A – DEFERRED COMMENCEMENT CONDITIONS

This consent does not operate until the following deferred commencement conditions are satisfied and the Applicant has received written confirmation of the satisfactory completion of the requirements within this condition and the activation of the consent from Council. The information required by the deferred commencement conditions below are to be provided to the Council within six (6) months from the date of this consent. If this information is not provided within this time frame, the consent will lapse.

1. A letter from the body corporate of 9 Foamcrest Avenue, located to the north west of the site, shall be provided which provides landowners consent for the removal of the Eucalypt tree located adjacent to the boundary with the subject site. This letter must expressly state that landowners consent is provided for the removal of the tree, and must be signed by the Director(s) of the body corporate.

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PART B – OTHER CONDITIONS

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
 - (a) the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (c) that unauthorised entry to the work site is prohibited.

The sign must to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor, and
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder, and
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
 - (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information
5. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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6. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
7. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The following design amendments must be made to the approved plans. An amended drawing set detailing these amendments shall be forwarded to the Private Certifying Authority prior to the issue of a Construction Certificate:

~~(a) The internal layouts of units 1, 2, 4 and 5 (the four rear-facing apartments) must be modified to include the deletion of the study areas and the expansion of the central courtyards to create a separation distance between the front and rear apartments of at least 9 metres.~~

~~(b) The external fixed louvres to the window of bedroom 1 of unit 4 must be amended such that they are angled upward and not sideward, to prevent the loss of amenity of the south western neighbouring property.~~

~~(c) A series of bollards must be installed within the driveway area of the development to differentiate the vehicle and pedestrian areas, providing a safer route of travel.~~

(a) The external fixed louvres to the window of bedroom 1 of unit 4 must be amended such that they are angled upward and not sideward, to prevent the loss of amenity of the south western neighbouring property.

(b) The car parking areas must be redesigned to accommodate no less than 3 bicycle racks and 1 motorcycle space.

(c) The north eastern and north western walls of the balcony of unit 5 must be fitted with privacy screens of no less than 1.8 metres in height above finished floor level, which prevent views of the courtyard of Unit 6, 11-15 Foamcrest Avenue.

(d) The north eastern portion of the balcony to unit 5 must be set in such that it is separated from the north eastern boundary by no less than 1.5 metres.

(e) The rear glass lines of units 1, 2, 4 and 5 shall be relocated such that they are separated from the rear boundary by no less than 9.4 metres.

2. This consent does not authorise the use of the ground floor retail/commercial tenancy. A separate application to Council is required to authorise the fit-out and use of this tenancy.
3. Air-conditioning units, hot water systems, and other mechanical equipment shall not be located on the roof or located such that it is visible from a public place.
4. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
5. The following requirements are specified by Roads and Maritime Services:
 - (a) All vehicles are to enter and leave the site in a forward direction;

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- (b) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004;
- (c) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Barrenjoey Road.
- (d) The post development stormwater discharge from the subject site into Roads and Maritime drainage system must not exceed the pre-development discharge.
6. 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.
 7. The internal front 5m of the development can only accommodate window displays, pedestrian stairs and/or ramps that lead up to the remainder of the development, and
 8. The premises is to be waterproofed (wet and/or dry) to 5.1m AHD, to reduce the risk of property damage, and
 9. No electrical equipment or electrical motors are to be located below the FPL (5.1m AHD), and
 10. All electrical wiring, fuel lines or any service pipes and connections must be waterproofed to 5.1m AHD, and
 11. All electrical equipment, wiring and any service pipes and connections associated with the lift must be waterproofed 5.1m AHD, and
 12. Electrical wiring/data cabling needs to be made suitable for continuous submergence to a depth of 5.1m AHD and conduits graded so they are free draining in a flood event, and
 13. All building material below the FPL (5.1m AHD) shall be made from flood compatible materials, and
 14. The storage of all stock (including chemical and hazardous material) shall be at or above the FPL (5.1m AHD), and
 15. The 'Flood Risk Management Plan, for 329 Barrenjoey Road, Newport, dated November 2014, by Taylor Consulting' or its subsequent update shall apply for the life of the development, and
 16. A reliable pedestrian access route is to be provided and maintained to allow flood free safe evacuation from the ground floor to an evacuation area above the Probable Maximum Flood plus climate change – as outlined on Flood Evacuation Plan – 329 Barrenjoey Road, Newport by Taylor Consulting or its subsequent update, and
 17. Appropriate signage is to be displayed throughout the premises to alert people to the flood risk, flood evacuation routes and evacuation plan, and
 18. A current version of the SES Business FloodSafe Tool Kit available from <http://floodsafe.ses.org.au/floodsafe/business toolkit/> is to be compiled and printed for the tenant and kept on the premises at all times. All employees/tenant(s) are to be made aware of the Floodsafe Toolkit, and
 19. A current (and regularly updated) version of the SES Home Emergency Plan available from <http://www.floodsafe.com.au/home-emergency-plan> is to be compiled and printed for each unit/apartment, and kept on the premises at all times. All occupants are to be made aware of the Home Emergency Plan, and

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20. The Flood Emergency Response Plan (as outlined within The *Flood Risk Management Plan for 329 Barrenjoey Road, Newport*, dated November 2014, by Taylor Consulting or its subsequent update) is to be implemented by the occupant(s) of the dwellings (units/apartments) and the tenant(s) of the shop and the practice of flood evacuation procedures are to be undertaken annually, and
21. The entry to the basement carpark shall be at or above the FPL (including climate change), and
22. All fencing on the property must be flood compatible,
23. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
24. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
25. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
26. Any vegetation planted onsite outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists
27. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
28. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, linemarked and signposted.
29. Suitable arrangements are to be made for secure postal delivery service to the site. This can be achieved by following the Australia Post Terms and Conditions Appendix 2 Street mail service - conditions of delivery. A copy of the Terms and Conditions may be obtained from Australia Post or its website.
30. The development is to include a minimum number of two (2) units at the rate and class as required under the Accessibility Control and in compliance with the requirements of AS 4299 - *Adaptable Housing*.
31. Adaptable parking spaces must be associated with the adaptable units.
32. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on site car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
33. Any service parking associated with the retail component of the development is required to comply with AS 2890.2 and shall be designed to accommodate the turning requirements of the largest service vehicle expected.
34. Where tandem parking spaces are proposed, each pair is to be allocated to the one unit.

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35. Visitor parking spaces are to be easily accessible and clearly marked "Visitor".
36. The required sight lines to pedestrians or other vehicles in or around the car park or entrance are not to be compromised by landscaping, signage, fencing or display materials.
37. Landscaping is to be implemented in accordance with the approved Landscape Plan. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.
38. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
 - (a) A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - (b) The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 - (c) The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 - (d) Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 - (e) Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
 - (f) The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harbours for insects and vermin. Framing in timber is not permitted.
 - (g) The garbage and recycling room shall be made vermin proof.
 - (h) Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.
 - (i) The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
 - i. 80 litres per household per week of garbage, and
 - ii. 70 litres per household per week of paper recyclables, and
 - iii. 70 litres per household per week of container recyclables.

The residential waste and recycling enclosure is to be physically separated from the commercial waste and recycling enclosure.

2. Noise from the operation of any plant or equipment on the site shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
3. The proposed development should be designed such that road traffic noise from Barrenjoey Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007.
4. The walls and/or ceilings of attached dwellings shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia.
5. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
6. Roofs to all structures are to be of dark or mid grey, brown and/or green tones only. No white or light coloured roofs are permitted.

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7. The crest of the access ramp to the basement car park must be at a minimum level of 5.1m AHD to prevent the ingress of flood waters. The ramp grades must comply with the requirements of AS/NZ 2890.1 – 2004.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Prior to the issue of the Construction Certificate the applicant is to carry out an investigation to determine whether acid sulphate soils are present in the area to be excavated. If the investigation reveals acid sulphate soils are present, an acid sulphate soils management plan addressing management of acid sulphate soils during and following excavation is to be prepared by a suitably qualified consultant and submitted for approval prior to the release of the construction certificate.
2. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
3. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
4. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site 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 Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

5. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
 1. after excavation for, and prior to the placement of, any footings, and
 2. prior to pouring any in-situ reinforced concrete building element, and
 3. prior to covering of the framework for any floor, wall, roof or other building element, and
 4. prior to covering waterproofing in any wet areas, and
 5. prior to covering any stormwater drainage connections, and
 6. after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

6. Construction works approved by this consent must not commence until:

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1. Construction Certificate has been issued by a Principal Certifying Authority
 2. a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 3. at least 2 days notice, in writing has been given to Council of the intention to commence work.
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7. A Certificate from a qualified practising Structural 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, certifying the adequacy of the existing structure to support the additional loading is to be submitted to the Accredited Certifier or Council.
 8. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate plans and specifications are fulfilled.
 9. A contribution of \$54,000 is to be made to Cashier Code SOPS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No.2. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
 10. A contribution of \$12,000 is to be made to Cashier Code SLEL, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
 11. A contribution of \$21,000 is to be made to Cashier Code SCSF, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Community Services Facilities in accordance with Section 94 Contributions Plan No.18. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
 12. A contribution of \$30,000 is to be made to Cashier Code SVSS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for providing improved Village Streetscapes in accordance with Section 94 Contributions Plan No.19. The Contributions Plan may be inspected at Pittwater Council, No1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
 13. Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.
 14. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified 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, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

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15. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
 - a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - b. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
 - c. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - d. Councils Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
16. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the Roads Act 1993 for the design and construction of any works located on the road reserve including Access Driveways.
17. An approval under Section 138 of the *Roads Act* to construct an access driveway to the main road is to be submitted to the Accredited Certifier.
18. 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.
19. The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.
20. External glazing must be of low glare and reflectivity. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of the material is to be submitted with the Construction Certificate. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Roofing materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and textures must be provided to the Certifying Authority.
21. The proposed light grey cement render paint colour is considered too light and is not approved. A revised schedule of finishes, including dark, earthy and non-reflective finishes shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a revised *Schedule of Finishes*.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

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1. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
4. The following facilities must be provided on the site:
 1. toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 2. a garbage receptacle for food scrapes and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

5. 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 give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
6. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
7. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
8. 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.
9. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

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10. 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.
11. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
12. 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.
13. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

14. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
15. If approved works are likely to cause pedestrian or vehicular traffic in a public place to be obstructed or if works involve the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place.
If necessary, an awning or other structure is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Further, the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
Any such hoarding, fence or awning is to be removed when the work has been completed.
NOTE: Hoardings and temporary awnings erected on or over public places are required to be subject to a separate approval from Council.
16. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.
17. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
18. No skip bins or materials are to be stored on Council's Road Reserve.
19. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
20. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 1. The builder's name, builder's telephone contact number both during work hours and after hours.

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2. That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
 3. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 4. That no skip bins or materials are to be stored on Council's Road Reserve.
 5. That the contact number for Pittwater Council for permits is 9970 1111.
21. All construction in the public road reserve must be undertaken by a Council authorised contractor.
22. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
1. Quantity of material to be transported
 2. Proposed truck movements per day
 3. Proposed hours of operation
 4. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
 5. Location of on/off site parking for construction workers during the construction period.
23. Demolition works must be carried out in compliance with *WorkCovers Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 The Demolition of Structures. The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.
- All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.
- Adjoining property owners are to be given at least seven (7) days notice in writing of the intention to disturb and remove asbestos from the development site.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

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2. The following documents must be submitted:
 - (a) A certificate from a suitably Qualified Engineer, certifying:
 - (i) the stormwater drainage system
 - (ii) the car parking arrangement and area
 - (iii) any related footpath crossing works
 - (iv) the proposed basement pump and well system
 - (v) the proposed driveway and layback, and/or
 - (vi) other civil works, have been constructed in accordance with the approved plans and conditions of consent.
 - (b) A "Works-as-executed" plan of the engineering and/or drainage works.

Where Council is not the Principal Certifying Authority, two copies of the above documents are to be provided to Council prior to issue of any Occupation Certificate.

3. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
4. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
5. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
6. Certification is to be provided to the Principal Certifying Authority 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, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
7. The applicant must obtain written confirmation from Council that all works in the road reserve have been completed in accordance with the conditions of the Roadworks Permit
8. The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.
9. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
10. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
11. All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
12. Street numbers are to be affixed so that they are clearly displayed and visible from a public place.

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13. *Completion of the SES Business FloodSafeTool Kit available from <http://floodsafe.ses.org.au/floodsafe/business toolkit/> for the tenant(s), and*
14. *Completion of the SES Home Emergency Plan available from <http://www.floodsafe.com.au/home-emergency-plan> for each apartment/unit, and*
15. *Prior to issuing an occupational certificate, the structural integrity of the dwelling to withstand immersion and impact of velocity and debris up to the level of the Probable Maximum Flood plus climate Change (5.8m AHD) needs to be provided to Council by an appropriately qualified engineer, and*

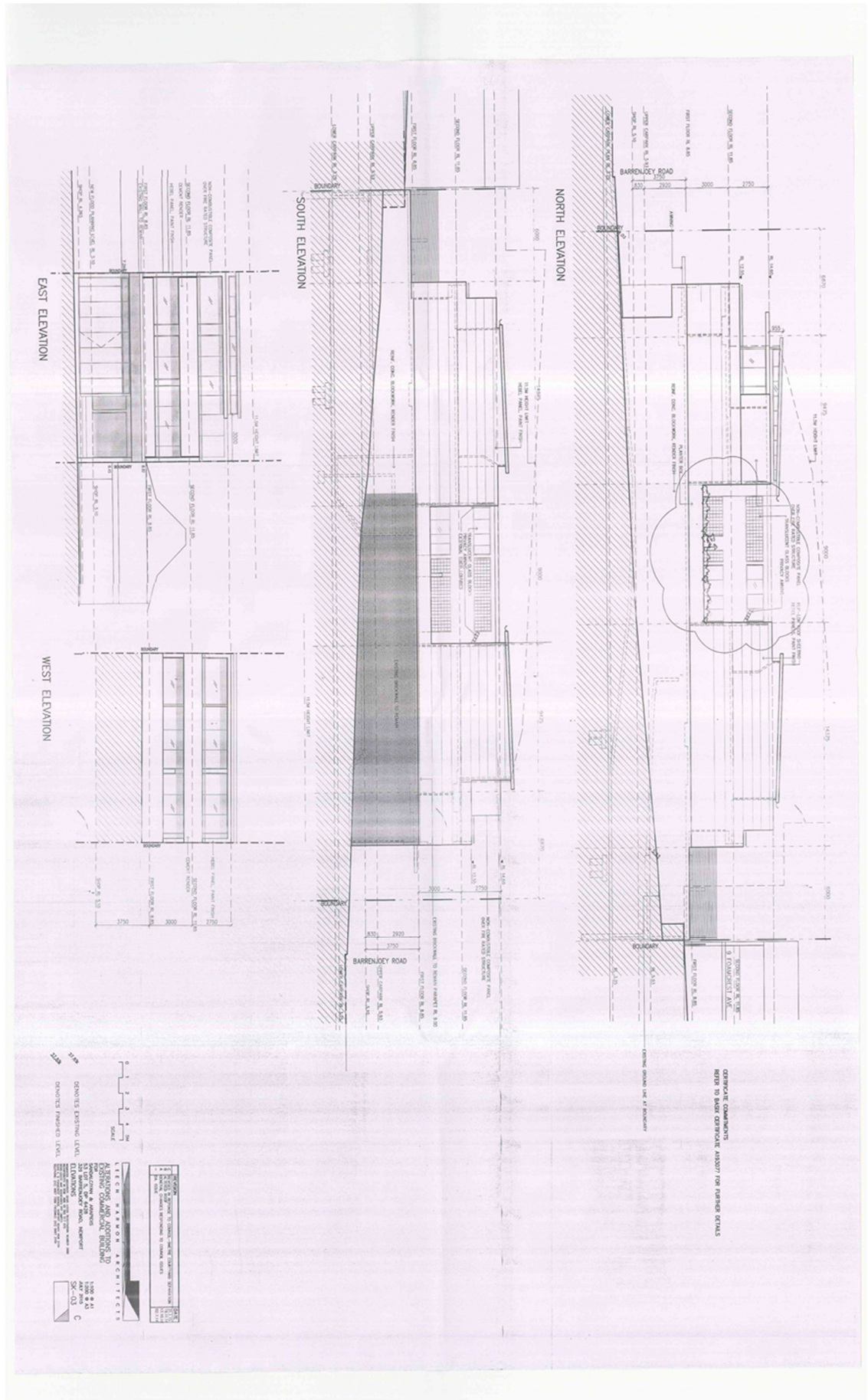
G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or www.1100.com.au
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
5. To ascertain the date upon which a consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 6 months of the determination.
7. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. 329 Barrenjoey Road, Newport is impacted by High Hazard Flood Storage in a 1% AEP flood event based off the 2004 Newport Beach Floodplain Risk Management Study and Plan (SMEC).
10. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the land to reduce any potential risk to personal safety and to minimise any property damage to the proposed structure, its fixtures and contents.

LOCALITY MAP



NOTIFICATION PLAN



C12.2	Amendment to the Pittwater Local Environmental Plan (LEP) 2014
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Meeting: Sustainable Towns & Villages Committee **Date:** 16 March 2015

COMMUNITY STRATEGIC PLAN STRATEGY: **Land Use & Development**

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To establish land uses that respond to environmental, cultural, social and economic needs in a sustainable manner

DELIVERY PROGRAM ACTION:

- Prepare new Standard Instrument Local Environment Plan (LEP)
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

This report presents the outcome of the public exhibition of the Planning Proposal to rectify omissions on the Lot Size Map in the Pittwater LEP 2014 and seeks Council's endorsement to progress and finalise the Planning Proposal (**Attachment 1**) to amend the Lot Size Map.

On 19 December 2014, a Gateway Determination was issued (**Attachment 2**), certifying the commencement of the statutory public exhibition of the Planning Proposal.

The Gateway Determination also responded to a request for Council to be issued delegation to finalise the proposed amendments to the Lot Size Map. Authorisation for Council's delegate (the General Manager) to exercise delegation to finalise the LEP was subsequently granted.

The statutory public exhibition period was held between Saturday 31 January and Saturday 28 February 2015 (29 days inclusive). All affected land owners were notified in writing at the commencement of the public exhibition period.

During the public exhibition period, two submissions were received.

The first was relevant to a separate Planning Proposal (PP0001/14) progressing concurrent to the subject Planning Proposal. The submission will therefore be reviewed and considered as part of PP0001/14.

The second was relevant to a separate project – the '1,200sqm Subdivision Control Review', which Council made a decision on at its meeting on 16 February 2015. This submission is unrelated and has not been considered as part of the subject Planning Proposal. The writer of the submission was contacted and informed of the outcome of the '1,200sqm Subdivision Control Review' and how the subject Planning Proposal affects their property.

In the week following the public exhibition period, two submissions were received.

The first (dated 5 March 2015) was from the Roads & Maritime Services (RMS) and raised no objection to the proposed amendments to the Lot Size Map. A copy of the submission is at **Attachment 3**.

The second (dated 2 March 2015) was on behalf of the owner of 2 Fern Creek Road, Warriewood and supported the proposed amendments to the Lot Size Map. A copy of the submission is at **Attachment 4**.

This submission also raised a separate anomaly related to the Lot Size Map and associated Clause 4.1 (Minimum subdivision lot size) of the Pittwater LEP 2014. As this matter would not simply require an amendment to the Lot Size Map, it is acknowledged and will be addressed as part of a future Planning Proposal, along with other required amendments to the Pittwater LEP 2014 following changes that were made in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP being finalised by the Department of Planning & Environment (DP&E) in 2014.

Subsequently, no changes to the subject Planning Proposal or associated draft Lot Size Map are required.

As Council's delegate (the General Manager) has been authorised to exercise delegation to finalise the proposed amendments to the Lot Size Map, should Council endorse the recommendation contained within this report, Council staff will facilitate finalisation of the amendments to the Lot Size Map in the Pittwater LEP 2014.

2.0 RECOMMENDATION

- 1. That Council note the outcome of the public exhibition of the Planning Proposal to rectify omissions on the Lot Size Map in the Pittwater LEP 2014.**
- 2. That Council endorse and finalise the Planning Proposal (Attachment 1) to amend the Lot Size Map.**

3.0 BACKGROUND

3.1 PURPOSE

The purpose of this report is:

- To inform Council of the outcome of the public exhibition of the Planning Proposal to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, and
- To seek Council's endorsement to progress and finalise the Planning Proposal to amend the Lot Size Map.

3.2 BACKGROUND

On 21 July 2014, Council was informed that the Pittwater Local Environmental Plan (LEP) 2014 came into effect on 27 June 2014.

Following a thorough review of the Pittwater LEP 2014 after it was made, it was evident that a number of changes had been introduced in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP being finalised by the DP&E in 2014. Council was informed of the key changes and advised that subsequent amendments to the Pittwater LEP 2014 would be undertaken.

One of the required amendments was to the Lot Size Map.

During the second public exhibition of the draft Pittwater LEP, it was noted that the draft Lot Size Map contained omissions, predominantly relating to:

- Properties that have a split zone, which should subsequently have a split minimum lot size
- Properties that should be identified on the Lot Size Map but were not
- Properties identified on the Lot Size Map having an incorrect minimum lot size
- Properties identified on the Lot Size Map where a minimum lot size is unnecessary

A number of these omissions were rectified for the purpose of reporting the draft Pittwater LEP to Council on 20 December 2013 for adoption, however when the Pittwater LEP 2014 was made, amendments relating to the abovementioned omissions had not been made on the Lot Size Map. Subsequently, the current Lot Size Map contains errors which require rectifying.

At its meeting on 11 November 2015, Council made the following resolution:

1. *That Council endorse the Planning Proposal at **Attachment 3** to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014.*
2. *That Council endorse the commencement of the statutory process to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 and endorse sending the Planning Proposal at **Attachment 3** to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination.*
3. *That, following receipt of a Gateway Determination, a statutory public exhibition be undertaken.*

3.3 POLICY IMPLICATIONS

Nil.

3.4 RELATED LEGISLATION

Should Council endorse the recommendation contained within this report, the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 will be amended.

3.5 FINANCIAL ISSUES

3.5.1 Budget

- As the Delivery Program incorporates the action to 'Prepare new Standard Instrument Local Environment Plan (LEP)', a budget has been allocated to facilitate amendments (such as those that will be facilitated by the subject Planning Proposal) to the Pittwater LEP 2014.

3.5.2 Resources Implications

- The subject Planning Proposal will not affect future costs to Council.
- The subject Planning Proposal will not provide future revenue raising opportunities for Council.
- The subject Planning Proposal will not impact on Council infrastructure.

4.0 KEY ISSUES

– Gateway Determination

On 19 December 2014, a Gateway Determination was issued (**Attachment 2**), certifying the commencement of the statutory public exhibition of the Planning Proposal.

The Gateway Determination also responded to a request for Council to be issued delegation to finalise the proposed amendments to the Lot Size Map. Authorisation for Council's delegate (the General Manager) to exercise delegation to finalise the LEP was subsequently granted.

– Statutory public exhibition

The statutory public exhibition period was held between Saturday 31 January and Saturday 28 February 2015 (29 days inclusive).

For the purpose of the statutory public exhibition of the Planning Proposal and draft Lot Size Map, the following was undertaken:

- A 28-day exhibition period (in accordance with the Gateway Determination).
- Notification in writing to all affected property owners at the commencement of the public exhibition period.
- Notification in the Manly Daily at the commencement of the public exhibition period.
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition period.
- Information on Council's website for the duration of the public exhibition period
- Council staff were available to respond to any enquiries.

Due to the number of properties affected by the proposed amendments to the Lot Size Map, and given that the subject Planning Proposal intends to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, which stems from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP (the Pittwater LEP 1993); notification signs were not erected on the properties affected, and community groups and State agencies were not notified. As outlined above, all directly affected property owners were notified in writing.

During the public exhibition period, two submissions were received.

The first was relevant to a separate Planning Proposal (PP0001/14) progressing concurrent to the subject Planning Proposal. The submission will therefore be reviewed and considered as part of PP0001/14.

The second was relevant to a separate project – the '1,200sqm Subdivision Control Review', which Council made a decision on at its meeting on 16 February 2015. Subsequently, this submission is unrelated and has not been considered as part of the subject Planning Proposal. The writer of the submission was contacted and informed of the outcome of the '1,200sqm Subdivision Control Review' and how the subject Planning Proposal affects their property.

In the week following the public exhibition period, two submissions were received.

The first (dated 5 March 2015) was from the Roads & Maritime Services (RMS) and raised no objection to the proposed amendments to the Lot Size Map. A copy of the submission is at **Attachment 3**.

The second (dated 2 March 2015) was on behalf of the owner of 2 Fern Creek Road, Warriewood and supported the proposed amendments to the Lot Size Map. A copy of the submission is at **Attachment 4**.

This submission also raised a separate anomaly related to the Lot Size Map and associated Clause 4.1 (Minimum subdivision lot size) of the Pittwater LEP 2014. As this matter would not simply require an amendment to the Lot Size Map, it is acknowledged and will be addressed as part of a future Planning Proposal, along with other required amendments to the Pittwater LEP 2014 following changes that were made in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP being finalised by the Department of Planning & Environment (DP&E) in 2014.

Further, although the submission suggested the anomaly could be resolved by amending the zoning of the property that is the subject of the submission (2 Fern Creek Road, Warriewood), it is noted that an amendment to the zone, and a subsequent amendment to the boundary of the Warriewood Valley Urban Release Area, is unlikely to be the recommended outcome.

This is due to the anomaly affecting other properties along the western boundary of the Warriewood Valley Urban Release Area and as the establishment of the boundary of the Warriewood Valley Urban Release Area is based on a suite of studies prepared when the Urban Release Area was first investigated.

Subsequently, no changes to the subject Planning Proposal or associated draft Lot Size Map are required.

- Where to from here?

As Council's delegate (the General Manager) has been authorised to exercise delegation to finalise the proposed amendments to the Lot Size Map, should Council endorse the recommendation contained within this report, the following are the next steps:

- A request will be sent to Parliamentary Counsel for a draft instrument (the document that would give effect to the amended Lot Size Map).
- On receipt of the draft instrument, Council staff will undertake a review and either provide Parliamentary Counsel with required amendments or support it in its draft form.
- Parliamentary Counsel will issue an Opinion that the draft instrument can legally be made.
- Council's delegate (the General Manager) will sign-off on finalising the LEP.
- Council staff will arrange for the LEP to be notified on the NSW Legislation website at which time the amended Lot Size Map will come into effect.

5.0 ATTACHMENTS / TABLED DOCUMENTS

- **Attachment 1** - Planning Proposal
- **Attachment 2** - Gateway Determination (dated 19 December 2014)
- **Attachment 3** - Submission received relevant to the subject Planning Proposal

There are no Tabled Documents relevant to this report.

6.0 SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

The purpose of this report is to inform Council of the outcome of the public exhibition of the Planning Proposal to rectify omissions on the Lot Size Map in the Pittwater LEP 2014. The tasks undertaken to inform the community of the public exhibition and provide the community the opportunity to make a submission is detailed in Section 4 of this report.

6.1.2 Risk Management

The subject Planning Proposal intends to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, stemming from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

The process to rectify omissions on the Lot Size Map in the Pittwater LEP 2014 has been undertaken in accordance with the legislative requirements of the *Environmental Planning & Assessment Act 1979*.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

- The subject Planning Proposal will not affect flora and fauna. The subject Planning Proposal stems from the process of undertaking a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.
- The subject Planning Proposal will not affect levels of pollution (air, noise, water, soils etc.).

6.2.2 Mitigation Measures

- The subject Planning Proposal will not be affected by climate change impacts. The subject Planning Proposal stems from the process of undertaking a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.
- The subject Planning Proposal will not impact water use and management. The subject Planning Proposal stems from the process of undertaking a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.
- The subject Planning Proposal will not impact energy use and green-house gas emissions.
- The subject Planning Proposal will not impact resource and waste management.

6.3 **SOCIAL**

6.3.1 **Address Community Need & Aspirations**

- The subject Planning Proposal will not affect the quality of cultural, community or recreational services available to the community.
- The subject Planning Proposal will not affect the health, safety and well-being of residents.
- The subject Planning Proposal will not affect the services of our community.
- The subject Planning Proposal will not affect the mobility of residents.

6.3.2 **Strengthening local community**

- The subject Planning Proposal will not affect the community feeling of connectedness.
- The subject Planning Proposal will not affect the liveability of our villages.
- As it is unrelated, the subject Planning Proposal will not promote education or knowledge generation.

6.4 **ECONOMIC**

6.4.1 **Economic Development**

- The subject Planning Proposal will not create or support opportunities for local economic growth. The subject Planning Proposal intends to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, stemming from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

Report prepared by
Kelly Wilkinson, Executive Planner (Strategic)

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT



PLANNING PROPOSAL PP0002/14

To amend the Lot Size Map in the Pittwater Local
Environmental Plan (LEP) 2014

TABLE OF CONTENTS

PART 1: OBJECTIVES OR INTENDED OUTCOMES.....	3
PART 2: EXPLANATION OF PROVISIONS.....	4
PART 3: JUSTIFICATION.....	11
SECTION A NEED FOR THE PLANNING PROPOSAL.....	11
SECTION B RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	13
SECTION C ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.....	14
SECTION D STATE AND COMMONWEALTH INTERESTS.....	15
PART 4: MAPPING	16
PART 5: COMMUNITY CONSULTATION	17
PART 6: PROJECT TIMELINE	18
APPENDIX 1: CONSIDERATION OF SEPPS	19
APPENDIX 2: CONSIDERATION OF SECTION 117 DIRECTIONS	21
APPENDIX 3: PROPOSED LOT SIZE MAP	24

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 to:

- Ensure properties that have a split zone also have a split minimum lot size
- Ensure that properties that should have a minimum lot size are identified on the Lot Size Map
- Remove properties from the Lot Size Map where a minimum lot size is unnecessary
- Ensure the correct minimum lot size applies to properties identified on the Lot Size Map

Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under Section 59 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal

PART 2: EXPLANATION OF PROVISIONS

1	Amend the Lot Size Map for the following properties that have a split zone. These properties should have a split minimum lot size:																																																
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	256 POWERWORKS ROAD, INGLESIDE	LSZ-Z
	1 MINKARA ROAD, BAYVIEW	LSZ-Z
	3 BOUNDARY STREET, WARRIEWOOD	LSZ-Y1
	65 INGLESIDE ROAD, INGLESIDE	LSZ-Z (part zoned RU2 Rural Landscape)
3	Amend the Lot Size Map by removing the whole or part of the following properties as a minimum lot size is unnecessary:	
	Property	Description
	204 GARDEN STREET, WARRIEWOOD	Whole property
	206 GARDEN STREET, WARRIEWOOD	Whole property
	2 ORCHARD STREET, WARRIEWOOD	Whole property
	4 ORCHARD STREET, WARRIEWOOD	Whole property
	6 ORCHARD STREET, WARRIEWOOD	Whole property
	12 ORCHARD STREET, WARRIEWOOD	Part zoned R3 Medium Density Residential
	14 ORCHARD STREET, WARRIEWOOD	Part zoned R3 Medium Density Residential
	1 FERN CREEK ROAD, WARRIEWOOD	Whole property
	2 FERN CREEK ROAD, WARRIEWOOD	Part zoned R3 Medium Density Residential
	9 FERN CREEK ROAD, WARRIEWOOD	Whole property
	10 FERN CREEK ROAD, WARRIEWOOD	Whole property
	11 FERN CREEK ROAD, WARRIEWOOD	Whole property
	12 FERN CREEK ROAD, WARRIEWOOD	Whole property
	13 FERN CREEK ROAD, WARRIEWOOD	Whole property
	14 WALANA CRESCENT, MONA VALE	Part zoned R3 Medium Density Residential
	3 HARRIER PLACE, MONA VALE	Part zoned R3 Medium Density Residential
	8A KALINYA STREET, NEWPORT	Whole property
	8 KALINYA STREET, NEWPORT	Whole property
	10 KALINYA STREET, NEWPORT	Whole property
	4 WALANA CRESCENT, MONA VALE	Whole property
	62-64 BARDO ROAD, NEWPORT	Whole property
	785 BARRENJOEY ROAD, AVALON BEACH	Whole property
	787 BARRENJOEY ROAD, AVALON BEACH	Whole property
	29 SAMUEL STREET, MONA VALE	Whole property
	62A SYDNEY ROAD, WARRIEWOOD	Whole property
	15-17 WATTLE ROAD, INGLESIDE	Whole property
	20 CICADA GLEN ROAD, INGLESIDE	Whole property
	26A CICADA GLEN ROAD, INGLESIDE	Whole property
	26B CICADA GLEN ROAD, INGLESIDE	Whole property
	4 WIRREANDA ROAD NORTH, INGLESIDE	Whole property
	281 POWDERWORKS ROAD, INGLESIDE	Whole property
	85A REDNAL STREET, MONA VALE	Whole property
	4 JACKSONS ROAD, WARRIEWOOD	Whole property
	14 WALTER ROAD, INGLESIDE	Whole property
	32A INGLESIDE ROAD, INGLESIDE	Whole property
	32A INGLESIDE ROAD, INGLESIDE	Whole property
	32A INGLESIDE ROAD, INGLESIDE	Whole property
	39 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure

5

41 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
43 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
45 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
47 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
49 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
52 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
54 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
60 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
1186 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1158 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1156 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1064 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1060 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1058 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1056 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1054 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
470 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
468 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
466 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
464 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
17B THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
17A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
192 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
190 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
188 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
186 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
184 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
182 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
180 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
178 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
176 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
168A BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
166 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
164 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
160 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
1187 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
9 WARATAH ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1185 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1131 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation
1129 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation
1129 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation

6

703 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
701 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
1 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
2 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
3 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
4 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
5 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
6 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
521 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
517 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
25A PLATEAU ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
509 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
507 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
2 BILGOLA AVENUE, BILGOLA BEACH	Part zoned SP2 Infrastructure
1 ELANORA ROAD, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
67 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
69 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
71 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
73 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
92 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
15 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
17 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
19 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
21 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
23 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
25 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
27 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
31 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
55 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
59 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
59 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
63 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
65 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
67 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
69 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
73 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
75 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation

7

77 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
30 WALANA CRESCENT, MONA VALE	Part zoned SP2 Infrastructure
119 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
119 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
91 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
129 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
5 CHILTERN ROAD, INGLESIDE	Part zoned SP2 Infrastructure
165 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
167 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
15 WIRREANDA ROAD, INGLESIDE	Part zoned SP2 Infrastructure
17 WIRREANDA ROAD, INGLESIDE	Part zoned SP2 Infrastructure
178 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
176 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
172 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
166 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
164 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
80-82 MONA VALE ROAD, MONA VALE	Part zoned SP2 Infrastructure
2 OLD BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
1A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
1B THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
3 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
7A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
9 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
11 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
15 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
22 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
20 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
20 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
18 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
16 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
14 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
12 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
10 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
8 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
32 THE STRAND, WHALE BEACH	Part zoned RE1 Public Recreation
237 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
237A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
92 WAKEHURST PARKWAY, NORTH NARRABEEN	Part zoned SP2 Infrastructure
92 WAKEHURST PARKWAY, NORTH NARRABEEN	Part zoned SP2 Infrastructure
96 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
98 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
102 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
104 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
106 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure

3 WARATAH ROAD, PALM BEACH	Part zoned SP2 Infrastructure
251 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
249 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
247 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
245A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
245 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
243B WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
243A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
73 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
69 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
67 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
65 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
174 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
176 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
505 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
35A PLATEAU ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
56 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
58 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
14A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
20 MANOR ROAD, INGLESIDE	Part zoned SP2 Infrastructure
46 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
42-44 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
166 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
170 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1062 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
54 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
ACCESS STRIP	Part zoned SP2 Infrastructure
25B PLATEAU ROAD, AVALON BEACH	
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure

	1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure																																
	1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure																																
	241 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation																																
	241 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation																																
	20 ADDISON ROAD, INGLESIDE	Part zoned SP2 Infrastructure																																
	100 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure																																
	36-60 LAUREL ROAD WEST, INGLESIDE	Part zoned SP2 Infrastructure																																
	36-60 LAUREL ROAD WEST, INGLESIDE	Part zoned SP2 Infrastructure																																
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure																																
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure																																
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure																																
	51,52A,52B ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure																																
	513-535 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure																																
	34 LAUREL ROAD EAST, INGLESIDE	Part zoned SP2 Infrastructure																																
	34 WARATAH ROAD, INGLESIDE	Whole property																																
	127A,134,142-144,146,148 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure																																
4	Amend the Lot Size Map to apply the correct minimum lot size to the following properties:																																	
	<table><tr><th>Property</th><th>Description</th></tr><tr><td>87 ALEXANDRA CRESCENT, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>75 ALEXANDRA CRESCENT, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>10 BAROONA ROAD, CHURCH POINT</td><td>LSZ-Q</td></tr><tr><td>12 ILYA AVENUE, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>165 MCCARRS CREEK ROAD, CHURCH POINT</td><td>LSZ-Q</td></tr><tr><td>163 MCCARRS CREEK ROAD, CHURCH POINT</td><td>LSZ-Q</td></tr><tr><td>151 MCCARRS CREEK ROAD, CHURCH POINT</td><td>LSZ-Q</td></tr><tr><td>149A MCCARRS CREEK ROAD, CHURCH POINT</td><td>LSZ-Q</td></tr><tr><td>147 MCCARRS CREEK ROAD, CHURCH POINT</td><td>LSZ-Q</td></tr><tr><td>6 TAMINGA STREET, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>9 TAMINGA STREET, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>10 TAMINGA STREET, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>11 TAMINGA STREET, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>12 TAMINGA STREET, BAYVIEW</td><td>LSZ-Q</td></tr><tr><td>13 TAMINGA STREET, BAYVIEW</td><td>LSZ-Q</td></tr></table>	Property	Description	87 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q	75 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q	10 BAROONA ROAD, CHURCH POINT	LSZ-Q	12 ILYA AVENUE, BAYVIEW	LSZ-Q	165 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q	163 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q	151 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q	149A MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q	147 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q	6 TAMINGA STREET, BAYVIEW	LSZ-Q	9 TAMINGA STREET, BAYVIEW	LSZ-Q	10 TAMINGA STREET, BAYVIEW	LSZ-Q	11 TAMINGA STREET, BAYVIEW	LSZ-Q	12 TAMINGA STREET, BAYVIEW	LSZ-Q	13 TAMINGA STREET, BAYVIEW	LSZ-Q	
Property	Description																																	
87 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q																																	
75 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q																																	
10 BAROONA ROAD, CHURCH POINT	LSZ-Q																																	
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165 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q																																	
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147 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q																																	
6 TAMINGA STREET, BAYVIEW	LSZ-Q																																	
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11 TAMINGA STREET, BAYVIEW	LSZ-Q																																	
12 TAMINGA STREET, BAYVIEW	LSZ-Q																																	
13 TAMINGA STREET, BAYVIEW	LSZ-Q																																	

The proposed Lot Size Map (map sheets 007, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

PART 3: JUSTIFICATION

Section A Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal stems from the preparation of the Pittwater LEP 2014 in line with the *Standard Instrument—Principal Local Environmental Plan* (Standard Instrument).

On 5 November 2007, Council resolved to commence the statutory process to prepare a new LEP for Pittwater in line with the Standard Instrument.

In August 2011, Council adopted the *Pittwater Local Planning Strategy*, which was prepared to establish an equitable, consistent and transparent policy framework for local level planning to guide land use planning and decision-making into the future.

The *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the Local Government Area (LGA). The *Pittwater Local Planning Strategy* provided the basis for preparing the Pittwater LEP 2014.

Having established that the planning regime in Pittwater was adequate to meet our targets, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

The draft Pittwater LEP was placed on public exhibition on two occasions – between 16 March and 10 May 2013, and between 2 and 29 November 2013. During the second public exhibition of the draft Pittwater LEP a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map. These were reported to Council on 20 December 2013 with a recommendation that the Lot Size Map be amended to rectify such omissions.

On 20 December 2013, Council resolved to adopt the draft Pittwater LEP, and all proposed amendments, and endorsed it being forwarded to the Department of Planning & Environment for finalisation.

During the process of finalising the Pittwater LEP 2014 the required amendments to the Lot Size Map (as identified during the second public exhibition and reported to Council on 20 December 2013) were not made.

A comprehensive review of the Lot Size Map (as in effect on 27 June 2014), was undertaken to ensure a robust Lot Size Map. Subsequently, further required amendments were identified and are proposed to be made to the Lot Size Map.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the best means of achieving the objectives outlined in this Planning Proposal.

The alternative would be to initiate a Section 73A (Expedited amendments of environmental planning instruments); however it is preferable to inform the community, particularly affected

land owners, of the changes proposed to the Lot Size Map. No public exhibition is required under Section 73A.

Section B Relationship to Strategic Planning Framework

- 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal is considered to be consistent with the objectives or actions contained within the regional or sub-regional strategy.

As the *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the LGA, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

- 4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?**

The Planning Proposal is considered to be consistent with the *Pittwater Local Planning Strategy*.

As the *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the LGA, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

- 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (see **Appendix 1**).

- 6. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?**

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions (see **Appendix 2**).

Section C Environmental, social and economic impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

As the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993, there will not be any change from the previous planning regime in relation to subdivision, and, subsequently, it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of amending the Lot Size Map.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

As the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993, there will not be any change from the previous planning regime in relation to subdivision, and, subsequently, it is unlikely that other environmental effects will result from amending the Lot Size Map.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

As Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993, all care was taken within the bounds of the Standard Instrument, to ensure that the new LEP for Pittwater provides for development outcomes (including social and economic outcomes) generally consistent with the previous Pittwater LEP 1993 where appropriate.

Notwithstanding this, the draft Pittwater LEP was placed on public exhibition on two occasions to gauge the views of the Pittwater community. Community Engagement Outcome Reports were prepared following each public exhibition to demonstrate how all submissions received were considered and subsequent amendments were made to the draft Pittwater LEP 2014 where appropriate.

With regard to the economic effects of the Planning Proposal, two properties were inadvertently given an increased development potential in the form of applying a minimum lot size that was smaller than that which applied under the previous Pittwater LEP 1993. As this was undertaken in error and it was always the intention to undertake a 'like for like' approach to preparing the new LEP for Pittwater, amending the minimum lot size for these properties to be consistent with the subdivision controls under the previous Pittwater LEP 1993 is considered to be fair and equitable.

Section D State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

No public infrastructure is required as a result of amending the Lot Size Map.

As Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

When the draft Pittwater LEP was placed on public exhibition on both occasions, letters were sent to relevant Commonwealth and State public authorities for comment. Any submissions received in relation to the Lot Size Map were considered and addressed in the Community Engagement Outcome Reports prepared following each public exhibition.

The Gateway Determination (issued 19 December 2014) did not require consultation with any State or Commonwealth public authorities. Subsequently, no State or Commonwealth public authorities were consulted for the purpose of exhibiting this Planning Proposal (unless they were owners of land affected by the Planning Proposal).

PART 4: MAPPING

The proposed Lot Size Map (map sheets 007, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

PART 5: COMMUNITY CONSULTATION

The Planning Proposal is considered a 'low impact' proposal as the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993.

In keeping with '*A guide to preparing local environmental plans*' (Department of Planning & Infrastructure, 2012), the following is proposed:

- A 28-day public exhibition
- Notification in writing to all affected land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies at the commencement of the public exhibition
- Notification in the Manly Daily at the commencement of the public exhibition
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition
- Information about the amendments to the Lot Size Map on Council's website for the duration of the public exhibition

PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway determination	5 weeks from Council decision to forward Planning Proposal to Gateway	Week commencing 22 December 2014
Completion of required technical information	<i>Due to the nature of the Planning Proposal it is not anticipated that additional technical information will be required</i>	-
Government agency consultation	Formal consultation, as required by the Gateway Determination, will be undertaken concurrent to the public exhibition	February 2015 (not in January due to school holidays)
Public exhibition	28 days	February 2015
Consideration of submissions	2 weeks following the public exhibition	February-March 2015
Consideration of Planning Proposal post-exhibition and report to Council	4 weeks following the public exhibition	March-April 2015
Submission to Department of Planning & Environment	Following Council decision to finalise draft Pittwater LEP	March-April 2015
RPA to make plan (if delegated)	2 weeks from receipt of final draft Lot Size Map and/or final draft instrument	April-May 2015
Notification of LEP/LEP comes into force	1 week from RPA making the plan	May 2015

Appendix 1: Consideration of SEPPs

The following SEPP's are relevant to the Pittwater LGA. The table below identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the SEPP.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	NO	-	-
SEPP No 14 – Coastal Wetlands	NO	-	-
SEPP No 21 – Caravan Parks	YES	Yes, though if not, it is noted that the SEPP will prevail	-
SEPP No 26 – Littoral Rainforests	NO	-	-
SEPP No 30 – Intensive Agriculture	NO	-	-
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	-	-
SEPP No 33 – Hazardous and Offensive Development	NO	-	-
SEPP No 44 – Koala Habitat Protection	NO	-	-
SEPP No 50 – Canal Estate Development	NO	-	-
SEPP No 55 – Remediation of Land	NO	-	-
SEPP No 62 – Sustainable Aquaculture	NO	-	-
SEPP No 64 – Advertising and Signage	NO	-	-
SEPP No 65 – Design Quality of Residential Flat Development	NO	-	-
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	-	-
SEPP 71 – Coastal Protection	NO	-	-
SEPP (Affordable Rental Housing) 2009	NO	-	-
SEPP (Building Sustainability Index: BASIX) 2004	NO	-	-
SEPP (Exempt and Complying Development Codes) 2008	NO	-	-

SEPP (Housing for Seniors or People with a Disability) 2004	NO	-	-
SEPP (Infrastructure) 2007	NO	-	-
SEPP (Major Development) 2005	NO	-	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	-	-
SEPP (Miscellaneous Consent Provisions) 2007	NO	-	-
SEPP (State and Regional Development) 2011	NO	-	-

If there are any inconsistencies with any applicable SEPP, it is noted that the SEPP will prevail to the extent of the inconsistency.

The following is a list of the deemed SEPPs (formerly Sydney Regional Environmental Plans) relevant to the Pittwater LGA. The table below identifies which of the relevant deemed SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the deemed SEPP.

Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)	Applicable	Consistent	Reason for inconsistency
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	-	-