

# AGENDA

## **NORTHERN BEACHES LOCAL PLANNING PANEL MEETING**

Notice is hereby given that a meeting of the Northern Beaches Local Planning Panel will be held via Teleconference on

**WEDNESDAY 1 JULY 2026**

Beginning at 12:00pm for the purpose of considering and determining matters included in this agenda.

**Adam Richardson**  
**Acting Executive Manager Development Assessment**

**Quorum**

A quorum is three Panel members.

**Conflict of Interest**

Any Panel Member who has a conflict of Interest must not be present at the site inspection and leave the Chamber during any discussion of the relevant Item and must not take part in any discussion or voting of this Item.



## ORDER OF BUSINESS

|                                                                                                                                                                                                                                                                                            |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>1 APOLOGIES AND DECLARATIONS OF INTEREST .....</b>                                                                                                                                                                                                                                      | <b>4</b>   |
| <b>2 MINUTES OF PREVIOUS MEETING.....</b>                                                                                                                                                                                                                                                  | <b>4</b>   |
| 2.1 Minutes of the Northern Beaches Local Planning Panel Meeting held on 17 June 2026 .....                                                                                                                                                                                                | 4          |
| <b>3 CATEGORY 3 APPLICATIONS.....</b>                                                                                                                                                                                                                                                      | <b>5</b>   |
| <b>4 PUBLIC MEETING ITEMS .....</b>                                                                                                                                                                                                                                                        | <b>6</b>   |
| 4.1 DA2025/1645 - 3 Lisa Place BILGOLA PLATEAU - Demolition works and construction of a dwelling house including carport.....                                                                                                                                                              | 6          |
| 4.2 DA2025/1450 - 361 Pittwater Road NORTH MANLY - Demolition works and construction of a dual occupancy with swimming pools and strata subdivision .....                                                                                                                                  | 88         |
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| <p>A statutory Direction by the Minister of Planning and Public Spaces states the panel is only required to hold a public meeting where the development application has attracted 10 or more unique submissions by way of objection. These applications do not satisfy that criterion.</p> |            |
| 5.1 Mod2026/0019 - 1102 Barrenjoey Road PALM BEACH - Modification of Development Consent DA2022/0469 granted for construction of shop top housing .....                                                                                                                                    | 165        |
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## **ACKNOWLEDGEMENT OF COUNTRY**

As a sign of respect, the Northern Beaches Local Planning Panel acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

### **1 APOLOGIES AND DECLARATIONS OF INTEREST**

Nil

### **2 MINUTES OF PREVIOUS MEETING**

#### **2.1 MINUTES OF THE NORTHERN BEACHES LOCAL PLANNING PANEL MEETING HELD ON 17 JUNE 2026**

##### **RECOMMENDATION**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel Meeting held on 17 June 2026 were adopted by the Chairperson and have been posted on Council's website.

### **3 CATEGORY 3 APPLICATIONS**

Nil

## 4 PUBLIC MEETING ITEMS

### ITEM 4.1 DA2025/1645 - 3 LISA PLACE BILGOLA PLATEAU - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING CARPORT

#### PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as it is the subject of 10 or more unique submissions by way of objection.

#### RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2025/1645 for Demolition works and construction of a dwelling house including carport at Lot 3 DP 236667, 3 Lisa Place BILGOLA PLATEAU subject to the conditions set out in the Assessment Report.

**Reporting manager:** Adam Richardson

**Attachments:**

1. Assessment Report [4.1.1 - 75 pages]
2. Site Plans & Elevations [4.1.2 - 6 pages]

**DEVELOPMENT APPLICATION ASSESSMENT REPORT**

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2025/1645 |
|----------------------------|-------------|

|                                           |                                                        |
|-------------------------------------------|--------------------------------------------------------|
| <b>Responsible Officer:</b>               | Brittany Harrison                                      |
| <b>Land to be developed (Address):</b>    | Lot 3 DP 236667, 3 Lisa Place BILGOLA PLATEAU NSW 2107 |
| <b>Proposed Development:</b>              | Construction of a dwelling house including carport     |
| <b>Zoning:</b>                            | C4 Environmental Living                                |
| <b>Development Permissible:</b>           | Yes                                                    |
| <b>Existing Use Rights:</b>               | No                                                     |
| <b>Consent Authority:</b>                 | Northern Beaches Council                               |
| <b>Delegation Level:</b>                  | NBLPP                                                  |
| <b>Land and Environment Court Action:</b> | No                                                     |
| <b>Applicant:</b>                         | Rory Neil Brooks                                       |

|                                  |                                            |
|----------------------------------|--------------------------------------------|
| <b>Application Lodged:</b>       | 13/11/2025                                 |
| <b>Integrated Development:</b>   | No                                         |
| <b>Designated Development:</b>   | No                                         |
| <b>State Reporting Category:</b> | Residential - Single new detached dwelling |
| <b>Notified:</b>                 | 13/03/2026 to 27/03/2026                   |
| <b>Advertised:</b>               | Not Advertised                             |
| <b>Submissions Received:</b>     | 12                                         |
| <b>Clause 4.6 Variation:</b>     | Nil                                        |
| <b>Recommendation:</b>           | Deferred Commencement Approval             |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 936,100.00 |
|---------------------------------|---------------|

**EXECUTIVE SUMMARY**

This development application seeks consent for the construction of a dwelling house including a carport.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the application receiving twelve (12) submissions by way of objection, during the initial notification period.

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for a period of fourteen (14) days. Submissions received during the notification period primarily raised concerns regarding potential ecological impacts associated with tree removal, the overall built form and scale of the proposed dwelling, and amenity impacts including visual privacy, view loss, and the proposed vehicular access arrangement via Lisa Place. Amendments were requested on

the 20 January 2026 through the issue of a 'Request for Information' letter, in light of these concerns as well as additional planning matters and issues identified through internal Council referrals. An amended proposal was received on the 4 March 2026 and formally re-notified. The concerns raised in the submissions are addressed under the 'submissions' section of this report. Further information regarding the carport's location relative to Council's stormwater infrastructure was submitted on 9 June 2026. As this information was for clarification purposes and did not alter the proposal, re-notification was not required.

The proposal, as amended, complies with the relevant provisions of the *Pittwater Local Environmental Plan 2014* (PLEP) and is consistent with the objectives of the C4 Environmental Living zone. The maximum building height permitted under PLEP 2014 is 8.5 metres. However, where a site has a slope exceeding 30.0% (16.7 degrees), Clause 4.3 provides a dispensation allowing building heights of up to 10.0 metres to be considered. The proposed dwelling has a maximum height of 9.2 metres on a slope of approximately 51.65% (27.32 degrees), with the exceedance above 8.5 metres limited to a small portion of the roof and the balcony balustrade. This additional height is minor in extent and is considered consistent with the dispensation permitted under Clause 4.3, for the reasons set out in this report.

The proposed dwelling demonstrates general compliance with the built form controls under the Pittwater 21 Development Control Plan (P21DCP), in exception to Clause D3.9 Side boundary envelope. In addition, the proposed carport seeks variations to Clause D3.6 Front building line and Clause D3.7 Side and rear building line, which is predominantly influenced by the limitations of the site i.e. irregular topography, curved street frontage and the location of Council's stormwater asset. The proposal in regard to these variations and based on the context of the site do not result in adverse environment and/or amenity impacts, with the development achieving the relevant objectives, subject to recommended conditions. A further assessment in relation to privacy and view loss was also undertaken, detailed discussions have been provided in this report.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that, on balance the proposal is suitable for the site and presents an acceptable form of development for the reasons outlined in this report.

This report concludes with a recommendation that the NBLPP grant **approval** to the development application, subject to a deferred commencement condition.

## PROPOSED DEVELOPMENT IN DETAIL

This Development Application seeks consent for the construction of a dwelling house including a carport.

Specifically, the works comprise of the following:

- Construction of a two (2) storey stilt/pole house with OSD below.
- Construction of a double carport\* with storage below.
- Maximum 1.0 metre excavation depth to accommodate the works.
- Landscaping works and tree removal.
- Associated driveway, retaining wall and stormwater works.

\*A deferred commencement condition is recommended requiring the carport to be redesigned from a double carport to a single carport to ensure the required vertical and horizontal clearances in reference to Council's Stormwater Asset are achieved in accordance with *Council's Water Management for Development Policy*.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living  
Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings  
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks  
Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection  
Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards  
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements  
Pittwater 21 Development Control Plan - B6.7 Transport and Traffic Management  
Pittwater 21 Development Control Plan - C1.3 View Sharing  
Pittwater 21 Development Control Plan - C1.5 Visual Privacy  
Pittwater 21 Development Control Plan - C1.23 Eaves  
Pittwater 21 Development Control Plan - D3.1 Character as viewed from a public place  
Pittwater 21 Development Control Plan - D3.6 Front building line  
Pittwater 21 Development Control Plan - D3.7 Side and rear building line  
Pittwater 21 Development Control Plan - D3.9 Building envelope

## SITE DESCRIPTION

|                              |                                                         |
|------------------------------|---------------------------------------------------------|
| <b>Property Description:</b> | Lot 3 DP 236667 , 3 Lisa Place BILGOLA PLATEAU NSW 2107 |
|------------------------------|---------------------------------------------------------|

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the south-western side of Lisa Place.</p> <p>The allotment is irregular in shape with a curved frontage of 7.315m, with an average depth of 37.035m. The site has a surveyed area of 784.8m<sup>2</sup>.</p> <p>The site is located within the C4 Environmental Living zone pursuant to the <i>Pittwater Local Environmental Plan 2014</i>.</p> <p>The site in it's current arrangement is a vacant bushland block that has not been developed, with direct access from Lisa Place. The topography slopes downward from north-east to south-west and forms a valley within the centre.</p> <p>The subject site is constrained by an easement containing a Council stormwater asset, which traverses the site from the centre of the curved street frontage towards the southern boundary.</p> <p>The allotment consists of various rock formations, outcrops and canopy trees.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by low density residential development of various architectural styles on steeply sloped sites.</p> |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Map:





## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

### Current Application History

This application was formally notified in accordance with Council's Community Participation Plan for a period of fourteen (14) days, resulting in twelve (12) submissions.

The below matters were raised in a Request for Further Information Letter on the 20 January 2026, in relation to the following matters:

- Boundary Identification Survey
- Construction Methodology Plan
- Site Analysis
- Building Height
- C4 Environmental Living
- Front/Side Building Setback
- Side Building Envelope
- Desire Future Character
- View Loss
- Development Engineer - Stormwater
- Landscape Officer - Landscape Plan & Tree Removal
- Biodiversity Officer - Flora and Fauna Assessment

An amended proposal was received on 4 March 2026 and was formally re-notified for a period of fourteen (14) days. Further information was submitted regarding the carport location in reference to Council's stormwater

infrastructure were submitted on 9 June 2026, as this information was for clarification purposes and did not change the application, re-notification was not required.

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration                                                                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument                                             | See discussion on “Environmental Planning Instruments” in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | There are no current draft environmental planning instruments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan                                                    | Pittwater 21 Development Control Plan applies to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement                                                         | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <p>Part 4, Division 2 of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clauses 36 and 94 of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested, refer to 'Site History'.</p> <p>Clause 61 of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p>Clauses 62 and/or 64 of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 13/03/2026 to 27/03/2026 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 12 submission/s from:

| Name:                                                  | Address:                              |
|--------------------------------------------------------|---------------------------------------|
| Mr Evan Turner-Schiller                                | 6 Joseph Street AVALON BEACH NSW 2107 |
| Mr Lloyd Holder                                        | 1 Lisa Place BILGOLA PLATEAU NSW 2107 |
| Mr Christopher John Malberg                            | 301 Hudson Parade CLAREVILLE NSW 2107 |
| Daryl Craig Missen<br>Catherine Margaret<br>Bodegraven | PO Box 33 NEWPORT BEACH NSW 2106      |

| Name:                      | Address:                                        |
|----------------------------|-------------------------------------------------|
| Sean Patrick Murphy        | 285 Lower Plateau Road BILGOLA PLATEAU NSW 2107 |
| Ms Robyn Ann Davies        | 33 Argyle Street BILGOLA PLATEAU NSW 2107       |
| Mr Glenn Donald Miller     | 5 Lisa Place BILGOLA PLATEAU NSW 2107           |
| Ms Phyllis Anne Moore      | 7 Lisa Place BILGOLA PLATEAU NSW 2107           |
| Mr Ronald William Mattiske | 6 Lisa Place BILGOLA PLATEAU NSW 2107           |
| Mr Eigits Davis Timermanis | 271 Hudson Parade CLAREVILLE NSW 2107           |
| Mr Daryl John O'Connor     | 39 Bilwara Avenue BILGOLA PLATEAU NSW 2107      |
| Ms Jane Roberta Prior      | 74 Chisholm Avenue AVALON BEACH NSW 2107        |

Twelve (12) submissions were received during the notification period required under the CPP. The matters raised in the submissions are summarised and addressed below.

- **Ecological Impact**

*The subject site is located within the Biodiversity Values (BV) Map Area and no Biodiversity Development Assessment Report (BDAR) has been submitted.*

*The Arborist Report identifies the removal of specific native species that are known food sources for threatened fauna. Council cannot satisfy Clause 7.6 (Biodiversity Protection) of the Pittwater LEP 2014 without an assessment of whether these specific trees are currently supporting local wildlife populations.*

Comment

The subject is not located within the Biodiversity Values (BV) Map Area, hence there is no requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted. Council's Bushland and Biodiversity Officer reviewed the proposal and raised initial concerns, which have been addressed within the amended scheme (refer to *Bushland and Biodiversity* comments in the *Referral* section of this report).

A flora and Fauna Assessment (FFA) has been submitted with the application. The report confirms that no significant impacts to the natural environment will result. A number of Threatened Species tests of significance have been prepared including tests for the South-eastern Glossy Black Cockatoo, Powerful Owl, Large-eared Pied Bat, Little bent-winged Bat, Large bent-winged Bat, Grey-headed Flying Fox, Wallangara White Gum. In addition, the FFA has confirmed that the vegetation on site is consistent with Plant Community Type 3234 Hunter Coast Lowland Spotted-Gum Moist Forest of which Pittwater Spotted Gum Forest Endangered Ecological Community is a component.

A number of impact mitigation measures have been recommended in the submitted FFA, these are required through recommended condition.

- **Removal of Trees**

*The proposal involves the removal of a significant amount of native canopy (Trees 7, 12, 13, 14, and 17 through 26). This contradicts the Northern Beaches Tree Canopy Plan, which prioritises the retention of canopy over replacement.*

*The removal of 13+ trees to accommodate a dwelling and carport demonstrates that the built form has not been designed to fit around the landscape, but rather the landscape is being*

*cleared to fit the building.*

*The DCP requires buildings to appear "secondary to landscaping." A proposal that requires the removal of the site's most significant native trees (Trees 12, 20, 21) cannot be described as secondary to the landscape.*

*The Arborist Report should adequately address root disturbance, stability, and excavation impacts on retained trees on neighbouring properties.*

#### Comment

The supporting information is considered adequate to assess impacts and was reviewed by Council's Landscape Officer who notes that the Arboricultural Impact Assessment (AIA) identifies trees 5, 7, 12, 13, 17, 20, 21 and 24 for removal within the property boundary and street tree 14. The amended plans and reports note additional trees for retention including trees 18, 19, 22, 23, 25 and 26. The Landscape Plans show sufficient replacement trees to be planted as part of the landscape works to offset any canopy loss. As outlined in the AIA some specific tree protection is required for trees to be retained and as such a Project Arborist shall be engaged to supervise these works (via condition).

Due to the site being historically undeveloped, the removal of trees are inevitable. The trees noted for removal are supported by both Council's Biodiversity and Landscape Officers subject to various conditions. It is considered for the reasons on this report that the proposed development will achieve the "secondary to landscaping" characteristic, as majority of the site, will remain undisturbed and will be screened by the retained vegetation and new replacement plantings.

- ***Landscape Plan***

*No detailed Landscape Plan that provides species, pot sizes, densities, or maintenance schedules.*

*A project such as this in a BV mapped area requires a detailed Landscape Plan to demonstrate compliance with DCP Control C1.1 (Landscaping).*

*Clarity is required on the pedestrian entry location and pathway treatment to ensure they do not create privacy, acoustic, or circulation impacts.*

*Small plants be planted along our border to maintain No. 2 Lisa Place primary view. The current landscape plan shows 2 x *Elaeocarpus reticulatus* (Blueberry Ash) which grow to a height of 15 metres. Also 9 x *Backhousia myrtifolia* (Cinnamon Myrtle) that grow to a height of 7 metres, with a width of 2–4 metres.*

#### Comment

The amended scheme submitted a Landscape Plan prepared by a Landscape Architect, which was reviewed by Council's Biodiversity and Landscape Officers and is considered to be acceptable, subject to conditions. As noted above, this site is not located in a BV mapped area. The proposed pathway is to follow the natural ground levels and will utilise materials that are light and permeable. This pathway is not considered unusual in design, and will be used for foot traffic/access to and from dwelling house. Due to the placement and the addition of landscaping, no adverse amenity impacts shall result.

Majority of the vegetation including those described above, are located upslope, between the dwelling and street, which would be considered the best location to limit impact to view corridors. The location of these plantings, will upon maturity provide for visual screening, enhanced privacy and softening of built form when viewed from the two (2) adjoining properties (No. 2 and 4 Lisa Place) providing a vegetated outlook. Such vegetation, subject to the conditions provided by Council's Landscape Officer will contribute to enhancing the

bushland characteristic, which is a matter of concern raised by the majority of objectors.

- ***Vehicular Access/Carport Location***

*The western boundary allows full access from Georgia Lee Place - alternative access should be reviewed.*

*The non-compliant garage/carport setback and prominent bin store placement are a significant visual intrusion that compromises the unique, "scenic street" character and amenity of the cul-de-sac.*

Comment

Majority of objectors raise issue with the subject site utilising access from Lisa Place (registered address for the subject site) due to the small cul-de-sac nature of the streetscape. Many recommendations from the objectors advise that access from Georgia Lee place is a better suited outcome, due to a historical easement for access located at the southern end of the site. This alternate access point was investigated by Council and was concluded to be a non viable option due to the slope of the site, in which would require a significant amount of excavation to occur and that Georgia Lee Place is a highly narrow private road in which services a significant number of dwellings.

It is noted that properties No. 4, 5 and 6 Lisa Place are located on the curved section of the cul-de-sac and have historically utilised constructed driveways to parking structures. The proposed development is following this pattern, whilst being further constrained by a Council stormwater asset which transverse through the northern north-eastern portion of the site. A deferred commencement condition is recommended to amend the carport design form a double carport to a single carport, to allow clearance of the stormwater easement, which will in turn reduce the extent of built form within the front setback.

- ***Stormwater Easement + Sewerage***

*No allowance has been made for building over the existing sewer line.*

*Believe all new approvals should be put on hold until we have a plan to manage the water from the Plateau.*

*Concerns relating to stormwater run-off and flooding to lower level properties.*

Comment

Council's Development Engineer and Stormwater Assets Team have reviewed the proposal and are in support in relation to matters of stormwater, vehicular access and the clearance to the stormwater easement (subject to recommended conditions).

Applications cannot be put simply on hold until Council's plans and policies are updated/managed as noted by an objector, this would not meet the requirements under the EP&A Act. This is not relevant to this application.

- ***Construction Impacts/Disruption to Residents***

*The location for such a skip is likely to be in front of 2 or 6 Lisa Place and loading operations under the overhead lines would need to be reviewed.*

*The addition of construction materials delivery, craneage, materials delivery and workers vehicles must cause disruption to parking in cul-de-sac.*

*The applicant should provide a mandatory pre-construction Dilapidation Report for all adjoining properties to document baseline structural integrity before works commence.*

*Request for an Acoustic Impact Assessment before commencement of works - Construction noise would severely impact his home-based professional sound/recording business. Georgia Lee Place would seem a more appropriate and easier alternative access point for construction vehicles and should be utilised.*

Comment

A Dilapidation Report will be conditioned for the adjoining properties No. 2 and 4 Lisa Place, given the irregular site constraints of the site. As noted above, access via Georgia Lee Place is not feasible. Acoustic Reports are not requested for residential development within residential areas, such as this. Building works will be constrained to the standard times, as conditioned.

It is typical that where a development site has limited access and spatial constraints, a condition be included which requires that a Construction Traffic Management Plan (CTMP) and report be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. Due to the access limitations on site, such condition is included.

- **Built Form**

*The building has been positioned in the steepest part of the site. Positioning to the rear of the site would allow the 8.5 metre envelope to be achieved.*

*Breaches in height, envelope, side and front setbacks.*

*The pitched roof form should be revised and replaced with a flat roof (matching the proposed carport) to reduce further the building's overall bulk and visual impact on neighbouring properties.*

*The building height of 10 metres is not in keeping with the adopted 8.5 metres in Bilgola locality.*

*As a three-storey upright property we would have assumed there are design options to step the various layers down through the contour of the block.*

*The proposed carport/garage has a nil setback to No. 2 Lisa Place and does not satisfy the required minimum setbacks.*

Comment

The development on merit is found to be acceptable. Refer to the following sections of the report for detailed discussion on built form and the matter raised above:

1. Clause 4.3 Height of Buildings
2. Clause D3.1 Character as viewed from a public place
3. Clause D3.6 Front building line
4. Clause D3.7 Side and rear building line
5. Clause D3.9 Side boundary envelope.

- **Amenity**

*Before the application is considered height poles should be erected to enable residents to determine how they may be affected - particularly the view loss to No. 2 Lisa Place*

*The building elements including carport should be placed further down the block to minimise privacy concerns and the blocking of resident's views.*

*The design results in a significant and unacceptable loss of privacy due to the elevated decks and reduced setbacks providing a direct line-of-sight into the main living area and upper-level bedrooms of 2 Lisa Place.*

*There should be mandatory conditions for fixed privacy screens on all windows.*

*The planting of dense "privacy screens" (vegetation) on the boundary or public land would be unacceptable, as those plantings would ultimately restrict existing views and natural light for 2 Lisa Place.*

*Increased overshadowing, reducing natural light and diminishing the amenity of our indoor and outdoor living spaces.*

Comment

The proposal complies with the relevant requirements regarding solar access prescribed under the P21DCP. It is considered that the orientation of the dwelling including the windows and balcony will not result in adverse privacy impacts, refer to *Clause C1.5 Visual Privacy* for further detail. Refer to *Clause C1.3 View Sharing* for a View Loss Analysis.

- **Geotechnical**

*Concerns regarding potential land slippages and impacts on water movements that may disrupt below properties.*

*There are significant concerns that the deep excavation and piling works may compromise the stability of large, established trees near shared boundaries, creating a serious safety risk of tree failure or falling limbs due to structural root damage.*

Comment

The proposed works does not facilitate excessive earthworks, due to the dwelling being a pole home design. In turn such design, subject to conditions will provide a better response to the sensitive nature of the site. The submitted Geotechnical Report notes that approximately 1.0 metre of excavation will be required and geotechnical conditions/recommendations are included in the consent if the application is to be approved.

- **Survey**

*The submitted survey is incomplete as it does not cover the bottom of the site, making slope calculations unreliable.*

Comment

The submitted documentation including the survey is adequate to determine the extent of impact and to assess the application. Detailed information is provided to the area where the built form will take place. It is noted the southern end of the site, is steep with irregular terrain, which is difficult to access. This area is proposed to remain undisturbed.

The application was re-notified for a period of fourteen (14) days due to the submission of an amended scheme. Six (6) submissions were received in relation to the amended plans. No new concerns were raised, but rather emphasised on the initial concerns as noted above.

## REFERRALS



| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape Officer      | <p><b><i>Referral completed, conditions recommended.</i></b></p> <p>Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan (PLEP), and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> <li>• D3 Bilgola Locality</li> </ul> <p><u>Additional Information Comment 25/03/2026:</u><br/>The amended reports and plans are noted.</p> <p>The Arboricultural Impact Assessment (AIA) identifies trees 5, 7, 12, 13, 17, 20, 21 and 24 for removal within the property boundary and street tree 14. As stated in the original comments the property has not been previously developed and tree removals can be expected. The amended plans and reports note additional trees for retention including trees 18, 19, 22, 23, 25 and 26. The Landscape Plans show sufficient replacement trees to be planted as part of the landscape works to offset any canopy loss. From a landscape perspective no concerns are raised. As outlined in the AIA some specific tree protection is required for trees to be retained and as such a Project Arborist shall be engaged to supervise these works.</p> <p>The landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent.</p> <p><u>Original Comment:</u><br/><i>Landscape referral cannot support the application in its current form due to the following concerns.</i></p> <p><u>Trees:</u></p> <ul style="list-style-type: none"> <li>• <i>It is noted the property has not been developed and as such tree removals can be expected; however, trees 23, 25 and 26 are away from the proposed works (as shown in the Arboricultural Impact Assessment) and no justification has been provided for their removal. Unnecessary tree removals are not supported.</i></li> <li>• <i>There is conflicting information in the Arboricultural Impact Assessment regarding tree 5, please clarify.</i></li> </ul> <p><u>Landscape Plan:</u></p> <ul style="list-style-type: none"> <li>• <i>No Landscape Plan has been submitted which is a requirement when a new dwelling is proposed. The applicant is advised to read Council's DA Lodgement Requirements under Landscape Plans, and submit an appropriate Landscape Plan.</i></li> <li>• <i>A green roof is proposed and as such the planting scheme shall be shown on the Landscape Plan. Minimum soil depths</i></li> </ul> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | <p><i>of 300mm for groundcovers and 600mm for shrubs is required for on slab planters.</i></p> <ul style="list-style-type: none"><li><i>• If the existing understorey planting in the rear setback is to be retained this can be shown on the Landscape Plan as such.</i></li><li><i>• When native tree removals are proposed native tree replacement planting is required and this shall be shown on the Landscape Plan.</i></li><li><i>• Clearly show trees to be retained and removed.</i></li><li><i>• The front setback area will likely be disturbed during construction and the Landscape Plan shall show the proposed treatment of this area.</i></li></ul> <p><i>General:</i></p> <ul style="list-style-type: none"><li><i>• It is unclear how pedestrian access is gained from the carport level (RL78.80) to the entry level (RL76.50) and any additional retaining structures and/or stairs shall be shown on the plans and be assessed by the Arborist if within the tree protection zone of trees to be retained.</i></li></ul> |

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Bushland and Biodiversity) | <p><b><i>Referral completed, conditions recommended.</i></b></p> <p><u>Amended Comments 26/03/2026:</u><br/>Amended plans and additional information have been submitted to address matters that were raised previously.</p> <p>A flora and Fauna Assessment (FFA) has been submitted with the application. The report confirms that no significant impacts to the natural environment would take place. A number of Threatened Species tests of significance have been prepared including tests for the South-eastern Glossy Black Cockatoo, Powerful Owl, Large-eared Pied Bat, Little bent-winged Bat, Large bent-winged Bat, Grey-headed Flying Fox, Wallangara White Gum. The tests conclude that no significant impacts would take place.</p> <p>In addition, the FFA has confirmed that the vegetation on site is consistent with Plant Community Type 3234 Hunter Coast Lowland Spotted-Gum Moist Forest of which Pittwater Spotted Gum Forest Endangered Ecological Community is a component and that a number of high risk weeds have been identified on site and will need to be managed.</p> <p>The amended arborist report confirms that 9 trees will need to be removed due to impacts from the proposed development, trees 18, 19, 22, 23, 25 and 26 are now being retained.</p> <p>The submitted landscape plan includes a total of 8 native replacement trees which would allow for replacement of all prescribed trees proposed to be removed. In addition, the groundcovers and shrubs selected are consistent with species from PCT 3234.</p> <p>A number of impact mitigation measures have been recommended in the submitted FFA and will be used to condition the development.</p> <p><u>Original Comments:</u><br/>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>• Pittwater LEP Clause 7.6 Biodiversity Protection</li> <li>• Pittwater DCP Clause B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</li> </ul> <p>The proposed works would take place in a bushland block that has not been previously developed. Therefore, some level of vegetation loss is to be expected.</p> <p>The submitted Statement of Environmental Effects has identified in Section 4.2 that the development is a development that will have "minimal impact on the flora and fauna". Further to this, the SEE has failed to address the applicable control PDGP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor.</p> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | <p>An Arboricultural Impact Assessment has been submitted with the application. A total of 27 trees have been assessed with the proposal requiring the removal of trees 7, 12, 13, 14 and 17-26. It is important to note that trees 1, 2, 3, 4, 6, 8, 9, 10 and 16 are found outside of the property boundary and their removal will not be supported unless no alternatives are available and Owner's consent has been obtained. Therefore, it can be concluded that the proposed development would result in the removal of 14 of 18 trees on site which equates to a 77% removal of trees on site. It is important to note that no calculations of encroachments into the Structural Root Zones or Tree Protection Zones have been included in the submitted arborist report.</p> <p>In addition, a number of the trees identified in the arboricultural impact assessment (23, 24, 25, 26 and 27) have not been identified on the Survey Plans.</p> <p>No Flora and Fauna Assessment or Landscape planting schedule have been provided with the application.</p> <p>The application is found to be fundamentally inconsistent with the applicable biodiversity controls and provisions:</p> <ul style="list-style-type: none"><li>• The majority of trees found on site are proposed to be removed without clear reasoning behind the removals, no genuine measures of Avoidance and Minimisation of impacts to the natural environment appear to have been explored or made evident in the application.</li><li>• The submitted plans and documents are inconsistent and do not provide a clear picture of the natural values on the site with the arborist report identifying additional trees than those identified on the site survey.</li><li>• No Flora and Fauna Assessment has been submitted to determine whether the development of the site would result in significant impacts to native flora and fauna or whether entry into the Biodiversity Offsets Scheme is triggered.</li><li>• No Landscaping Plan has been submitted with the proposal resulting in a loss of 77% of the trees on site.</li></ul> |

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Development Engineering) | <p><b><i>Referral completed, conditions recommended.</i></b></p> <p><u>Original Comments:</u><br/>The site is burdened by Council stormwater infrastructure. To demonstrate compliance with the Northern Beaches Council's Water Management for Development Policy. It is required that following details are submitted with the application:</p> <ol style="list-style-type: none"><li>1. Accurately locate, confirm dimensions including depth and plot to scale Council's Public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by service locating contractor and registered surveyor. (Evidence of methodology adopted used for locating stormwater system should be provided). Show the stormwater pipe on plans and produce a longitudinal section.</li><li>2. All structures are to be located clear of any council pipeline, pit or easement and comply with minimum vertical and horizontal clearances in accordance with Council's Water Management for Development Policy.</li><li>3. The minimum vertical clearance of any structure over the ground level of the stormwater easement shall be 5 metres, the existing proposal is thus not supported.</li><li>4. Vehicle crossing width on the kerb line should be limited to 3.0 metres.</li></ol> <p><u>Engineering Comments 30/03/2026:</u><br/>1. The public stormwater infrastructure within the site must be located in its entirety in accordance with the original advice.<br/>This needs to be shown on the amended stormwater management plans.</p> <p>2. The proposed incursion onto Council's stormwater easement to facilitate the parking structure is not supported in accordance with the original advice.</p> <p><u>Amended Comments 23/06/2026:</u><br/>The Stormwater Management Plan submitted with the application is generally satisfactory. However, the stormwater plans will require amendment to accommodate the proposed single carport.<br/>A Deferred Commencement Condition is recommended to ensure that no structures or footings are located within Council drainage assets or the drainage easement, thereby protecting Council's drainage infrastructure.<br/>Development Engineering raises no objection to the proposal, subject to the recommended conditions of consent.</p> |

| External Referral Body                                    | Comments                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | <b><i>Referral completed, conditions recommended.</i></b><br><br>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

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

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

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

#### SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.1852438S dated 22 June 2026).

Where relevant, the embodied emissions have been quantified in the above BASIX Certificate.

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

#### SEPP (Transport and Infrastructure) 2021

##### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

##### Comment

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been

included in the recommendation of this report.

## SEPP (Resilience and Hazards) 2021

### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

## Pittwater Local Environmental Plan 2014

|                                                                                        |     |
|----------------------------------------------------------------------------------------|-----|
| Is the development permissible?                                                        | Yes |
| After consideration of the merits of the proposal, is the development consistent with: |     |
| aims of the LEP?                                                                       | Yes |
| zone objectives of the LEP?                                                            | Yes |

### Principal Development Standards

| Standard            | Requirement    | Proposed                        | % Variation     | Complies                          |
|---------------------|----------------|---------------------------------|-----------------|-----------------------------------|
| Height of Buildings | 8.5m<br>10.0m* | Dwelling: 9.2m<br>Carport: 6.1m | 0.7m above 8.5m | Yes<br><i>Refer to Clause 4.3</i> |

\* In accordance with subclause (2D):

*Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—*

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

### Compliance Assessment

| Clause                                                   | Compliance with Requirements |
|----------------------------------------------------------|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 4.3 Height of buildings                                  | Yes                          |
| 5.21 Flood planning                                      | Yes                          |
| 7.1 Acid sulfate soils                                   | Yes                          |

| Clause                      | Compliance with Requirements |
|-----------------------------|------------------------------|
| 7.2 Earthworks              | Yes                          |
| 7.6 Biodiversity protection | Yes                          |
| 7.7 Geotechnical hazards    | Yes                          |
| 7.10 Essential services     | Yes                          |

#### Detailed Assessment

### **Zone C4 Environmental Living**

The objectives of the C4 Environmental Living zone are addressed below.

***To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.***

#### Comment

The proposal is for the construction of a dwelling house on a vacant allotment, which is of low density use. The generated impacts of the development will be mitigated through the adherence of the recommended conditions. The proposal is considered to be consistent with new development within the locality, compatible in terms of the surrounding context and will provide an acceptable outcome for the reasons set out within this report.

***To ensure that residential development does not have an adverse effect on those values.***

#### Comment

The application has been reviewed by the relevant referral units and supported by technical report such as; Geotechnical, Arboricultural and a Flora and Fauna Assessment Report. The recommendations made in those reports have been included/referred to as conditions to ensure mitigation of impact.

***To provide for residential development of a low density and scale integrated with the landform and landscape.***

#### Comment

For the reasons set out in this report, it is considered that the variations to the built form controls can be supported on merit. It is concluded that the development will not result in adverse impacts, subject to the adherence of conditions. The proposal has been designed to limit impact to the landform and respond to the environment by the retention of vegetation where feasible and the replacement plantings proposed under the submitted Landscape Plan.

***To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.***

#### Comment

Council's Biodiversity and Landscape Officers have reviewed the proposal and are in support, subject to conditions (where relevant).

### **4.3 Height of buildings**

#### Detailed Assessment

The subject site is located within Area I on the PLEP 2014 Height of Buildings Map. Within this area, the



maximum building height permitted is 8.5 metres, which is measured from existing ground level.

Notwithstanding, Clause 4.3(2D) of PLEP 2014, consists of an exemption provision that stipulates that the maximum building height within Area I can be increased to 10.0 metres, subject to achieving relevant requirements, which are discussed below.

The amended proposal will result in a maximum building height of 9.2 metres - refer to **Figure 1** below.

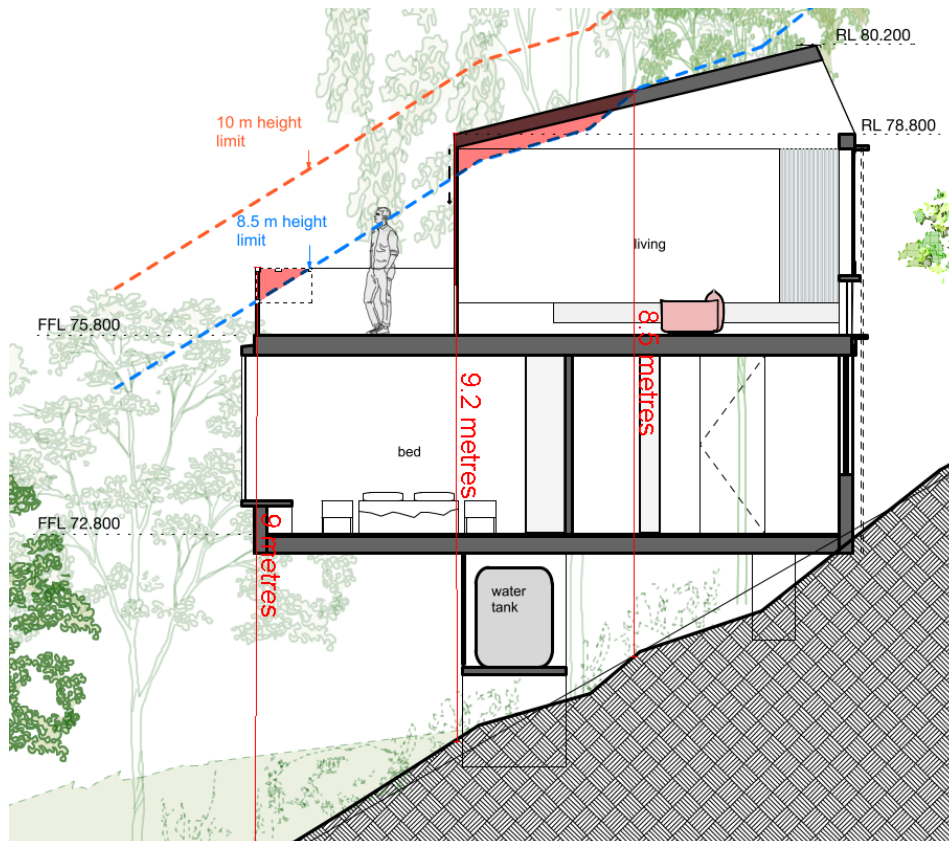


**Figure 1:** Section AA - Depicting the 10.0 metre height line in red and 8.5 metre height line in blue, The red shading demonstrates the extent of dwelling above the 8.5 metre line.

a) the consent authority is satisfied that the portion of the building above the maximum building height is minor, and

#### Comment

The works above the 8.5 metre building line are limited to a portion of the roof formation (between 0.1 - 0.7 metres in depth) and a corner of a glass balustrade for the first floor balcony. Majority of the remaining works and internal habitable areas are generally contained below 8.5 metres. As such, the portions of development described above, are considered to be minor in nature.

b) the objectives of this clause are achieved, and

#### Comment

The bulk and scale of the new dwelling is considered to be consistent with the outer surrounding area. In terms of the immediate area, the bulk and scale is similar in dimension and spatial characteristics with No. 4 Lisa place, and sustainably smaller in size when compared to No. 1, 2, 5 and 6 Lisa Place. The design is considered to achieve view sharing outcomes as discussed under *Clause C1.3 View Sharing*, elsewhere in

this report and complies with solar access requirements of the P21DCP.

The dwelling (as amended) is designed in response to the to the natural topography of the allotment. Due to the extensive slope and orientation in which the slope transcends, the location of built form is constrained as a result in placement. Therefore, the development is situated upslope with a confined floor space and is slightly elevated to avoid excessive amounts of excavation, refer to *Clause 3.9 Building Envelope*.

Furthermore, the development will be situated within a landscaped setting, which is aided by the surrounding canopy trees and natural landscaped areas to be retained.

***c) the building footprint is located on a slope in excess of 16.7 degrees (being 30%), and***

Comment

The building footprint is located on a slope in excess of 16.7 degrees - 27.32 degrees (51.65%)

***d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope,***

Comment

The dwelling is a pole designed home which avoids extensive amounts of excavation to the steeply sloped site. Refer to *Clause 3.9 Building Envelope* in regard to the circumstances of acceptability around the building stepping down the slope.

**Conclusion**

In this instance, Council can be satisfied that the proposed development achieves compliance with the objectives of subclause 2D of Clause 4.3. Therefore, the 10.0 metre dispensation is applied to the site.

**7.2 Earthworks**

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

***(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development***

Comment

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

***(b) the effect of the proposed development on the likely future use or redevelopment of the land***

Comment

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

*(c) the quality of the fill or the soil to be excavated, or both*

Comment

The excavated material will be processed according to the Waste Management Plan for the development.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

*(e) the source of any fill material and the destination of any excavated material*

Comment

The excavated material will be processed according to the Waste Management Plan for the development.

*(f) the likelihood of disturbing relics*

Comment

The subject site does not contain any known relics.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*

Comment

The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment

Conditions are included in the recommendation of this report that will minimise the impacts of the development.

*(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of the clause. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **7.6 Biodiversity protection**

Before determining a development application for development on land to which this clause applies, this

clause requires the consent authority to consider:

*(a) whether the development is likely to have:*

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*

Comment

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval, subject to conditions. The application is accompanied with a Flora and Fauna Report, prepared by Waratah Ecology, date 4 March 2026. It is considered that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Council is also satisfied that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

*(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment

Subject to conditions, the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment

The development is designed, sited and will be managed to any significant adverse environmental impact.

## **7.7 Geotechnical hazards**

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*

*(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment

The proposed development is supported by a geotechnical risk assessment prepared Green Geotechnics, dated 23 September 2025. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:

*(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment

The proposed development is supported by a geotechnical risk assessment and stormwater management plans that demonstrate waste water, stormwater and drainage are suitably managed on site. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

*(b) the consent authority is satisfied that:*

*(i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or*

*(ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or*

*(iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.*

Comment

It is considered that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

### Pittwater 21 Development Control Plan

Built Form Controls

| Built Form Control  | Requirement                           | Proposed                                                                       |
|---------------------|---------------------------------------|--------------------------------------------------------------------------------|
| Front Building Line | 6.5m<br><i>North-eastern Boundary</i> | Carport: Nil - 2.2m<br>Bin Enclosure: Nil<br>Storage: 1.8m<br>Dwelling: > 6.5m |
| Rear Building Line  | 6.5m<br><i>South-western Boundary</i> | > 6.5m                                                                         |
| Side Building Line  | 2.5m<br><i>North-western Boundary</i> | Dwelling: 2.5m                                                                 |
|                     | 1.0m<br><i>South-eastern Boundary</i> | Dwelling: 1.0m<br>Storage/Carport: 50.0mm                                      |

|                   |                                        |                  |
|-------------------|----------------------------------------|------------------|
| Building Envelope | 3.5m<br><i>North-western Elevation</i> | Outside Envelope |
|                   | 3.5m<br><i>South-eastern Elevation</i> | Outside Envelope |
| Landscaped Area   | 60.0%                                  | > 60.0%          |

**Note 1:** Retaining walls are permitted within front and side setback areas as specified under P21DCP, and are excluded from the table above.

#### Compliance Assessment

| Clause                                                                    | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------------------------------------------------------------|------------------------------|-----------------------------|
| A1.3 Purpose of this plan                                                 | Yes                          | Yes                         |
| A4.3 Bilgola Locality                                                     | Yes                          | Yes                         |
| B1.3 Heritage Conservation - General                                      | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                                     | Yes                          | Yes                         |
| B3.1 Landslip Hazard                                                      | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land                  | Yes                          | Yes                         |
| B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor | Yes                          | Yes                         |
| B4.6 Wildlife Corridors                                                   | Yes                          | Yes                         |
| B4.22 Preservation of Trees and Bushland Vegetation                       | Yes                          | Yes                         |
| B5.15 Stormwater                                                          | Yes                          | Yes                         |
| B6.1 Access driveways and Works on the Public Road Reserve                | Yes                          | Yes                         |
| B6.2 Internal Driveways                                                   | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                              | No                           | Yes                         |
| B6.7 Transport and Traffic Management                                     | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill                | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation                     | Yes                          | Yes                         |
| B8.4 Construction and Demolition - Site Fencing and Security              | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain             | Yes                          | Yes                         |
| B8.6 Construction and Demolition - Traffic Management Plan                | Yes                          | Yes                         |
| C1.1 Landscaping                                                          | Yes                          | Yes                         |
| C1.2 Safety and Security                                                  | Yes                          | Yes                         |
| C1.3 View Sharing                                                         | No                           | Yes                         |
| C1.4 Solar Access                                                         | Yes                          | Yes                         |
| C1.5 Visual Privacy                                                       | Yes                          | Yes                         |
| C1.6 Acoustic Privacy                                                     | Yes                          | Yes                         |
| C1.7 Private Open Space                                                   | Yes                          | Yes                         |
| C1.12 Waste and Recycling Facilities                                      | Yes                          | Yes                         |
| C1.13 Pollution Control                                                   | Yes                          | Yes                         |
| C1.15 Storage Facilities                                                  | Yes                          | Yes                         |

| Clause                                                              | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------------------------------------------------------|------------------------------|-----------------------------|
| C1.23 Eaves                                                         | No                           | Yes                         |
| C1.24 Public Road Reserve - Landscaping and Infrastructure          | Yes                          | Yes                         |
| D3.1 Character as viewed from a public place                        | No                           | Yes                         |
| D3.3 Building colours and materials                                 | Yes                          | Yes                         |
| D3.6 Front building line                                            | No                           | Yes                         |
| D3.7 Side and rear building line                                    | No                           | Yes                         |
| D3.9 Building envelope                                              | No                           | Yes                         |
| D3.11 Landscaped Area - Environmentally Sensitive Land              | Yes                          | Yes                         |
| D3.13 Fences - Flora and Fauna Conservation Areas                   | Yes                          | Yes                         |
| D3.14 Construction, Retaining walls, terracing and undercroft areas | Yes                          | Yes                         |
| D3.15 Scenic Protection Category One Areas                          | Yes                          | Yes                         |

#### Detailed Assessment

#### **B6.3 Off-Street Vehicle Parking Requirements**

##### Merit Consideration

Clause B6.3 Off-Street Vehicle Parking requires two (2) carparking spaces for a principal dwelling.

The proposed development consists of a standard carport which would comply with the numerical requirement. Despite this, a deferred commencement condition is recommended requiring the carport to be redesigned from a double carport to a single carport. The condition arises as the subject site is constrained by an easement containing a Council stormwater asset, which traverses the site from the centre of the curved street frontage towards the southern boundary. This creates a significant limitation on the location of any parking structure to this site. The reason for the condition is to ensure the required vertical and horizontal clearances are achieved in accordance with *Council's Water Management for Development Policy*.

The proposed development will result in the removal of a car space on-street within the cul-de-sac generated by the addition of the vehicular crossover this will be supplemented by at least one (1) off-street parking space for the residents of the subject site. Due to the unique circumstances, the current shortfall on off-street parking is considered acceptable. Such amendment via condition is supported by Council's Development Engineer.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

#### **B6.7 Transport and Traffic Management**

A condition has been recommended requiring the applicant to submit a Construction Traffic Management Plan (CTMP) and report, which shall be prepared by a Transport for NSW accredited person and submitted to, and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

This is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

### C1.3 View Sharing

#### Merit Consideration

Submissions were received which included concerns regarding potential view loss to the below property:

- No. 2 Lisa Place, Bilgola Plateau.

Height poles were erected on 15 May 2026 to aid in the below view loss analysis. The height poles were certified by a registered surveyor, with a certification letter submitted to Council confirming their accuracy. In addition, a surveyed height-pole plan plotted on a survey was provided, identifying the location of each pole, the four (4) corners of the proposed dwelling, and the corresponding reduced levels (RLs).

A site inspection was undertaken at the above-mentioned property, the photos taken from the inspection have been used to inform this assessment.

For the purposes of this assessment No. 2 Lisa Place will be referenced as the affected property and No. 3 Lisa Place as the subject site.

- ***A reasonable sharing of views amongst dwellings.***

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

#### **1. Nature of the views affected**

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

#### Comment to Principle 1

The nature of the views will be discussed below.

The views of concerns obtained by the affected property are achieved in multiple directions, these being toward the north-west, west and south-west, up and over the subject site. The views consist of an expansive Pittwater view of the Western Foreshores including Scotland Island, Ku-ring-gai Chase National Park, Church Point and water views that consist of moored boats. Canopy Trees are located within the foreground framing the views. It is noted that from certain vantage points and levels of the affected dwelling the views can be obstructed by this vegetation.

Refer to the images below for visual reference of the views discussed above.





**Image 1:** View from upper ground floor balcony (standing south-western side), height pole in foreground.



**Image 2:** View from upper ground floor balcony (standing north-eastern side), height poles in foreground.





**Image 3:** View from upper ground floor balcony (centre), height poles in foreground.



**Image 4:** View from upper ground floor balcony (standing north-eastern side), height poles in foreground.



**Image 5:** View from upper ground floor living room, height poles in foreground (sitting perspective).



**Image 6:** View from upper ground floor kitchen and dining, height poles in foreground.





*Image 7: View from upper ground floor kitchen and dining, height poles in foreground.*



*Image 8: First floor master-bedroom balcony, height poles in foreground.*





*Image 9: First floor master-bedroom ensuite, height poles in foreground.*



*Image 10: First floor bedroom 2, height poles in foreground.*





*Image 11: Lower ground floor lawn area (standing north-east), height poles in foreground.*



*Image 12: Lower ground floor lawn area (with spa), height poles in foreground.*



**Image 13:** Lower ground floor lawn area (standing south-west), height poles in foreground.

## 2. What part of the affected property are the views obtained

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

### Comment to Principle 2

The location of the obtained views will be discussed below, which should be read in conjunction with the Images above.

The views mentioned under **Principle 1** are currently obtained from all levels of the dwelling house including the lower ground floor lawn/garden area and internal rumpus room, upper-ground floor living quarters (lounge, dining, kitchen) and associated entertainment deck (main open space - due to the proximity of living quarters) and the first floor master-bedroom including the associated ensuite and deck and Bedroom 2.

The views are obtained from sitting and standing perspectives

**Note 1:** The dwelling of the affected site was constructed in a north-westerly orientation facing the subject site and the common boundary line (side boundary), taking advantage of the views as discussed under **Principle 1 and 2**. The subject site has remained vacant and undeveloped from original subdivision. Consequently, the affected property has benefited from the unoccupied bushland block and the uninterrupted views, for an extend period of time.

## 3. Extent of impact

*“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more*

*significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.*

#### Comment to Principle 3

The extent of impact will be discussed below.

#### **First Floor**

The views obtained from this level are likely to experience a low level of impact due to the high vantage point, which will allow the residents of the affected site to look up and over the proposed dwelling. The views from the master-bedroom and associated deck will be maintained, similarly with the ensuite bathroom window. Bedroom 2 will experience a minor impact to the view, predominately the glimpses of water that is obtained through the gaps of the canopy tree branches. Majority of the view will be retained.

#### **Upper Ground Floor - Living Quarters**

The views from this level will experience varying degrees of impact depending on the location and viewing position. Accordingly the assessment of view impacts are divided into the following areas:

**Entertainment Deck:** When positioned at the south-western end of the decking, majority of the currently uninterrupted view shall be retained with limited impact, as shown on images above. The associated balcony of the proposed dwelling will at this vantage point be situated below the tree canopy in the foreground. A similar conclusion is drawn when standing within the centre of the deck of the affected site. When travelling toward the north-eastern end of the affected site's deck, the view impact shall increase. This will include the "bottom" portion of water view to the northern side of Scotland Island which will be impacted by the roof formation of the proposed dwelling. Majority of the moored boats, water views and Scotland Island will be retained. This view impact is increased as you travel further north-east which will block the northern portion of the water view of the Western Foreshores and the northern corner of Scotland Island. It is also considered at this vantage point the lower portion of water view (below moored boats) will be impacted by the edge proposed balcony on the subject site.

**Kitchen/Dining:** Majority of the views are likely to be retained as these rooms are positioned to the south-west of the affected site. The glimpses of water that is obtained through the gaps of the canopy tree branches may be impacted.

**Lounge Room:** This room will experience the most impact on this level due to it's positioning. The northern end of the Western Foreshores including the water views of Pittwater will be blocked., including that of the northern end of Scotland Island. The southern end of Scotland Island and Western Foreshores can be obtained. The views from a siting perspective are more impacted than standing.

#### **Lower Ground Floor - Internal, Lawn Area and Garden**

This location is expected to experience the greatest level of view impact due to its lower elevation relative to other areas of the affected property. As a result, it is inherently more susceptible to view loss, irrespective of the precise siting of the proposed dwelling or the extent of its compliance with the applicable development controls. Majority of the view will be lost at the north-eastern end of the affected property. When travelling toward the south-west (current location of a spa and additional garden) the view of Scotland Island, water views and



the moored boats will be obtained.

When considering the proportion of view loss from the various viewing positions and levels within the affected property, the extent of views retained, and the fact that the affected views are presently obtained across a an undeveloped allotment over a side boundary, the resulting view impact is assessed as **moderate**. While some interruption to the existing views will occur, a substantial proportion of the water and district views will remain available.

#### 4. Reasonableness of the proposal that is causing the impact

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

##### Comment to Principle 4

The development area that impacts the existing view corridor seeks to rely upon the 10.0 metre height dispensation under Clause 4.3, proposing a maximum height of 9.2 metres. The proposed dwelling as amended, is generally compliant with the relevant built form controls of the P21DCP, with the exception of the side boundary envelope, with the greatest variation occurring on the north-western elevation. The breach to this elevation will have no material effect to view loss, as this elevation is adjacent to No. 4 Lisa Place, and is not directly located within the view corridor obtained by the affected property (No. 2 Lisa Place). If these elements were brought into full compliance i.e. envelopes and the dwelling reduced to 8.5 metres in height, the view impacts as discussed in **Principle 3** would not be greatly altered, and would result in a similar view loss outcome.

The topography of the site is irregular with minimal leveled out surfaces. Consequently, the form and siting of any development are significantly influenced by the steep gradient of the land, resulting in a constrained development footprint. Further lowering or stepping the dwelling down the slope would require substantial excavation and additional vegetation removal, leading to greater site disturbance. Despite these constraints, any built form on the allotment is likely to have some degree of view impact. As discussed in **Note 1** under **Principle 2**, the dwelling on the affected property was constructed with a north-western orientation toward the subject site, with views obtained across the side boundary. Accordingly, the existing view-sharing circumstances of the affected property are an important consideration in the assessment of view impacts.

The question of a more 'skillful design' in relation to the initial proposal which provides the residents with a similar development potential and amenity whilst reducing the extent of impact on the views obtained from the affected property, was requested to be explored within a 'Request for Further Information Letter'. In response, the applicant submitted an amended proposal incorporating several design changes, including a reduction in roof pitch and the replacement of the original roof form with a skillion roof that follows the natural slope of the land, falling from north-east to south-west (refer to figures below). These amendments have reduced the overall building height and visual bulk when viewed from the affected property and are therefore considered to have lessened the extent of view loss.

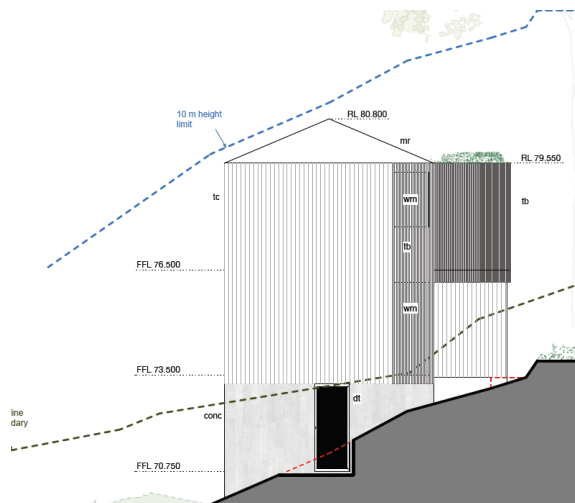


**Figure 2:** Initial proposal of south-east elevation.



**Figure 3:** Amended proposal of south-east elevation.

To assist in the assessment of view impacts, height poles were requested to identify the four (4) corners of the proposed dwelling. The poles were surveyed to the maximum height of the development to accurately determine the extent impact. It is noted that the proposal also includes a balcony located on the south-western elevation. However, due to the orientation of the dwelling in relation to the affected property, only the southern corner of the balcony would be visible. As a result, this element is not considered to significantly obstruct the existing view corridor.

Having regard to the Land and Environment Court's planning principles for view sharing, the assessment demonstrates that a substantial component of the existing views will be retained from multiple levels of the affected dwelling. In the circumstances of this case, these being that the impacted view corridor is obtained over a side boundary of a vacant allotment, and that the extent of view loss is considered to be moderate, it is considered that the proposal provides an acceptable level of view sharing and that the resulting view impacts do not warrant refusal of the application.

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

Comment

The proposal will not significantly impact views from the public domain, majority of views from the street are obtained up and over No. 4 Lisa Place.

- ***Canopy trees take priority over views.***

Comment

No trees are removed for the reasons to obtain views, any trees to be removed as a result of the building footprint, will be off-set with replacement trees, subject to conditions.

Having regard to the above assessment, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

### **C1.5 Visual Privacy**

Detailed Assessment

Clause C1.5 Visual Privacy stipulates that private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9.0 metres, by building layout, landscaping, screening devices or greater spatial separation.

The proposed dwelling and associated balcony are oriented towards the south-west and, as a result, are expected to have minimal overlooking impacts on the balconies and habitable room windows of No. 2 Lisa Place (as shown in **Figure 4** below).

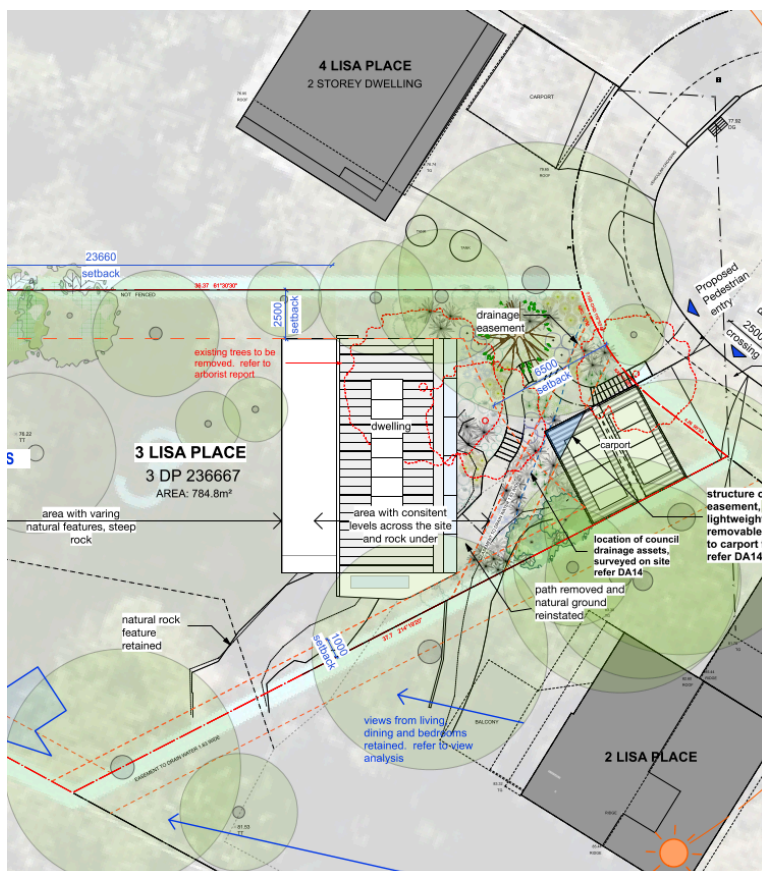


**Figure 4: Site Plan - Demonstrating the orientation in regard to No. 2 Lisa Place and No.4 Lisa Place.**

The south-eastern elevation contains a single window servicing the stairwell. This window incorporates a fixed privacy screen comprising timber battens, which forms part of the overall architectural design and external material of the dwelling. Similarly, windows along the north-western elevation are proposed to include timber battens that will function as privacy screening.

The north-western edge of the balcony has potential to generate some level of overlooking towards No 4 Lisa Place. To address this issue, a condition of consent is recommended for a privacy screen for a minimum of 2.0 metres (measured from the outer-edge of the Living room wall) travelling toward the south-west. This screen is to be 1.65 metres in height when measured from finished floor level, include timber battens, opaque panels or angled louver style construction (with a maximum spacing of 20mm), in durable materials that complement the design of the dwelling.

Having regard to the orientation of the dwelling, the limited extent of openings facing neighbouring properties, and the inclusion of privacy screening measures, the proposal is considered to achieve the objectives of the privacy control and provide a sense of territory and safety.

### C1.23 Eaves

#### Merit Consideration

Clause C1.23 Eaves requires dwellings to incorporate eaves on all elevations with a minimum width of 450.0mm. The dwelling house does not include eaves on all elevations as part of the design.

The underlying outcomes of this clause are as follows:

- Housing that reflects the coastal heritage and character of Pittwater.
- Optimise roof forms.
- Appropriate solar access and shading is achieved.

#### Comment

The overall design reflects a theme which is consistent with designs in the surrounding area. The submitted BASIX Certificate demonstrates appropriate solar access and shading will be achieved, with the application accompanied with acceptable shadow diagrams. The proposed roof style/eaves do not generate adverse impacts to surrounding properties.

For the reasons outlined above, it is concluded that the outcomes of the clause are achieved and is supported on merit in this particular circumstance.

### **D3.1 Character as viewed from a public place**

#### Merit Assessment

Clause 3.1 Character as viewed from a public place relevantly stipulates the following:

*Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.*

The proposal complies with the remainder of controls under this clause, where relevant.

Despite this clause not including a variation to permit parking spaces to be located forward of the building line where site constraints restrict alternative siting options, *Clause D3.6 Front building line* provides such consideration. Accordingly, the front setback non-compliances associated with the proposed carport are assessed under that section of this report. Subject to a deferred commencement condition requiring the reduction of the carport from a double-carport to a single-carport configuration, the structure will remain modest in scale and open in design. The subject allotment is irregular in shape and has a curved street frontage with an approximate width of 11.56 metres. In accordance with the control, 50% of the frontage equates to 5.78 metres. The proposed carport, as conditioned, will have a width of 3.6 metres and will therefore comply with the numerical requirement of the control.



**Figure 5:** Street View of Proposed Carport - Will be conditioned to be a single space, and reflective of those carports shown in **Image 14** below.

Due to the steep slope of the subject site, the carport design is considered consistent in relation to the spatial characteristics of the existing built environment within the immediate vicinity.



**Image 14:** Street view of Lisa Place - The two (2) carports in view are No. 4 and No. 5 Lisa Place, with the subject site to the left (vacant).

It is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

### D3.6 Front building line

#### Description of Non-compliance

Clause D1.8 Front building line stipulates that all built structures other than driveways, fences and retaining walls are not permitted within the front building setback, and required to be setback 6.5 metres.



The proposed dwelling house exceeds the prescribed front setback requirement, providing a setback ranging from 6.8 metres to 15.0 metres. However, the proposed carport and associated storage area beneath are located within the front setback, with setbacks ranging from nil to 2.2 metres for the carport and 1.8 metres to 4.2 metres for the storage area.

A variation is included in the control where carparking is to be provided on steeply sloping sites, a reduced or nil setback for carparking structures may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable. However, the storage area is integrated into the overall carport structure and is not expected to be readily visible from the public domain

The subject site is constrained by an easement containing a Council stormwater asset, which traverses the site from the centre of the curved street frontage towards the southern boundary. This creates a significant constraint on the location of any parking structure. Due to the site's irregular allotment shape and steep topography, a parking structure, in this instance a carport, is likely to be located within the front setback minimise environmental impacts and achieve compliance with the relevant Australian Standards relating to driveway grades. The location of such parking structures has been established within the locality over time, as demonstrated by the existing carports at No. 4 and No. 5 Lisa Place.

A deferred commencement condition has been included requiring the carport to be redesigned from a double carport to a single carport to ensure the required vertical and horizontal clearances are achieved in accordance with Council's Water Management for Development Policy (refer to **Figure 6** below). The bin enclosure will also be conditioned to be relocated within the carport structure.

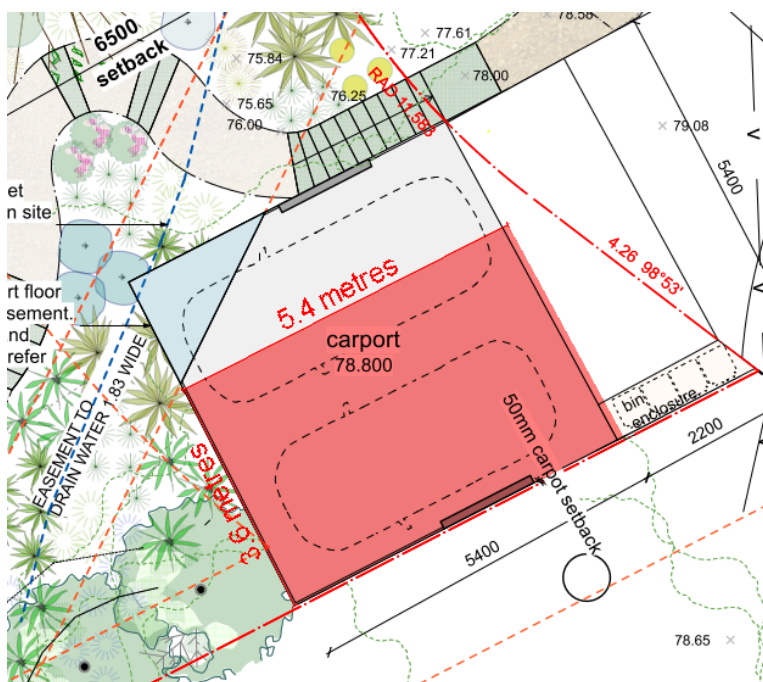


**Figure 6:** Amended carport design in accordance with recommended condition - reflected in red shading.

#### Merit Consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- *Achieve the desired future character of the Locality.*



- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
- *The amenity of residential development adjoining a main road is maintained. (S)*
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

#### Comment

As the allotment is currently vacant, there is no established location for on-site parking. As discussed above, the proposal adopts an open-style carport within the front setback, consistent with the prevailing development pattern and character of the locality, including the existing carports at Nos. 4 and 5 Lisa Place. Due to the relatively steep gradient in conjunction with the location of the easement, there is no other practicable location for the parking structure for the site. To off-set this, the dwelling house itself is located behind the prescribed front setback line, with the remainder of the front setback comprising predominantly landscaped areas and a pedestrian access pathway. The proposed landscaping will soften the visual appearance of the built form upon maturity, and will aid in the landscape quality of the area when viewed from the public domain and contribute to the streetscape presence.

Furthermore, the retention of existing canopy trees and the planting of additional trees will assist in integrating the development into the natural landscape setting. This outcome is further reinforced by the proposal's limited excavation requirements and reduced level of site disturbance, allowing the built form to respond appropriately to the site's environmental constraints and established vegetated character.

Refer to Clause C1.3 View Sharing for a discussion on equitable preservation of views.

Lisa Place is not classified as a main road, with forward vehicle maneuvering not considered to be mandatory, this is supported by Council's Development Engineer. Furthermore the reduction to a single car space is otherwise consistent with the parking with the parking requirements which allows for the carparking to be provided on steeply sloping sites on a merit basis, having regard to the constraints of the site.

Having regard to the above assessment and subject to the condition described above, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

### **D3.7 Side and rear building line**

#### Description of non-compliance

Clause D3.7 Side and Rear Building Line prescribes a side setback of 2.5 metres to one side and 1.0 metre to the other. For this assessment, the 2.5 metres side building line is applied to the north-western boundary, and 1.0 metre side building line applied to the south-eastern boundary. The required rear building line is 6.5 metres from the south-western boundary.

The proposed works demonstrate compliance with the prescribed setbacks listed above, in exception to

the carport to the south-eastern boundary. The carport exhibits a 50.0 millimetre setback, with a variation of 95.0%.

#### Merit Consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- *To achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised. (En, S)*
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
- *Flexibility in the siting of buildings and access. (En, S)*
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
- *To ensure a landscaped buffer between commercial and residential zones is established*

#### Comment

The subject site is constrained by an easement containing a Council stormwater asset, which traverses the site from the centre of the curved street frontage towards the southern boundary. This creates a significant constraint on the location of any parking structure. Due to the site's irregular allotment shape and steep topography, a parking structure, in this instance a carport, is likely to be located within the front setback and elevated in nature to minimise environmental impacts and achieve compliance with the relevant Australian Standards relating to driveway grades.

The location of such parking structures has been established within the locality over time, as demonstrated by the existing carports at No. 4 and No. 5 Lisa Place. The position of the easement necessitates the placement of the proposed carport towards the southern side of the allotment, resulting in a minimum side setback of 50.0mm. A deferred commencement condition has been included requiring the carport to be redesigned from a double carport to a single carport to ensure the required vertical and horizontal clearances are achieved in accordance with *Council's Water Management for Development Policy*. The bin enclosure will also be conditioned to be relocated within the carport structure.

Notwithstanding the above condition, the proposed setback of the carport is considered acceptable as it maintains a spatial separation to No. 2 Lisa Place that is consistent with the existing carports within the streetscape. The carport will remain open in design, thereby reducing its visual bulk and ensuring consistency with the character of existing parking structures as noted above.

The proposal complies with the applicable solar access requirements of the P21DCP and will provide an acceptable level of privacy within the residential setting. The submitted Landscape Plan includes appropriate vegetation planting along the south-eastern boundary, which, upon maturity, will provide effective vegetative screening, enhance privacy, and improve the landscaped outlook from No. 2 Lisa Place. Furthermore, the carport is located approximately 4.5 to 6.0 metres from this neighbouring dwelling and will be further screened by existing landscaping within No. 2 Lisa Place.

The submitted plans demonstrate that the majority of the front and side setbacks will be landscaped,

contributing to an aesthetically pleasing streetscape presentation compatible with the area.

Having regard to the above assessment and subject to the condition described above, it is concluded that the outcomes of the clause have been achieved. Therefore, the application is supported on merit in this particular circumstance.

### D3.9 Building envelope

#### Merit Assessment

Clause D3.9 Building Envelope generally requires development to be sited within a 3.5 metre building envelope to ensure the bulk and scale of the built form is minimised.

Portions of the proposed works on both the north-western and south-eastern elevations will extend outside of the prescribed envelope, and is indicated by the coloured shading in the below figures.

Despite the above control, a variation is permitted where the building footprint is situated on a slope over 16.7 degrees to be considered on a merits basis. The proposed dwelling is located over a slope of more than 16.7 degrees or 30.0% and in this instance will be subject to a merit assessment below.

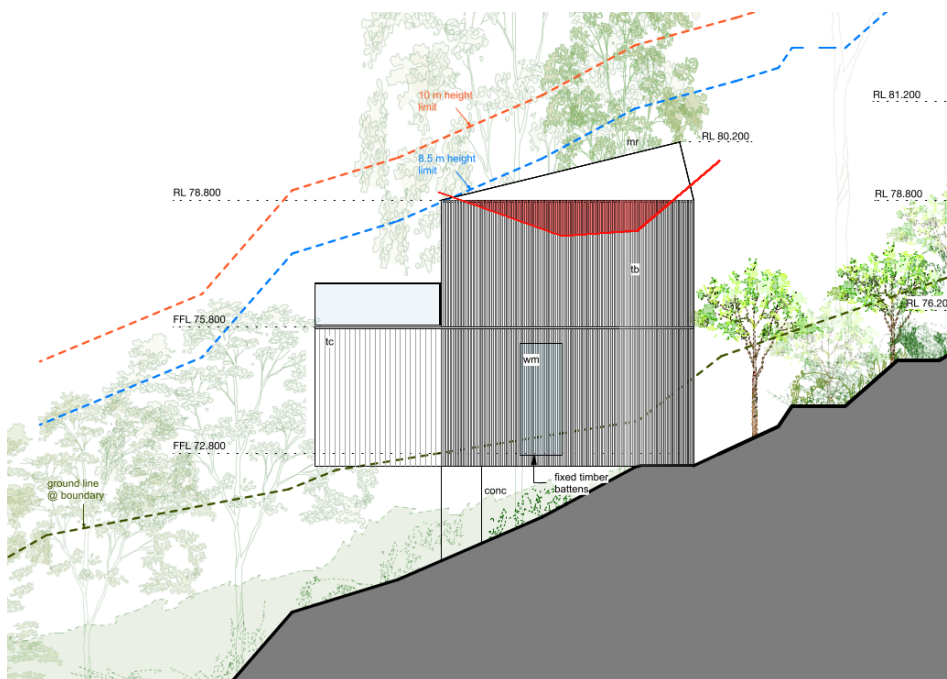


**Figure 7: South-eastern Elevation (2D Plane) - envelope breach of new development shown in red shading.**

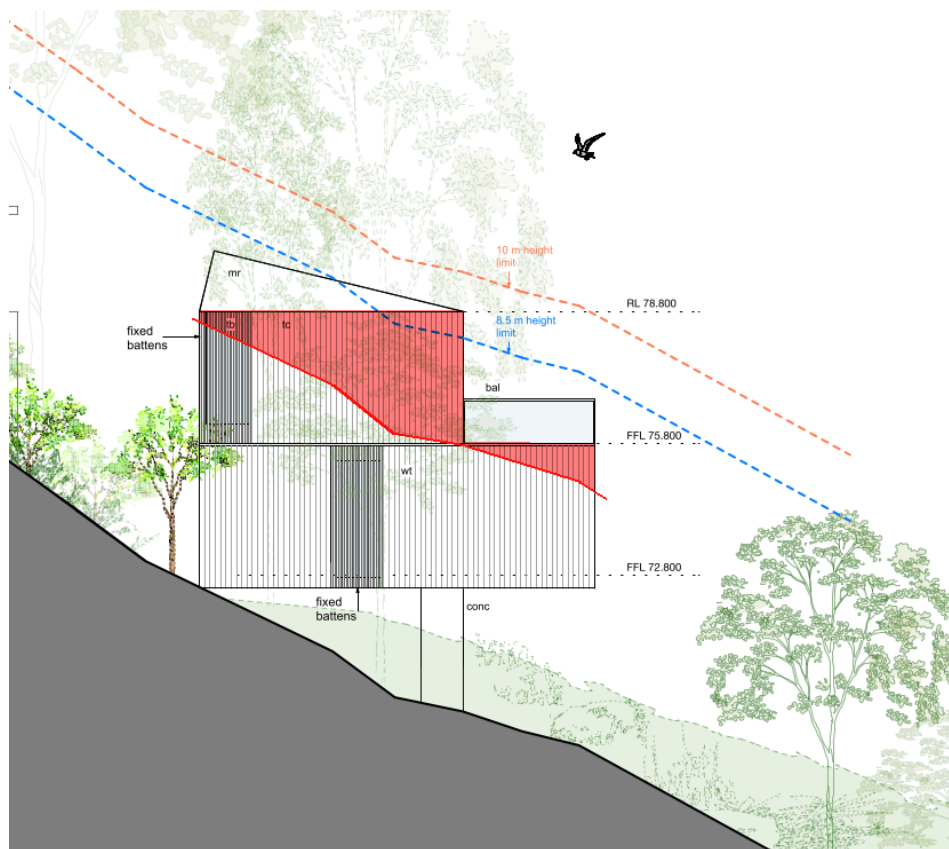


**Figure 8:** North-western Elevation (2D Plane) - envelope breach of new development shown in red shading.

The glass balustrade is translucent in design, contributing to a lessening of bulk and scale when compared to solid massing of walls, and is excluded from the diagram in Figure X. The deck and balustrade sites within envelope on the south-eastern elevation.

*The proposed development is considered against the underlying outcomes of the control as follows:*

- *To achieve the desired future character of the Locality.*
- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised. (En, S)*
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

#### Comment

The proposal will maintain a low-density residential form of development and is considered to achieve the desired future character outcomes for the Bilgola Plateau Locality.

Holistically, the proposal will comply with the solar access requirements of the P21DCP, and will consist of acceptable levels of privacy for a residential area, subject to conditions.

The variation to the numerical requirements of the control is largely attributable to the site's steep topography, which exceeds a 16.7-degree slope and is approximately 27 degrees in gradient. The extent of the variation is further influenced by the site's irregular topographical features and the need to confine the built form upslope, which is considered the most practical design response given the site's physical constraints.

The largest encroachment occurs along the north-western elevation, which corresponds with one of the most steepest portions of the site. In comparison, the encroachment along the south-western elevation is relatively minor, with the majority of the built form remaining within the prescribed building envelope despite a minimal setback from the boundary.

Notwithstanding the identified variations, the dwelling is not considered to constitute an overdevelopment of the site. This is evidenced by the relatively modest floor space area and compact building footprint. To support this conclusion, a nominal Floor Space Ratio (FSR) calculation has been undertaken, demonstrating a resulting FSR of 0.22:1, which is conservative in a residential setting, albeit with a constrained, environmentally focused allotment. Furthermore, the majority of the site will remain landscaped, with the south-western portion of the site being largely retained in its natural state. This area contains the site's most irregular topographical features and will remain substantially undisturbed, thereby preserving the natural landscape character and minimising site disturbance.

The development incorporates a range of building materials, screening elements and terraced building forms, which assist in breaking up the visual bulk and scale of the development in areas where greater building mass is perceived. Furthermore, the proposed landscaping will soften the appearance of the built form and provide a strong vegetated setting.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

#### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

#### **POLICY CONTROLS**

##### **Northern Beaches Section 7.12 Contributions Plan 2024**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$9,361 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$936,100.

#### **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

## PLANNING CONCLUSION

This application seeks consent for the construction of a dwelling house and carport on a currently undeveloped allotment. The application was referred to the Northern Beaches Local Planning Panel (NBLPP) as a result of twelve (12) objections being received during the notification period.

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP), the concerns in which have been addressed in detail under 'Submissions' section of this report. A set of amended plans were received during the assessment process to address the concerns raised, with the amended plans forming the basis of this assessment.

The proposal has undergone a detailed assessment against the relevant provisions of the *Pittwater Local Environmental Plan 2014* (LEP 2014) and Pittwater 21 Development Control Plan (P21DCP). The critical matters relate to the overall built form including an assessment against the dispensation permitted under Clause 4.3 and the variations to the prescribed boundary envelope and front and side setback controls. These outcomes are largely attributable to the site's constraints, including its steep topography, irregular allotment shape, curved frontage and the presence of a Council stormwater easement. A deferred commencement condition is included requiring the carport to be re-designed from a double carport to a single carport to ensure the required vertical and horizontal clearances are achieved for said easement in accordance with *Council's Water Management for Development Policy*. The proposal is considered to achieve the objectives of the relevant provisions and represents an appropriate design response to the characteristics of the site.

A detailed assessment was undertaken of the likely view impacts to No. 2 Lisa Place. Having regard to the

extent of views retained and noting that the affected views are presently obtained across a vacant allotment over a side boundary, the resulting view impact is considered moderate. On balance, the proposal is assessed as providing a reasonable sharing of views while enabling the orderly development of the subject site.

Overall, the development adopts a design approach that minimises site disturbance by limiting excavation and presenting a dwelling that is modest in scale and maintains a built form that is generally consistent with the established character and pattern of development within the locality. Whilst it is acknowledged that the built elements do not strictly comply with several numerical planning controls, the proposal will not result in adverse impacts on adjoining or nearby properties, or the natural environment.

The proposal has therefore been recommended to the NBLPP for **approval**, subject to a deferred commencement condition.

#### **REASON FOR DETERMINATION**

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



## RECOMMENDATION

### DEFERRED COMMENCEMENT APPROVAL

A. THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2025/1645 for Construction of a dwelling house including carport on land at Lot 3 DP 236667,3 Lisa Place, BILGOLA PLATEAU, subject to the conditions printed below:

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

### Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

#### DEFERRED COMMENCEMENT CONDITIONS

1. **Proposed Single Carport – Submission of Amended Plans**

The architectural plans (where relevant) are to be amended to reflect a single-car parking space with ancillary storage below, including a bin enclosure.

The amended plans are to consist of the following requirements:

- i) The carport width is to be reduced to 3.6 metres, when measured from the south-eastern external edge, to ensure adequate clearance from Council's stormwater asset and associated Council's drainage easement.
- ii) The carport length is to remain at 5.4 metres to maintain compliance with AS/NZS 2890.1:2004 – *Parking Facilities, Part 1: Off-Street Car Parking*.
- iii) The bin enclosure is to be relocated within the carport structure and wholly contained within the subject property.
- iv) The storage area and rainwater tank located beneath the carport may require minor modifications to accommodate the amended carport design. Any associated stormwater drainage amendments are to be designed in accordance with Northern Beaches Council's *Water Management for Development Policy*.
- v) All components of the carport, storage room, and any associated structures are to be located clear of Council's stormwater easement and pipe line, both horizontally and vertically, situated adjacent to the rear of the proposed carport.

The plans are to be submitted to Council for written approval.

Reason: Protection of Council's infrastructure.

Evidence required to satisfy these conditions must be submitted to Council (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

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

### GENERAL CONDITIONS

#### 2. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans |                 |                                 |                        |                  |
|----------------|-----------------|---------------------------------|------------------------|------------------|
| Plan Number    | Revision Number | Plan Title                      | Drawn By               | Date of Plan     |
| DA01           | B               | Site Plan                       | Rory Brooks Architects | 23 February 2026 |
| DA02           | B               | Lower Ground Floor Plan         | Rory Brooks Architects | 23 February 2026 |
| DA03           | B               | Ground Floor                    | Rory Brooks Architects | 23 February 2026 |
| DA04           | B               | First Floor Plan                | Rory Brooks Architects | 23 February 2026 |
| DA05           | B               | Carport Plan                    | Rory Brooks Architects | 23 February 2026 |
| DA06           | B               | Roof Plan                       | Rory Brooks Architects | 23 February 2026 |
| DA07           | B               | North-east Elevation<br>Lisa Pl | Rory Brooks Architects | 23 February 2026 |
| DA08           | B               | North-east Elevation            | Rory Brooks Architects | 23 February 2026 |
| DA09           | B               | South-west Elevation            | Rory Brooks Architects | 23 February 2026 |
| DA10           | B               | South-east Elevation            | Rory Brooks Architects | 23 February 2026 |
| DA11           | B               | North-west Elevation            | Rory Brooks Architects | 23 February 2026 |
| DA12           | B               | Section AA                      | Rory Brooks Architects | 23 February 2026 |
| DA13           | B               | Carport                         | Rory Brooks Architects | 23 February 2026 |
| DA14           | B               | Easement                        | Rory Brooks Architects | 23 February 2026 |

| Approved Reports and Documentation                      |                |                                   |                   |
|---------------------------------------------------------|----------------|-----------------------------------|-------------------|
| Document Title                                          | Version Number | Prepared By                       | Date of Document  |
| Arboricultural Impact Assessment & Tree Protection Plan | -              | The Ents Tree Consultancy         | 23 February 2026  |
| Flora and Fauna Report<br>Ref. WE20260211               | V1.0           | Waratah Ecology                   | 4 March 2026      |
| Geotechnical Investigation<br>Ref GG12253.001           | Final          | Green Geotechnics                 | 23 September 2025 |
| Waste Management Plan                                   | -              | -                                 | -                 |
| BASIX Certificate No. 1852438S                          | -              | RORY BROOKS<br>ARCHITECTS PTY LTD | 22 June 2026      |
| LS01, Landscape Site Plan                               | B              | Melissa Wilson                    | 23 February 2026  |
| LS02, Landscape Materials                               | B              | Melissa Wilson                    | 23 February 2026  |
| LS03, Landscape Planting                                | B              | Melissa Wilson                    | 23 February 2026  |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

### 3. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference            | Dated            |
|----------------------------------------|---------------------------|------------------|
| Ausgrid                                | Ausgrid Referral Response | 21 November 2025 |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

**4. Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is 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.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

## 5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (g) Prior to the release of the Construction Certificate, payment of the following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;  
  
Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$9,361.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$936,100.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).



Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

## 7. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### 8. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Quantum engineering, Job number 250298-SW drawing number D1, D2, D3 and D6 Rev B dated 21/10/2025. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- Amended stormwater drainage plans are required for the proposed carport. All roof drainage infrastructure and on-site stormwater detention (OSD) structures must be located wholly within the subject site and clear of the Council stormwater easement.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater

management arising from the development.

9. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Green Geotechnics Pty Ltd dated 23 September 2025 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

The recommendations identified in the Geotechnical Report referenced in Condition 2 of this consent are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

10. **Vehicle Crossings Application**

The Applicant is to submit an application (using form number 4028 available on Council website) with Council for driveway levels to construct normal one vehicle crossing 3.0 metres wide along frontage of site in Normal low in accordance with Northern Beaches Council's Standard Normal Profile and in accordance with Section 138 of the Roads Act 1993.

Driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

11. **Off Street Parking Design**

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

12. **Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Northern Beaches Council's Water Management for Development Policy; in particular 6.0 Stormwater Drainage System.

Structural details prepared by a suitably qualified Civil Engineer, who has National Engineers Register (NER) or Professionals Australia (RPENG) demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

13. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

**a) Carport:** The carport design is to be amended to reflect the requirements as listed in Condition 1 - Deferred Commencement - Proposed Single Carport – Submission of Amended Plans.

**b) Works within Boundary:** All works are to remain in the confines of the boundary allotments as shown on the approved plans.

**c) Screen:** A screen is to be installed to the north-western edge of the deck (associated with the Living Quarters on the First Floor Plan), extending for a minimum length of 2.0 metres (measured from the outer-edge of the Living room wall) travelling toward the south-west. This screen is to be 1.65 metres in height when measured from finished floor level, include timber battens, opaque panels or angled louver style construction (with a maximum spacing of 20mm), in durable materials that complement the design of the dwelling.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

14. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

15. **Stormwater Drainage Application**

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include Civil Engineering plans for the design of the connection into Council drainage pit which are to be generally in accordance with the civil design approved with the Development Application and is in compliance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 . The form can be found on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) > Council Forms > Stormwater Drainage Application Form.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the

Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

16. **Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://www.northernbeaches.nsw.gov.au/media/60355?1730767288>

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

17. **Compliance with Standards**

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

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

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

18. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

19. **Construction Traffic Management Plan (CTMP)**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.

- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
  - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
  - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
  - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:

- Compare the post-construction report with the pre-construction report,
  - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
  - Should any damage have occurred, identify remediation actions taken.
  - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

20. **External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

21. **Project Arborist**

a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) The Project Arborist shall be in attendance and supervise all works as nominated in the approved Arboricultural Impact Assessment, and in particular:

- i) tree protection measures and works under sections 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.12, 4.13, 4.15, 4.18, 4.19, 4.20, 4.21, 4.22, and Appendix 4a,
- ii) any canopy or root pruning.

c) All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

d) The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2025 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.



22. **Tree Removal Within the Property**

a) This consent approves the removal of existing trees on the subject site as listed below:

i) tree 5 - *Eucalyptus piperita*, tree 7 - *Eucalyptus piperita*, tree 12 - *Eucalyptus piperita*, tree 13 - *Angophora costata*, tree 17 - *Allocasuarina littoralis*, tree 20 - *Eucalyptus punctata*, tree 21 - *Eucalyptus piperita*, tree 24 - *Glochidion ferdinandi*.

b) A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

23. **Tree Removal Within the Road Reserve**

a) This consent approves the removal of existing trees within the road reserve as as listed below:

i) tree 14 - *Angophora costata*.

b) A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

c) Removal of the approved tree/s by the applicant in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

24. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the below listed properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

**Properties: No. 2 and 4 Lisa Place, Bilgola Plateau.**

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the

commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

25. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,

- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

#### **DURING BUILDING WORK**

**26. Protection of Landscape Features and Sites of Significance**

a) All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed during demolition, excavation and construction works, except where affected by works and detailed on approved plans.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

**27. Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are

to be placed within the canopy dripline of trees and other vegetation required to be retained,  
v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,  
vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,  
vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,  
viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2025 Protection of trees on development sites,  
ix) the activities listed in section 4.2 of AS 4970-2025 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,  
x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,  
xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

28. **Compliance with Biodiversity Impact Mitigation Measures - During Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

29. **Pre-clearance Survey**

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife prior to its removal. If native wildlife is found within habitat to be removed, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

30. **Wildlife Protection**

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

Reason: To protect native wildlife.

31. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

32. **Road Reserve**

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

Reason: Public safety.

33. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 2 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

34. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

35. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log

book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

**36. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**37. Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development unless approved by Council.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

**38. Implementation of Construction Traffic Management Plan (CTMP)**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**39. Landscape Completion**

a) Landscape works are to be implemented in accordance with the approved Landscape Plan(s), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and

watered until established; and shall be located at least 3 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,

iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,

v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

b) Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

**40. Condition of Retained Vegetation**

a) Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

i) compliance to any Arborist recommendations for tree protection generally and during excavation works,

ii) extent of damage sustained by vegetation as a result of the construction works,

iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

**41. Compliance with Biodiversity Impact Mitigation Measures - Post Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

**42. Native Landscaping**

Any new landscaping is to incorporate a minimum 60% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

**43. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

44. **Priority Weed Removal and Management**

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

45. **Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at: <https://www.northernbeaches.nsw.gov.au/media/60355?1730767288>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

46. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

47. **Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste



- management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

**48. Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

The Applicant shall submit a suitably qualified Structural Engineer's certification that the completed footing works have been constructed in accordance with this consent, Northern Beaches Council's Water Management for Development Policy and the approved Construction Certificate plans. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure

**49. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link:  
<https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/media/files/2023-12/guide-for-submitting-legal-documents.pdf?1756256223>

The form for the application can be found on Council's website using the following link:  
<https://applications.northernbeaches.nsw.gov.au/T1PRProd/WebApps/eProperty/P1/eSubmit/Tr=WC.WEBGUEST&f=%24P1.ESB.TERMS.VIW&ReturnUrl=%2fT1PRProd%2fWebApps%2fe>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

**50. Certification of Off Street Parking Works**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities

- Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Compliance with this consent.

51. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

52. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

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

53. **Landscape Maintenance**

a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

d) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

54. **Compliance with Biodiversity Impact Mitigation Measures - Ongoing**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

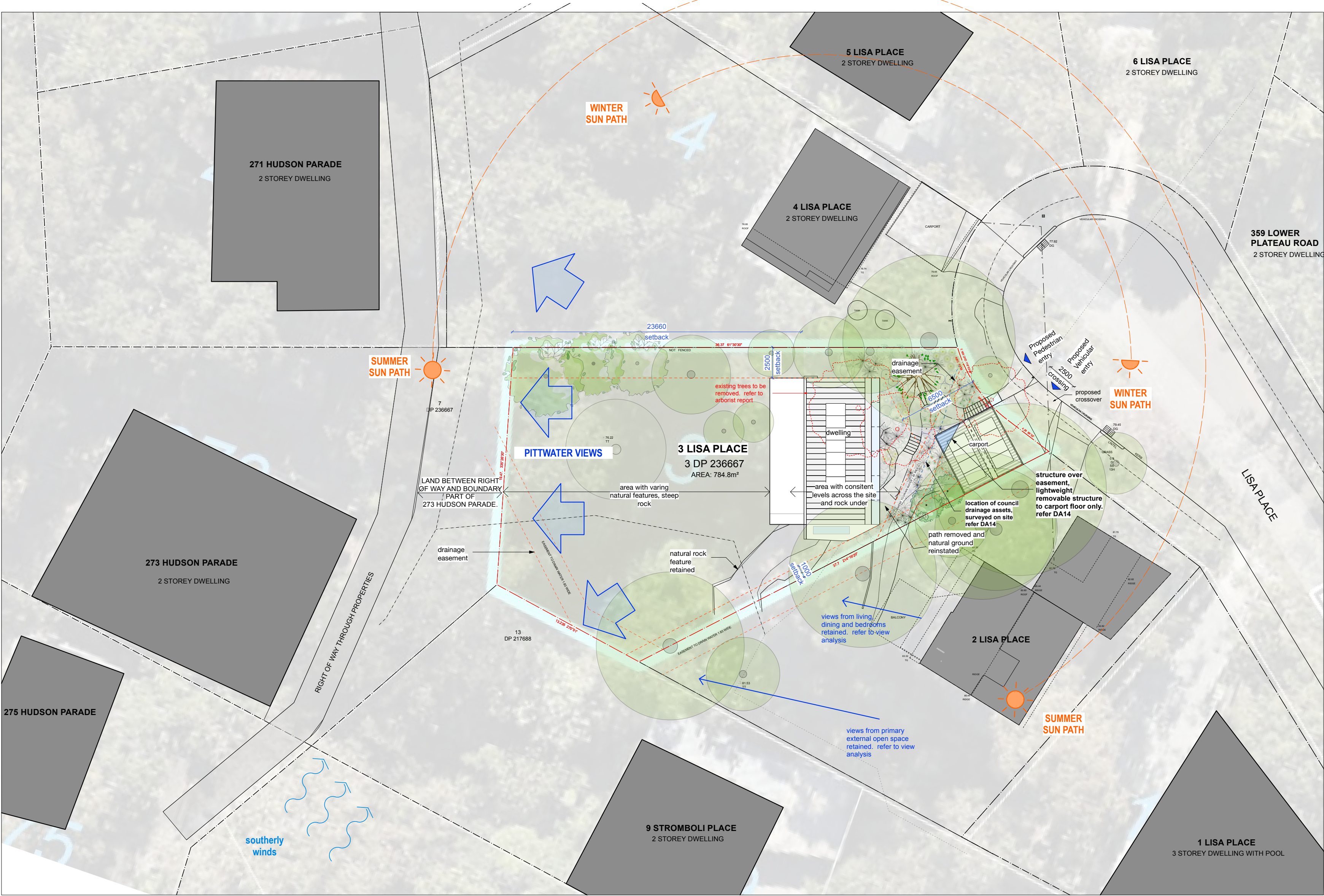
55. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 2 of this consent are to be

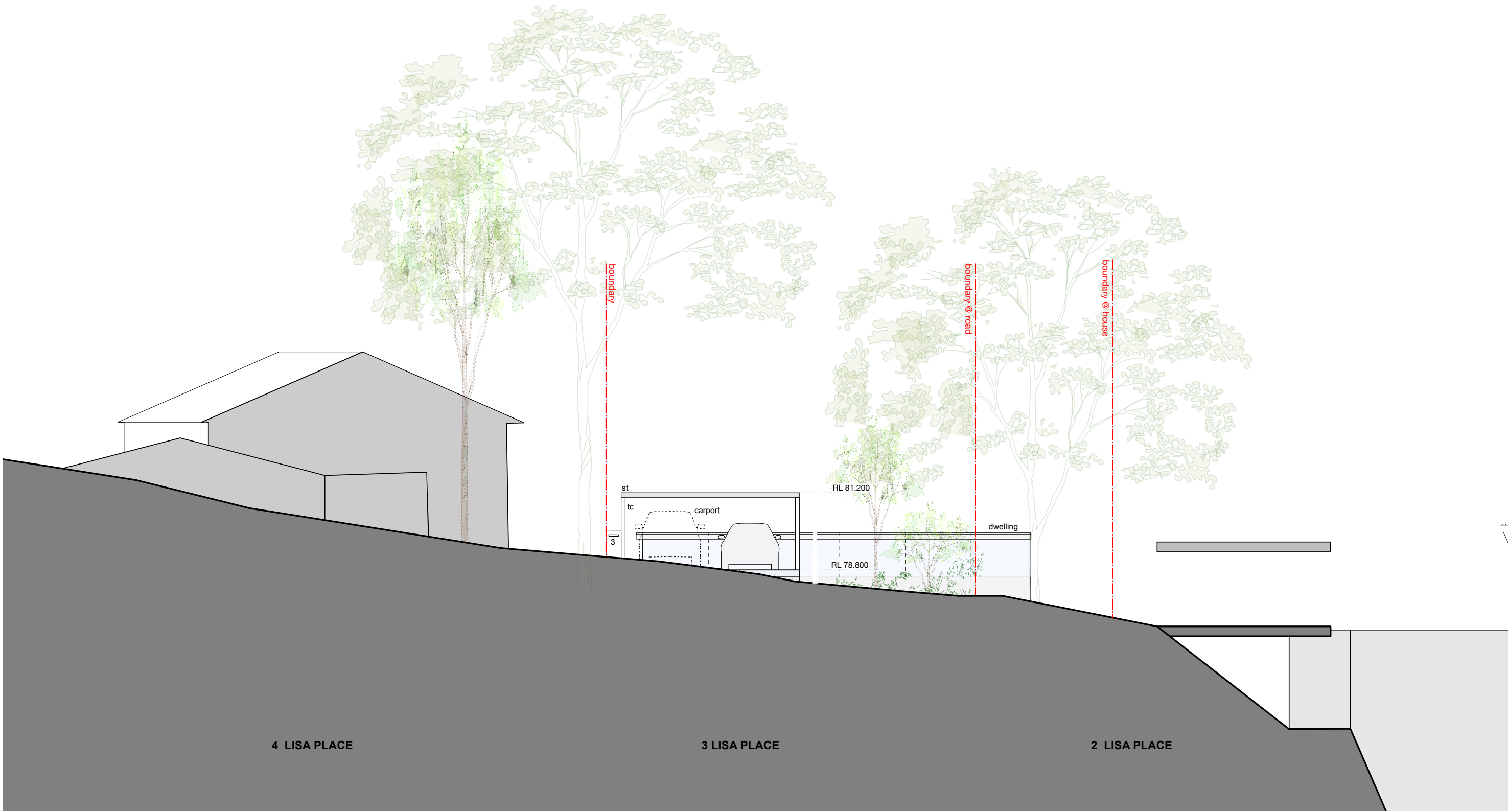
maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.









north-east elevation @ lisa place

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DIMENSIONS THIS DRAWING IS TO BE READ IN CONJUNCTION WITH  
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AND SPECIFICATIONS OF WORK. THE CONTRACTOR SHALL  
MAKE HIMSELF FULLY AWARE OF THE SITE CONDITIONS.  
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BL Blind metal  
BAL Balustrade - glass & timber  
CONC Concrete - board finish  
D-T door - timber clear

R-M roof metal  
ST steel - paint finish  
TB timber battens

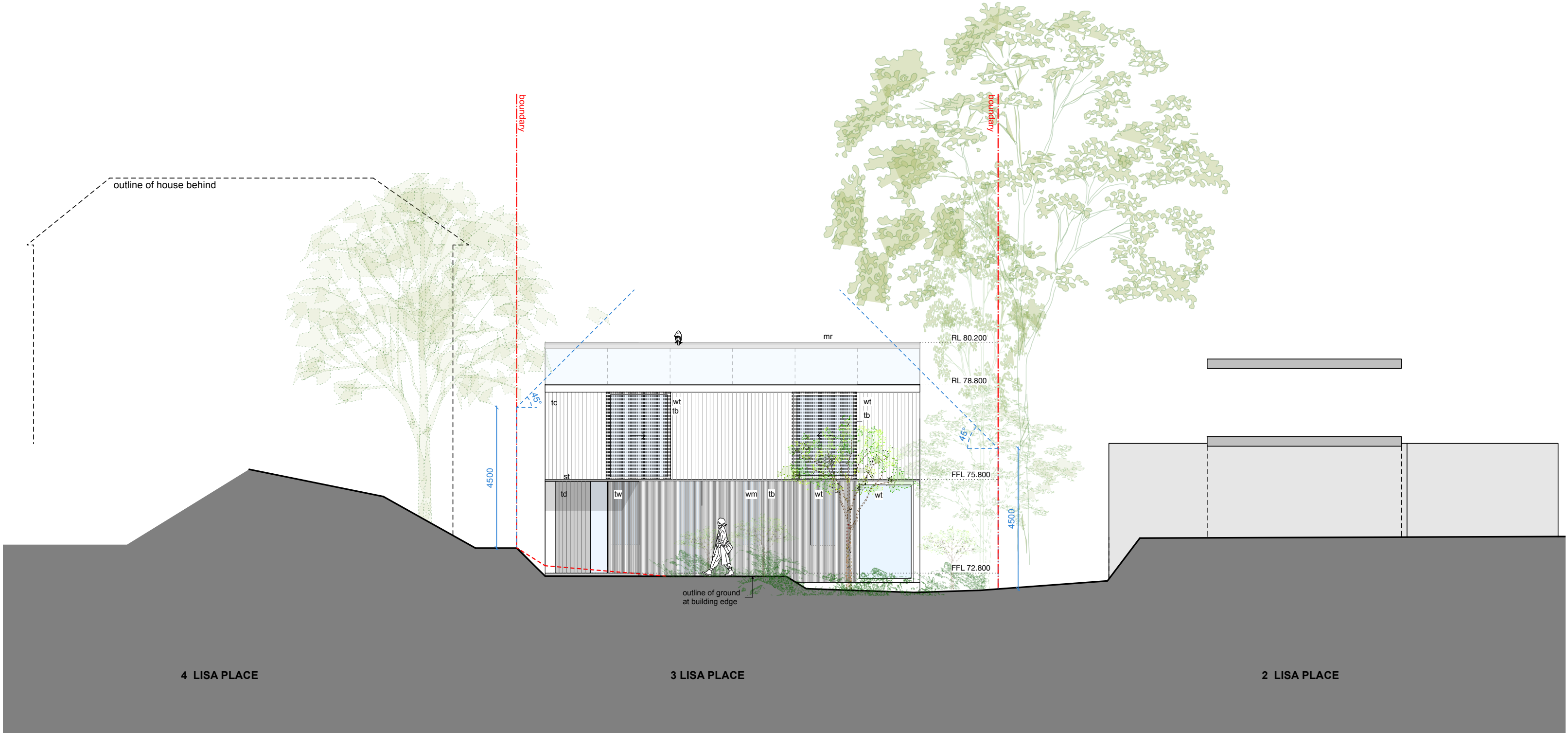
TC timber cladding  
W-T windows - timber  
W-M windows - metal

|       |          |                |
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| B     | 23/2/26  | DA Revisions   |
| A     | 31/10/25 | DA application |
| ISSUE | DATE     | AMENDMENTS     |

|                   |         |            |
|-------------------|---------|------------|
| CLIENT            | REV     | SCALE      |
| Rory Sav & Oliver | B       | 1:100 @ A2 |
| PROJECT           | DRAWING |            |
| 3 Lisa Place      |         |            |
| Bigola Plateau    |         |            |

North east elevation Lisa PI

DA07



north-east elevation @ dwelling

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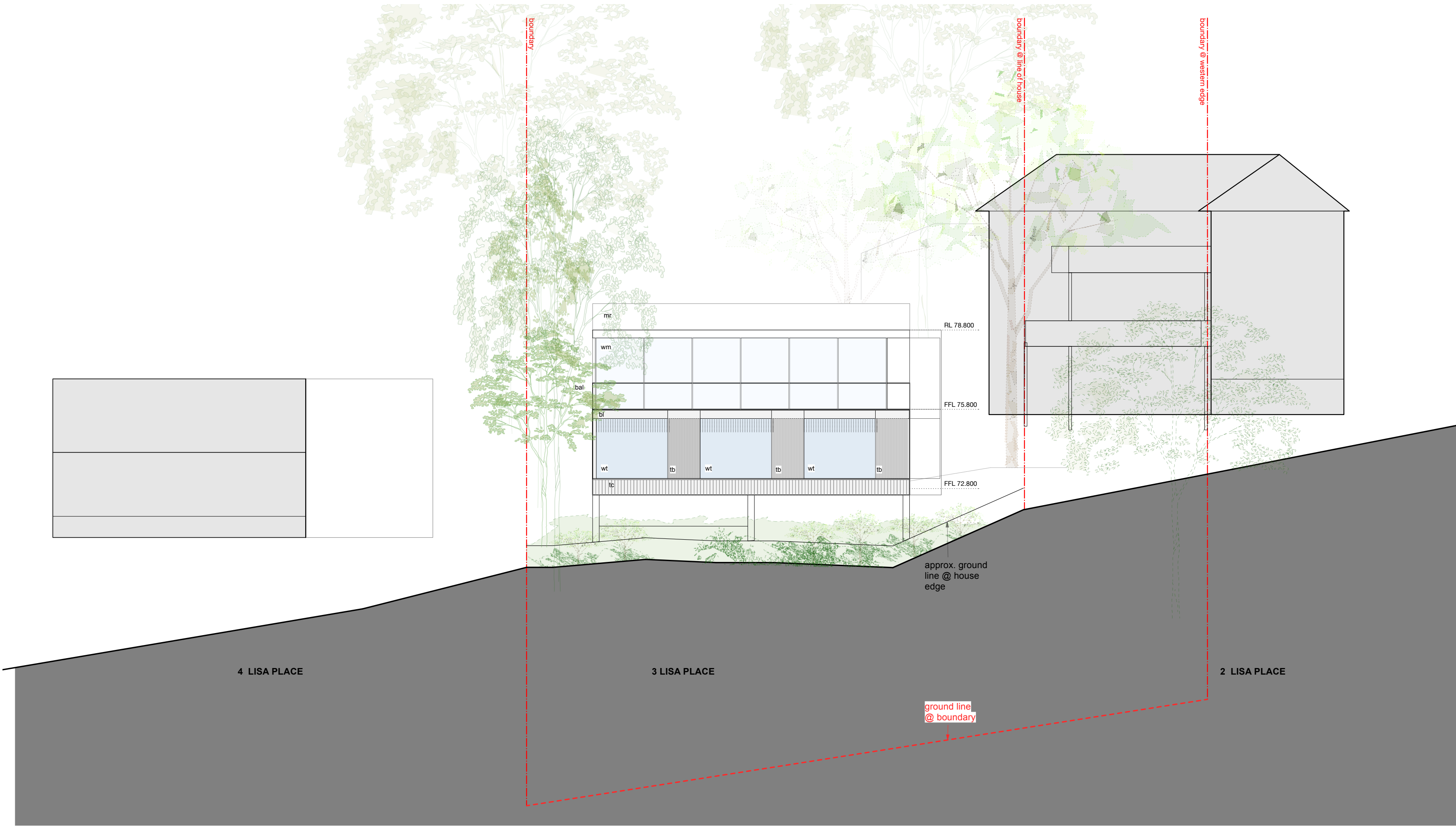
TC timber cladding  
W-T windows - timber  
W-M windows - metal

B 23/2/26 DA Revisions  
A 31/10/25 DA application  
ISSUE DATE AMENDMENTS

CLIENT REV SCALE  
Rory Sav & Oliver B 1:100 @ A2  
PROJECT DRAWING  
3 Lisa Place  
Bigla Plateau

DA08  
North east elevation





south west elevation

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AND NOTATIONS OF ANY VARIATIONS. THE CONTRACTOR SHALL  
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D-T door - timber clear

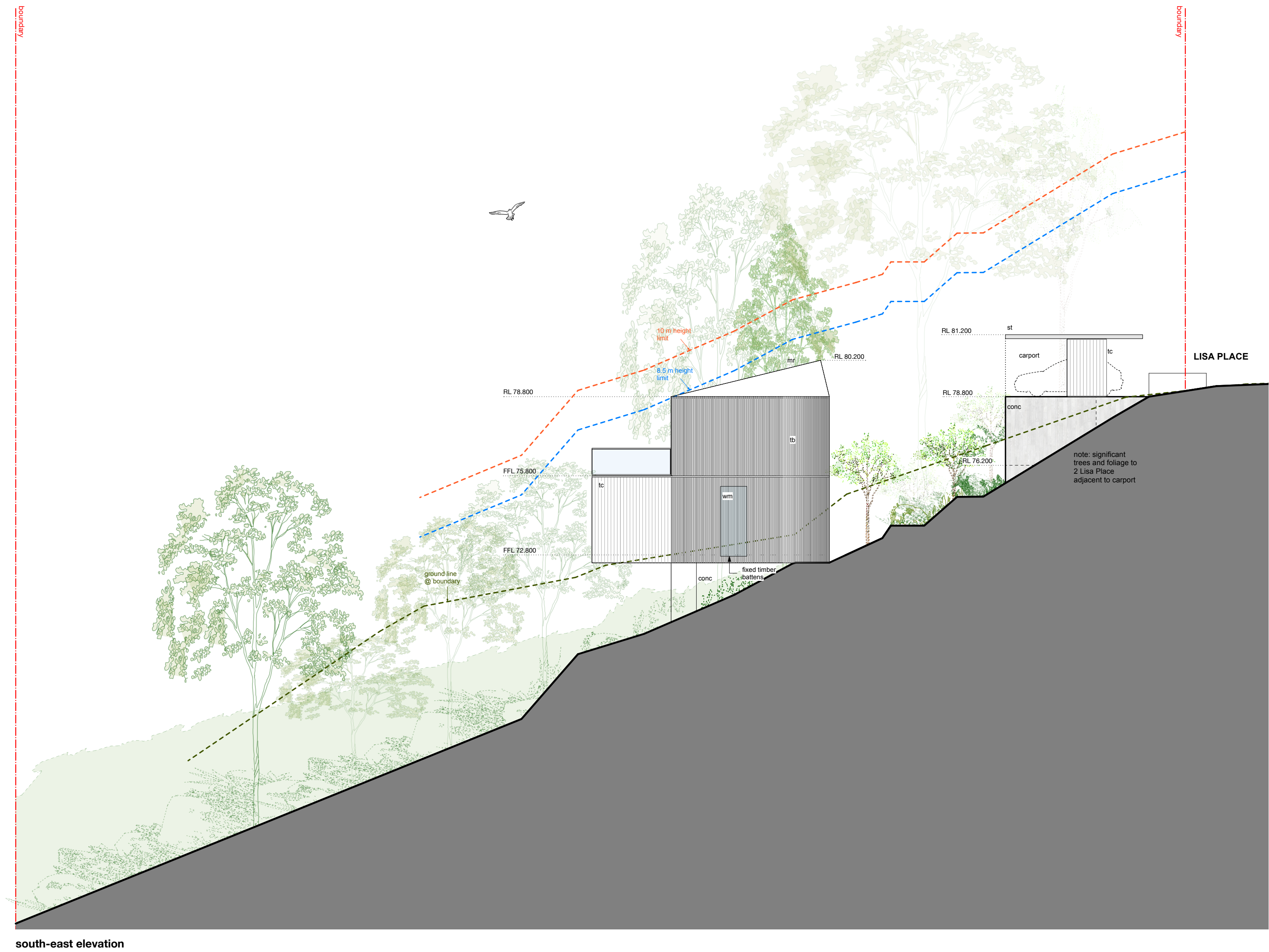
R-M roof metal  
ST steel - paint finish  
TB timber battens

TC timber cladding  
W-T windows - timber  
W-M windows - metal

B 23/2/26 DA Revisions  
A 31/10/25 DA application  
ISSUE DATE AMENDMENTS

CLIENT REV SCALE  
Rory Sav & Oliver B 1:100 @ A2  
PROJECT DRAWING  
3 Lisa Place  
Bigiole Plateau

DA09  
South west elevation



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|------|-----------------------------|-----|----------------------|-----|------------------|
| BL   | Blind metal                 | R-M | roof metal           | TC  | timber cladding  |
| BAL  | Balustrade - glass & timber | ST  | steel - paint finish | W-T | windows - timber |
| CONC | Concrete - board finish     | TB  | timber battens       | W-M | windows - metal  |
| D-T  | door - timber clear         |     |                      |     |                  |

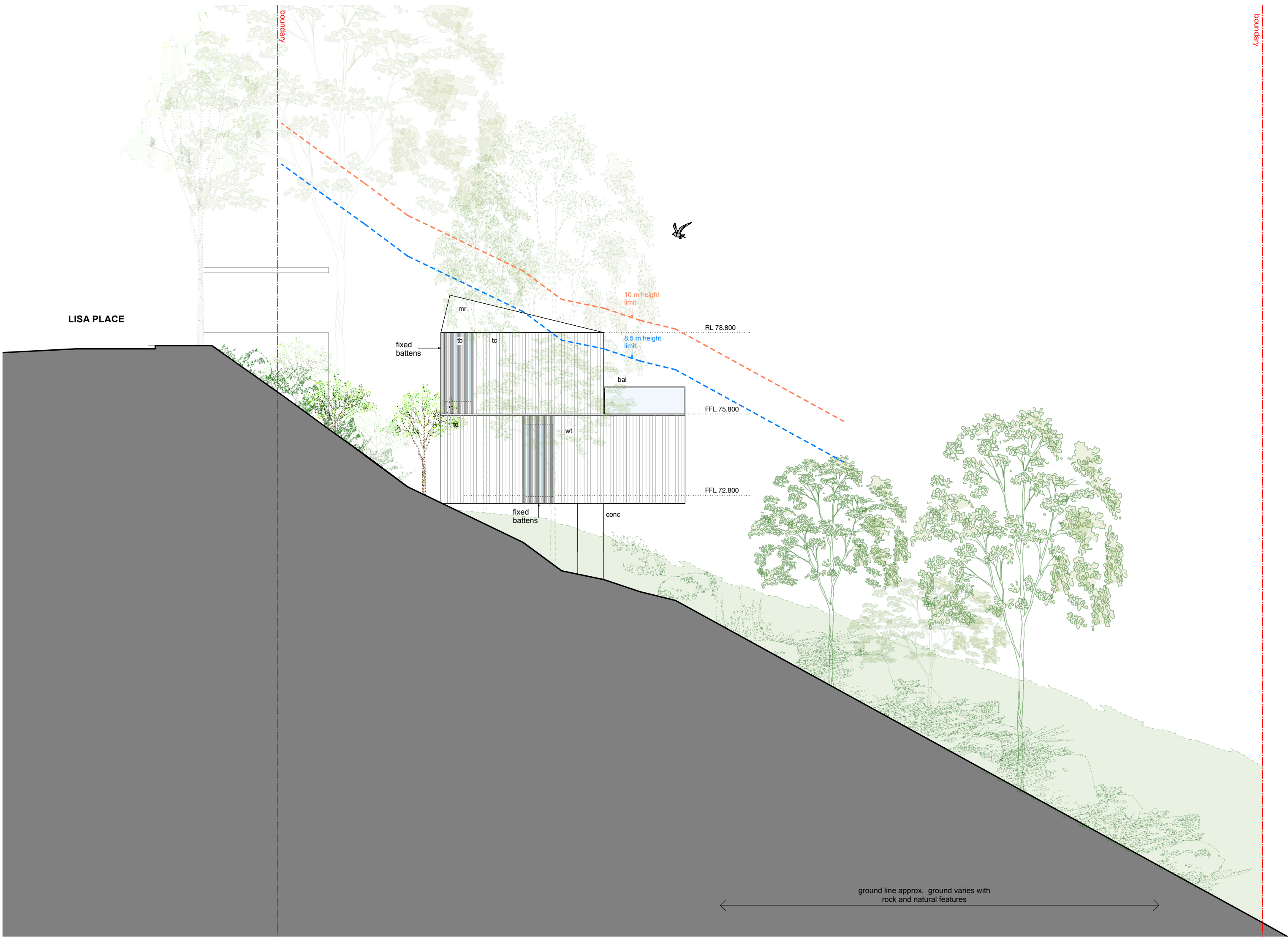
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| B     | 23/2/26  | DA Revisions   |
| A     | 31/10/25 | DA application |
| ISSUE | DATE     | AMENDMENTS     |

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|-------------------|---------|------------|
| CLIENT            | REV     | SCALE      |
| Rory Sav & Oliver | B       | 1:100 @ A2 |
| PROJECT           | DRAWING |            |
| 3 Lisa Place      |         |            |
| Biggles Plateau   |         |            |

South east elevation

DA10





north-west elevation

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TB timber battens

TC timber cladding  
W-T windows - timber  
W-M windows - metal

B 23/2/26 DA Revisions  
A 31/10/25 DA application  
ISSUE DATE AMENDMENTS

CLIENT  
Rory Sav & Oliver  
PROJECT  
3 Lisa Place  
Bigla Plateau

REV  
B  
DRAWING  
North west elevation

SCALE  
1:100 @ A2

DA11

**ITEM 4.2 DA2025/1450 - 361 PITTWATER ROAD NORTH MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY WITH SWIMMING POOLS AND STRATA SUBDIVISION**

**PURPOSE**

This application has been referred to the Northern Beaches Local Planning Panel as it is the subject of 10 or more unique submissions by way of objection.

**RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2025/1450 for Demolition works and construction of a dual occupancy with swimming pools and strata subdivision at Lot 4 DP 1448, 361 Pittwater Road NORTH MANLY subject to the conditions set out in the Assessment Report.

**Reporting manager:** Daniel Milliken

**Attachments:**

1. Assessment Report [4.2.1 - 72 pages]
2. Site Plans & Elevations [4.2.2 - 4 pages]

**DEVELOPMENT APPLICATION ASSESSMENT REPORT**

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2025/1450 |
|----------------------------|-------------|

|                                           |                                                                                                  |
|-------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>Responsible Officer:</b>               | Michael French                                                                                   |
| <b>Land to be developed (Address):</b>    | Lot 4 DP 1448, 361 Pittwater Road NORTH MANLY NSW 2100                                           |
| <b>Proposed Development:</b>              | Demolition works and construction of a dual occupancy with swimming pools and strata subdivision |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned R2 Low Density Residential                                        |
| <b>Development Permissible:</b>           | Yes                                                                                              |
| <b>Existing Use Rights:</b>               | No                                                                                               |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                                                         |
| <b>Delegation Level:</b>                  | NBLPP                                                                                            |
| <b>Land and Environment Court Action:</b> | No                                                                                               |
| <b>Applicant:</b>                         | Paul Anthony Jolly                                                                               |

|                                  |                                    |
|----------------------------------|------------------------------------|
| <b>Application Lodged:</b>       | 13/10/2025                         |
| <b>Integrated Development:</b>   | No                                 |
| <b>Designated Development:</b>   | No                                 |
| <b>State Reporting Category:</b> | Residential - New second occupancy |
| <b>Notified:</b>                 | 28/10/2025 to 11/11/2025           |
| <b>Advertised:</b>               | 28/10/2025                         |
| <b>Submissions Received:</b>     | 15                                 |
| <b>Clause 4.6 Variation:</b>     | Nil                                |
| <b>Recommendation:</b>           | Approval                           |

|                                 |                 |
|---------------------------------|-----------------|
| <b>Estimated Cost of Works:</b> | \$ 3,108,600.00 |
|---------------------------------|-----------------|

**EXECUTIVE SUMMARY**

This development application seeks consent for demolition works and construction of a dual occupancy with swimming pools and strata subdivision.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the receipt of greater than 10 unique submissions by way of objection, received within the formal exhibition period.

The proposal includes several variations to the built form controls under the Warringah Development Control Plan, these being; B1 Wall Heights, B3 Side Boundary Envelope, B9 Rear Boundary Setbacks, D1

Landscaped Open Space and Bushland Setting and G10.1 Dual Occupancies and Semi-Detached Dwellings. The proposal, in regard to these variations does not result in unacceptable environment and/or amenity impacts, with the development achieving the relevant objectives.

The proposed development was notified in accordance with the Northern Beaches Community Participation Plan (CPP) for 14 days. 14 submissions were received, 12 by way of objection. Of the 12 objections received, 10 were lodged during the formal notification period. The remaining objections were received outside the notification period and are not counted towards the total number of submissions for Panel referral purposes. The concerns raised via submission predominantly relate to amenity impacts, modification of existing development patterns, traffic concerns and flooding impacts.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that, on balance the proposal (as amended) is a suitable and an acceptable development for the subject site for the reasons outlined in this report.

This report concludes with a recommendation that the NBLPP grant **approval** to the development application, subject to conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposed development involves the demolition of the existing dwelling and the construction of a new two-storey dual occupancy development, including swimming pools. The application also seeks approval for the strata subdivision of the completed development. The two dwellings are symmetrical in design and comprise the following:

### **Ground Floor:**

- Two (2) car garage with turntables accessed via a new driveway.
- Laundry and separate W/C.
- Open-plan kitchen, dining and living areas with pantry, opening onto a rear terrace and swimming pool area.
- Lift.

### **First Floor:**

- Four (4) bedrooms, including the main bedroom having an ensuite and walk-in robe.
- Two (2) additional bathrooms.
- Study.
- Lift.

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;

- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

### SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 5.21 Flood planning

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - G10.1 Dual Occupancies and Semi-Detached Dwellings

### SITE DESCRIPTION

|                              |                                                            |
|------------------------------|------------------------------------------------------------|
| <b>Property Description:</b> | Lot 4 DP 1448 , 361 Pittwater Road NORTH MANLY NSW<br>2100 |
|------------------------------|------------------------------------------------------------|



|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the southern side of Pittwater Road.</p> <p>The site is irregular in shape with a frontage of 15.24m along Pittwater Road and a maximum depth of 67.06m. The site has a surveyed area of 829.99m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the Warringah Local Environmental Plan 2011 and currently accommodates a two (2) storey dwelling with a pool in the rear yard.</p> <p>The site is relatively flat throughout. The site is identified as flood prone land with the rear portion of the site being riparian land. The site does not include details of any threatened species.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by a mix of residential, commercial and industrial land uses. A multi-dwelling housing development is located immediately to the west of the site, while a semi-detached dwelling is situated to the east. Commercial premises' are located on the opposite side of Pittwater Road. The site adjoins Manly Creek to the rear and is located in close proximity to Keirle Park to the south-east.</p> |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Map:



**SITE HISTORY**

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

| Section 4.15 Matters for Consideration                                                                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument                                             | See discussion on “Environmental Planning Instruments” in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                      | There are no current draft environmental planning instruments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan                                                    | Warringah Development Control Plan applies to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement                                                         | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) | <p>Part 4, Division 2 of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clauses 36 and 94 of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to insufficiencies in the submitted plans and associated survey, WDCP non-compliances, and concerns raised by Council's Flood Engineer.</p> <p>Clause 61 of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |



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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 28/10/2025 to 11/11/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 15 submission/s from:

| Name:                                            | Address:                                         |
|--------------------------------------------------|--------------------------------------------------|
| AK Planning                                      | 1a Edward Street WILLOUGHBY NSW 2068             |
| Kristina Lynn Abbotts                            | 17 / 34 - 36 Brookvale Avenue BROOKVALE NSW 2100 |
| Gregoire Baizeau                                 | 7 / 95 Queenscliff Road QUEENSCLIFF NSW 2096     |
| Gavin Mcloud                                     | Address Unknown                                  |
| Mr Thomas Richmond Hazell<br>Mrs Patricia Hazell | 1 A Lakeside Crescent NORTH MANLY NSW 2100       |

| Name:                                                                | Address:                                      |
|----------------------------------------------------------------------|-----------------------------------------------|
| Nicholas Frazer Careless<br>Mrs Jill Mary Careless<br>Grace Careless | 359 Pittwater Road NORTH MANLY NSW 2100       |
| Jennifer Ann Mulveny                                                 | 357 Pittwater Road NORTH MANLY NSW 2100       |
| Christine Joy Zmijewski<br>Richard Zmijewski                         | 355 Pittwater Road NORTH MANLY NSW 2100       |
| Ms Yi Cheng Pei                                                      | 1 / 363 Pittwater Road NORTH MANLY NSW 2100   |
| Mr Mark Arnold Verhoeven<br>Ms Deborah Ann Gordon                    | 2 / 363 Pittwater Road NORTH MANLY NSW 2100   |
| Michelle Kay Ewens                                                   | 154 Blackbutts Road FRENCHS FOREST NSW 2086   |
| Carolyn Anne Lana Norman                                             | 4 / 157 Queenscliff Road QUEENSCLIFF NSW 2096 |
| Ms Beverley Ann Hadgraft                                             | 141 Pittwater Road MANLY NSW 2095             |
| Mr Timothy Nigel Sparkes<br>Mrs Sarah Elisabeth Sparkes              | 7 / 262 Pittwater Road MANLY NSW 2095         |
| Mrs Susannah Dorothea Lang                                           | 44 Riverview Parade NORTH MANLY NSW 2100      |

A total of fourteen (14) submissions have been received in relation to the application. For assessment purposes, multiple submissions originating from the same property/site have been grouped and treated as a single submission. Of the total, twelve (12) are objections. All matters raised have been considered as part of the assessment of the proposal.

The following issues were raised in the submissions:

- Solar Access and Overshadowing
- Privacy
- Development Pattern
- Built Form Non-compliances
- Parking Structures
- Pool
- Side Boundary Fence
- Flooding
- Traffic
- Views/ Outlook
- Financial Impact
- Acoustic Impact
- Air Flow/ Breeze
- Construction Impacts

The above issues are addressed as follows:

- **Solar Access and Overshadowing**

The submissions raised concerns regarding the overshadowing impacts to the adjoining sites.

Comment:

Assessment of sunlight access and overshadowing impacts are addressed under *Clause G10.1 Dual Occupancies and Semi-Detached Dwellings*. The proposal is compliant with *Clause D6 Access to Sunlight*.

The proposal is supported in this regard.

- **Privacy**

The submissions raised concerns regarding the privacy impacts to the adjoining sites.

Comment:

Privacy concerns were raised with the applicant through a Request for Further Information dated 27 February 2026. The amended plans have incorporated additional privacy measures, and the proposal has been assessed as follows.

**Ground Floor**

The ground floor windows facing 359 Pittwater Road to the east and 363 Pittwater Road and 1A Lakeside Crescent to the west comprise Windows W1 and W2. The W1 windows serve a walkway and laundry, which are low-use areas. While the ground floor is elevated, these windows will not result in unreasonable privacy impacts. Window W2, which adjoins the dining area, has been fitted with privacy screening to mitigate unreasonable overlooking opportunities.

**First Floor**

The first-floor windows facing adjoining properties comprise Windows W1, W5, W6 and W9.

Windows W5 and W6 serve bedrooms and are oriented toward the front and rear of the site respectively. Window W5 is substantially screened by the adjoining wall extension, limiting opportunities for overlooking. Window W6 may permit some views toward the rear yard of 359 Pittwater Road and windows associated with 1A Lakeside Crescent; however, any visual intrusion is minor and consistent with what may reasonably be expected within a residential environment.

Windows W1 and W9 adjoin higher-use living areas and were identified as having greater potential for privacy impacts. The amended plans incorporate privacy screening to these windows, resulting in an acceptable level of privacy protection for adjoining properties.

**External Areas**

The rear decks are screened by a 1.8m high privacy screen measured from the finished floor level directly below. The pool area is adequately screened by the proposed landscaping. Any potential overlooking or privacy impacts will be directed toward the subject site itself rather than resulting in adverse impacts on adjoining properties.

The proposal, as amended, provides an acceptable level of visual privacy and is consistent with the expectations of a residential setting.

The proposal is supported in this regard.

- **Development Pattern**

The submissions raised concerns regarding the bulk and scale of the proposed dwelling, particularly in comparison to the surrounding development pattern. Concerns were also raised

in relation to inconsistent front setbacks compared to adjoining and nearby sites, noting that the proposed dwellings are positioned further back from the street than some adjoining development. In addition, concerns were raised regarding the proposed strata subdivision and the associated increase in residential density.

Comment:

The non-compliances with the built form controls are supported for reasons detailed elsewhere within this report. The inconsistent front setbacks are a feature of the adjoining sites along the southern portion of Pittwater Road in the immediate area. The dwelling is adequately setback to accommodate safe vehicle entry and exit, and to provide sufficient space in the front yard for planting and landscaping. The density of this site will be consistent with both the existing and emerging character of the area, with a semi-detached dwelling directly adjoining to the east and immediately to the west is a multi-dwelling housing development.

The proposal is supported in this regard.

- **Built Form Non-compliances**

The submissions raised concerns regarding the built form non-compliances.

Comment:

Assessment of the built form non-compliances have been addressed under *Clause B1 Wall Height*, *Clause B3 Side Boundary Setbacks*, *Clause B5 Side Boundary Envelope*, *Clause D1 Landscaped Open Space and Bushland Setting* and *Clause G10.1 Dual Occupancies and Semi-Detached Dwellings*.

The proposal is supported in this regard.

- **Parking Structures**

The submissions raised concerns regarding the visual dominance of the parking structures, including the proposed turntables, and the associated impacts on landscaping and site presentation.

Comment:

The proposed turntables have been incorporated to facilitate the safe entry and exit of vehicles from the site in a forward direction, thereby improving vehicle manoeuvrability and safety outcomes. The development provides the required four (4) on-site parking spaces in accordance with parking requirements.

The proposal has also been assessed against the relevant landscaped area and deep soil planting requirements and is satisfactory in this regard. Sufficient opportunities for landscaping are retained throughout the site, and the parking arrangements do not result in an unreasonable reduction in landscaped character. Accordingly, the parking structures are appropriate for the site and do not give rise to unacceptable visual or landscaping impacts.

The proposal is supported in this regard.

- **Pool**

The submissions raised concerns regarding the proposed swimming pool, including the

absence of detailed sections and uncertainty regarding the pool's height and potential flood impacts.

Comment:

Concerns regarding the level of detail provided for the swimming pool were raised with the applicant through a Request for Further Information dated 27 February 2026. Specifically, additional information was requested to enable a comprehensive assessment of the proposal, including detailed pool plans and sectional drawings.

In response, the applicant submitted amended documentation, including detailed plans and sections of the proposed swimming pool. The additional information provided sufficient detail to assess the pool's design and levels. The proposal has been assessed based on the amended plans and supporting documentation and is satisfactory in this regard.

Furthermore, Council's Flood Engineer has reviewed the amended proposal and supported the application as proposed.

The proposal is supported in this regard.

- **Side Boundary Fence**

The submissions raised concerns regarding the height and extent of the proposed side boundary fencing.

Comment:

Concerns regarding the proposed side boundary fencing were raised with the applicant through a Request for Further Information letter dated 27 February 2026. These concerns related to the lack of sufficient detail provided, including the height, design and location of the fencing. It was also noted that, should any fencing or associated structures be proposed on a boundary line, the consent of the adjoining property owner may be required.

In response to these concerns, the applicant amended the proposal and removed the entirety of the proposed side boundary fencing from the architectural plans. As the boundary fencing no longer forms part of the development application, the concerns raised have been satisfactorily addressed.

The proposal is supported in this regard.

- **Flooding**

The submissions raised concerns regarding the accuracy of the submitted flood report. In addition, concerns were raised that the elevated swimming pool structure may result in a loss of flood storage capacity and potential redirection of overland flow paths during flood events. Further concerns were raised regarding the adequacy of the proposed landscaping to manage stormwater during periods of heavy rainfall, and the potential for increased flooding impacts arising from additional non-permeable hard surface areas, including potential impacts on flood storage and flow conveyance.

Comment:

The submitted Flood Risk Management Plan has been reviewed by Council's Flood Engineer, who has assessed the proposal and raised no objection to the development subject to the

imposition of appropriate conditions of consent. These conditions will ensure that the development is designed to minimise flood risk, reduce potential obstruction of overland flow paths, and limit damage to property and infrastructure during flood events, consistent with the relevant flood risk management policies.

The proposal is supported in this regard.

- **Traffic**

The submissions raised concerns regarding traffic impacts associated with the proposed development. These concerns relate to potential safety hazards at the adjacent intersection during demolition and construction works, particularly for Queenscliff Road residents given existing traffic volumes from surrounding residential development. Concerns were also raised that ongoing traffic generated by the intensified use of the site would adversely impact the nearby T-junction and result in unacceptable safety and operational impacts. In addition, submissions questioned whether the submitted traffic assessment adequately addresses these issues and requested the preparation of a Traffic Management Plan.

Comment:

Council's Traffic Engineer has reviewed the proposal and supports the development subject to appropriate conditions of consent.

Construction-related traffic and safety impacts are to be managed through the requirement for a Construction Traffic Management Plan, which will be implemented during demolition and construction to ensure the safe and orderly movement of vehicles and pedestrians in the vicinity of the site.

In addition, the proposal provides for vehicles to enter and exit the site in a forward direction, which improves traffic safety and reduces potential traffic conflicts.

A condition of consent is also recommended requiring that sight lines within the car parking areas and at site access points are maintained at all times. This condition ensures that visibility to pedestrians and other vehicles is not obstructed by landscaping, fencing or signage, thereby maintaining safe and efficient vehicle movements for the life of the development.

In regard to operational traffic generation, the increase in traffic volumes associated with the proposed development is minor in the context of the existing road network and surrounding residential traffic conditions.

The proposal is supported in this regard.

- **Views/ Outlook**

The submissions raised concerns raised regarding the loss of views/outlook from 359 Pittwater Road, 1A Lakeside Crescent and 1/363 Pittwater Road.

Comment:

Assessment of view loss is addressed under *Clause D7 Views*.

The proposal is supported in this regard.

- **Financial Impact**

The submissions raised concerns regarding decreased property value of adjoining sites as an impact of this proposal.

Comment:

Property value impacts are not a relevant planning consideration for Council under the Section 4.15 of the *EP&A Act 1979*. However, impacts raised as potential causes of property devaluation, such as solar access, privacy and views, have been assessed pursuant to relevant planning controls. Compensation for construction impacts or impacts of the proposed development are also not relevant planning considerations under the Section 4.15 of the *EP&A Act 1979*.

The proposal is supported in this regard.

- **Acoustic Impact**

The submissions raised concerns regarding the acoustic impact of the proposal, in particular from the raised pools and intensified use of the site.

Comment:

The acoustic privacy impacts associated with the proposal are consistent with what would be reasonably expected within a residential setting. The development does not introduce any non-residential land uses or activities that would give rise to atypical or unacceptable acoustic impacts.

The proposal is supported in this regard.

- **Air Flow/ Breeze**

The submissions raised concerns that the proposal will impede air flow and breeze to adjoining sites.

Comment:

Adequate air flow and breezes will still reach the adjoining sites.

The proposal is supported in this regard.

- **Construction Impacts**

The submissions raised concerns regarding the impacts of construction on the adjoining sites.

Comment:

In response to concerns raised regarding the proposed excavation works, conditions of consent requiring the preparation of a Dilapidation Report have been applied.

The proposal is supported in this regard.

## REFERRALS



| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape Officer      | <p data-bbox="536 360 703 387">SUPPORTED</p> <p data-bbox="536 427 1267 454">The proposal is supported with regard to landscape issues.</p> <p data-bbox="536 495 1412 589">The application is assessed by Landscape Referral against Warringah Local Environmental Plan (WLEP) 2011 and the following Warringah Development Control Plan (WDCP) 2011 controls (but not limited to):</p> <ul data-bbox="536 595 1246 689" style="list-style-type: none"><li data-bbox="536 595 1187 622">• D1 Landscaped Open Space and Bushland Setting</li><li data-bbox="536 624 1158 651">• E1 Preservation of Trees or Bushland Vegetation</li><li data-bbox="536 654 1246 689">• G10.1 Dual Occupancies and Semi-Detached Dwellings</li></ul> <p data-bbox="536 730 1378 790">Landscaped open space (landscaped area) will be assessed and determined on merit consideration by the assessing planning officer.</p> <p data-bbox="536 831 1378 958">The vegetation in the front setback proposed for removal is a hedge and as such is exempt. The palms in the rear setback proposed for removal are also exempt. Exempt vegetation may be managed or removed at the discretion of the applicant without consent.</p> <p data-bbox="536 999 1412 1223">The Tree Canopy Guide for Low and Mid Rise Housing and the WDCP Part G10.1 outlines requirements for deep soil and tree planting. The requirement for this site is 25% deep soil and 25% tree canopy coverage. The proposal satisfies these requirements. All proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent. All on slab landscape planters shall meet Council's minimum soil depth requirements.</p> |

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Bushland and Biodiversity) | <p>SUPPORTED</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"><li>• Warringah DCP – Clause E2 Prescribed Vegetation</li><li>• Warringah DCP – Clause E4 Wildlife Corridors</li><li>• Warringah DCP – Clause E6 Retaining Unique Environmental Features</li><li>• SEPP (Resilience and Hazards) 2021 – Coastal Environment Area</li></ul> <p>The application seeks consent for: demolition of the current dwelling and construction of a dual occupancy with swimming pools.</p> <p>One of the trees at the front of the property proposed for removal is a <i>Syzygium</i> spp. above 5m in height therefore requiring Council permission for removal. It is therefore a condition of approval that this tree is to be replaced with a locally native tree species. Locally native species are to be consistent with the relevant Curl Curl Ward section of the Native Planting Guide available on Council's website.</p> <p>There is no objection to the proposed removal of the palms.</p> <p>The proposed development will take place largely within an existing developed area and minor landscaped gardens. As such, impacts to flora and fauna and nearby biodiversity values is considered unlikely.</p> <p>No objections in relation to biodiversity, subject to conditions.</p> |

| Internal Referral Body      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Coast and Catchments) | <p>SUPPORTED</p> <p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience &amp; Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p>Coastal Management Act 2016<br/>The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p>State Environmental Planning Policy (Resilience &amp; Hazards) 2021<br/>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021 (SEPP R &amp; H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R &amp; H) apply for this DA.</p> <p>Comment:<br/>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF Town Planners, dated September 2025, the DA satisfies requirements under clause 2.10, 2.11 and 2.12 of the SEPP R&amp;H.</p> <p>Warringah LEP 2011 and Warringah DCP 2011</p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application is generally consistent with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p> |

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Development Engineering) | <p>SUPPORTED</p> <p>The proposal includes the demolition of the existing dwelling and construction of an attached dual occupancy and strata subdivision.</p> <p>The proposed access driveway width and grades are acceptable. It is noted that the application has been referred to TfNSW for their concurrence. The submitted stormwater management plan is also acceptable. Council's Building Control or Planning Team are to assess the proposed strata subdivision.</p> <p>Development Engineering support the proposal, subject to conditions as recommended.</p>                                                                                   |
| NECC (Flooding)                | <p>SUPPORTED</p> <p>This proposal is for the construction of an attached duplex, including two pools and two enclosed garages. The works are within a flood storage precinct and a H5 – H6 Hazard category.</p> <p>The proposed ground floor is set at the Flood Planning Level, with an open subfloor to allow for the movement of floodwater. The demolition of the existing dwelling and the construction of the proposed dwelling results in a net increase in flood storage on the site.</p> <p>Subject to the following conditions, the proposal generally complies with Section E11 of the Warringah DCP and Clause 5.21 of the Warringah LEP.</p> |

| Internal Referral Body              | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Riparian Lands and Creeks)    | <p>SUPPORTED</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>- Supplied plans and reports;</li> <li>- Coastal Management Act 2016;</li> <li>- State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>- Relevant LEP and DCP clauses; and</li> <li>- Northern Beaches Council Water management for development policy.</li> </ul> <p>This proposal is supported. Details below.</p> <p><i>Riparian</i><br/>The site is located adjacent to Manly Lagoon and as such proposed development must not significantly impact on the biophysical, hydrological or ecological integrity of the lagoon or the quantity and quality of surface and ground water flows that it receives.</p> <p><i>Sediment Management</i><br/>Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</p> |
| Parks, reserves, beaches, foreshore | <p>SUPPORTED</p> <p>The property adjoins a public reserve to the south-west. No physical encroachments over the site boundaries are permitted, and structures and built elements are not permitted beyond the site boundaries. All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Traffic Engineer                    | <p>SUPPORTED</p> <p>The proposal has been reviewed. The application seeks approval for the demolition of the existing dwelling and the construction of a dual occupancy residential development.</p> <p>A single shared driveway access is proposed to Pittwater Road. The use of mechanical turntables for both garages is supported to ensure all vehicle movements are in a forward direction when entering and exiting the site.</p> <p>Final driveway design details, including width, gradients, transitions and sight distance, are to comply with AS2890.1 and will require roads act approval prior to construction .</p> <p>A Construction Traffic Management Plan (CTMP) and associated permits will be required due to works impacting Pittwater Road.</p> <p>The Traffic Team has no concerns with the proposal.</p>                                                                                                                                   |

| External Referral Body                                                             | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48                          | <p>SUPPORTED</p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Aboriginal Heritage Office                                                         | <p>SUPPORTED</p> <p><b>Development Application No: DA2025/1450</b><br/> <b>Description: Demolition works and construction of a dual occupancy with swimming pools and strata subdivision</b><br/> <b>Address: 361 Pittwater Road NORTH MANLY</b></p> <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, the Department of Planning, Industry and Environment (DPIE) and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p> |
| Concurrence - Transport for NSW - SEPP (Transport and Infrastructure) 2021, s2.118 | <p>The application was referred on 10 June 2026 as Non-Integrated under s138 of the Roads Act, 1993, for comment under 2.119 of SEPP (Transport and Infrastructure). To this date, no formal response has been received from TfNSW.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

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

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

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

#### Housing and Productivity Contribution

Part 2 Development for which contribution is required and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component amount.

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

| Region         | HPC class of development                       | Amount   | HPC unit                |
|----------------|------------------------------------------------|----------|-------------------------|
| Greater Sydney | Residential subdivision                        | \$12,000 | new dwelling lot        |
|                | Medium or high-density residential development | \$10,000 | new dwelling            |
|                | Commercial development                         | \$30     | square metre of new GFA |
|                | Industrial development                         | \$15     | square metre of new GFA |

Comment:

The subject site is sited within the Greater Sydney region. The proposed development is for demolition works and construction of a dual occupancy with swimming pools and strata subdivision. As such, the contribution is \$10,000.

#### SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.1812691M\_02 dated 22 April 2026).

Where relevant, the embodied emissions have been quantified in the above BASIX Certificate.

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

#### SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.



- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections.

## **SEPP (Resilience and Hazards) 2021**

### **Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

#### **Division 3 Coastal environment area**

##### **2.10 Development on land within the coastal environment area**

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - b) coastal environmental values and natural coastal processes,
  - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - f) Aboriginal cultural heritage, practices and places,
  - g) the use of the surf zone.
- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
  - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The works are unlikely to cause an adverse impact on land within the Coastal environment area. The proposed works adhere to the above criteria.

**Division 4 Coastal use area****2.11 Development on land within the coastal use area**

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
  - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - i) existing, safe access to and along the foreshore, beach, headland or rock
    - ii) platform for members of the public, including persons with a disability,
    - iii) overshadowing, wind funnelling and the loss of views from public places to
    - iv) foreshores,
    - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
  - b) is satisfied that:
    - i) the development is designed, sited and will be managed to avoid an adverse
    - ii) impact referred to in paragraph (a), or
    - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The works are unlikely to cause an adverse impact on land within the Coastal use area. The proposed works adhere to the above criteria.

**Division 5 General****2.12 Development in coastal zone generally—development not to increase risk of coastal hazards**

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

Comment:

The proposed works will not unreasonably increase the risk of coastal hazards on the site or any adjoining or surrounding land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

**Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land

is considered to be suitable for the residential land use.

### Warringah Local Environmental Plan 2011

|                                                                                        |     |
|----------------------------------------------------------------------------------------|-----|
| Is the development permissible?                                                        | Yes |
| After consideration of the merits of the proposal, is the development consistent with: |     |
| aims of the LEP?                                                                       | Yes |
| zone objectives of the LEP?                                                            | Yes |

### Principal Development Standards

| Standard             | Requirement | Proposed | Complies |
|----------------------|-------------|----------|----------|
| Height of Buildings: | 8.5m        | 8.2m     | Yes      |

### Compliance Assessment

| Clause                               | Compliance with Requirements |
|--------------------------------------|------------------------------|
| 2.7 Demolition requires consent      | Yes                          |
| 4.3 Height of buildings              | Yes                          |
| 5.3 Development near zone boundaries | Yes                          |
| 5.8 Conversion of fire alarms        | Yes                          |
| 5.21 Flood planning                  | Yes                          |
| 6.2 Earthworks                       | Yes                          |
| 6.4 Development on sloping land      | Yes                          |

### Detailed Assessment

#### 5.21 Flood planning

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

#### Comment:

Council is satisfied that the proposal is acceptable in relation to the above flood impacts, including compatibility with flood behaviour, safety, and evacuation considerations. Council's Flood Engineer has

raised no objection to the proposal, subject to conditions of consent.

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

Comment:

Council is satisfied that the proposal is acceptable having regard to projected flood behaviour, the scale and design of the development, and relevant risk management considerations. Council's Flood Engineer has raised no objection to the proposal, subject to conditions of consent.

## Warringah Development Control Plan

### Built Form Controls

| Built Form Control (final draft)                    | Requirement     | Proposed                                                                | % Variation* | Complies |
|-----------------------------------------------------|-----------------|-------------------------------------------------------------------------|--------------|----------|
| B1 Wall height                                      | 7.2m            | 7.5m (NW)<br>7.5m (SE)                                                  | 6.9%<br>6.9% | No       |
| B3 Side Boundary Envelope                           | 4m (south-east) | outside envelope<br>(for a length of 31.1m at a maximum height of 2.2m) | 55%          | No       |
|                                                     | 4m (north-west) | outside envelope<br>(for a length of 31.1m at a maximum height of 2.2m) | 55%          | No       |
| B5 Side Boundary Setbacks                           | 0.9m (east)     | 1.2m (GF & FF)                                                          | N/A          | Yes      |
|                                                     | 0.9m (west)     | 1.2m (GF & FF)                                                          | N/A          | Yes      |
| B7 Front Boundary Setbacks                          | 6.5m            | 8.6m                                                                    | N/A          | Yes      |
| B9 Rear Boundary Setbacks                           | 6m              | 2.7m (Dwelling 1- pool)                                                 | 55%          | No       |
|                                                     |                 | 5.9m (Dwelling 1- stairs)                                               | 1.7%         | No       |
|                                                     |                 | 0.9m (Dwelling 2- pool)                                                 | 85%          | No       |
|                                                     |                 | 2.4m (Dwelling 2- stairs)                                               | 60%          | No       |
| B11 Foreshore Building Setback                      | N/A             | N/A                                                                     | N/A          | N/A      |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40%             | 38.9% (323.2sqm)(with the addition of the condition)                    | 2.75%        | No       |

|                                                                                         |                                              |                  |     |     |
|-----------------------------------------------------------------------------------------|----------------------------------------------|------------------|-----|-----|
| G10.1 Dual Occupancies and Semi-Detached Dwellings - Side Setback                       | E - 1m/2.5m or total average minimum of 3.5m | 1.2m             | N/A | No  |
|                                                                                         | W - 1m/2.5m or total average minimum of 3.5m | 1.2m             | N/A | No  |
| G10.1 Dual Occupancies and Semi-Detached Dwellings - Number of Storeys                  | Maximum 2 storeys                            | 2 Storeys        | N/A | Yes |
| G10.1 Dual Occupancies and Semi-Detached Dwellings - Deep Soil (300-600m <sup>2</sup> ) | 25%                                          | 32.1% (266.8sqm) | N/A | Yes |

Compliance Assessment

| Clause                                                                 | Compliance with Requirements | Consistency Aims/Objectives |
|------------------------------------------------------------------------|------------------------------|-----------------------------|
| A.5 Objectives                                                         | Yes                          | Yes                         |
| B1 Wall Heights                                                        | No                           | Yes                         |
| B3 Side Boundary Envelope                                              | No                           | Yes                         |
| B5 Side Boundary Setbacks                                              | Yes                          | Yes                         |
| B7 Front Boundary Setbacks                                             | Yes                          | Yes                         |
| B9 Rear Boundary Setbacks                                              | No                           | Yes                         |
| C2 Traffic, Access and Safety                                          | Yes                          | Yes                         |
| C3 Parking Facilities                                                  | Yes                          | Yes                         |
| C4 Stormwater                                                          | Yes                          | Yes                         |
| C6 Building over or adjacent to Constructed Council Drainage Easements | Yes                          | Yes                         |
| C7 Excavation and Landfill                                             | Yes                          | Yes                         |
| C8 Demolition and Construction                                         | Yes                          | Yes                         |
| C9 Waste Management                                                    | Yes                          | Yes                         |
| D1 Landscaped Open Space and Bushland Setting                          | No                           | Yes                         |
| D2 Private Open Space                                                  | Yes                          | Yes                         |
| D3 Noise                                                               | Yes                          | Yes                         |
| D6 Access to Sunlight                                                  | Yes                          | Yes                         |
| D7 Views                                                               | Yes                          | Yes                         |
| D8 Privacy                                                             | Yes                          | Yes                         |
| D9 Building Bulk                                                       | Yes                          | Yes                         |
| D10 Building Colours and Materials                                     | Yes                          | Yes                         |
| D11 Roofs                                                              | Yes                          | Yes                         |
| D12 Glare and Reflection                                               | Yes                          | Yes                         |
| D13 Front Fences and Front Walls                                       | Yes                          | Yes                         |

| Clause                                             | Compliance with Requirements | Consistency Aims/Objectives |
|----------------------------------------------------|------------------------------|-----------------------------|
| D14 Site Facilities                                | Yes                          | Yes                         |
| D16 Swimming Pools and Spa Pools                   | Yes                          | Yes                         |
| D20 Safety and Security                            | Yes                          | Yes                         |
| D21 Provision and Location of Utility Services     | Yes                          | Yes                         |
| D22 Conservation of Energy and Water               | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation    | Yes                          | Yes                         |
| E2 Prescribed Vegetation                           | Yes                          | Yes                         |
| E4 Wildlife Corridors                              | Yes                          | Yes                         |
| E6 Retaining unique environmental features         | Yes                          | Yes                         |
| E7 Development on land adjoining public open space | Yes                          | Yes                         |
| E8 Waterways and Riparian Lands                    | Yes                          | Yes                         |
| E10 Landslip Risk                                  | Yes                          | Yes                         |
| E11 Flood Prone Land                               | Yes                          | Yes                         |
| G10.1 Dual Occupancies and Semi-Detached Dwellings | No                           | Yes                         |

Detailed Assessment**B1 Wall Heights**Description of non-compliance

This clause requires a maximum 7.2m wall height. The proposal presents a maximum 7.5m wall height.

Comment:

The objectives of the control are:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

The non-compliance with the wall height control is a direct result of the applicable Flood Planning Level, which requires the development to be raised above existing ground level. Without this requirement, the proposal would comply with the wall height control. When measured from the Flood Planning Level, the maximum wall height is 5.9m, well below the prescribed maximum. The proposal also remains below the maximum building height of 8.5m.

The resulting impacts in terms of overshadowing, privacy and views are reasonable in this instance.

The development is consistent with the objectives of the control and is acceptable on merit.

### B3 Side Boundary Envelope

#### Description of non-compliance

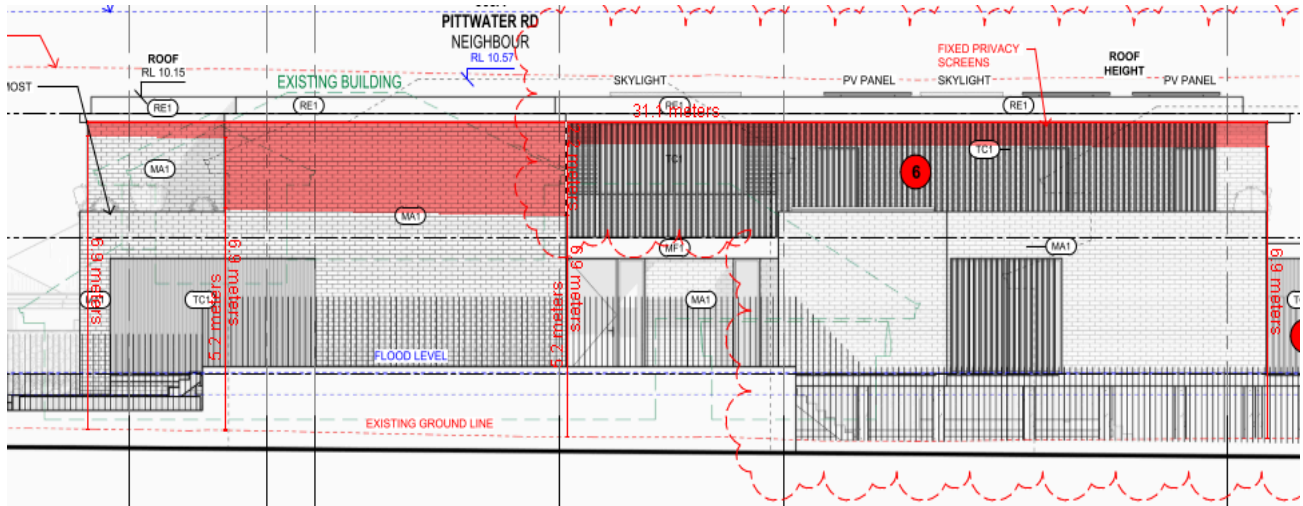


Figure 1: North-west elevation (envelope non-compliance)

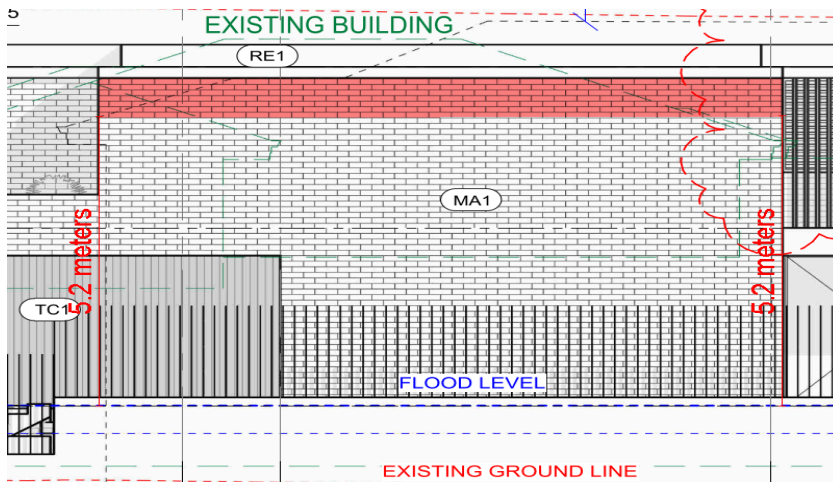


Figure 2: North-west elevation (envelope non-compliance when measured from FPL)



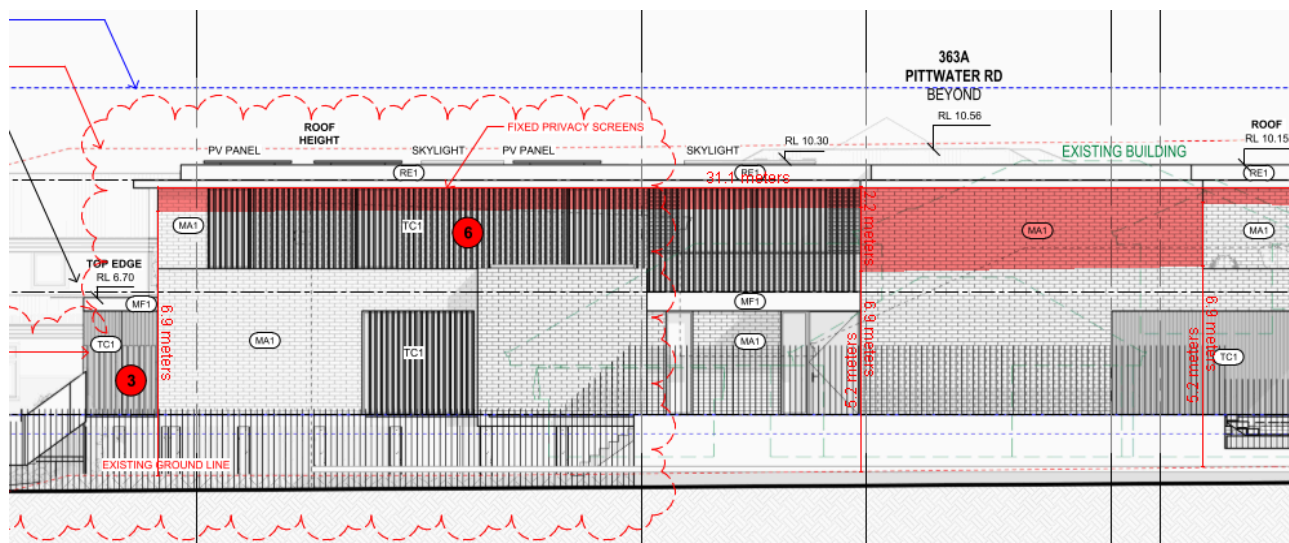


**Figure 3: South-east elevation (envelope non-compliance)**

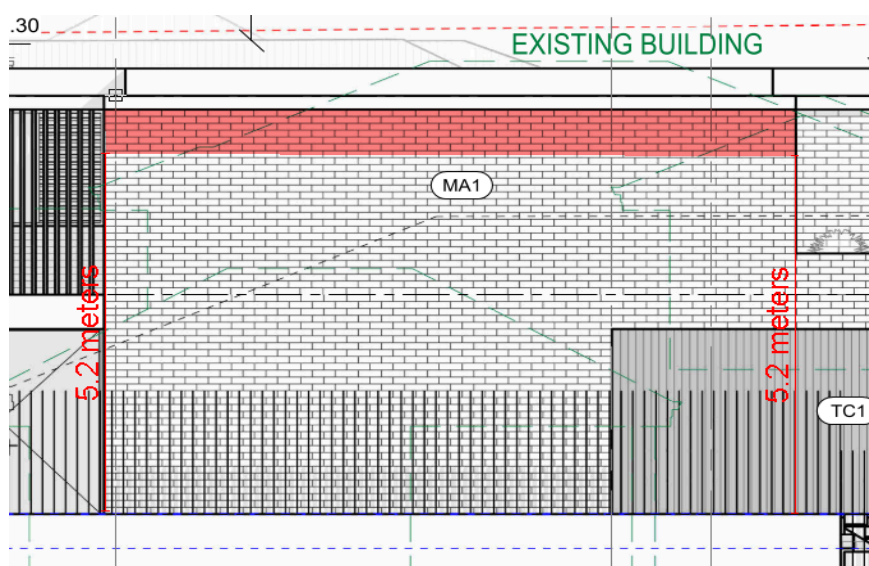


**Figure 4: South-east elevation (envelope non-compliance when measured from FPL)**

Comment:

The objectives of the control are:

- To ensure that development does not become visually dominant by virtue of its height and bulk.
- To ensure adequate light, solar access and privacy by providing spatial separation between buildings.
- To ensure that development responds to the topography of the site.

While the envelope non-compliance is numerically significant, it is largely attributable to the constrained site width and the requirement to elevate the development above the Flood Planning Level. As demonstrated in the figures above, when measured from the Flood Planning Level, the extent of the non-compliance is relatively minor.

Furthermore, the highly articulated design reduces the perception of visual bulk and scale. The resulting

amenity impacts are also acceptable, with the portions of the development extending beyond the envelope causing minimal privacy and overshadowing impacts to adjoining properties.

The development is consistent with the objectives of the control and is acceptable on merit.

### **B9 Rear Boundary Setbacks**

#### Description of non-compliance

This clause requires that built structures be setback a minimum of 6m from the rear boundary. The proposal includes the addition of a pool and adjoining structures within the rear setback area. The built form is located at a minimum 0.9m from the rear boundary.

#### Comment:

The objectives of the control are:

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

The non-compliance is primarily a consequence of the site's irregular shape, particularly the skewed rear boundary. Despite this variation, the proposal maintains a generous rear yard area capable of accommodating adequate deep soil landscaping.

Furthermore, the rear of the site adjoins Lakeside Crescent Reserve rather than another residential allotment. As a result, the variation will not give rise to unreasonable amenity impacts and is acceptable in the context of the site's unique constraints.

The development is consistent with the objectives of the control and is acceptable on merit.

### **D1 Landscaped Open Space and Bushland Setting**

#### Description of non-compliance

This clause requires that the total soft landscaped area shall total 40% of the site area. The proposed works provide for a Landscape Open Space calculation of 38.9% (323.2sqm)(with the addition of the *Amendments to the approved plans* condition)

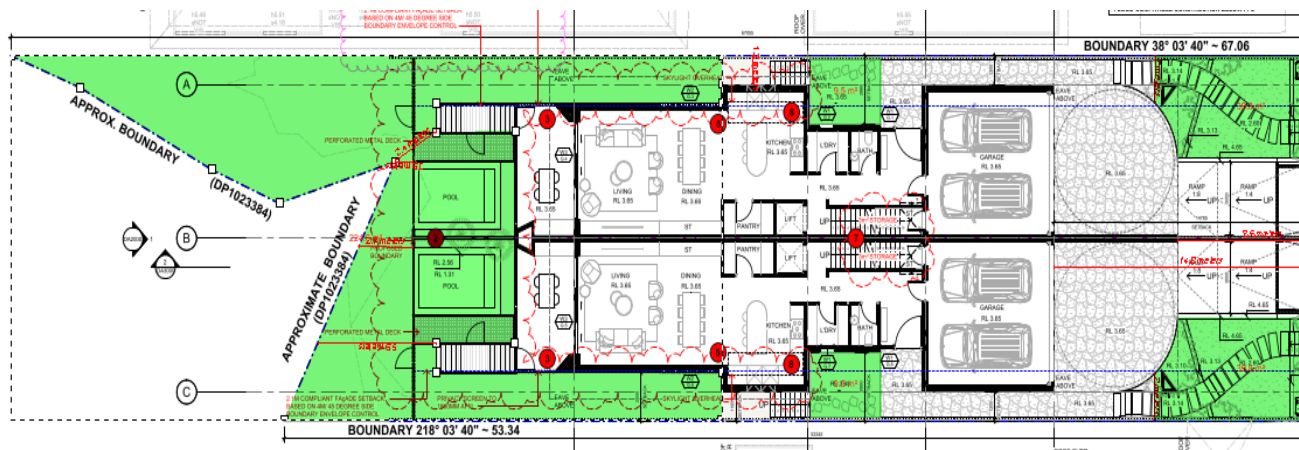


**Figure 5: Landscaped Area Calculation Plan**

Comment:

The objectives of the controls are:

- To enable planting to maintain and enhance the streetscape.
- To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.
- To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.
- To enhance privacy between buildings.
- To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.
- To provide space for service functions, including clothes drying.
- To facilitate water management, including on-site detention and infiltration of stormwater.

The proposal results in a minor non-compliance which is not supported in its current form, and accordingly a condition requiring *Amendments to the approved plans* has been imposed.

Notwithstanding this, the development provides the required deep soil landscaping and sufficient landscaped areas within both the front and rear yards. These areas will accommodate vegetation, including shrubs and canopy trees, which will assist in mitigating perceived height, bulk and scale.

The rear of the site adjoins Lakeside Crescent Reserve, providing additional adjacent permeable and landscaped open space which further reduces potential amenity impacts.

In addition, potential flood-related concerns have been reviewed and supported by Council's Flood Engineer.

The development is consistent with the objectives of the control and is acceptable on merit.

## D7 Views

Site inspections were conducted to 359 Pittwater Road, North Manly, and 1A Lakeside Crescent, North Manly. The objector at 1/363 Pittwater Road, North Manly, was contacted via email but no response was

received. Nevertheless, the information provided by the applicant, along with site inspections to adjoining sites, and available aerial imagery was sufficient in making an informed assessment of the view loss impacts to this site.

Merit consideration:

The objectives of the control are:

- *To allow for the reasonable sharing of views.*

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

**1. Nature of the views affected**

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

**2. What part of the affected property are the views obtained**

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

**3. Extent of impact**

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

**4. Reasonableness of the proposal that is causing the impact**

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

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

**Comment to Principle 1:**

Views obtained from 359 Pittwater Road are primarily oriented toward the rear of the site in a south, south-easterly and south-westerly direction across the rear and side boundaries of the subject site and adjoining properties. The views of value comprise outlooks toward Manly Lagoon, the adjoining Lakeside Crescent Reserve and beyond.

Views obtained from 1/363 Pittwater Road are primarily oriented toward the rear of the site in a southerly direction across a side boundary and through the gap between the existing dwellings at 361 Pittwater Road and 1A Lakeside Crescent. The views of value comprise outlooks toward Manly Lagoon, the adjoining Lakeside Crescent Reserve and beyond.

Views obtained from 1A Lakeside Crescent are primarily oriented toward the rear of the site in south and south-westerly directions, and across the boundary of the subject site in south-easterly and easterly directions. The views of value comprise outlooks toward Manly Lagoon, the adjoining Lakeside Crescent Reserve and beyond.



**Figure 6: 359 Pittwater Road- Rear Yard (standing)**





***Figure 7: 359 Pittwater Road- Living Area (standing)***



***Figure 8: 1A Lakeside Crescent- First-Floor Bathroom (standing)***



***Figure 9: 1A Lakeside Crescent- First-Floor Landing (standing)***



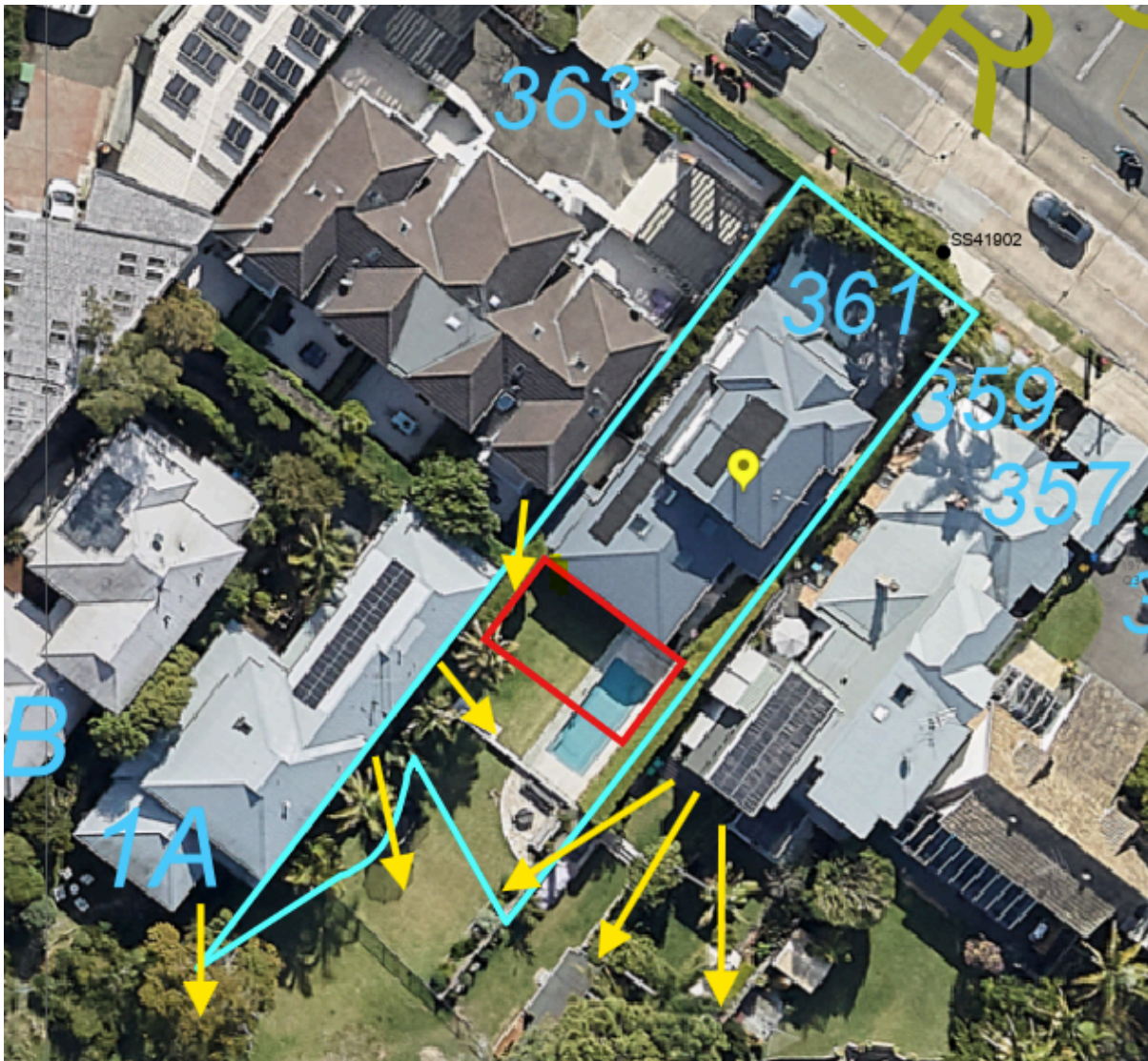


**Figure 10: Map depicting the general direction of the more valuable views. The red area identifies the approximate extent and location of the proposed dwelling (note: boundary identification is indicative only - refer to Survey Plan for greater detail)**

#### **Comment to Principle 2:**

The affected views from 359 Pittwater Road are obtained from the rear yard and ground-floor living areas, including the dining and living rooms and the adjoining alfresco. Views are also obtained from first-floor areas, including a bedroom and adjoining balcony. Views from the ground-floor areas are, to a large extent, screened by the existing hedge located along the boundary between this property and the subject site.

The affected views from 1/363 Pittwater Road are obtained from rear-facing first-floor areas, including the south-facing balcony and adjoining habitable room.

The affected views from 1A Lakeside Crescent are obtained from windows serving ground-floor and first-floor rooms along the eastern elevation of the dwelling. Views of Manly Lagoon and the land-water

interface are principally obtained from the first-floor areas. Views across the side boundary are partially filtered by existing palm trees located within the rear yard of the subject site

### **Comment to Principle 3:**

To 359 Pittwater Road, the proposal will predominantly obscure views directly across the subject site, toward existing development to the west, rather than views of Manly Lagoon or the land-water interface. The affected views are also obtained across a side boundary. Views over the rear boundary of this site are wholly maintained.

To 1/363 Pittwater Road, views from the first-floor areas are obtained across a side boundary and through the existing gap between the dwellings at 361 Pittwater Road and 1A Lakeside Crescent. The proposed development will likely substantially obscure this existing view corridor when viewed from the balcony and adjoining first-floor room.

To 1A Lakeside Crescent, the proposal will partially obscure views obtained across the shared side boundary. Notwithstanding, views to the south of the proposed dwelling, including views over the rear boundary of the subject site toward Manly Lagoon, will be retained. Views over the rear boundary of this site are wholly maintained.

It is noted that, for both 359 Pittwater Road and 1A Lakeside Crescent, views obtained across the rear boundary of the subject site remain substantially uninterrupted. While some views across side boundaries will be affected, the broader outlook toward Manly Lagoon and the adjoining reserve will continue to be available from these properties.

It is also noted that Manly Lagoon does not constitute an iconic view as contemplated by the planning principle, although it remains a view of local value.

Having regard to the nature of the views affected, the viewing locations, and the extent of views retained, the overall extent of view loss resulting from the proposal is assessed as moderate.

### **Comment to Principle 4:**

The proposal includes variations to *Clause B1 Wall Heights*, *Clause B3 Side Boundary Envelope*, *Clause B9 Rear Boundary Setbacks*, *Clause D1 Landscaped Open Space and Bushland Setting* and *Clause G10.1 Dual Occupancies and Semi-Detached Dwellings* of the WDCP. These variations are acceptable, as the proposal remains consistent with the objectives of the relevant controls.

The variation to the wall height control arises primarily as a consequence of the required Flood Planning Level. The extent of the non-compliance is minor and, in view-sharing terms, a compliant wall height would not materially alter the extent of view loss experienced by adjoining properties. Similarly, the variation to the side boundary envelope is largely attributable to the elevated floor levels required to address flood constraints. A compliant building envelope would not materially improve the view sharing outcome. The rear setback variation relates to the provision of ancillary amenities, including a swimming pool and modest alfresco area, at a level that responds to the site's flood constraints. The landscaped area variation does not contribute to view loss impacts. In relation to the variations to the dual occupancy controls, including side setbacks, these do not materially affect view loss from 1A Lakeside Crescent. While the reduced setback has some influence on views obtained from 359 Pittwater Road, the affected viewing corridor is already substantially filtered by existing boundary vegetation.

A wholly compliant development would not guarantee the retention of the existing view corridor available from 1/363 Pittwater Road, as those views are obtained through the gap between existing buildings and

across a side boundary. Similarly, compliance would not materially alter the view sharing outcome for 359 Pittwater Road or 1A Lakeside Crescent

The relevant non-compliances are site-specific responses to the constraints of the land, particularly flooding, and do not result in unreasonable impacts on neighbouring properties in terms of view sharing. It is also noted that the affected views are obtained across side boundaries, where expectations of view retention are generally lower than for views obtained across rear boundaries. Furthermore, views obscured by existing or future vegetation takes precedence over the preservation of views.

Consideration has been given to whether a more skillful design could achieve a similar development outcome while further reducing impacts on neighbouring views. In this instance, any reasonable redesign would not result in a materially improved view sharing outcome without unreasonably constraining the development potential of the site. While relocating the building further toward the street may be theoretically possible, such an approach would reduce opportunities to satisfy landscaping and deep soil planting objectives and could compromise the ability for vehicles to safely enter and exit the site in a forward direction. Importantly, such a redesign would not materially improve the view sharing outcomes experienced by adjoining properties.

The proposal remains appropriate within its context and is generally consistent with the bulk and scale of surrounding residential development. On balance, the development achieves a reasonable outcome that maintains both the development potential of the site and a reasonable sharing of views.

The development is consistent with the objectives of the control and is acceptable on merit.

#### **G10.1 Dual Occupancies and Semi-Detached Dwellings**

| <b>Requirement</b> | <b>Proposed</b> | <b>Compliant</b> |
|--------------------|-----------------|------------------|
|--------------------|-----------------|------------------|

|                        |    |                                                                                                                                                                            |            |     |
|------------------------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----|
| <b>Site<br/>Layout</b> | R1 | Semi-detached dwellings and Dual occupancy (attached) – Both dwellings are to be oriented towards the street frontage.                                                     | Consistent | Yes |
|                        |    | Dual occupancy – (detached) – Detached configurations are generally not supported due to potential impacts on tree retention, landscaped areas, privacy, and solar access. | Consistent | Yes |
|                        | R2 | Dwellings with a street frontage to have a front door directly visible from the street.                                                                                    | Consistent | Yes |
|                        | R3 | Where the side of a dwelling is facing a secondary street, this façade should be articulated with windows and/or doors to address the street.                              | N/A        | N/A |

|                            |    |                                                                                                                                                                                                                                                                      |                                                              |     |
|----------------------------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----|
| <b>Setbacks and Height</b> | R4 | The minimum setback for all buildings and structures to side boundaries is 1m on one side and 2.5m on the other. This may be averaged across each boundary, provided the minimum setback width is 1m and the total combined width of both setbacks is at least 3.5m. | The dwelling is setback 1.2m from either side boundary line. | No  |
|                            | R5 | Despite R4, a nil setback to the side boundary is permitted to the extent that it adjoins the common wall of a dual occupancy (attached) or semi-detached dwellings.                                                                                                 | N/A                                                          | N/A |
|                            | R6 | The maximum number of storeys is 2.                                                                                                                                                                                                                                  | Consistent- 2 Storeys                                        | Yes |

|                                      |     |                                                                                                                                                                                                                                                                      |                                                           |     |
|--------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----|
| <b>Building and Landscape Design</b> | R7  | Windows to the principal living area of the proposal and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 (that is, to at least 50% of the glazed area of those windows). | Inconsistent                                              | No  |
|                                      | R8  | Each dwelling is to have a storage area of at least 8 cubic metres.                                                                                                                                                                                                  | Consistent                                                | Yes |
|                                      | R9  | Minimum tree planting rates are to be in accordance with Table 1 of G10.1. Existing prescribed trees may be counted towards the total number of required trees.                                                                                                      | Consistent                                                | Yes |
|                                      |     | At least one tree is to be provided within the front yard of each dwelling.                                                                                                                                                                                          | Consistent                                                | Yes |
|                                      |     | At least one tree is to be provided within the rear yard of each dwelling.                                                                                                                                                                                           | Consistent                                                | Yes |
|                                      |     | Each tree shall be a locally native species.                                                                                                                                                                                                                         | Consistent                                                | Yes |
|                                      | R10 | The deep soil percentage as identified in Table 2 of G10.1 is to be demonstrated.                                                                                                                                                                                    | Consistent<br>Required- 25%<br>Proposed- 32.1% (266.8sqm) | Yes |

|  |     |                                                                                                                                                                                                                                               |                                        |           |
|--|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------|
|  | R11 | Dwellings are to be designed to step with the topography.                                                                                                                                                                                     | Consistent                             | Yes       |
|  |     | The ground floor should not be more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level. | GF- maximum of 1.6m above ground level | <b>No</b> |
|  |     | Basements, including for car parking, should be avoided unless no other practical alternative exists, and are not to be provided within required building setbacks.                                                                           | Consistent                             | Yes       |



|                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                               |            |
|------------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------|
| <b>Parking Design and Vehicle Access</b> | R12 | The total width of all garages, carports or hardstand areas, for both dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.                                                                                                                                                                                                                        | inconsistent- maximum width of 12.8m (turntables), and 12m (adjoined garages) | <b>No</b>  |
|                                          |     | Unless an alternative layout or design clearly satisfies the objectives and/or principles of Council's current policies and guidelines relating to driveways and vehicle crossovers, driveway crossovers should be shared by each dwelling to minimise hard surfaces in the front setback, maximise on-street parking, minimise impacts on street trees, and reduce interactions between pedestrians and road users, by: | Consistent                                                                    | <b>Yes</b> |
|                                          |     | i. limiting the shared driveway to a maximum width of 6 metres;                                                                                                                                                                                                                                                                                                                                                          | Inconsistent- 12.8m (turntables)                                              | <b>No</b>  |
|                                          |     | ii. ensuring the layback (vehicle crossing) is no wider than 3 metres at the kerb; and                                                                                                                                                                                                                                                                                                                                   | 7.2m                                                                          | <b>No</b>  |

|  |      |                                                                                                                                                                                                     |                                                                     |     |
|--|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----|
|  | iii. | positioning the proposed driveway to maximise the retention of on-street car parking spaces.                                                                                                        | N/A- On-street parking not available along Pittwater Road frontage. | N/A |
|  |      | One uncovered parking space (not within a garage, carport or other structure) in a tandem arrangement, between the primary street frontage and the front building line, may be supported, provided: | N/A                                                                 | N/A |
|  | i.   | Tree planting, landscaped area and deep soil requirements are met;                                                                                                                                  | Consistent                                                          | Yes |
|  | ii.  | There are clear sight lines between the parking space and the road kerb for pedestrian safety.                                                                                                      | Consistent (addressed via a condition of consent)                   | Yes |

Description of non-compliance

Requirement 4- The dwelling is setback 1.2m from either side boundary line.

Requirement 7- The adjoining dwelling at 359 Pittwater Road, does not receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 in relation to windows to the principal living area of adjoining dwelling. The windows to the principal living area of this adjoining dwelling are to the south-western, rear portion of the dwelling, with the affected windows facing toward the north-west.

Requirement 11- The dwelling is at a maximum of 1.6m above ground level.

Requirement 12- The hardstand (turntables) are at a maximum width of 12.8m.

Requirement 12(i)-The hardstand (turntables) are at a maximum width of 12.8m.

Requirement 12(ii)- The layback (vehicle crossing) is 7.2m in width.

Comment:

The objectives of the control are:

- *O1 To control the bulk and scale of new development consistent with the desired future character of the locality through building articulation, modulation, stepping of the built form and limitations on the number of storeys.*
- *O2 To ensure sufficient tree planting and deep soil areas are provided to maintain and improve landscape setting, biodiversity, and canopy cover, and reduce the visual impact of buildings.*
- *O3 To ensure development provides a clear sense of address to the street and is compatible with the existing streetscape.*
- *O4 To minimise the amenity impacts of development on adjoining and neighbouring properties.*
- *O5 To ensure that car parking is not visually dominant on the site or in the streetscape.*

**Requirement 4**

The dwelling is appropriately modulated and articulated along both side boundaries, with the 1.2m setback applying only to limited portions of the built form across each floor. In relation to the garage, strict compliance with the side setback controls would prevent the provision of two on-site car parking spaces. This would either unreasonably constrain the overall development potential or result in reduced landscaped area outcomes. The setback requirements, if strictly applied, also impose significant internal design constraints that would adversely impact residential amenity.

**Requirement 7**

The provided shadow diagrams indicate that 359 Pittwater Road will experience additional overshadowing to northwest-facing windows between 12pm and 3pm, with the most noticeable change occurring at 12pm. By 3pm, the extent of overshadowing is consistent with existing conditions. While 359 Pittwater Road is inherently susceptible to overshadowing from any two-storey development, the subject proposal is of a reasonable scale, particularly given the flood planning level constraint. The dwelling will continue to receive morning solar access, and although strict compliance with solar access provisions may not be fully achieved to all principal living areas, a compliant outcome would unreasonably restrict the development of the site.

**Requirement 11**

The development appropriately responds to the site's natural topography, with minimal excavation proposed. The elevated finished floor levels are a direct consequence of the applicable flood planning level, rather than an excessive design response.

**Requirement 12 / 12(i) / 12(ii)**

The combined garage width exceeds the required 7m, however, the garages are recessed beneath the first floor to reduce their visual prominence within the streetscape. A tandem parking arrangement is not suitable in this instance, as safe vehicular access requires forward entry and exit to Pittwater Road, supported by the inclusion of turntables. The proposal maintains a compliant parking provision and safe maneuvering. Furthermore, the proposed landscaping in the front yard effectively mitigates the visual impact of the garages when viewed from the public domain.

The development is consistent with the objectives of the control and is acceptable on merit.

**THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2024**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$31,086 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$3,108,600.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

## **PLANNING CONCLUSION**

This proposal, for demolition works and construction of a dual occupancy with swimming pools and strata subdivision, has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to the receipt of greater than ten (10) unique submissions by way of objection received within the formal exhibition period.

The concerns raised in the objections have been addressed and resolved by the applicant via amended plans. Concerns raised via submission have been addressed above.

The critical assessment issues include non compliances with B1 Wall Heights, B3 Side Boundary Envelope, B9 Rear Boundary Setbacks, D1 Landscaped Open Space and Bushland Setting and G10.1 Dual Occupancies and Semi-Detached Dwellings.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for **approval**.

#### **REASON FOR DETERMINATION**

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

**RECOMMENDATION**

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2025/1450 for Demolition works and construction of a dual occupancy with swimming pools and strata subdivision on land at Lot 4 DP 1448, 361 Pittwater Road, NORTH MANLY, subject to the conditions printed below:

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**GENERAL CONDITIONS****1. Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| <b>Approved Plans</b> |                        |                                    |                 |                     |
|-----------------------|------------------------|------------------------------------|-----------------|---------------------|
| <b>Plan Number</b>    | <b>Revision Number</b> | <b>Plan Title</b>                  | <b>Drawn By</b> | <b>Date of Plan</b> |
| DA0400                | B                      | DEMOLITION PLAN                    | Bridie Gough    | 22 April 2026       |
| DA1002                | B                      | GROUND FLOOR PLAN                  | Bridie Gough    | 22 April 2026       |
| DA1003                | B                      | FIRST FLOOR PLAN                   | Bridie Gough    | 22 April 2026       |
| DA1006                | B                      | ROOF FLOOR PLAN                    | Bridie Gough    | 22 April 2026       |
| DA2000                | B                      | SOUTH-WEST & SOUTH-EAST ELEVATIONS | Bridie Gough    | 22 April 2026       |
| DA2001                | B                      | NORTH-EAST & NORTH-WEST ELEVATION  | Bridie Gough    | 22 April 2026       |
| DA3000                | B                      | SECTIONS A & B                     | Bridie Gough    | 22 April 2026       |
| DA4000                | B                      | WINDOW SCHEDULE                    | Bridie Gough    | 22 April 2026       |
| DA5000                | B                      | EXTERNAL FINISHES SCHEDULE         | Bridie Gough    | 22 April 2026       |
| 00                    | 01                     | Draft Subdivision Plan             | Bridie Gough    | 22 June 2026        |

| <b>Approved Reports and Documentation</b> |                       |                          |                         |
|-------------------------------------------|-----------------------|--------------------------|-------------------------|
| <b>Document Title</b>                     | <b>Version Number</b> | <b>Prepared By</b>       | <b>Date of Document</b> |
| BASIX Certificate                         | 1812691M_02           | Efficient Living Pty Ltd | 22 April 2026           |

|                       |   |                                  |                   |
|-----------------------|---|----------------------------------|-------------------|
| Civil Works Plan      | - | Taylor Consulting                | 22 August 2025    |
| Geotechnical Report   | - | Crozier Geotechnical Consultants | 19 September 2025 |
| Waste Management Plan | - | -                                | -                 |
| Landscape Plans       | - | Paul Scrivener Landscape         | 13 September 2025 |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference            | Dated   |
|----------------------------------------|---------------------------|---------|
| Ausgrid                                | Ausgrid Referral Response | undated |
| Aboriginal Heritage Office             | AHO Referral Response     | undated |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.



Any such sign is 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.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

#### 4. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.
- Demolition and excavation works are restricted to:
- 8.00 am to 5.00 pm Monday to Friday only.
- (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).
- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.

- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety

- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$31,086.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$3,108,600.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one

inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

7. **Housing and productivity contribution - Development consents**

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

| Contribution Type                                                   | Amount           |
|---------------------------------------------------------------------|------------------|
| Housing and Productivity Contribution                               | \$ 10,000        |
| Strategic Biodiversity Component and/or Transport Project Component | \$ 0             |
| <b>Total:</b>                                                       | <b>\$ 10,000</b> |

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

***consent PPI number***

where—

***highest PPI number*** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

***consent PPI number*** is the PPI number last used to adjust HPC rates when consent was granted.

***June quarter 2023 and PPI*** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

| Development | Time by which HPC must be paid |
|-------------|--------------------------------|
|-------------|--------------------------------|

|                                                                                                                                                                                              |                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Development consisting only of residential subdivision within the meaning of the HPC Order                                                                                                   | Before the issue of the first subdivision certificate                      |
| High-density residential development within the meaning of the HPC Order for which no construction certificate is required                                                                   | Before the issue of the first strata certificate                           |
| Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building | Before the issue of the first strata certificate                           |
| Manufactured home estate for which no construction certificate is required                                                                                                                   | Manufactured home estate for which no construction certificate is required |

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

### **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **8. On Slab Landscape Works**

- a) Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.
- b) The following soil depths are required to support planting: 300mm for groundcovers and grasses; and 600mm for shrubs.
- c) Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials

and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

**9. Flood effects caused by development**

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.15m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**10. Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 3.65m AHD shall be designed and constructed from flood compatible materials.

B2 - The shelter in place refuge must be designed to ensure structural integrity up to the Probable Maximum Flood level of 5.65m AHD, with the remainder of the new development designed to ensure structural integrity up to the Flood Planning Level of 3.65m AHD. The forces of floodwater, debris load, wave action, buoyancy and immersion must all be considered.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 3.65m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**11. Floor levels**

C1 - New floor levels within the development shall be set at or above the Flood Planning Level of 3.65m AHD.

C3 - The underfloor area of the dwelling below the 1% AEP flood level is to be designed to allow clear passage of floodwaters. At least 50% of the perimeter of the underfloor area must be of an open design from the natural ground level up to the 1% AEP flood level.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**12. Car parking**

D5 - The floor level of the proposed garage shall be set at or above the 1% AEP flood level of 3.15m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

13. **Emergency response**

E1 - The shelter-in-place refuge must:

- a) Have a floor level at or above the Probable Maximum Flood level of 5.65m AHD; and
- b) Have a floor space that provides at least 2m<sup>2</sup> per person; and
- c) Be intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on electrical means.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

14. **Fencing**

New fencing (including pool fencing and boundary fencing) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

15. **Pools**

All electrical equipment associated with the pool (including pool pumps) is to be waterproofed and/or located at or above the Flood Planning Level of 3.65m AHD.

All chemicals associated with the pool are to be stored at or above the Flood Planning Level of 3.65m AHD.

Pool fencing shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level of 3.15m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government



policy.

16. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

17. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the kerb in Pittwater Road.

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

Reason: To ensure appropriate provision for disposal of stormwater management arising from the development.

18. **Vehicle Crossings Application**

The Applicant is to submit an application (using form number 4028 available on Council website) with Council for driveway levels to construct one vehicle crossing 4 metres wide along frontage of site in Pittwater Road in accordance with Northern Beaches Council's Standard Normal Profile and in accordance with Section 138 of the Roads Act 1993.

Driveways are to be in plain concrete only.

Redundant layback along frontage of site in Pittwater Road to be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

19. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Safework NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
  - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
  - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
  - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted

after the completion of works and prior to the Occupation certificate. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, identify remediation actions taken.
- Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable Safework accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, TfNSW’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

20. **Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

21. **Vehicle Mechanical Turntable**

The applicant is to provide information on the proposed vehicular turntables, operation details, and instructions to visitors on using the device, maintenance plan, and contingency plan during a malfunction.

Details are to be provided to Council for approval and this requirement is to be reflected on the Construction Certificate plans. Details demonstrating compliance are to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifier prior to the release of the Construction Certificate.

Reason: To ensure no vehicle conflicts within the basement carpark.

22. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

23. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The perforated metal deck adjoining the pools, as detailed on plan DA1002, is to be deleted and replaced with landscaped area.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

24. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

25. **Compliance with Standards**

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

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

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

26. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

27. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

28. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Transport for NSW Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

29. **Road Occupancy Licence**

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows.

Reason: Requirement of TMC for any works that impact on traffic flow.

30. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties: 359 Pittwater Road, 363 Pittwater Road, 1A Lakeside Crescent.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage arising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

31. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining

- properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

### DURING BUILDING WORK

#### 32. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2025 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2025 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and



remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

33. **Wildlife Protection**

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

Reason: To protect native wildlife.

34. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

35. **Road Reserve**

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

Reason: Public safety.

36. **No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

37. **Storage of Materials on Land Owned or Managed by Council Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

38. **Protection of Council's Public Assets**

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

39. **Fencing Height / Vegetation**

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. This requires that fencing and/or vegetation does not exceed one (1) metre in height within the 2.0 x 2.5m splay to ensure this condition is met.

Reason: To ensure maximum vehicular and pedestrian visibility.

40. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate Safework NSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

41. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

42. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

43. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

44. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

**45. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**46. Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

### BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

**47. Landscape Completion**

a) Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings by Paul Scrivener dated 13/09/25 issue A), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1 metre from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where

the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,

vi) substitute all *Pennisetum* species with a suitable alternative,

vii) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

b) Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

**48. Certification of Works as Executed**

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

1. Floor levels for ground floor, shelter in place refuge and garage are set at or above the required level
2. There has been no filling on the land other than what has been approved
3. Openings are provided under floor areas where required for the free passage of flood waters
4. Openings are provided in fencing where required for the free passage of flood waters

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**49. Building Components and Structural Soundness**

B2 - A suitably qualified structural engineer is to certify the structural integrity of the shelter in place up to the Probable Maximum Flood level of 5.65m AHD, and the remainder of the new development up to the Flood Planning Level of 3.65m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 3.65m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**50. Replacement of Canopy Trees**

At least 1 locally native canopy tree is to be planted on the site to replace protected trees

approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

**51. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

**52. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG).

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

**53. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

54. **Reinstatement of Kerb**

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces.

55. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site

[www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

56. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating 'YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED

WHEN USING THIS POOL' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

**57. Landscape Maintenance**

a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

d) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

e) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

**58. Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

**59. Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

**60. Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

61. **Swimming Pool/Spa Motor Noise**

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

**BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

62. **Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

63. **Title Encumbrances**

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.





1 SITE PLAN  
1 : 500

IMPORTANT NOTES:  
DO NOT SCALE FROM DRAWINGS. USE FIGURED DIMENSIONS ONLY. ENSURE THAT THE DRAWINGS USED CARRY THE LATEST REVISION NO. READ IN CONJUNCTION WITH CONSULTANT ENGINEERS DRAWINGS - REFER CONTRACT DRAWING LIST.  
ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. ALL DISCREPANCIES TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT. LARGER SCALE DRAWINGS AND WRITTEN DIMENSIONS TAKE PRECEDENCE.  
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| REVISION | DATE       | DESCRIPTION                        | BY    |
|----------|------------|------------------------------------|-------|
| A        | 19/09/2025 | DA LODGEMENT                       | EDC   |
| B        | 22/04/2026 | UPDATED DA LODGEMENT FOLLOWING RFI | MG/BG |
|          |            |                                    |       |
|          |            |                                    |       |
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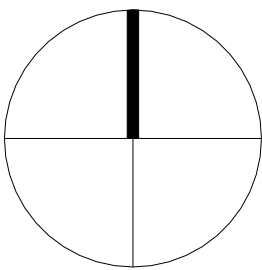
LEGEND

CLIENT  
CLARE AND PAUL JOLLY



2/40 East Esplanade  
Manly, NSW 2095 Australia  
Phone: 02 8385 9759  
Nominated Architect:  
Bridie Gough 8280

PITTWATER  
361 PITTWATER ROAD, NORTH  
MANLY, NSW 2100  
CLARE AND PAUL JOLLY



DRAWING TITLE  
SITE PLAN

SCALE  
1 : 500@A1

STATUS  
DA

NUMBER  
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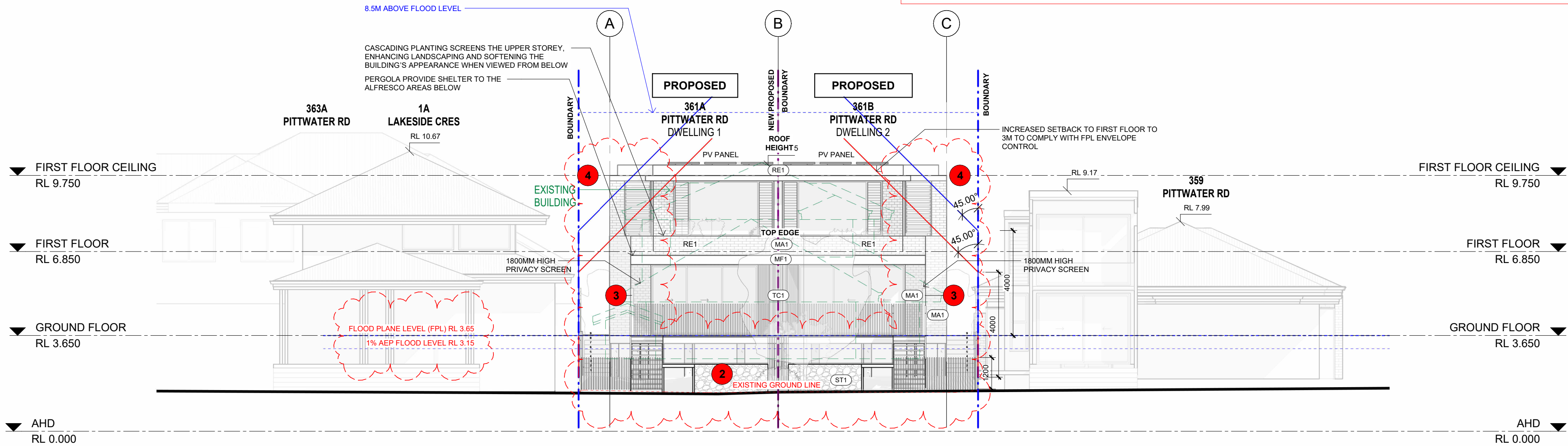
PROJECT  
PRM

REVISION  
B

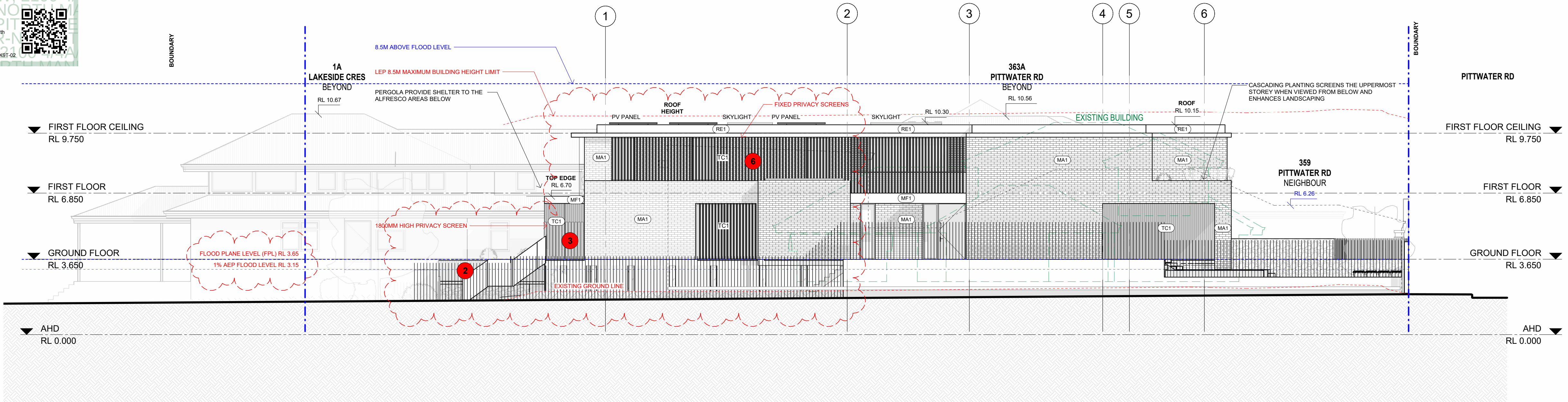


REVISIONS INCLUDE

1. AMENDED SUBFLOOR GRAPHICS TO ENSURE COMPLIANCE WITH FLOOR PLANNING REPORT DATED: ALLOWING FLOOD WATERS TO FREELY MOVE BENEATH THE DWELLINGS.
2. POOLS SHIFTED AWAY FROM SIDE BOUNDARIES AND LOWERED. STAIR AND FENCE RECONFIGURED TO SUIT.
3. 1.8M PRIVACY SCREEN ADDED TO GROUND FLOOR TERRACES.
4. FIRST FLOOR SETBACK INCREASED TO BOTH THE NORTH EAST AND SOUTH WEST REAR PORTION OF THE DWELLINGS.
5. INTERNAL AMENDMENTS IN RESPONSE TO INCREASE SIDE SETBACKS.
6. PRIVACY SCREENS ADDED EXTERNALLY TO LENGTH OF MASTER BEDROOM AND STUDY WALLS.
7. STORAGE ADDED TO UNDERSIDE OF STAIR.
8. WINDOWS AMENDED TO SUIT REVISED LAYOUT INCLUDING NEW SKYLIGHT TO KITCHENS - UPDATED BASIX CERTIFICATE PROVIDED.



1 SOUTH-WEST ELEVATION  
1:100



2 SOUTH-EAST ELEVATION  
1:100

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|          |            |                                    |       |
|          |            |                                    |       |
|          |            |                                    |       |
|          |            |                                    |       |

| LEGEND                         |
|--------------------------------|
| (MA1) MASONRY FEATURE WALLS    |
| (MF1) METAL FINISH             |
| (RE1) BALCONY AND ROOF FASCIAS |
| (TC1) TIMBER CLADDING          |
| (ST1) STONE CLADDING           |
| (GL1) GLASS RAILING            |

CLIENT  
CLARE AND PAUL JOLLY



2/40 East Esplanade  
Manly, NSW 2095 Australia  
Phone: 02 8385 9759

Nominated Architect:  
Bridie Gough 8280

PITTWATER

361 PITTWATER ROAD, NORTH  
MANLY, NSW 2100  
CLARE AND PAUL JOLLY

DRAWING TITLE  
SOUTH-WEST &  
SOUTH-EAST ELEVATIONS

SCALE  
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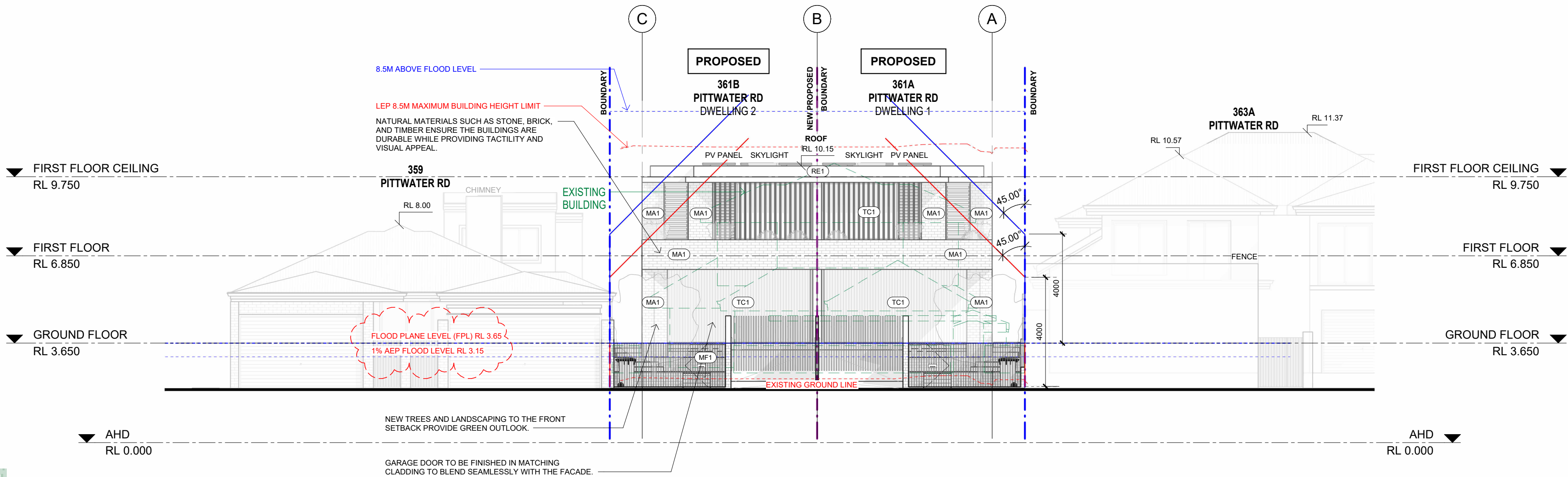
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NUMBER  
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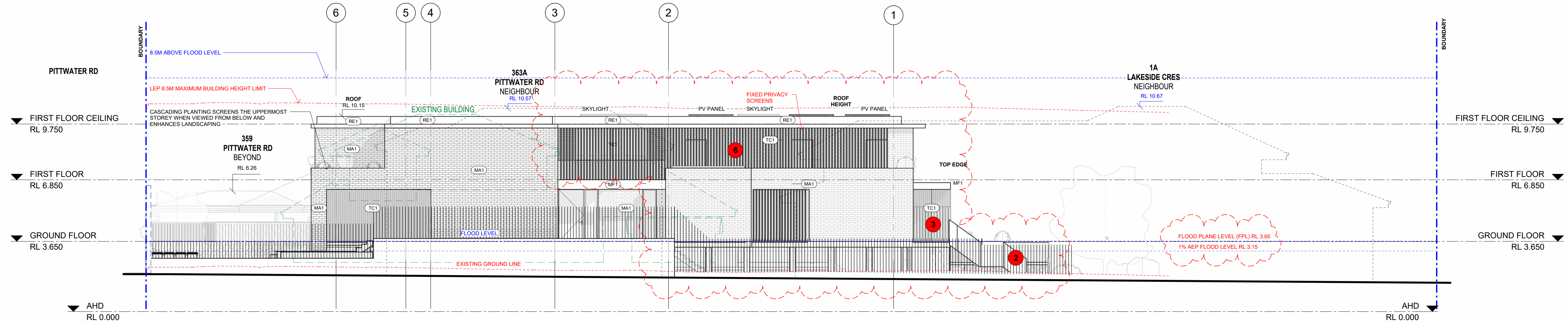
PROJECT  
PRM  
REVISION  
B



- REVISIONS INCLUDE**
1. AMENDED SUBFLOOR GRAPHICS TO ENSURE COMPLIANCE WITH FLOOR PLANNING REPORT DATED: ALLOWING FLOOD WATERS TO FREELY MOVE BENEATH THE DWELLINGS.
  2. POOLS SHIFTED AWAY FROM SIDE BOUNDARIES AND LOWERED. STAIR AND FENCE RECONFIGURED TO SUIT.
  3. 1.8M PRIVACY SCREEN ADDED TO GROUND FLOOR TERRACES.
  4. FIRST FLOOR SETBACK INCREASED TO BOTH THE NORTH EAST AND SOUTH WEST REAR PORTION OF THE DWELLINGS.
  5. INTERNAL AMENDMENTS IN RESPONSE TO INCREASE SIDE SETBACKS.
  6. PRIVACY SCREENS ADDED EXTERNALLY TO LENGTH OF MASTER BEDROOM AND STUDY WALLS.
  7. STORAGE ADDED TO UNDERSIDE OF STAIR.
  8. WINDOWS AMENDED TO SUIT REVISED LAYOUT INCLUDING NEW SKYLIGHT TO KITCHENS - UPDATED BASIX CERTIFICATE PROVIDED.



1 NORTH-EAST ELEVATION  
1: 100



2 NORTH-WEST ELEVATION  
1: 100

IMPORTANT NOTES:  
DO NOT SCALE FROM DRAWINGS. USE FIGURED DIMENSIONS ONLY. ENSURE THAT THE DRAWINGS USED CARRY THE LATEST REVISION NO. READ IN CONJUNCTION WITH CONSULTANT ENGINEERS DRAWINGS - REFER CONTRACT DRAWING LIST.  
ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. ALL DISCREPANCIES TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT. LARGER SCALE DRAWINGS AND WRITTEN DIMENSIONS TAKE PRECEDENCE.  
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| REVISION | DATE       | DESCRIPTION                        | BY    |
|----------|------------|------------------------------------|-------|
| A        | 19/09/2025 | DA LODGEMENT                       | EDC   |
| B        | 22/04/2026 | UPDATED DA LODGEMENT FOLLOWING RFI | MG/BG |
|          |            |                                    |       |
|          |            |                                    |       |
|          |            |                                    |       |
|          |            |                                    |       |

| LEGEND                         |
|--------------------------------|
| (MA1) MASONRY FEATURE WALLS    |
| (MF1) METAL FINISH             |
| (RE1) BALCONY AND ROOF FASCIAS |
| (TC1) TIMBER CLADDING          |
| (ST1) STONE CLADDING           |
| (GL1) GLASS RAILING            |

CLIENT  
CLARE AND PAUL JOLLY



2/40 East Esplanade  
Manly, NSW 2095 Australia  
Phone: 02 8385 9759  
Nominated Architect:  
Bridie Gough 8280

PITTWATER  
361 PITTWATER ROAD, NORTH  
MANLY, NSW 2100  
CLARE AND PAUL JOLLY

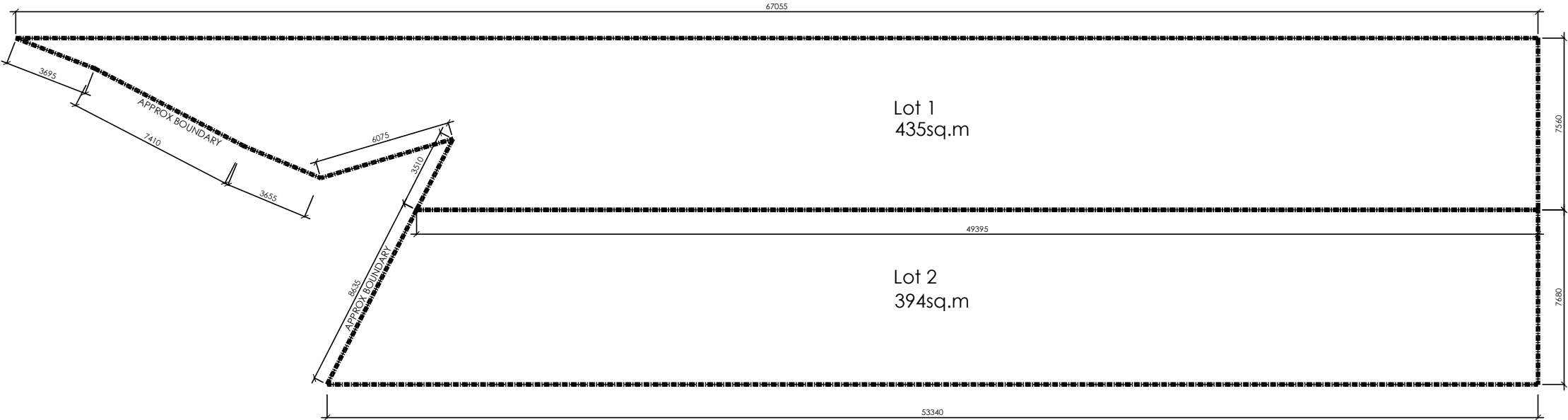
DRAWING TITLE  
NORTH-EAST &  
NORTH-WEST ELEVATION

SCALE  
1: 100@A1

STATUS  
DA

NUMBER  
DA2001

PROJECT  
PRM  
REVISION  
B



IMPORTANT NOTES:  
Do not scale from drawings, use figured dimensions only. Ensure that the drawings used carry the latest revision no. Read in conjunction with consultant engineers drawings - refer contract drawing list.

- All dimensions to be checked on site before commencement of work.
- All discrepancies to be brought to the attention of the Architect.
- Larger scale drawings and written dimensions take precedence.
- The Estuarine Planning Level is min 3.1m AHD. All levels to AHD.

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| REV | DATE       | DESCRIPTION  | BY | CHECKED |
|-----|------------|--------------|----|---------|
| 1   | 22.06.2026 | ISSUE FOR DA | BG | BG      |
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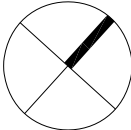
REVISION NOTES  
X

CLIENT DETAILS  
PAUL AND CLARE JOLLY



Shop 2, 40 East Esplanade, Manly, 2095  
ABN 87 600 066 386  
www.platformarchitects.com.au  
Nominated Architect Since 2014 Reg No. 8280

PROJECT DETAILS  
DEMOLITION OF EXISTING BUILDING  
AND CONSTRUCTION OF A NEW  
DUPLEX AND STRATA SUBDIVISION  
361 PITTWATER RD, NORTH MANLY.



DRAWING TITLE  
DRAFT SUBDIVISION PLAN

| SCALE        | STATUS | NUMBER |
|--------------|--------|--------|
| 1:200<br>@A3 | DA     | 00     |

PROJECT  
PRNM

| REVISION |
|----------|
| 01       |

## 5 NON-PUBLIC MEETING ITEMS

### ITEM 5.1 MOD2026/0019 - 1102 BARRENJOEY ROAD PALM BEACH - MODIFICATION OF DEVELOPMENT CONSENT DA2022/0469 GRANTED FOR CONSTRUCTION OF SHOP TOP HOUSING

#### PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as the development contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards and is a modification of a determination or decision made by a local planning panel.

#### RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2026/0019 for Modification of Development Consent DA2022/0469 granted for construction of shop top housing at Lot 11 DP 1207743, 1102 Barrenjoey Road PALM BEACH subject to the conditions set out in the Assessment Report.

**Reporting manager:** Adam Richardson

**Attachments:**

1. Assessment Report [5.1.1 - 47 pages]
2. Site Plans & Elevations [5.1.2 - 3 pages]

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | Mod2026/0019 |
|----------------------------|--------------|

|                                           |                                                                                              |
|-------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Responsible Officer:</b>               | Kye Miles                                                                                    |
| <b>Land to be developed (Address):</b>    | Lot 11 DP 1207743, 1102 Barrenjoey Road PALM BEACH NSW 2108                                  |
| <b>Proposed Development:</b>              | Modification of Development Consent DA2022/0469 granted for construction of shop top housing |
| <b>Zoning:</b>                            | E1 Local Centre                                                                              |
| <b>Development Permissible:</b>           | Yes                                                                                          |
| <b>Existing Use Rights:</b>               | No                                                                                           |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                                                     |
| <b>Delegation Level:</b>                  | NBLPP                                                                                        |
| <b>Land and Environment Court Action:</b> | No                                                                                           |
| <b>Applicant:</b>                         | The Trustee For Asia Digital Investments Trust                                               |

|                                  |                                  |
|----------------------------------|----------------------------------|
| <b>Application Lodged:</b>       | 27/01/2026                       |
| <b>Integrated Development:</b>   | No                               |
| <b>Designated Development:</b>   | No                               |
| <b>State Reporting Category:</b> | Refer to Development Application |
| <b>Notified:</b>                 | 04/02/2026 to 18/02/2026         |
| <b>Advertised:</b>               | Not Advertised                   |
| <b>Submissions Received:</b>     | 4                                |
| <b>Clause 4.6 Variation:</b>     | 4.3 Height of buildings: 32.9%   |
| <b>Recommendation:</b>           | Approval                         |

## EXECUTIVE SUMMARY

The application seeks approval for a modification of the consent of DA2022/0469, granted consent by the Land and Environment Court on 11 December 2024 for 'Shop Top Housing' at the site known as 1102 Barrenjoey Road, Palm Beach.

The Section 4.56 application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to elements of the modified development breaching the 8.5 metre building height standard by more than 10%. The most significant height variation is the plant screening, which exceeds the approved height by 150mm with a maximum height of 11.3 metres (a 32.9% variation). The non-compliance with the building height development standard arises from the approved non-compliant building height from



DA2022/0469. The development has an approved height of 11.15 metres, with the maximum height under the Pittwater Local Environmental Plan (PLEP) 2014 being 8.5 metres. The additional elements above the 8.5 metre height limit are assessed as having a negligible impact to surrounding properties and will not be readily perceived from the street.

The application was notified in accordance with the Northern Beaches Community Participation Plan for a period of 14 days. Four (4) submissions were received in response to the notification, two (2) of which raised issues with the application, including:

- Bulk and Scale
- Amenity
- Views
- Geotechnical
- Heritage

The issues raised in objections do not warrant the refusal of the application and are addressed in detail within the body of the report.

The modified proposal is assessed as being substantially the same development as the approved development and will maintain an acceptable level of internal amenity for occupants and neighbours alike. The modified proposal, aligns with the approved built form and maintains an acceptable level of internal and external amenity, is well-designed, appropriately proportioned, and will not detract from the streetscape.

This report concludes with a recommendation that the NBLPP grant approval to the application, subject to the recommended conditions attached to this report.

## **PROPOSED DEVELOPMENT IN DETAIL**

This Section 4.56 Modification Application seeks to amend Development Consent no. DA2022/0469 granted by the NSW Land and Environment Court for demolition works and the construction of a shop top housing development atop basement parking (Asia Digital Investments Pty Ltd v Northern Beaches Council [2024] NSWLEC 1794 dated 11 December 2024).

The modifications involve refinements to the approved development and changes to conditions.

### **Changes to Built Form and Site Planning**

The main changes sought by this modification include:

- Roof form alterations, including relocating the clerestory roofs and adding new operable roofs above the approved terraces.
- Reconfiguration of basement storage areas and plant.
- Alterations to the ground floor commercial tenancies, including a new terrace for Commercial 1.
- Reconfiguration of internal layouts and private open space, including combining the three first-floor apartments into two and alterations to the second-level balconies.
- Changes to openings as shown on the updated elevations.
- Amendments to the size and extent of roof plant and associated screening.
- Associated landscaping works.

The submitted Statement of Modification details these changes level by level, which, is concurred with.

The proposed modifications result in a 22m<sup>2</sup> increase of gross floor area (GFA) and the removal of one apartment (4 in total).

No changes are proposed to parking.

#### **Changes to Approved Conditions**

The modification involves changes to the following condition:

- Delete Condition No. 36 - Substation Land

#### **Amendments to the Application**

Following a preliminary assessment of the application, Council issued a Request for Further Information (RFI) to the applicant on 10 March 2026 outlining concerns with the proposal, primarily relating to built form and heritage impacts.

In response, the applicant submitted amended plans on 10 April 2026 and 28 May 2026. The amendments include:

- Refinement of dormer hoods to reduce their width
- Replacement of glass balustrades on Level 2 balconies with elements better integrated into the roof form
- Reduction in the depth of Level 2 balconies by approximately 700mm
- Introduction of metal detailing to all street-facing balustrades on Level 1

#### **Community Participation Plan**

The amended plans are considered to result in a reduced environmental impact on adjoining properties when compared to the original proposal. Accordingly, re-notification was not required, consistent with the Northern Beaches Community Participation Plan.

### **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

### **SUMMARY OF ASSESSMENT ISSUES**



Environmental Planning and Assessment Act 1979 - Section 4.56 - Environmental Planning and Assessment Act 1979 - Section 4.56 - with S4.15 Assessment  
Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings  
Pittwater 21 Development Control Plan - C1.3 View Sharing  
Pittwater 21 Development Control Plan - C1.5 Visual Privacy  
Pittwater 21 Development Control Plan - D12.5 Front building line

#### **SITE DESCRIPTION**

|                              |                                                                 |
|------------------------------|-----------------------------------------------------------------|
| <b>Property Description:</b> | Lot 11 DP 1207743 , 1102 Barrenjoey Road PALM BEACH<br>NSW 2108 |
|------------------------------|-----------------------------------------------------------------|

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Detailed Site Description:</b> | <p>The subject site comprises a single allotment located on the eastern side of Barrenjoey Road, Palm Beach.</p> <p>The site is irregular in shape, with a frontage of approximately 45 metres to Barrenjoey Road and a depth of approximately 24 metres. The site includes a triangular portion of land within the north-eastern corner. Additionally, a small section of land in the south-western corner forms part of the adjoining road reserve, which previously accommodated a substation (since relocated). The total surveyed site area is 1,138.1m<sup>2</sup>.</p> <p>The site is zoned E1 Local Centre and previously contained a single-storey building used for a takeaway food and drink premises. The building has been demolished, and the site is currently vacant, with the exception of a retaining wall located approximately 6 metres from the rear boundary.</p> <p>Topographically, the site is generally level across the front approximately 18 metres, reflecting its previous commercial use. Beyond this, a retaining wall separates the lower portion of the site from a steeply rising slope toward the rear (eastern) boundary. An elevated rock shelf and boulder formation is located along the southern boundary, extending onto adjoining land.</p> <p>The site does not contain any significant native vegetation.</p> <p><b>Adjoining and Surrounding Development</b></p> <p>The locality is characterised by a mix of commercial and residential development.</p> <p>The site forms one of three parcels zoned E1 Local Centre within this small neighbourhood centre. Immediately adjoining the site to the north is “Barrenjoey House”, a locally listed heritage item currently operating as a restaurant with guest accommodation. The building is a two-storey structure with a pitched roof form.</p> <p>Further north, at the extent of the E1 zoned land, is a shop top housing development currently under construction. Beyond this, the zoning transitions to C4 Environmental Living, comprising detached residential dwellings.</p> <p>To the east of the site are three residential allotments zoned C4, with dwellings either under construction or approved to commence. To the south is an existing two-storey dwelling on land similarly zoned C4.</p> <p>Opposite the site, on the western side of Barrenjoey Road, is a large public car park and adjoining public open space,</p> |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

which services the Palm Beach Wharf located at the northern end of the car park.

Map:



## SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

### **N0119/14**

Development Consent for demolition of all existing structures and construction of shop-top housing development comprising of three tenancies, four residential units and underground parking granted on 13 November 2014.

### **PLM2020/0276**

Prelodgment meeting was held with Council which sought Council's feedback on the modification of the development consent N0119/14.

### **Mod2021/0203**

Modification application was submitted to Council and was again considered by Council's experts and the DSAP. The feedback provided by Council was that the application was not considered substantially the same and the DSAP maintained design issues, primarily that the design did not address the architectural character of Palm Beach in a satisfactory way. This modification application was subsequently withdrawn by the applicant.

### **DA2022/0469**

Development Consent for demolition of all existing structures and construction of shop-top housing development comprising three commercial tenancies, five residential units and underground parking granted by the Land and Environment Court on 11 December 2024.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in DA2022/0469, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.56 of the Environmental Planning and Assessment Act, 1979, are:

| <b>Section 4.56- Other Modifications</b>                                                                                                                                                                                                                        | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and | <p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2022/0469</p> <ul style="list-style-type: none"><li>• The modified development remains consistent with the original approval in terms of use and density of development.</li><li>• The modifications largely involve changes to the internal layout and outdoor public open space.</li><li>• The bulk and scale of the development as amended remains largely the same and visually is not significantly altered from the original approval when viewed from the public realm.</li></ul> |

| Section 4.56- Other Modifications                                                                                                                                                                                                                                                                                                                                                 | Comments                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) it has notified the application in accordance with:<br><br>(i) the regulations, if the regulations so require,<br><br>or<br><br>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan. |
| (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and                                                                                   | Written notices of this application have been sent to the last address known to Council of the objectors or other persons who made a submission in respect of DA2022/0469                                                        |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.                                                                                                                                                                                  | See discussion on "Notification & Submissions Received" in this report.                                                                                                                                                          |

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Section 4.15(1) is addressed in the table below.

The reasons given by the consent authority, namely the Land and Environment Court (LEC) for the grant of the consent that is sought to be modified is discussed as follows:

Comments on reasons for determination of DA2022/0469

DA2022/0469 was granted a LEC consent on the basis that the Clause 4.6 variation to the building height development standard was well-founded, with the exceedance justified by the site's irregular topography, the redistribution of bulk away from sensitive residential interfaces, and the absence of adverse amenity impacts.

It was deemed consistent with the objectives of the E1 Local Centre zone, delivering additional housing, retail and employment opportunities while addressing traffic, parking, stormwater, waste, noise and excavation impacts through amended plans and appropriate conditions of consent.

Overall, the outcome was considered compatible with the surrounding context, in the public interest, and represents a higher quality built form than would result from strict compliance with the controls.

The reasons for the granting of the original consent have been considered in the assessment of this modification application. The proposed changes will result in a modified development that will not conflict with the original reasons for the granting of consent.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

| Section 4.15 'Matters for Consideration'                                             | Comments                                                               |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument        | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | There are no current draft environmental planning instruments.         |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan               | Pittwater 21 Development Control Plan applies to this proposal.        |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement                    | None applicable.                                                       |

| Section 4.15 'Matters for Consideration'                                                                                                                                           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)                                                          | <p>Part 4, Division 2 of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clause 29 of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p>Clauses 36 and 94 of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended plans.</p> <p>Clause 61 of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 62 and/or 64 of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Section 4.15 (1) (c) – the suitability of the site for the development                                                                                                             | The site is considered suitable for the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs                                                                                             | See discussion on "Notification & Submissions Received" in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Section 4.15 (1) (e) – the public interest                                                                                                                                         | No matters have arisen in this assessment that would justify the refusal of the application in the public interest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

**BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.



**NOTIFICATION & SUBMISSIONS RECEIVED**

The subject application has been publicly exhibited from 04/02/2026 to 18/02/2026 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 4 submission/s from:

| <b>Name:</b>                                                                    | <b>Address:</b>                            |
|---------------------------------------------------------------------------------|--------------------------------------------|
| Avalon Preservation Trust<br>Incorporated as Avalon<br>Preservation Association | 24 Catalina Crescent AVALON BEACH NSW 2107 |
| Mr Adam John Rytenskild                                                         | 39 Carr Street WAVERTON NSW 2060           |
| Darren Yip                                                                      | Address Unknown                            |
| Ms Prudence Abby Rydstrand                                                      | 1100 Barrenjoey Road PALM BEACH NSW 2108   |

Two (2) submissions were received in support of the application and two (2) submissions were received objecting to the proposal.

The following issues were raised in the submissions:

- **Bulk and Scale**

*The submissions raised concerns that the proposed modification will result in adverse building bulk, which is incompatible with the established character.*

Comment:

The modification has been amended to maintain consistency with the approved built form. The proposal does not result in any significant changes to building height, density, setbacks, building envelope, or landscaped area. As such, the modified development will not give rise to adverse bulk or scale impacts and remains consistent with the established local character.

This matter does not warrant in the refusal of the application.

- **Amenity**

*The submissions raised concerns that the modification will result in unacceptable amenity impacts, including privacy and views.*

Comment:

The abovementioned amenity concerns have been addressed in detail within the relevant sections of this report. In summary, the proposed modifications are considered to improve existing conditions by reducing opportunities for overlooking.

This matter does not warrant the refusal of this application.

- **Geotechnical**

*The submissions raised concerns that the modification will result in geotechnical impacts to adjoining land and affect existing Sydney water assets.*

Comment:

The proposed modification does not seek any significant increase in earthworks beyond that approved under the original consent. These matters were previously assessed in detail as part of Mod2025/0525, including consideration of geotechnical stability and impacts on surrounding infrastructure. A covering letter from JK Geotechnics (dated 24 November 2025) has also been provided, confirming that the recommendations of the original geotechnical report remain applicable to the proposed modification. On this basis, the current proposal is not considered to introduce any new or materially different impacts in relation to geotechnical stability or existing utility assets.

This matter does not warrant the refusal of this application.

- **Heritage**

*The submissions raised concerns that the modification will have adverse impacts on the adjoining heritage item.*

Comment:

The proposed modification has been assessed having regard to the heritage significance and setting of the adjoining heritage item. The modification as amended does not involve substantive changes to the built form, scale, or siting of the development as previously approved, and is not considered to result in any additional adverse impacts on the heritage item. On this basis, the proposal is considered to remain consistent with the relevant heritage controls.

This matter does not warrant the refusal of this application.

## REFERRALS

| Internal Referral Body            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environmental Health<br>(General) | <p><b><i>Referral completed - no conditions required</i></b></p> <p><b>General Comments</b></p> <p>This application is seeking consent for modifications to DA2022/0469 - Demolition and Construction of Shop Top Housing. The proposed modifications include the consolidation of 3 Level 1 apartments into two apartments, clerestory roof reconfiguration and roof pitch adjustments to enhance internal amenity and buildability.</p> <p>The Statement of Environmental Effects dated 19 January 2026 states:</p> <p><i>The approved roof parapet levels are maintained with minor adjustments to lift overrun and roof plant/ screening structures.</i></p> <p><i>We confirm that the approved roof parapet heights are maintained with only minor increases in the approved lift overrun and rooftop plant and screening levels.</i></p> <p>Environmental Health are of the opinion that the increase in height of the plant and screening will not cause an adverse noise impact.</p> <p><b>Recommendation</b></p> <p>SUPPORTED - no conditions</p> |
| Landscape Officer                 | <p><b><i>Referral completed - conditions recommended</i></b></p> <p>The application is for modification to development consent DA2022/0469 under Land and Environment Court proceedings 2023/00242901.</p> <p>Landscape setting outcomes modified includes minor adjustment of landscape plan layout in co-ordination with the architectural plans, as illustrated on the amended landscape plans. In review of the amended landscape plans Landscape Referral raise no concerns with the landscape setting modifications.</p> <p>Based on the amended landscape plans, development consent condition 11. Amended landscape plan, shall be deleted and relevant items [ i) and iv) ] not documented in the amended landscape plan shall be inserted into condition 61. Landscape Completion which shall be modified.</p> <p>The Amended landscape plans are identified as: LCP-01 date 20/11/25; LCP-02 date 20/11/25; LCP-03 date 4/12/25; PLT-01 date 3/11/25; PLT-02 date 6/11/25; and PLT-03 date 6/11/25.</p>                                         |

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Coast and Catchments)    | <p><b><i>Referral completed - no conditions required</i></b></p> <p>The proposal seeks approval for Modification of Development Consent DA2022/0469 (Land and Environment Court proceedings 2023/00242901) granted for the construction of shop top housing. The proposed modifications include consolidation of three Level 1 apartments into two apartments, clerestory roof reconfiguration and roof pitch adjustments.</p> <p>The proposed modifications are minor in nature and do not impact the assessment of coastal matters considered. The conditions of consent remain applicable.</p> |
| NECC (Development Engineering) | <p><b><i>Referral completed - no conditions required</i></b></p> <p>No objections to approval.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| NECC (Flooding)                | <p><b><i>Referral completed - no conditions required</i></b></p> <p>This proposal is for modifications to DA2022/0013. It includes changes to all levels of the proposed development but does not increase the building footprint or the proposed floor levels.</p> <p>Subject to compliance with any conditions laid out in response to DA2022/0013 and subsequent modifications, the proposal generally complies with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</p>                                                                                              |

| Internal Referral Body                             | Comments                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strategic and Place Planning<br>(Heritage Officer) | <b><i>Matters for consideration (see planner comment)</i></b>                                                                                                                                                                                                                                                                                                                                                                    |
|                                                    | <b>HERITAGE COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                    | <b>Discussion of reason for referral</b>                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                    | The proposal has been referred to as the site adjoins a local heritage item and is located opposite another, which are both listed in Schedule 5 of Pittwater LEP 2013:                                                                                                                                                                                                                                                          |
|                                                    | <b>“Barrenjoey House” (restaurant and accommodation) - 1108 Barrenjoey Road</b>                                                                                                                                                                                                                                                                                                                                                  |
|                                                    | <b>Norfolk Island Pines</b> – Barrenjoey Road, Pittwater Park (opposite Barrenjoey House)                                                                                                                                                                                                                                                                                                                                        |
|                                                    | <b>Details of heritage items affected</b>                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                    | <b>"Barrenjoey House"</b>                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                    | <u>Statement of Significance</u><br>Barrenjoey House is historically significant as it has been in nearly continuous use as a restaurant and guest house since it was built in 1923 by Albert Verrills. It was also the first place in Palm Beach to have a telephone and as such it holds social significance for the Palm Beach community.                                                                                     |
|                                                    | <u>Physical Description</u><br>This plastered two-storey plastered brick building with pitched roof was built as a guest house in 1923. It features a sunny dining room with windows the length of one wall overlooking the water and a large terrace with canvas canopy for outdoor dining. The interior retains traditional character including wallpaper and emu chandeliers.                                                 |
|                                                    | <b>Norfolk Island Pines</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                    | <u>Statement of Significance</u><br>The Norfolk Island Pines are of local historic and aesthetic significance as a fine representative example of the widespread use of this species for ornamental plantings in coastal areas.                                                                                                                                                                                                  |
|                                                    | <u>Physical Description</u><br>A fine planting of mature specimens of Araucaria heterophylla (Norfolk Island Pine) in Pittwater Park, adjacent to the public wharf at Palm Beach and across Barrenjoey Road from Barrenjoey House. The trees are along the western and southern edges of this park which includes a children's playground and car park. The trees provide welcome shade for picnickers using the Pittwater beach |
|                                                    | <b>Other relevant heritage listings</b>                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                    | SEPP (Biodiversity and Conservation) 2021                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                    | Australian Heritage Register                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                    | NSW State Heritage Register                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |  |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|
|                        | National Trust of Aust (NSW) Register                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |    |  |
|                        | RAIA Register of 20th Century Buildings of Significance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | No |  |
|                        | Other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | No |  |
|                        | <b>Consideration of Application</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |  |
|                        | The proposal seeks consent for modifications to an approved application for a shoptop development on the subject site. Heritage raises two concerns with the proposed modifications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |  |
|                        | <p>The proposed alteration of the level two dormers, increasing their visual height and scale by the extension of their footprint forward of the approved sill point and the use of glass balustrades, negatively impacts the success of the court- approved design; the resultant prominence and the visual clutter of the roof scape of the building would be unhelpful and disruptive of the present simplicity of the building's perception from the overall setting ; in my opinion this is unhelpful and should not be consented to.</p>                                                                                                                                                                       |    |  |
|                        | <p>The second matter is the introduction of solid balustrade panels to the balustrades of the colonnaded level one verandah/balcony; these would be disruptive of the building's principal elevation which is helpfully structured by the considered massing and "break up" of the building's form ; in my opinion the panels should remain uniform across the elevation and if it is desired to promote privacy by this proposed change - somewhat at odds with the urban and very high-profile and public setting of the building, then subtle obscuring of the panels concerned by the use of fritted glass panels, equal and similar in other respects to their clear adjacent panels, should be considered.</p> |    |  |
|                        | <p>Therefore Heritage cannot support the proposed modifications.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No<br/> Has a CMP been provided? No<br/> Is a Heritage Impact Statement required? Yes<br/> Has a Heritage Impact Statement been provided? Yes</p>                                                                                                                                                                                                                                                                                                                                                                                |    |  |
|                        | <b>PLANNER COMMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |    |  |
|                        | <p>The applicant has responded to the above concerns raised in regards to heritage and amended their application during the assessment, including reducing the visual prominence of the Level 2 dormers through refinement of the dormer hoods to decrease their bulk, and replacing glass balustrades to better integrate the balconies within the roof form. All street-facing balustrades have also been amended to simple metal detailing. Overall, the proposal, as amended, achieves consistency with the approved development, responds to the heritage advice, and is considered an appropriate outcome in relation to the</p>                                                                               |    |  |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | adjoining heritage item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Waste Officer          | <p><b>Referral completed - no conditions required</b></p> <p>Reduction in number of dwelling units from 5 to 4 reduces the bin allocation to 2 waste 240L, 1 paper recycling 240L, 1 container recycling 240L and 2 vegetation* 240L. Area provided by reconfiguration of residential and commercial bin rooms is sufficient as shown on DA05 submitted with this MOD. Waste Access Plan as shown on DA18 is satisfactory. Supported subject to conditions per original DA2022/0469.</p> |

| External Referral Body                                                                                                                                                                                      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48                                                                                                                                                   | <p><b>Supported - subject to conditions</b></p> <p>The application was referred to Ausgrid who provided a response stating that the proposed modification is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>                                                                                                                                                                                                     |
| Nominated Integrated Development - WaterNSW - Water Management Act 2000, s90(2) - Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location | <p><b>Supported - no conditions required</b></p> <p>The application was referred to Water NSW as Nominated Integrated Development under the Water Management Act 2000.</p> <p>Water NSW have reviewed the proposal and no changes to the previously issued General Terms of Approval (S4551163920) dated 22 October 2025.</p>                                                                                                                                                                                                                           |
| Concurrence - Transport for NSW - SEPP (Transport and Infrastructure) 2021, s2.118                                                                                                                          | <p><b>Supported - conditions recommended</b></p> <p>The application has been referred to Transport for NSW (TfNSW) under Part 2.118 (Development with a Frontage to classified road) and Part 2.121 (Traffic-generating development) of the SEPP (Transport and Infrastructure) 2021 and for concurrence under Section 138 of the Roads Act. TfNSW have reviewed the proposal and have raised no objections to granting concurrence, subject to the conditions provided in their response which will be included as development consent conditions.</p> |

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

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



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

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

### **SEPP (Sustainable Buildings) 2022**

A BASIX certificate has been submitted with the application (see Certificate No. 1186733M\_06 dated 19 January 2026).

Where relevant, the embodied emissions have been quantified in the above BASIX Certificate.

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

### **SEPP (Housing) 2021**

#### **Application of Chapter**

Clause 144 of State Environmental Planning Policy Housing 2021 (SEPP Housing) stipulates that:

- (1) This chapter applies to development only if:
  - (a) the development consists of:
    - (i) the erection of a new building,
    - (ii) the substantial redevelopment or the substantial refurbishment of an existing building, or
    - (iii) the conversion of an existing building, and
  - (b) the building concerned is at least 3 or more storeys, not including underground car parking storeys, and
  - (c) the building contains at least 4 dwellings.

As per the provisions of Clause 144 outlining the application of the policy, the provisions of Chapter 4 SEPP Housing are applicable to the assessment of this application.

Clause 102 of the Environmental Planning and Assessment Regulation 2021 requires the submission of a Design Verification Statement from the qualified designer at lodgement of the modification application. This documentation has been submitted with the application.

#### **Referral to design review panel for development applications**

Clause 145 of SEPP Housing requires:

- (2) *Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development).*

Comment: Northern Beaches Council has an appointed Design and Sustainability Advisory Panel (DSAP).

#### **Referral to design review panel for modification applications**

Clause 146 of SEPP Housing requires:

*(2) If the statement by the qualified designer required to accompany the modification application under the Environmental Planning and Assessment Regulation 2021, section 102(1) does not verify that the qualified designer designed, or directed the design of, the original development, the consent authority must refer the modification application to the relevant design review panel for advice before determining the modification application.*

Comment: The application is accompanied by a statement from the qualified designer that design or directed the design of the original development application. As such, referral of the modification application to DSAP is not required.

*(3) The consent authority may also refer a modification application for residential apartment development to the relevant design review panel for advice before determining the modification application.*

Comment: Given the minor nature of the changes the re-referral to DSAP is not necessary in this circumstance.

#### **Determination of development applications and modification applications for residential apartment development**

Clause 147 of SEPP Housing requires that:

*(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*

*(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*

*(b) the Apartment Design Guide,*

*(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

Comment:

The modified development continues to achieve the design quality principles of Schedule 9 and appropriately responds to the design guidelines within the ADG. As above, the application did not require referral to DSAP.

#### **Non-discretionary development standards for residential apartment development**

Clause 148 of SEPP Housing contain non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards for the matters (i.e 'must not refuse' standards).

The following are non-discretionary development standards under sub clause (2):

- (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide
- (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,
- (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Comment:

The development meets the minimum requirements of the ADH in relation to Part 3J, 4D and 4C. This assessment has not required more onerous standards and does not recommend refusal.

**DESIGN QUALITY PRINCIPLES - Schedule 9**

The modification application predominantly relates to basement car parking, commercial tenancies and internal unit reconfigurations. The amended residential apartments continue to demonstrate consistency with the design quality principles set out in Schedule 9 of the SEPP (Housing), including appropriate built form, amenity and response to local context.

**APARTMENT DESIGN GUIDE**

The following table is an assessment against the criteria of the 'Apartment Design Guide' as required by SEPP Housing.

| Development Control           | Criteria / Guideline                                                                                                                                                                   | Comments                                                                                                                                                                                                                                   |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part 3 Siting the Development |                                                                                                                                                                                        |                                                                                                                                                                                                                                            |
| Site Analysis                 | Does the development relate well to its context and is it sited appropriately?                                                                                                         | As approved under DA2022/0469.                                                                                                                                                                                                             |
| Orientation                   | Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?                                              | The modified development provides deep balconies which have been designed to respond to the character and enhance amenity of the development. Solar access is maintained in accordance with Council's controls for the adjoining property. |
| Public Domain Interface       | Does the development transition well between the private and public domain without compromising safety and security?<br><br>Is the amenity of the public domain retained and enhanced? | As approved under DA2022/0469.                                                                                                                                                                                                             |

| Communal and Public Open Space                                        | <p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none"> <li>1. Communal open space has a minimum area equal to 25% of the site</li> <li>2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)</li> </ol>                                                                                                                                                               | As approved under DA2022/0469.  |                    |                                 |                             |   |    |                                         |    |                                  |    |                                                                       |    |                                |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------|---------------------------------|-----------------------------|---|----|-----------------------------------------|----|----------------------------------|----|-----------------------------------------------------------------------|----|--------------------------------|
| Deep Soil Zones                                                       | <p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m<sup>2</sup></td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m<sup>2</sup> – 1,500m<sup>2</sup></td><td>3m</td></tr> <tr> <td>Greater than 1,500m<sup>2</sup></td><td>6m</td></tr> <tr> <td>Greater than 1,500m<sup>2</sup> with significant existing tree cover</td><td>6m</td></tr> </tbody> </table> | Site area                       | Minimum dimensions | Deep soil zone (% of site area) | Less than 650m <sup>2</sup> | - | 7% | 650m <sup>2</sup> – 1,500m <sup>2</sup> | 3m | Greater than 1,500m <sup>2</sup> | 6m | Greater than 1,500m <sup>2</sup> with significant existing tree cover | 6m | As approved under DA2022/0469. |
| Site area                                                             | Minimum dimensions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Deep soil zone (% of site area) |                    |                                 |                             |   |    |                                         |    |                                  |    |                                                                       |    |                                |
| Less than 650m <sup>2</sup>                                           | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 7%                              |                    |                                 |                             |   |    |                                         |    |                                  |    |                                                                       |    |                                |
| 650m <sup>2</sup> – 1,500m <sup>2</sup>                               | 3m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                    |                                 |                             |   |    |                                         |    |                                  |    |                                                                       |    |                                |
| Greater than 1,500m <sup>2</sup>                                      | 6m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                    |                                 |                             |   |    |                                         |    |                                  |    |                                                                       |    |                                |
| Greater than 1,500m <sup>2</sup> with significant existing tree cover | 6m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                    |                                 |                             |   |    |                                         |    |                                  |    |                                                                       |    |                                |

| Visual Privacy                | <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p> | Building height                | Habitable rooms and balconies | Non-habitable rooms | Up to 12m (4 storeys) | 6m | 3m | Up to 25m (5-8 storeys) | 9m | 4.5m | Over 25m (9+ storeys) | 12m | 6m | As approved under DA2022/0469. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------|---------------------|-----------------------|----|----|-------------------------|----|------|-----------------------|-----|----|--------------------------------|
| Building height               | Habitable rooms and balconies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Non-habitable rooms            |                               |                     |                       |    |    |                         |    |      |                       |     |    |                                |
| Up to 12m (4 storeys)         | 6m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3m                             |                               |                     |                       |    |    |                         |    |      |                       |     |    |                                |
| Up to 25m (5-8 storeys)       | 9m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 4.5m                           |                               |                     |                       |    |    |                         |    |      |                       |     |    |                                |
| Over 25m (9+ storeys)         | 12m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 6m                             |                               |                     |                       |    |    |                         |    |      |                       |     |    |                                |
| Pedestrian Access and entries | <p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | As approved under DA2022/0469. |                               |                     |                       |    |    |                         |    |      |                       |     |    |                                |
| Vehicle Access                | Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | As approved under DA2022/0469. |                               |                     |                       |    |    |                         |    |      |                       |     |    |                                |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Bicycle and Car Parking       | <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p> | As approved under DA2022/0469.                                                                                    |
| Part 4 Designing the Building |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |
| Amenity                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                   |
| Solar and Daylight Access     | <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Yes</b> - At least 75% of apartments (3/4) will receive 2 hours solar access between 1pm and 3pm.              |
|                               | <ul style="list-style-type: none"> <li>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Yes</b> - All apartments will receive sunlight to at least their private open space comprising of the balcony. |

| Natural Ventilation            | <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none"><li>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</li></ul>                                                                                                                                                                            | <b>Yes</b> - The reconfigured units on Level 1 are cross ventilated.                                                |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--|-----------------|------|---------------|------|-------------------------|------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------|--------------------------------|----------------------------------------------------------------------|--------------------------------|
|                                | <ul style="list-style-type: none"><li>Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Yes</b> - The reconfigured units on Level 1 do not exceed 18 metres in depth, measured glass line to glass line. |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |
| Ceiling Heights                | <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor<br/><br/>2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> | Minimum ceiling height                                                                                              |  | Habitable rooms | 2.7m | Non-habitable | 2.4m | For 2 storey apartments | 2.7m for main living area floor<br><br>2.4m for second floor, where its area does not exceed 50% of the apartment area | Attic spaces | 1.8m at edge of room with a 30 degree minimum ceiling slope | If located in mixed used areas | 3.3m for ground and first floor to promote future flexibility of use | As approved under DA2022/0469. |
| Minimum ceiling height         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                     |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |
| Habitable rooms                | 2.7m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                     |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |
| Non-habitable                  | 2.4m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                     |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |
| For 2 storey apartments        | 2.7m for main living area floor<br><br>2.4m for second floor, where its area does not exceed 50% of the apartment area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                     |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |
| Attic spaces                   | 1.8m at edge of room with a 30 degree minimum ceiling slope                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                     |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |
| If located in mixed used areas | 3.3m for ground and first floor to promote future flexibility of use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                     |  |                 |      |               |      |                         |                                                                                                                        |              |                                                             |                                |                                                                      |                                |

|                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|--------|------------------|-----------|------------------|-----------|------------------|-----------|------------------|
| Apartment Size and Layout                                                                                                                                                                                | Apartments are required to have the following minimum internal areas:                                                                                                                                                                                                                                                                                                                                | <b>Yes</b> - The reconfigured units on Level 1 comprise two x 4-bedroom apartments with a minimum size of 242m <sup>2</sup> . |                       |                       |        |                  |           |                  |           |                  |           |                  |
|                                                                                                                                                                                                          | <table><tr><td>Apartment type</td><td>Minimum internal area</td></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table>                                                                                                               |                                                                                                                               | Apartment type        | Minimum internal area | Studio | 35m <sup>2</sup> | 1 bedroom | 50m <sup>2</sup> | 2 bedroom | 70m <sup>2</sup> | 3 bedroom | 90m <sup>2</sup> |
|                                                                                                                                                                                                          | Apartment type                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                               | Minimum internal area |                       |        |                  |           |                  |           |                  |           |                  |
|                                                                                                                                                                                                          | Studio                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                               | 35m <sup>2</sup>      |                       |        |                  |           |                  |           |                  |           |                  |
|                                                                                                                                                                                                          | 1 bedroom                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                               | 50m <sup>2</sup>      |                       |        |                  |           |                  |           |                  |           |                  |
|                                                                                                                                                                                                          | 2 bedroom                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                               | 70m <sup>2</sup>      |                       |        |                  |           |                  |           |                  |           |                  |
|                                                                                                                                                                                                          | 3 bedroom                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                               | 90m <sup>2</sup>      |                       |        |                  |           |                  |           |                  |           |                  |
|                                                                                                                                                                                                          | The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.                                                                                                                                                                                                                                                               |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
|                                                                                                                                                                                                          | A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.                                                                                                                                                                                                                                                                                        |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.   | <b>Yes</b> - All habitable rooms have windows.                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
| Habitable room depths are limited to a maximum of 2.5 x the ceiling height.                                                                                                                              | <b>Yes</b> - Room depths appropriate.                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.                                                                           | <b>Partial non-compliance</b> - The room depths for the open plan living and kitchen areas of Units 1 and 2 exceed the control with a maximum depth of 9.3 metres. Notwithstanding, the rooms significantly exceed the minimum width requirement (4 metres) and achieve adequate solar access. Accordingly, the extent of the non-compliance is minor and is considered acceptable in this instance. |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
| Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).                                                                                   | <b>Yes</b> - Achieves minimum dimensions.                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
| Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension.                                       | <b>Yes</b> - Achieves minimum dimensions.                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |
| Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>3.6m for studio and 1 bedroom apartments</li><li>4m for 2 and 3 bedroom apartments</li></ul> | <b>Yes</b> - Achieves minimum dimensions.                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                               |                       |                       |        |                  |           |                  |           |                  |           |                  |



|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|---------------------|-------------------|-------------------|----------------------|-----------------|----------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------|----|-----------------------|------------------|------|----------------------------------------------------|
|                                  | The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts                                                                                                                                                                                                                                                                                                                                        | <b>Yes</b> - Achieves minimum dimensions.    |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| Private Open Space and Balconies | All apartments are required to have primary balconies as follows: <table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table> | Dwelling Type                                | Minimum Area        | Minimum Depth     | Studio apartments | 4m <sup>2</sup>      | -               | 1 bedroom apartments | 8m <sup>2</sup> | 2m                    | 2 bedroom apartments | 10m <sup>2</sup>                                                                                    | 2m | 3+ bedroom apartments | 12m <sup>2</sup> | 2.4m | <b>Yes</b> - Achieves minimum dimensions and area. |
|                                  | Dwelling Type                                                                                                                                                                                                                                                                                                                                                                                                                                                | Minimum Area                                 | Minimum Depth       |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
|                                  | Studio apartments                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4m <sup>2</sup>                              | -                   |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| 1 bedroom apartments             | 8m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                              | 2m                                           |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| 2 bedroom apartments             | 10m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2m                                           |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| 3+ bedroom apartments            | 12m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2.4m                                         |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
|                                  | The minimum balcony depth to be counted as contributing to the balcony area is 1m                                                                                                                                                                                                                                                                                                                                                                            |                                              |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
|                                  | For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.                                                                                                                                                                                                                                                        | N/A                                          |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| Common Circulation and Spaces    | The maximum number of apartments off a circulation core on a single level is eight.                                                                                                                                                                                                                                                                                                                                                                          | <b>Yes</b> . Maximum of two units per level. |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
|                                  | For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.                                                                                                                                                                                                                                                                                                                                                          | N/A                                          |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| Storage                          | In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><td>Dwelling Type</td><td>Storage size volume</td></tr><tr><td>Studio apartments</td><td>4m<sup>2</sup></td></tr><tr><td>1 bedroom apartments</td><td>6m<sup>2</sup></td></tr><tr><td>2 bedroom apartments</td><td>8m<sup>2</sup></td></tr><tr><td>3+ bedroom apartments</td><td>10m<sup>2</sup></td></tr></table>                                 | Dwelling Type                                | Storage size volume | Studio apartments | 4m <sup>2</sup>   | 1 bedroom apartments | 6m <sup>2</sup> | 2 bedroom apartments | 8m <sup>2</sup> | 3+ bedroom apartments | 10m <sup>2</sup>     | <b>Yes</b> - Adequate storage is provided and nominated storage areas also located in the basement. |    |                       |                  |      |                                                    |
|                                  | Dwelling Type                                                                                                                                                                                                                                                                                                                                                                                                                                                | Storage size volume                          |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
|                                  | Studio apartments                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4m <sup>2</sup>                              |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| 1 bedroom apartments             | 6m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| 2 bedroom apartments             | 8m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| 3+ bedroom apartments            | 10m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                              |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
|                                  | At least 50% of the required storage is to be located within the apartment.                                                                                                                                                                                                                                                                                                                                                                                  |                                              |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |
| Acoustic Privacy                 | Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.                                                                                                                                                                                                                                      | As approved under DA2022/0469.               |                     |                   |                   |                      |                 |                      |                 |                       |                      |                                                                                                     |    |                       |                  |      |                                                    |

|                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                           |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Noise and Pollution     | Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.                                                                                                                                               | <b>Yes</b> - Suitable plant screening is proposed under this modification.                                                                                                                |
| Configuration           |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                           |
| Apartment Mix           | Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.                                                                        | <b>Yes</b> - Appropriate mix given the site location and potential residents who may wish to reside, this provides housing choice in an area that is characterised by detached dwellings. |
| Ground Floor Apartments | Do the ground floor apartments deliver amenity and safety for their residents?                                                                                                                                                                                                      | N/A                                                                                                                                                                                       |
| Facades                 | Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.                                                                                                                                  | <b>Yes</b> - Consideration has been given to the character of the area to create visual interest and appropriately respond to the adjoining heritage item.                                |
| Roof Design             | Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features.<br>Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top. | As approved under DA2022/0469.                                                                                                                                                            |
| Landscape Design        | Was a landscape plan submitted and does it respond well to the existing site conditions and context.                                                                                                                                                                                | <b>Yes</b> - Landscape plan submitted which satisfies Councils requirements.                                                                                                              |

|                        |                                                                                                                                         |                                                 |                   |            |                                                                                         |                           |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-------------------|------------|-----------------------------------------------------------------------------------------|---------------------------|
| Planting on Structures | When planting on structures the following are recommended as minimum standards for a range of plant sizes:                              |                                                 |                   |            | Yes - Soil depths can be achieved and conditions are recommended to ensure this occurs. |                           |
|                        | Plant type                                                                                                                              | Definition                                      | Soil Volume       | Soil Depth |                                                                                         | Soil Area                 |
|                        | Large Trees                                                                                                                             | 12-18m high, up to 16m crown spread at maturity | 150m <sup>3</sup> | 1,200mm    |                                                                                         | 10m x 10m or equivalent   |
|                        | Medium Trees                                                                                                                            | 8-12m high, up to 8m crown spread at maturity   | 35m <sup>3</sup>  | 1,000mm    |                                                                                         | 6m x 6m or equivalent     |
|                        | Small trees                                                                                                                             | 6-8m high, up to 4m crown spread at maturity    | 9m <sup>3</sup>   | 800mm      |                                                                                         | 3.5m x 3.5m or equivalent |
|                        | Shrubs                                                                                                                                  |                                                 |                   | 500-600mm  |                                                                                         |                           |
|                        | Ground Cover                                                                                                                            |                                                 |                   | 300-450mm  |                                                                                         |                           |
|                        | Turf                                                                                                                                    |                                                 |                   | 200mm      |                                                                                         |                           |
| Universal Design       | Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features |                                                 |                   |            | Yes - There is at least two unit (50%) is adaptable.                                    |                           |
| Adaptable Reuse        | New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.               |                                                 |                   |            | N/A                                                                                     |                           |

|                                   |                                                                                                                                                                                                                                                                                         |                                                                           |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Mixed Use                         | Can the development be accessed through public transport and does it positively contribute to the public domain?<br><br>Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.                         | As approved under DA2022/0469.                                            |
| Awnings and Signage               | Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development.<br><br>Signage must respond to the existing streetscape character and context. | As approved under DA2022/0469.                                            |
| <b>Performance</b>                |                                                                                                                                                                                                                                                                                         |                                                                           |
| Energy Efficiency                 | Have the requirements in the BASIX certificate been shown in the submitted plans?                                                                                                                                                                                                       | <b>Yes</b> - BASIX certificate provided and proposal capable of complying |
| Water Management and Conservation | Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?                                                                                                                          | <b>Yes</b> - BASIX certificate covers water management.                   |
| Waste Management                  | Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?                                                                                                                      | As approved under DA2022/0469.                                            |
| Building Maintenance              | Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?                                                                                                                                                         | As approved under DA2022/0469.                                            |

**SEPP (Transport and Infrastructure) 2021**Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0 metres of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30 metres of a structure supporting an overhead electricity transmission line and/or within 5.0 metres of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

**SEPP (Resilience and Hazards) 2021****Chapter 2 – Coastal Management**

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

**Division 3 Coastal environment area****2.10 Development on land within the coastal environment area**

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - b) coastal environmental values and natural coastal processes,
  - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - f) Aboriginal cultural heritage, practices and places,
  - g) the use of the surf zone.

Comment:

The land is well setback from the Pittwater Foreshore, across the other side of Barrenjoey Road. The modifications will not have an adverse impact on the coastal environment or matters listed under items (a) - (g).

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
  - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Council is satisfied that the design of the building avoids impacts to the coastal environment and water run off/sediment erosion control is managed via approved conditions of consent.

**Division 4 Coastal use area**

**2.11 Development on land within the coastal use area**

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
- a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - i) existing, safe access to and along the foreshore, beach, headland or rock
    - ii) platform for members of the public, including persons with a disability,
    - iii) overshadowing, wind funnelling and the loss of views from public places to
    - iv) foreshores,
    - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
  - b) is satisfied that:
    - i) the development is designed, sited and will be managed to avoid an adverse
    - ii) impact referred to in paragraph (a), or
    - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or  
if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The changes to the shoring design will not result in overshadowing of the foreshore area, impede coastal access, impact upon aboriginal cultural heritage and takes into account the surrounding built environment, including the locally listed heritage item adjoining the site. Council is satisfied the development has been designed to avoid adverse impacts on the matters listed i) to v).

**Division 5 General**

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

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

Comment:

The development will not increase the risk of coastal hazards.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

## **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the consent authority to consider whether land is contaminated. Contamination issues are addressed in the original court approval and conditions are imposed which remain valid.

### **Pittwater Local Environmental Plan 2014**

|                                                                                        |     |
|----------------------------------------------------------------------------------------|-----|
| Is the development permissible?                                                        | Yes |
| After consideration of the merits of the proposal, is the development consistent with: |     |
| aims of the LEP?                                                                       | Yes |
| zone objectives of the LEP?                                                            | Yes |

### Principal Development Standards

| Development Standard | Requirement | Approved | Proposed              | % Variation | Complies |
|----------------------|-------------|----------|-----------------------|-------------|----------|
| Height of Buildings: | 8.5m        | 11.15m   | 11.3m (Plant screens) | 32.9%       | No       |

### Compliance Assessment

| Clause                                                   | Compliance with Requirements |
|----------------------------------------------------------|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 4.3 Height of buildings                                  | No                           |
| 5.10 Heritage conservation                               | Yes                          |
| 5.21 Flood planning                                      | Yes                          |
| 7.1 Acid sulfate soils                                   | Yes                          |
| 7.2 Earthworks                                           | Yes                          |
| 7.6 Biodiversity protection                              | Yes                          |
| 7.7 Geotechnical hazards                                 | Yes                          |
| 7.10 Essential services                                  | Yes                          |

## Detailed Assessment

### 4.3 Height of buildings

#### Description of non-compliance:

|                                      |                     |
|--------------------------------------|---------------------|
| Development standard:                | Height of buildings |
| Requirement:                         | 8.5m                |
| Proposed:                            | 11.3m               |
| Percentage variation to requirement: | 32.9%               |

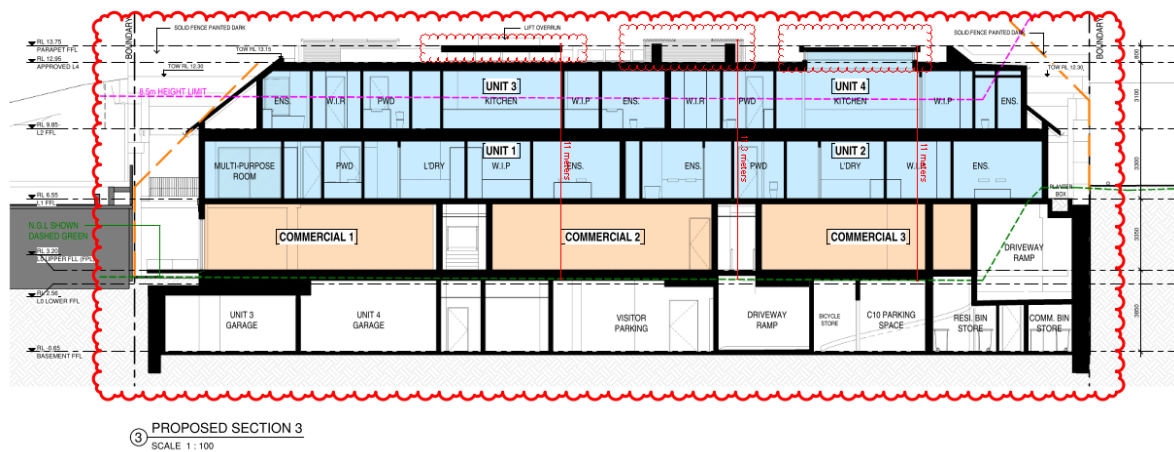


Figure 1 - Building height calculation





**Figure 2 - Building height diagram (Proposed)**



**Figure 3 - Building height diagram (Approved)**

Assessment of request to vary a development standard:

Whilst the modification application will result in a building height that exceeds the maximum permitted by Clause 4.3 of the Pittwater LEP 2014, the application does not strictly need to address the requirements of

## Clause 4.6.

The application has been made under Section 4.55 of the Environmental Planning and Assessment (EPA) Act 1979, which is a free standing provision that in itself authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is subject to its own stand-alone tests (such as the substantially the same test and consideration of all relevant Section 4.15 matters) and does not rely upon having a Clause 4.6 variation in order to determine the modification application.

Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 4.55 modification applications. As such, the applicant is not required to submit a written request adequately addressing the matters required to be demonstrated by cl 4.6(3).

Notwithstanding that Clause 4.6 does not apply to Section 4.55 modification applications, the merits of the variation have been assessed with regard to the objectives of the height of buildings development standard and the underlying objectives of the E1 Local Centre zone. Notwithstanding that Clause 4.6 does not strictly apply, the assessment has also taken into consideration the relevant tests of the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

With regard to the new non-compliance with the Height of Buildings development standard, the underlying objectives of Clause 4.3 Height of Buildings are addressed as follows:

(1) The objectives of this clause are as follows—

*a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

Comment:

The additional elements of the building that breach the height are generally limited to plant screening and . These elements are considered minor and are mainly located centrally on the development. The submitted information demonstrates that the breaches are mostly concealed by the approved perimeter planting when viewed from the street and nearby residential properties. Overall, these breaches will not result in the development becoming visually dominant.

*b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment:

The height of the proposed modification to the approved development is compatible with the bulk and scale of the approved form and nearby comparable development including, No.1112 - 1116 Barrenjoey Road, Palm Beach.

*c) to minimise any overshadowing of neighbouring properties,*

Comment:

The elements of the proposal breach of the height limit will not result in any significant overshadowing impacts to the surrounding land.

*d) to allow for the reasonable sharing of views,*

Comment:

The proposed modification will not result in adverse view impacts and will retain adequate view corridors across the site.

*e) to encourage buildings that are designed to respond sensitively to the natural topography,*

Comment:

The proposed modified height non-compliance will have a negligible impact on the natural topography of the subject site.

*f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,*

Comment:

The proposed modification as amended will not have a adverse impact on the natural environmental or adjoining heritage items to the south and east of the subject site.

**Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:**

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Comment:

The subject application is made under Section 4.55 of the EPA Act. As such, Clause 4.6 does not strictly apply and the concurrence of the Secretary is not required to be obtained.

**Pittwater 21 Development Control Plan**

Built Form Controls

| Built Form Control  | Requirement | Approved                                                                                                | Proposed                      | Complies |
|---------------------|-------------|---------------------------------------------------------------------------------------------------------|-------------------------------|----------|
| Front building line | 3.5m        | Nil (Basement)<br>6.0m - 7.5m (Ground Floor)<br>2.0m - 8.9m (First Floor)<br>3.0m - 8.7m (Second Level) | 2.9m (Second Level Balconies) | No       |
| Rear building line  | 3.0m        | Nil                                                                                                     | Unaltered                     | N/A      |

|                    |              |                                                                                    |                             |     |
|--------------------|--------------|------------------------------------------------------------------------------------|-----------------------------|-----|
| Side building line | Nil - North  | Nil (Basement)<br>3.0m (Ground Floor)<br>3.0m (First Floor)<br>5.7m (Second Level) | 0.6m (Ground Floor Terrace) | Yes |
|                    | 3.0m - South | Nil - 3.0m                                                                         | Unaltered                   | N/A |
| Building envelope  | 4.2m         | Outside envelope                                                                   | Unaltered                   | N/A |
|                    | 4.2m         | Outside envelope                                                                   | Unaltered                   | N/A |
| Landscaped area    | 20%          | 18.3% (209m <sup>2</sup> )                                                         | 20.1% (229m <sup>2</sup> )  | Yes |

Compliance Assessment

| Clause                                                                                                                                                          | Compliance with Requirements | Consistency Aims/Objectives |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                                                                                                                   | Yes                          | Yes                         |
| A4.12 Palm Beach Locality                                                                                                                                       | Yes                          | Yes                         |
| B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites | Yes                          | Yes                         |
| B2.6 Dwelling Density and Subdivision - Shop Top Housing                                                                                                        | Yes                          | Yes                         |
| B3.1 Landslip Hazard                                                                                                                                            | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land                                                                                                        | Yes                          | Yes                         |
| B3.8 Estuarine Hazard - Medium Density Residential                                                                                                              | Yes                          | Yes                         |
| B3.11 Flood Prone Land                                                                                                                                          | Yes                          | Yes                         |
| B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor                                                                                       | Yes                          | Yes                         |
| B5.15 Stormwater                                                                                                                                                | Yes                          | Yes                         |
| B6.1 Access driveways and Works on the Public Road Reserve                                                                                                      | Yes                          | Yes                         |
| B6.2 Internal Driveways                                                                                                                                         | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                                                                                                                    | Yes                          | Yes                         |
| B6.7 Transport and Traffic Management                                                                                                                           | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill                                                                                                      | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation                                                                                                           | Yes                          | Yes                         |
| B8.4 Construction and Demolition - Site Fencing and Security                                                                                                    | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain                                                                                                   | Yes                          | Yes                         |
| B8.6 Construction and Demolition - Traffic Management Plan                                                                                                      | Yes                          | Yes                         |
| C1.1 Landscaping                                                                                                                                                | Yes                          | Yes                         |
| C1.2 Safety and Security                                                                                                                                        | Yes                          | Yes                         |
| C1.3 View Sharing                                                                                                                                               | Yes                          | Yes                         |
| C1.4 Solar Access                                                                                                                                               | Yes                          | Yes                         |
| C1.5 Visual Privacy                                                                                                                                             | Yes                          | Yes                         |
| C1.6 Acoustic Privacy                                                                                                                                           | Yes                          | Yes                         |

| Clause                                                     | Compliance with Requirements | Consistency Aims/Objectives |
|------------------------------------------------------------|------------------------------|-----------------------------|
| C1.7 Private Open Space                                    | Yes                          | Yes                         |
| C1.9 Adaptable Housing and Accessibility                   | Yes                          | Yes                         |
| C1.10 Building Facades                                     | Yes                          | Yes                         |
| C1.19 Incline Passenger Lifts and Stairways                | Yes                          | Yes                         |
| C1.23 Eaves                                                | Yes                          | Yes                         |
| C2.1 Landscaping                                           | Yes                          | Yes                         |
| C2.2 Safety and Security                                   | Yes                          | Yes                         |
| C2.3 Awnings                                               | Yes                          | Yes                         |
| C2.5 View Sharing                                          | Yes                          | Yes                         |
| C2.12 Protection of Residential Amenity                    | Yes                          | Yes                         |
| C2.16 Undergrounding of Utility Services                   | Yes                          | Yes                         |
| C2.20 Public Road Reserve - Landscaping and Infrastructure | Yes                          | Yes                         |
| C2.22 Plant, Equipment Boxes and Lift Over-Run             | Yes                          | Yes                         |
| D12.1 Character as viewed from a public place              | Yes                          | Yes                         |
| D12.3 Building colours and materials                       | Yes                          | Yes                         |
| D12.5 Front building line                                  | No                           | Yes                         |
| D12.6 Side and rear building line                          | Yes                          | Yes                         |
| D12.10 Landscaped Area - Environmentally Sensitive Land    | Yes                          | Yes                         |
| D12.12 Fences - Flora and Fauna Conservation Areas         | Yes                          | Yes                         |
| D12.14 Scenic Protection Category One Areas                | Yes                          | Yes                         |

Detailed Assessment**C1.3 View Sharing**Merit assessment

Concern has been raised that the proposed modifications may result in unacceptable view loss. However, it is noted that this issue was not raised by any immediately adjoining landowner. Furthermore, two (2) submissions in support of the proposal were received from properties located to the rear of the subject site. Notwithstanding the merits of the proposal are discussed below.

Comment:

The outcomes of the control are:

- *A reasonable sharing of views amongst dwellings.*

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

**1. Nature of the views affected**

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

## **2. What part of the affected property are the views obtained**

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

## **3. Extent of impact**

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

## **4. Reasonableness of the proposal that is causing the impact**

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

- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.*
- *Canopy trees take priority over views.*

The approved development has been assessed as achieving acceptable view sharing outcomes. The proposed modification seeks consent for 1.1 metre high plant screening atop the roof form, projecting approximately 0.3 metres above the approved parapet. Having regard to the sloping topography and the physical separation to adjoining properties upslope to the east, the additional height will be generally indiscernible and is anticipated to result in negligible view impact. Accordingly, the modified proposal is considered to maintain acceptable view sharing outcomes and is supported in this regard.

The development is consistent with the outcomes of the control and is acceptable on merit.

## **C1.5 Visual Privacy**

Merit assessment

Concern is raised that the proposed modifications will result in unacceptable privacy impacts.

Comment:

The outcomes of the control are:

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*
- *A sense of territory and safety is provided for residents. (S)*

The proposed modifications to the upper levels do not introduce any additional side-facing windows. Rather, the development seeks to rationalise glazing and reduce the openings on the side elevations, thereby reducing opportunities for overlooking. Modifications to the second-level balconies are minor and do not alter the approved privacy outcomes. Accordingly, the proposal is considered to achieve an improved outcome with respect to visual privacy when compared to the approved development.

The development is consistent with the outcomes of the control and is acceptable on merit.

**D12.5 Front building line**Description of non-compliance

The proposal seeks to modify the second-floor balconies, resulting in a reduced front setback of 2.9 metres, where a minimum of 3.5 metres is required by the control.

It is noted that the balconies were previously approved with a non-compliant setback of 3.0 metres.

Comment:

The outcomes of the control are:

- *Achieve the desired future character of the Locality.*
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
- *The amenity of residential development adjoining a main road is maintained. (S)*
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
- *To preserve and enhance the rural and bushland character of the locality. (En, S)*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The amended proposal appropriately responds to the adjoining heritage item. The balcony design remains largely concealed within the roof plane, reducing the apparent scale and visual prominence of the third floor.

Residential amenity is maintained at an acceptable level, with the modifications providing an improvement to usable outdoor space. The overall built form is comparable in bulk and scale to the approved development. The design contributes positively to the streetscape through the provision of active frontages, while appropriate articulation and landscaping ensure compatibility with the surrounding built environment. Importantly, the recessed siting relative to the adjoining heritage item maintains its visual prominence when viewed from the south.

The development is consistent with the outcomes of the control and is acceptable on merit.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2024**

Section 7.12 contributions were levied on the Development Application.

#### **Condition Changes**

The modification seeks to delete Condition No. 36 - Substation Land, which reads as follows:

*Architectural plan DA.04 Rev D dated 18/06/2024 (Site Plan) identifies work and structures, endorsed by Council, intended to be completed over a road reserve along Barrenjoey Road identified in the red square below in Figure 1:*



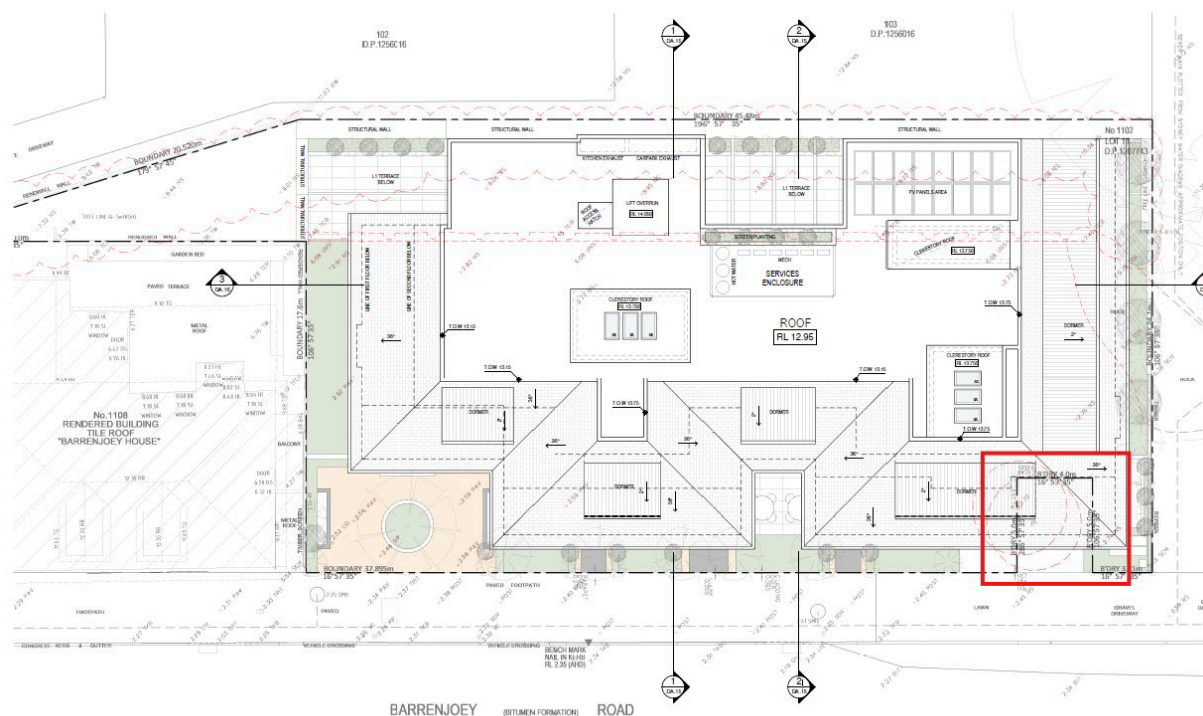


**Figure 1: Extract from Architectural plan DA.04 Rev D dated 18/06/2024 (Site Plan)**

Insofar as the works approved by this Consent require work to be undertaken in the road reserve along Barrenjoey Road, the Applicant is to submit an application for approval for structures over the road reserve with Council in accordance with Section 138 of the Roads Act 1993.

Consent required by this condition 43 is to be registered as a positive covenant over Lot 11 in DP1207743, 1102 Barrenjoey Road, Palm Beach NSW 2108.

The fee associated with the assessment and approval of the Section 138 application required by this condition 43 is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To facilitate structures over the former substation land.

Comment:

The request has been referred to Council's Road Assets team, who advise that the approved works constitute a significant encroachment into the public road reserve. On this basis, the encroachment cannot be administered as a minor encroachment and instead requires formal approval pursuant to section 138 of the Roads Act 1993. Furthermore, the registration of a positive covenant over Lot 11 in DP1207743 remains necessary to ensure the lawful occupation, maintenance, and ongoing management of the structure within the public domain.

Accordingly, the proposed deletion of Condition No. 36 is not supported, and the condition should be retained as approved to ensure compliance with the Roads Act 1993 and the appropriate long-term management of works within the road reserve.

**CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

## **PLANNING CONCLUSION**

The application seeks approval for the modification of Development Consent DA2022/0469, granted by the Land and Environment Court on 11 December 2024 for shop top housing at 1102 Barrenjoey Road, Palm Beach.

The application is appropriately referred to the Northern Beaches Local Planning Panel due to the extent of variation to the 8.5 metre building height standard under Pittwater LEP 2014. The exceedance, including plant screening extending up to 2.8 metres above the standard (32.9%), largely arises from the previously approved non-compliant building form. Notwithstanding, these elements are limited in scale and visibility and are assessed as resulting in negligible additional impact on surrounding properties or the streetscape.

The application was publicly notified for 14 days, during which four submissions were received raising concerns including bulk and scale, amenity, views, geotechnical matters and heritage. These matters have been considered and do not warrant refusal of the application.

The proposed modification is substantially the same development as originally approved and is considered to maintain an appropriate level of amenity, built form consistency and design quality. Having regard to the relevant statutory considerations, the proposal is acceptable.

Accordingly, the application is recommended for approval, subject to the recommended conditions.

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

**RECOMMENDATION**

THAT Northern Beaches Local Planning Panel as the consent authority grant approval to Modification Application No. Mod2026/0019 for Modification of Development Consent DA2022/0469 granted for construction of shop top housing on land at Lot 11 DP 1207743, 1102 Barrenjoey Road, PALM BEACH, subject to the conditions printed below:

**Modification Summary**

The development consent is modified as follows:

**MODIFICATION SUMMARY TABLE**

| <b>Application Number</b>    | <b>Determination Date</b>                | <b>Modification description</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PAN-606433 -<br>Mod2026/0019 | The date of this notice of determination | Modification of Development Consent DA2022/0469 granted for construction of shop top housing <ul style="list-style-type: none"> <li>• Add Condition No.1B - Modification of Consent - Approved Plans and supporting documentation</li> <li>• Add Condition No. 2A - Approval from other Departments, Authorities or Bodies</li> <li>• Delete Condition No.11 - Amended landscape plan</li> <li>• Modify Condition No.61 - Landscape Completion</li> </ul> |
| PAN-571046 -<br>Mod2025/0525 | 05 December 2025                         | Modification of Development Consent DA2022/0469 granted for construction of shop top housing <ul style="list-style-type: none"> <li>• Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation</li> <li>• Add Condition No.2A - Approval from other Departments, Authorities or Bodies</li> </ul>                                                                                                                      |

**Modified conditions**

**A. Add Condition No.1B - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| <b>Approved Plans</b> |                        |                        |                     |                     |
|-----------------------|------------------------|------------------------|---------------------|---------------------|
| <b>Plan Number</b>    | <b>Revision Number</b> | <b>Plan Title</b>      | <b>Drawn By</b>     | <b>Date of Plan</b> |
| DA.04                 | G                      | Site Plan              | Innovate Architects | May 2026            |
| DA.05                 | E                      | Proposed Basement Plan | Innovate Architects | December 2025       |

|        |   |                                          |                     |                  |
|--------|---|------------------------------------------|---------------------|------------------|
| DA.06  | F | Proposed Ground Floor Plan               | Innovate Architects | December 2025    |
| DA.07  | F | Proposed First Floor Plan                | Innovate Architects | March 2026       |
| DA.08  | G | Proposed Second Floor Plan               | Innovate Architects | May 2026         |
| DA.10  | G | Proposed West Elevation                  | Innovate Architects | May 2026         |
| DA.11  | F | Proposed Elevation North, South and East | Innovate Architects | March 2026       |
| DA.15  | F | Sections                                 | Innovate Architects | March 2026       |
| DA.16  | F | Sections                                 | Innovate Architects | March 2026       |
| DA.60  | G | Materials and Finishes                   | Innovate Architects | May 2026         |
| LCP-01 | K | Landscape Concept Plan - Ground Floor    | 5th Season          | 20 November 2025 |
| LCP-02 | I | Landscape Concept Plan - First Floor     | 5th Season          | 20 November 2025 |
| LCP-03 | F | Landscape Concept Plan - Roof            | 5th Season          | 4 December 2025  |
| PLT-01 | K | Planting Plan - Ground Floor             | 5th Season          | 3 November 2025  |
| PLT-02 | I | Planting Plan - First Floor              | 5th Season          | 6 November 2025  |
| PLT-03 | F | Planting Plan - Roof                     | 5th Season          | 6 November 2025  |

| Approved Reports and Documentation |                |                     |                  |
|------------------------------------|----------------|---------------------|------------------|
| Document Title                     | Version Number | Prepared By         | Date of Document |
| BASIX Certificate                  | 1186733M_06    | ESD SYNERGY PTY LTD | 19 January 2026  |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**B. Add Condition No. 2A - Approval from other Departments, Authorities or Bodies to read as follows:**

The development must be carried out in compliance with all recommendations and requirements, excluding

general advice, within the following:

| Other Department, Authority or Service | EDMS Reference            | Dated           |
|----------------------------------------|---------------------------|-----------------|
| Ausgrid                                | Ausgrid Referral Response | 2 February 2026 |
| Transport for NSW (TfNSW)              | TfNSW Referral Response   | 25 March 2026   |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

**C. Delete Condition No.11 - Amended landscape plan.**

**D. Modify Condition No.61 - Landscape Completion, to read as follows:**

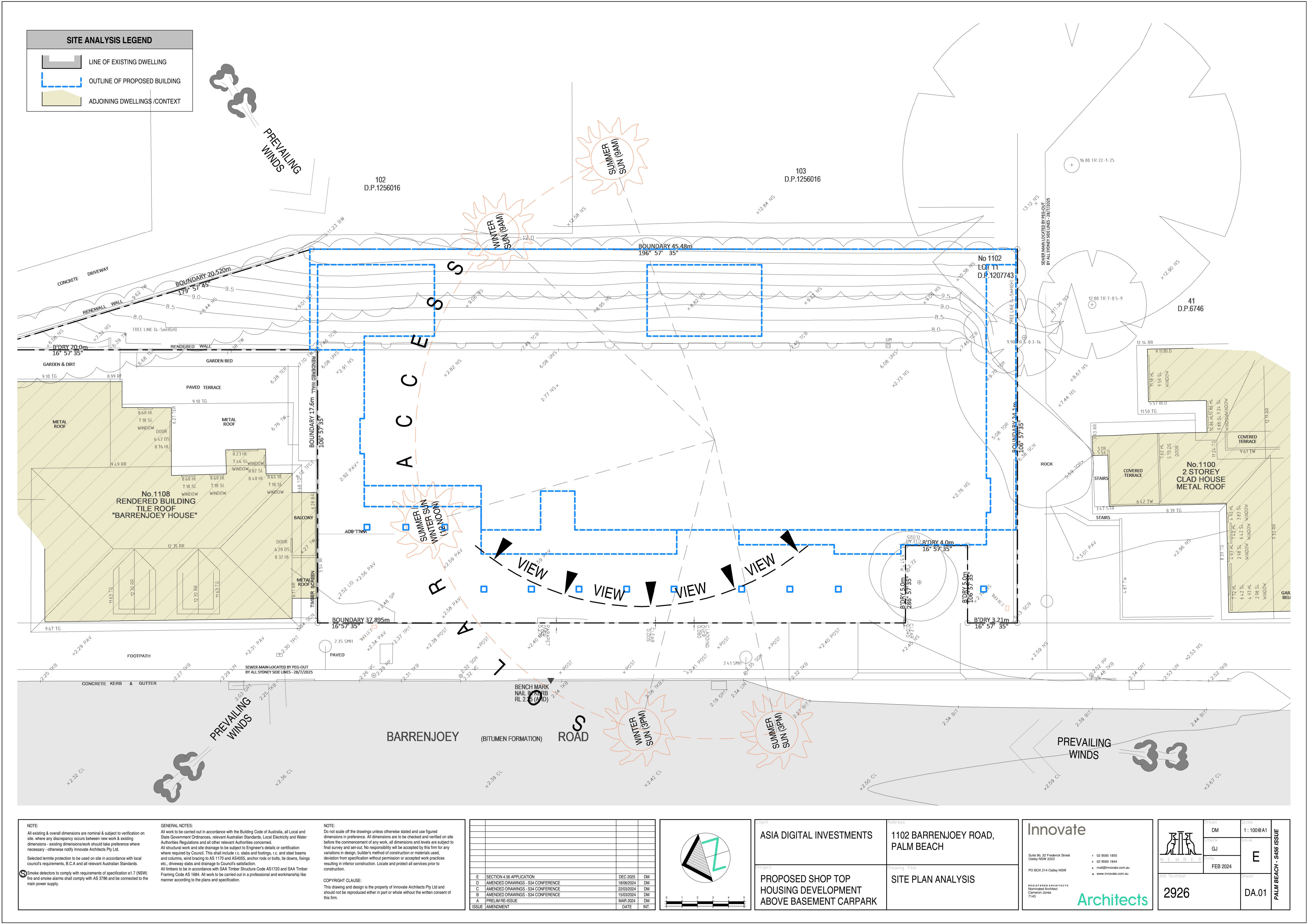
Landscape works are to be implemented in accordance with the approved Amended Landscape Plans, and inclusive of the following conditions:

- i) all pavement within the property frontage including the paved community area and footpath entries to the commercial tenancies and outdoor terraces shall satisfy the relevant slip resistance requirements of the relevant Australian Standards,
- ii) all proposed planting at the Barrenjoey Road frontage driveway shall not impeded pedestrian or driver visibility within the pedestrian/driver sight triangle identified on approved plans and shall be limited to no more than 1.1 metres mature or maintained height.

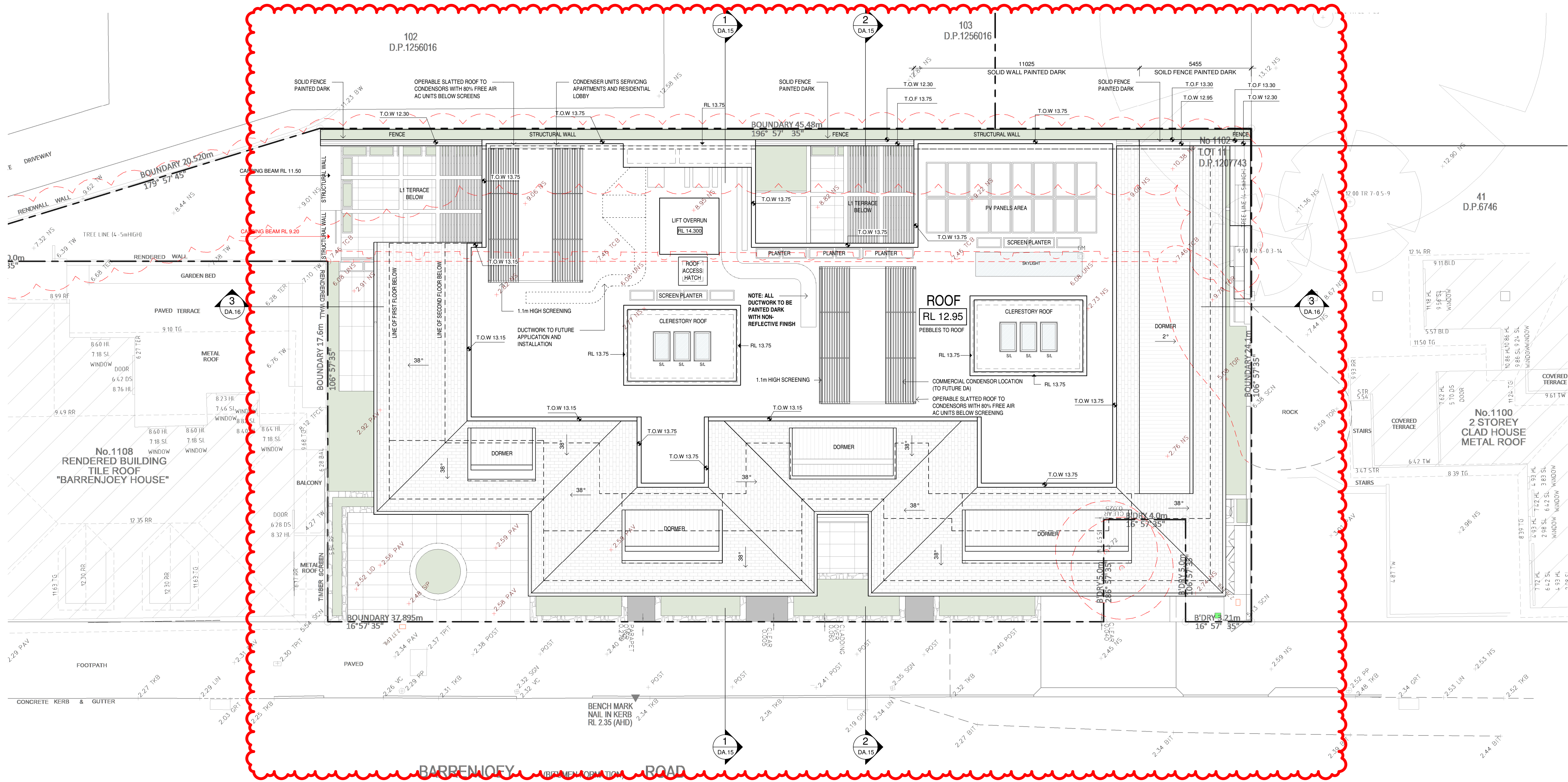
Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Landscape amenity









1 SITE PLAN  
SCALE 1 : 100

**NOTE:**  
All existing & overall dimensions are nominal & subject to verification on site, where any discrepancy occurs between new work & existing dimensions - existing dimensions/work should take preference where necessary - otherwise notify Innovate Architects Pty Ltd.

Smoke detectors to comply with requirements of specification 11.7 (NSW) fire and smoke alarms shall comply with AS 3786 and be connected to the main power supply.

**GENERAL NOTES:**  
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Electricity and Water Authorities Regulations and all other relevant Authorities concerned.

All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include i.e. slabs and footings, r.c. and steel beams and columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, huxing etc., driveway slabs and drainage to Council's satisfaction.

All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workmanship like manner according to the plans and specification.

**NOTE:**  
Do not scale off the drawings unless otherwise stated and use figured dimensions in preference. All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out. No responsibility will be accepted by the firm for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction.

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| NO    | DESCRIPTION                       | DATE       | INT. |
|-------|-----------------------------------|------------|------|
| 0     | AMENDED LEVEL 2 BALCONIES         | MAY 2026   | BC   |
| F     | DORMER AND BALUSTRADES AMENDED    | MAR 2026   | BC   |
| E     | SECTION 4.56 APPLICATION          | DEC 2025   | DM   |
| D     | AMENDED DRAWINGS - S44 CONFERENCE | 18/06/2024 | DM   |
| C     | AMENDED DRAWINGS - S44 CONFERENCE | 23/03/2024 | DM   |
| B     | AMENDED DRAWINGS - S44 CONFERENCE | 15/03/2024 | DM   |
| A     | PRELIM RE-ISSUE                   | MAR 2024   | DM   |
| ISSUE | AMENDMENT                         | DATE       | INT. |

ASIA DIGITAL INVESTMENTS

1102 BARRENJOEY ROAD,  
PALM BEACH

PROPOSED SHOP TOP  
HOUSING DEVELOPMENT  
ABOVE BASEMENT CARPARK

SITE PLAN

**Innovate**

Suite 19, 32 Frederick Street  
Orléans NSW 2223

PO BOX 214 Orleány NSW

REGISTERED ARCHITECTS  
Nominated Architect  
Cameron Jones  
7143

02 9585 1855  
02 9585 1844  
mail@innovate.com.au  
www.innovate.com.au

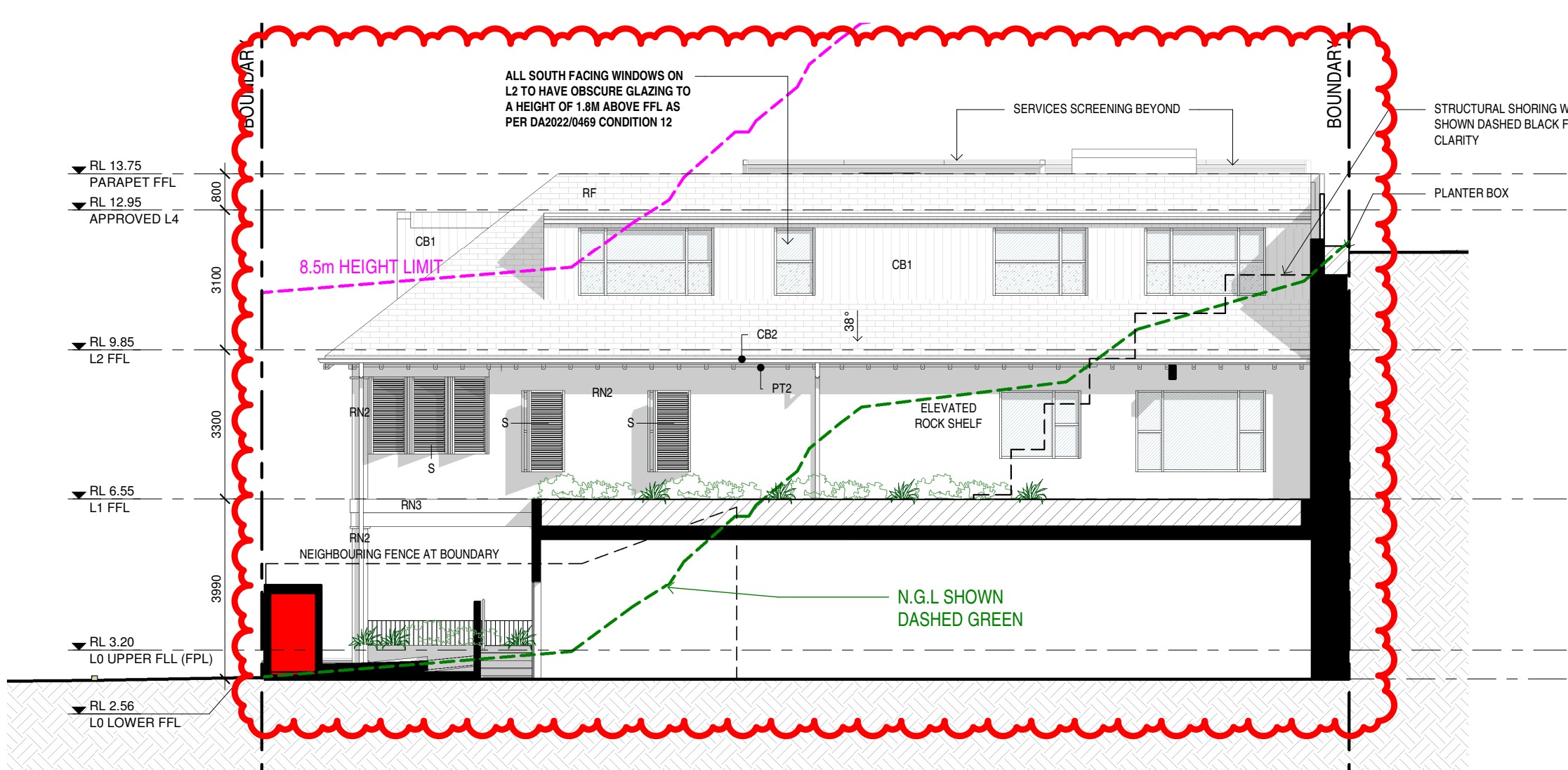
**Architects**

| MEMBER | NAME  | DATE     | SCALE    |
|--------|-------|----------|----------|
| MEMBER | GJ    | FEB 2024 | 1:100@A1 |
| MEMBER | DA.04 |          |          |

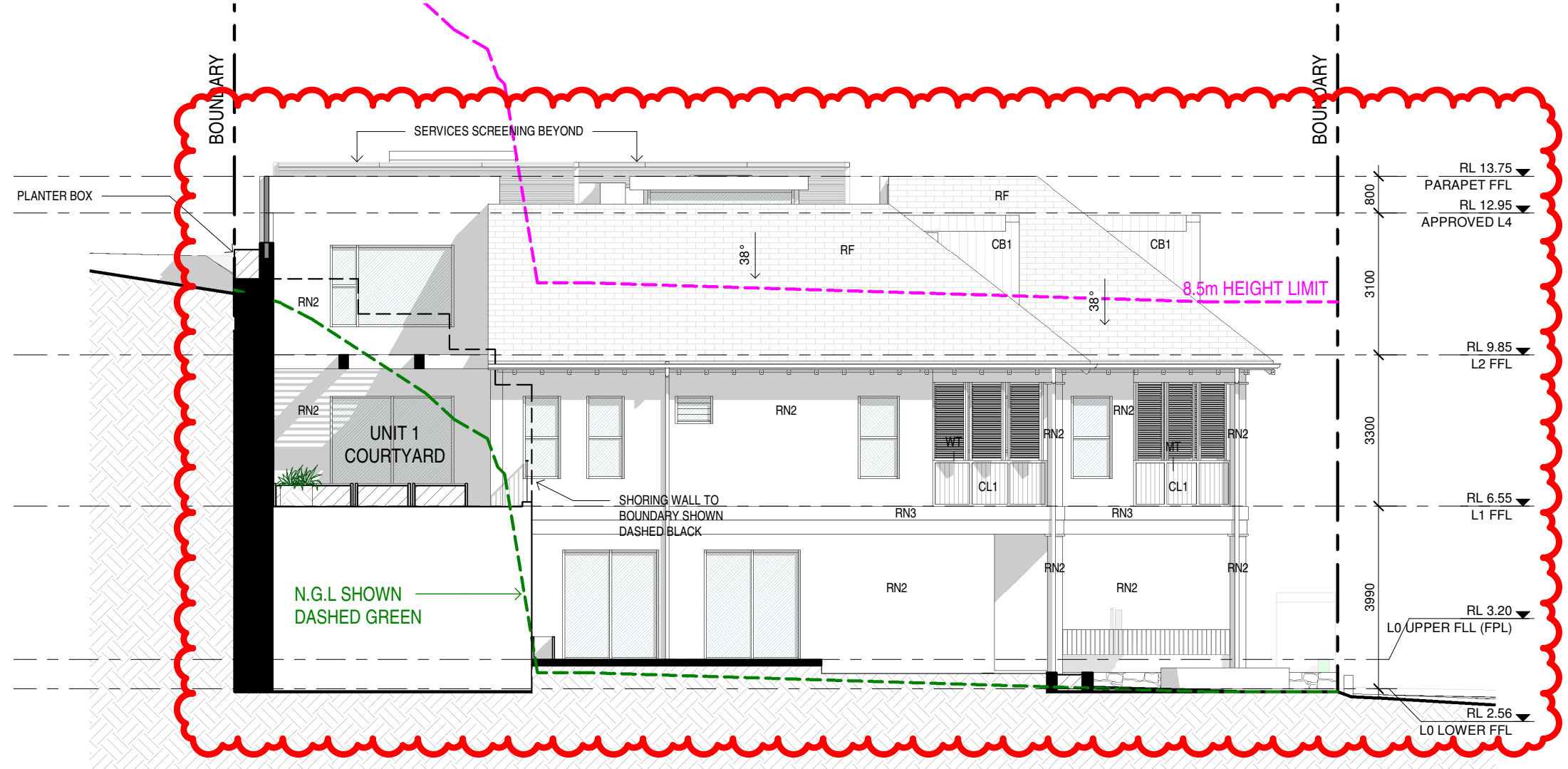
2926

PALM BEACH - S446 ISSUE

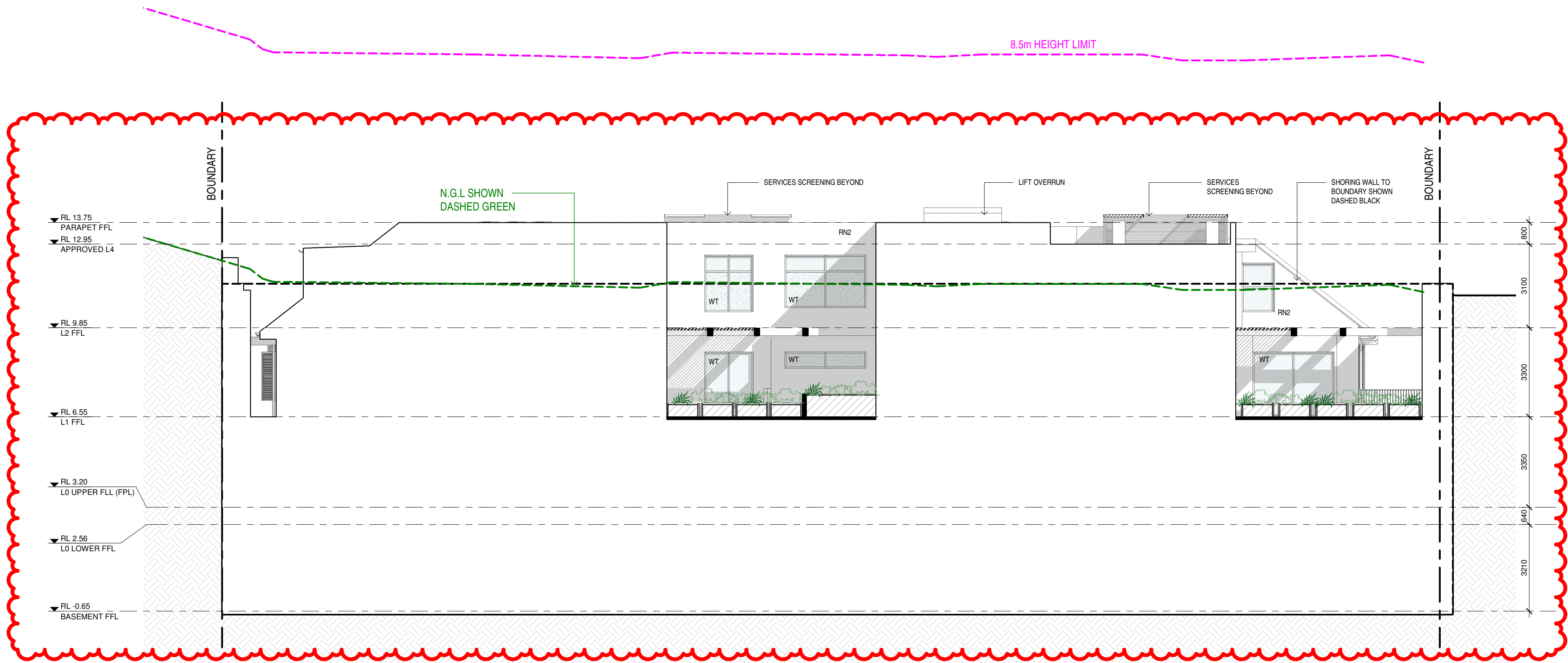




1 SIDE ELEVATION (SOUTH)  
SCALE 1 : 100



2 SIDE ELEVATION (NORTH)  
SCALE 1 : 100



3 REAR ELEVATION (EAST)  
SCALE 1 : 100

**NOTE:**  
All existing & overall dimensions are nominal & subject to verification on site, where any discrepancy occurs between new work & existing dimensions - existing dimensions/work should take preference where necessary - otherwise notify Innovate Architects Pty Ltd.

Selected termite protection to be used on site in accordance with local council's requirements, B.C.A. and all relevant Australian Standards.

Smoke detectors to comply with requirements of specification #1.7 (NSW) fire and smoke alarms shall comply with AS 3786 and be connected to the main power supply.

**GENERAL NOTES:**  
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Electricity and Water Authorities Regulations and all other relevant Authorities concerned.

All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams and columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, tucks etc., driveway slabs and drainage to Council's satisfaction.

All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workmanship like manner according to the plans and specification.

**NOTE:**  
Do not scale off the drawings unless otherwise stated and use figured dimensions in preference. All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out. No responsibility will be accepted by this firm for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction.

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| NO.   | DESCRIPTION                       | DATE       | INT. |
|-------|-----------------------------------|------------|------|
| F     | DORMER AND BALUSTRADES AMENDED    | MAR 2026   | BC   |
| E     | SECTION 4.56 APPLICATION          | DEC 2025   | DM   |
| D     | AMENDED DRAWINGS - S34 CONFERENCE | 18/06/2024 | DM   |
| C     | AMENDED DRAWINGS - S34 CONFERENCE | 23/03/2024 | DM   |
| B     | AMENDED DRAWINGS - S34 CONFERENCE | 15/03/2024 | DM   |
| A     | PRELIM RE-ISSUE                   | MAR 2024   | DM   |
| ISSUE | AMENDMENT                         | DATE       | INT. |

ASIA DIGITAL INVESTMENTS

1102 BARRENJOEY ROAD,  
PALM BEACH

PROPOSED SHOP TOP  
HOUSING DEVELOPMENT  
ABOVE BASEMENT CARPARK

PROPOSED ELEVATION -  
NORTH, SOUTH & EAST

**Innovate**

Suite 19, 32 Frederick Street  
Oxley NSW 2023

PO BOX 214 Oxley NSW

02 9585 1855  
02 9585 1844  
mail@innovate.com.au  
www.innovate.com.au

REGISTERED ARCHITECTS  
Nominated Architect  
Cameron Jones  
7143

**Architects**

| OWN  | SCALE    | MEMBER | DATE     | DA.11 | PALM BEACH - S456 ISSUE |
|------|----------|--------|----------|-------|-------------------------|
| DM   | 1:100@A1 | GJ     | FEB 2024 |       |                         |
| 2926 |          |        |          |       |                         |

**ITEM 5.2 DA2026/0234 - 154 - 156 ELANORA ROAD ELANORA HEIGHTS -  
CONSTRUCTION OF A NEW BUILDING TO BE USED FOR INDOOR GOLF  
PRACTICE IN ASSOCIATION WITH AN EXISTING RECREATION FACILITY  
(OUTDOOR) (ELANORA COUNTRY CLUB)**

**PURPOSE**

This application has been referred to the Northern Beaches Local Planning Panel as the development contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

**RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT**

- A. That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, vary the Height of Building Development Standard of Clause 4.3 pursuant to clause 4.6 of PLEP 2014 as the applicants written request has adequately addressed the merits required to be demonstrated by subclause (3) and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.
- B. The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2026/0234 for Construction of a new building to be used for indoor golf practice in association with an existing recreation facility (outdoor) (Elanora Country Club) at Lot 1 DP 201384, Lot 8 DP 22281, Lot 2 DP 538508, Lot 145 & Lot 146 DP 22670, 154 - 156 Elanora Road ELANORA HEIGHTS subject to the conditions set out in the Assessment Report.

**Reporting manager:** Steve Findlay

**Attachments:**

- 1. Assessment Report [5.2.1 - 60 pages]
- 2. Site Plans & Elevations [5.2.2 - 7 pages]
- 3. Clause 4.6 [5.2.3 - 22 pages]

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2026/0234 |
|----------------------------|-------------|

|                                           |                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Responsible Officer:</b>               | Thomas Burns                                                                                                                                                                                                                                                                                                                                      |
| <b>Land to be developed (Address):</b>    | Lot 1 DP 201384, 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 8 DP 22281, 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 2 DP 538508, 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 145 DP 22670, 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 146 DP 22670, 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101 |
| <b>Proposed Development:</b>              | Construction of a new building to be used for indoor golf practice in association with an existing recreation facility (outdoor) (Elanora Country Club)                                                                                                                                                                                           |
| <b>Zoning:</b>                            | C4 Environmental Living<br>RE2 Private Recreation                                                                                                                                                                                                                                                                                                 |
| <b>Development Permissible:</b>           | Yes                                                                                                                                                                                                                                                                                                                                               |
| <b>Existing Use Rights:</b>               | No                                                                                                                                                                                                                                                                                                                                                |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                                                                                                                                                                                                                                                                                                          |
| <b>Delegation Level:</b>                  | NBLPP                                                                                                                                                                                                                                                                                                                                             |
| <b>Land and Environment Court Action:</b> | No                                                                                                                                                                                                                                                                                                                                                |
| <b>Applicant:</b>                         | Elanora Country Club Ltd                                                                                                                                                                                                                                                                                                                          |

|                                  |                                 |
|----------------------------------|---------------------------------|
| <b>Application Lodged:</b>       | 05/03/2026                      |
| <b>Integrated Development:</b>   | No                              |
| <b>Designated Development:</b>   | No                              |
| <b>State Reporting Category:</b> | Commercial/Retail/Office        |
| <b>Notified:</b>                 | 16/03/2026 to 30/03/2026        |
| <b>Advertised:</b>               | Not Advertised                  |
| <b>Submissions Received:</b>     | 0                               |
| <b>Clause 4.6 Variation:</b>     | 4.3 Height of buildings: 33.18% |
| <b>Recommendation:</b>           | Approval                        |

|                                 |                 |
|---------------------------------|-----------------|
| <b>Estimated Cost of Works:</b> | \$ 6,930,000.00 |
|---------------------------------|-----------------|



## EXECUTIVE SUMMARY

The Development Application seeks consent for the construction and use of a new two-storey building to be used for purposes of an indoor golf practice facility and associated amenities in association with the existing Elanora Country Club. The primary use of the land, being the Elanora Country Club, is defined as a recreation facility (outdoor) pursuant to the Pittwater Local Environmental Plan 2014 (PLEP 2014).

The development takes place on a portion of the site that is setback 150 metres from the nearest boundary and is screened from surrounding residential receivers by existing dense vegetation around the perimeter of the site (see **Figure 1**).

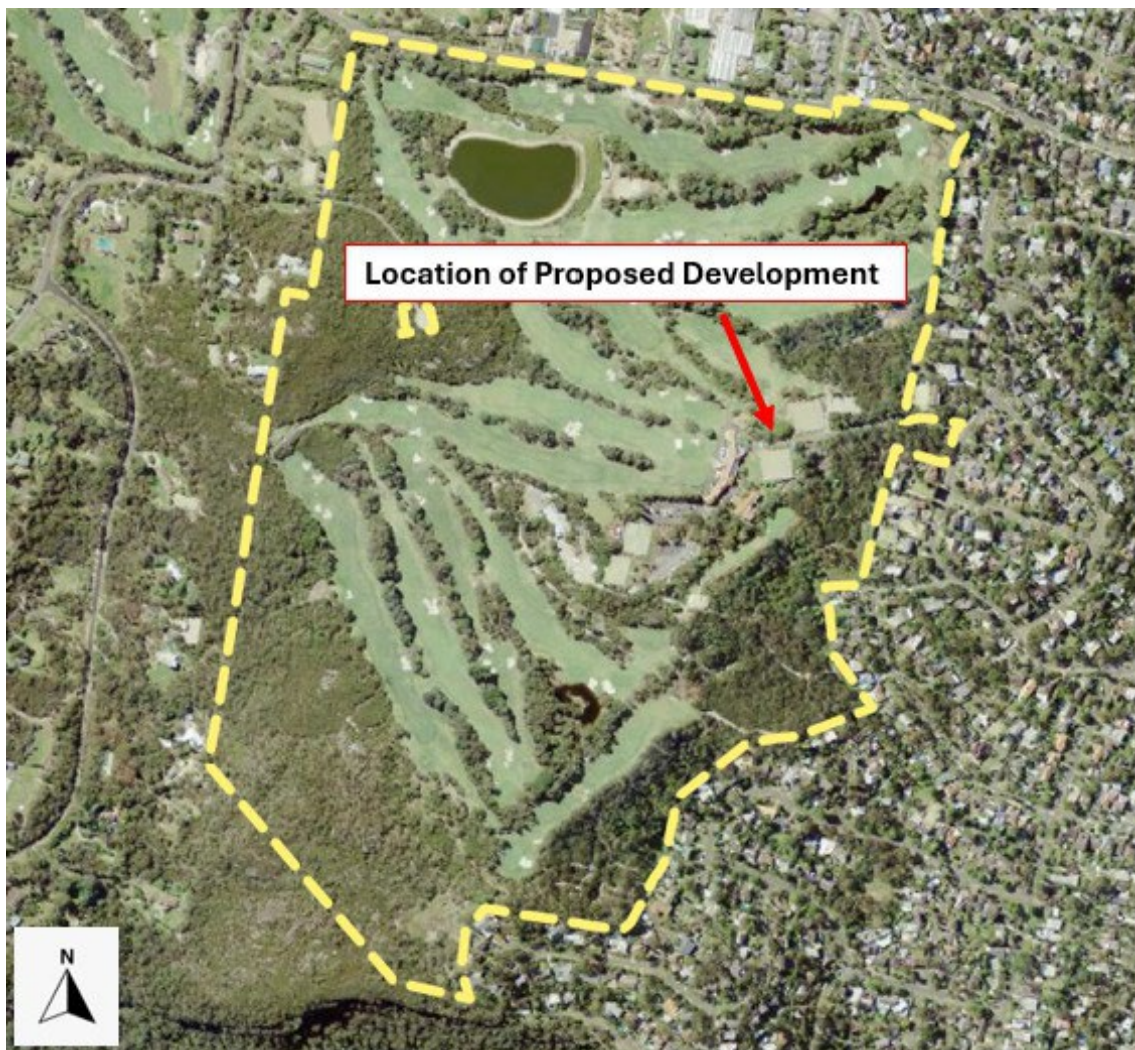


**Figure 1 - Site and Local Context Map**

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination due to the development having a maximum height of 11.32 metres, which involves a 33.18% (2.82 metres) variation to Clause 4.3 of the PLEP 2014. The applicant has submitted a written request pursuant to Clause 4.6 of the PLEP 2014 to justify a contravention to the height of buildings development standard. The written request argues that the height of the new building is compatible with existing buildings on the site that surround the

proposed building, that the height breach is attributed to the sloping topography under the building footprint, and that the height non-compliance will not cause any adverse residential amenity impacts as the building is significantly separated from nearby residential properties.

The assessment has concluded that the applicant's written request has adequately satisfied the jurisdictional matters within Clause 4.6 of the PLEP 2014 and considers that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify a variation to the development standard.

The new building would result in the removal of 23 trees within the footprint of the development. Despite the extent of tree removal proposed, the vegetation that is proposed for removal does not have a high biodiversity value, unlike other areas of the site that contain native vegetation that is mapped on the NSW Government's Biodiversity Values Map as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017. The applicant seeks to provide 52 new replacement trees to offset the impacts of the tree removal and conditions are recommended to require the engagement of a Project Ecologist to supervise the tree removal and provide a nest box for wildlife in the retained vegetation.

The application was publicly exhibited in accordance with Council's Community Participation Plan and no submissions were received in response to the public exhibition.

The assessment concludes that the proposed development is acceptable as it would not result in unacceptable impacts on the local biodiversity, the height of the new building is compatible with existing buildings on the site, the development is setback over 150 metres from the nearest residential properties and the development occurs on a portion of the site that is partially disturbed by prior development and is the least constrained in terms of bushfire hazards, biodiversity values, flooding and geotechnical risks.

Suitable conditions have been imposed to ensure the protection of surrounding native vegetation and rock outcrops that are to be retained as part of this development.

Overall, the development is considered to be consistent with all applicable environmental planning instruments and regulatory provisions. Therefore, the development is in the public interest.

Accordingly, it is recommended that the NBLPP **approve** the Development Application, subject to the recommended conditions attached to this report.

## PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the construction and use of a new two-storey building to be used for an indoor golf practice facility and associated amenities in association with the existing Elanora Country Club. The primary use of the land, being the Elanora Country Club, is defined as a recreation facility (outdoor) pursuant to the Pittwater Local Environmental Plan 2014 (PLEP 2014), which is defined as follows:

- ***Recreation Facility (outdoor)*** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski

*centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

The proposed development will be ancillary to this primary land use.

Key aspects of the proposal are as follows:

#### **Use and Components**

- The new building is located adjacent to the existing golf 'pro-shop' and being close to the existing Clubhouse building.
- The new building has two levels with the upper floor being connected to the existing pro shop by way of a partly enclosed passage and associated balcony.
- The upper level of the new building is used for the purposes of golf practice and comprising:
  - 6 golf hitting bays.
  - 2 golf teaching bays.
  - A flexible space to be used for gym/stretching/exercise activities.
  - A room suitable for physiotherapy or other health/wellness treatment.
  - A sauna and ice bath room.
  - Shower, toilet and change rooms.
  - A space to be used for people to meet and wait to utilise the facilities.
- Openings and windows are provided to the upper level of the building providing the golf driving bays and other spaces with access to fresh air and a visual connection to the golf course. However, all golf hitting bays are fully enclosed with nets preventing balls from leaving the building.
- The lower level of the new building is used for the storage and charging of electric golf carts and provision of storage space and other facilities supporting the operation of the Club.

#### **Demolition Works, Tree Removal and Upgrades**

- Removal of existing warm up bay and redundant paved areas.
- Removal of 23 trees within the footprint of the development and planting of 52 replacement trees.
- Re-grading of existing pathway adjacent to the pro shop.
- Minor changes to the existing vehicle access road adjacent to the Clubhouse and Pro Shop, introducing a vehicle 'turning circle' to facilitate service vehicle access to the existing and new building.

#### **Utility Services**

- The new building will be provided with all necessary utility services (i.e. water, sewer and electricity) through connections into existing underground services located adjacent to the pro shop and other existing Club buildings and facilities.



### **Stormwater Management**

- Stormwater runoff arising from the proposal will be captured and directed to existing on site drainage infrastructure via on-site detention tanking.

### **Landscaping**

- New endemic shrubs and trees will be planted around the development.



**Figure 2 - 3D render of the development from the north-east**



**Figure 3 - 3D render of the development from the south-west**

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

#### SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone RE2 Private Recreation

Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards

Pittwater Local Environmental Plan 2014 - 5.21 Flood planning

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

#### SITE DESCRIPTION

|                              |                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b> | Lot 1 DP 201384 , 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 8 DP 22281 , 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 2 DP 538508 , 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 145 DP 22670 , 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101<br>Lot 146 DP 22670 , 154 - 156 Elanora Road ELANORA HEIGHTS NSW 2101 |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Detailed Site Description:</b> | <p>The subject site consists of five allotments that make up 154 - 156 Elanora Road, Elanora Heights. The site is accessed via the western side of Elanora Road.</p> <p>The site is zoned RE2 Private Recreation under the Pittwater Local Environmental Plan 2014 (PLEP 2014) and occupies the Elanora Country Club (the club), which was originally established in 1928. The club presently contains the following features:</p> <ul style="list-style-type: none"><li>• An 18 hole golf course.</li><li>• A golf driving and short game practice area.</li><li>• Two bowling greens.</li><li>• A croque lawn.</li><li>• A tennis court.</li><li>• A clubhouse.</li><li>• A building providing short stay accommodation for members and guests.</li><li>• Buildings and areas used for the storage and management of site maintenance.</li><li>• A large dam supplying water for use on the site.</li><li>• Large areas of the site remain undeveloped and contain vegetation and rock outcrops.</li></ul> <p>The site has a high point of approximately RL172 metres (m) Australian Height Datum (AHD) on the westernmost part of the site and a low point of approximately 67m AHD on the southernmost part of the site.</p> <p>Environmental constraints that burden the site include flood affected areas, bushfire prone areas, geotechnical risk areas and native vegetation that is mapped on the NSW Government's Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017. The BVM areas of the site are outside of the development's footprint including the proposed asset protection zone around the development.</p> <p>The surrounding area is characterised by the following:</p> <ul style="list-style-type: none"><li>• Adjoining the site to the west is land zoned R5 Large Lot Residential and contains detached residential development on allotments that are approximately 2 hectares in size.</li><li>• Adjoining the site to the north is land zoned RU2 Rural Landscape and contains a mix of rural land uses and rural-residential development.</li><li>• Adjoining the site to the east is land zoned both C4 Environmental Living and R2 Low Density Residential and contains detached low density residential development on allotments between 800 metres squared (sqm) and 3,000sqm.</li></ul> |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- Adjoining the site to the south is Deep Creek Reserve, which is a bushland reserve zoned C2 Environmental Conservation.

Map:



## SITE HISTORY

The club was originally established in 1928.

Council's records contain documents relating to the following relevant history:

- **Development Application N0249/01** for golf course reconstruction approved by the former Pittwater Council on 16 November 2001.
- **Building Certificate BC0159/04** for golf course reconstruction, drainage, water management and associated works issued by the former Pittwater Council on 28 October 2004.
- **Development Application N0319/13** for alterations & additions to an existing club house including new BBQ area, porte-cochere with terrace, external shading structures, some internal changes and upgraded disabled access at entry foyer and level 1 approved by the former Pittwater Council on 24 March 2014. This consent was modified on 19 August 2015.
- **Development Application DA2019/0934** for Torrens title subdivision of 2 lots into 4 lots approved by Council on 17 March 2020. This consent was modified under Mod2021/0308 on 14 July 2021. The approval involved changes to the allotments to facilitate a separate access handle via Elanora Road.

## PRE-LODGEEMENT MEETING PLM2025/0161 WHICH RELATES TO THE CURRENT DEVELOPMENT APPLICATION

A Pre-lodgement Meeting (PLM) was held to discuss the proposed development. The PLM written notes provided the following concluding advice:

*"These notes are in response to a pre-lodgement meeting held on 13 November 2025 to discuss construction of a golf facility at 154-156 Elanora Road, Elanora Heights. The notes reference the plans prepared by DJRD dated 16/10/2025.*

*It is recommended that further investigation (Surveying) be provided to determine the location of the rock outcrop and then minimise impact to this outcrop. A future development application should also provide the information and material outlined in this advice".*

## **CURRENT DEVELOPMENT APPLICATION HISTORY**

Following the preliminary assessment of the application, which included a site inspection, a *Request for Further Information* letter (RFI) was issued to the applicant raising concerns with the extent of tree removal proposed, the use of landscape planter boxes on the rock outcrops, requesting updated stormwater management plans including MUSIC model to ensure compliance with Council's Water Management for Development Policy (WMDP), requesting Aboriginal heritage information to ensure that the proposal does not disturb items of Aboriginal heritage significance, requesting additional arborist reporting, and requesting an updated Clause 4.6 variation request to correctly identify the building height and ensure the document adequately justifies the height breach through reference to the topographical constraints on the site. The RFI can be viewed on Council's website.

The applicant subsequently amended the Development Application pursuant to Section 37 of the Environmental Planning and Assessment Regulation 2021 as follows:

- The pathway and boardwalk around the development was amended to ensure the retention of an additional eight (8) trees, reducing the tree removal from 31 trees to 23 trees.
- The planter boxes around the building footprint on the rock outcrops were deleted.
- Updated stormwater management plans were submitted to include on-site detention tanking and water sensitive urban design measures, which ensured the stormwater solution complies with the WMDP.
- Updated arborist reporting was submitted to broaden the assessment on surrounding trees.
- An Aboriginal Heritage Information Management System (AHIMS) search was provided to demonstrate that the proposal is setback more than 450m from the nearest Aboriginal site, such that the proposal would not disturb or adversely impact upon Aboriginal cultural heritage, items or practices.
- An updated Clause 4.6 variation request was submitted to reflect the advice on the RFI.
- Updated landscape plans were submitted to reflect the changes to the development.

The amended Development Application was not required to be publicly re-exhibited pursuant to Council's Community Participation Plan as it involved a reduced environmental impact.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

| Section 4.15 Matters for Consideration                                                                                                                                                         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument                                                                                                                  | See discussion on “Environmental Planning Instruments” in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                                                                                           | There are no current draft environmental planning instruments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan                                                                                                                         | Pittwater 21 Development Control Plan applies to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Section 4.15 (1) (a)(iia) – Provisions of any planning agreement                                                                                                                               | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)                                                                      | <p>Part 4, Division 2 of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clauses 36 and 94 of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended architectural plans, arborist reporting, stormwater plans, an updated Clause 4.6 variation request and Aboriginal heritage reporting. This information was subsequently received to Council's satisfaction.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>                                                                                                          |
| Section 4.15 (1) (b) – the significant likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Environmental Planning Instruments, Referral Bodies, Biodiversity Conservation Act 2016 and Pittwater 21 Development Control Plan sections in this report.</p> <p>The assessment has concluded that the environmental impacts of the development are acceptable and can be appropriately managed in perpetuity by the implementation of the recommended conditions of consent.</p> <p>(ii) <b>Social Impact</b></p> <p>The proposed development will not have a detrimental social impact in the locality considering the recreation based nature of the use.</p> <p>(iii) <b>Economic Impact</b></p> <p>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development                                                                                                                         | The site is considered suitable for the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Section 4.15 Matters for Consideration                                                 | Comments                                                                                                            |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | No submissions were received.                                                                                       |
| Section 4.15 (1) (e) – the public interest                                             | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is classified as bushfire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 (EP&A Act) requires the consent authority to be satisfied that the development conforms to the specifications and requirements of Planning for Bush Fire Protection 2019 (PBP).

The proposal pertains to a commercial and private recreational orientated development and is classified as a Class 5 and Class 9b building within the meaning of the National Construction Code (NCC). Section 8.3.1 of the PBP stipulates that the NCC does not provide any bushfire specific performance requirements for Class 5-8 buildings or Class 9 buildings that are not special fire protection purposes (i.e. residential care facilities). As such, AS 3959 and the NASH Standard are not required to be considered as a set of Deemed to Satisfy provisions.

Furthermore, Section 8.3.1 states that while bushfire is not captured in the NCC for Class 5-8 buildings or Class 9 buildings that are not special fire protection purposes (i.e. residential care facilities), the following objectives are to be considered in relation to access, water supply and services, and emergency and evacuation planning:

- to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;
- to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;
- to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and
- provide for the storage of hazardous materials away from the hazard wherever possible.

A Bushfire Assessment Report (BAR) prepared by Building Code & Bushfire Hazard Solutions Pty Limited, dated 3 February 2026 was submitted for assessment. The BAR has provided several recommendations to satisfy the objectives of the PBP, including the following:

- The establishment and maintenance of an asset protection zone (APZ) around the curtilage of the building. Importantly, the recommended APZ does not encroach into the parts of the site identified on the NSW Government's Biodiversity Values Map and therefore, entry into the Biodiversity Offset Scheme is not triggered.

- Construction measures including screening or enclosing all gaps >3mm in size, installing draught excluders / brush seals on external doors and installing metal mesh screens on the openings of windows to mitigate smoke and ember attack.
- That a Bushfire Emergency Management Plan is prepared and is consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency / Evacuation Plan.
- That any new electrical and gas services are to comply with Table 7.4a of the PBP.

The assessment officer concurs with the findings of the BAR and concludes that the recommendations contained within the BAR will ensure the development complies with the objectives of the PBP. A condition is recommended to ensure the development is carried out in accordance with the recommendations of the BAR.

#### NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 16/03/2026 to 30/03/2026 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

#### REFERRALS

| Internal Referral Body            | Comments                                                                                                                                                                                                                                                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environmental Health<br>(General) | <b><i>NO CONDITIONS PROVIDED</i></b><br><br><b>General Comments</b><br><br>The proposal documentation has been considered by Environmental Health and is supported with no conditions recommended.<br><br><b>Recommendation</b><br><br>SUPPORTED - no conditions. |

| Internal Referral Body                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environmental Health<br>(Unsewered Lands) | <p data-bbox="536 356 916 383"><b><i>NO CONDITIONS PROVIDED</i></b></p> <p data-bbox="536 421 791 448"><b>General Comments</b></p> <p data-bbox="536 486 1278 517">The Statement of Environmental Effects states the following:</p> <p data-bbox="536 555 1410 745">"The new building will be provided with all necessary utility services (ie water, sewer and electricity) through connections into existing underground services located adjacent to the pro shop and other existing Club buildings and facilities. The proposal does not involved development of a scale necessitating augmentation of any external services to the site."</p> <p data-bbox="536 784 1358 848">Environmental Health concurs with the above information, and is in support of the proposal with no conditions recommneded.</p> <p data-bbox="536 887 767 913"><b>Recommendation</b></p> <p data-bbox="536 952 903 983">SUPPORTED - no conditions.</p> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Landscape Officer      | <p><b><i>CONDITIONS PROVIDED</i></b></p> <p><b><u>Amended Plans and Information Comment 03/06/2026</u></b></p> <p>Amended Architectural and Landscape Plans and Arborist's Report are noted.</p> <p>The amendments are considered to address issues of tree removal and protection, protection of rock and implementation of sympathetic planting around the facility.</p> <p>The Landscape Plans indicate replanting of native trees, shrubs and ground covers around the building and replanting of an additional 52 native trees across the site to compensate for the trees to be removed.</p> <p>No objections are raised regarding landscape issues subject to conditions.</p> <p><b><u>Original Comment</u></b></p> <p>The application seeks consent for: Construction of a new building used for indoor golf practice in association with an existing recreation facility (outdoor) (Elanora Country Club).</p> <p>The location of the proposed facility is within an semi disturbed area containing native vegetation and rock outcrops, between the pro shop and a bowling green.</p> <p>The location and design of the two storey building provides for electric golf cart storage and maintenance at the lower level, close to the existing lower maintenance area of the pro-shop and existing access paths. The upper level provides a walkway linking to the pro shop proper.</p> <p>The area currently contains practice swing nets and a variety of exotic and native species. Rock outcrops occur throughout the area.</p> <p>It is noted that some Arboricultural information has been provided, though not a full Arboricultural Impact Assessment addressing the actual proposal and tree impacts. Assessment has been based on the information provided.</p> <p>The building has been sited to sit over and behind a rock shelf, though some rock at the rear half of the building will be impacted.</p> <p>Two large fig trees are located within the building footprint. They are required to be removed to accommodate the works.</p> <p>The figs are identified in the Arborist's assessment as T25 <i>Ficus macrocarpa</i> (Moreton Bay Fig) and T32 <i>Ficus rubiginosa</i> (Port Jackson Fig).</p> |



| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                        | <p>T25 has suffered a relatively recent major limb failure. The Arborist's Assessment identifies structural damage within the remaining trunk and assesses the tree as having a Short (&lt;5 years) Safe Useful Life Expectancy (SULE) and Low retention rating. <i>F. macrocarpa</i> is an exempt tree under Pittwater DCP.</p> <p>T32 is growing through a sandstone shelf and appears in good condition. The Arborist's Assessment does not identify health or structural issues and assesses the tree as having a Medium-Long (30 - 50 years) SULE and High retention rating.</p> <p>One other High retention rating tree, T28 <i>Eucalyptus robusta</i>, is also indicated for removal.</p> <p>12 Exempt trees are indicated for removal. No objections are raised to removal of exempt trees.</p> <p>20 other small trees (6-9m height) of low - medium retention rating are also indicated for removal.</p> <p>5 small more recently planted trees are indicated to be transplanted as part of the works.</p> <p>Removal and impacts on several trees and groups of trees requires some further investigation.</p> <p>It is noted that Trees 40-50 will be required to be removed to accommodate a proposed new turning circle between the club house, pro shop and new facility.</p> <p>Removal of these trees will increase exposure of the buildings and bring traffic closer to the structures.</p> <p>It is unclear why the turning circle is required. Deletion of this component would reduce proposed tree removal and retain the bushland character of the entrance to the club.</p> <p>It would be worthwhile to establish the need for the turning circle as no space for replacement trees is available in the proposed area.</p> <p>Concern is raised regarding the impacts of the works on Tree 51, a High retention value mature <i>Angophora costata</i> located between the proposed facility and the entrance road.</p> <p>It is apparent that the excavation for the new facility and provision of new shared pathway will significantly impact the tree. Initial observation indicates that the location of the shared path could not be supported and it may be preferable to incorporate the path along the existing edge of the entrance road, currently used as incidental parking.</p> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                        | <p>A full Arboricultural assessment of the impacts of the proposed works on Tree 51 is required to be provided with potential amendments to the design required to enable retention of the tree.</p> <p>Whilst impacts on existing rock will be required, retention of as much rock as possible is supported.</p> <p>It is recommended that the AHO assesses the rock features for potential sites of significance.</p> <p>The plans indicate planters around the base corners of the building. These elements are not supported as further impact on rock will result. The building should sit in as much as possible in its natural setting. The planters should be deleted.</p> <p>The area forward of the proposed building is currently grassed, running down slope to the existing driving range.</p> <p>If the proposal is to be approved, a more suitable landscape outcome would be to re-vegetate the slope with native trees, shrubs and groundcovers to better integrate into the surrounding natural landscape and off-set the disturbance to the existing landscape. The grassed slope does not appear to serve any particular purpose at present.</p> <p>In summary the following additional information is required:</p> <ul style="list-style-type: none"> <li>• Investigate deletion of the turning circle to enable retention of Trees 40 - 50.</li> <li>• Investigate relocation of the shared path to minimise impacts on tree 51.</li> <li>• Provide a full Arboricultural assessment of impacts on Tree 51 with recommendations for minimising impacts.</li> <li>• AHO assessment of rocks to be impacted.</li> <li>• Delete planters at the corners of the new building.</li> <li>• Provide landscape plans indicating re-vegetation of the grass slope below the rock outcrops with native trees, shrubs and ground-covers to offset impacts of the proposed works.</li> </ul> |

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| NECC (Bushland and Biodiversity) | <p><b>CONDITIONS PROVIDED</b></p> <p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable controls and provisions:</p> <ul style="list-style-type: none"> <li>- Pittwater LEP 2014 - 7.6 Biodiversity Protection</li> <li>- Pittwater 21 DCP - B4.14 Development in the Vicinity of Wetlands</li> <li>- Pittwater 21 DCP - B4.18 Heathland/Woodland Vegetation</li> <li>- NSW Biodiversity Conservation Act 2016</li> <li>- Biosecurity Act 2015</li> </ul> <p><b>Updated Comments 09/06/2026</b></p> <p>The updated plans and reports are noted.</p> <p>The updated Arboricultural Impact Assessment (AIA) (Elke, May 2026) shows that of the 57 trees that were assessed: 23 are proposed for removal (3 exempt and 20 prescribed), 33 trees are proposed for retention, and 1 tree (T8 - cycad) is proposed for transplantation. The updated Landscape Plans (Kruse Golf Pty Ltd, Dec 2025) show that 52 medium to tall trees will be planted to offset this proposed removal. Species chosen include a suitable portion of locally native winter-flowering canopy or midstorey species to support habitat for Swift Parrots.</p> <p>Conditions have been recommended to offset other environmental impacts of this proposed development. There are no objections in relation to biodiversity, subject to these conditions.</p> <p><b>Original Comments</b></p> <p>This proposed development takes place within a wildlife corridor mapped as both heathland/woodland vegetation (B4.18) and development in the vicinity of wetlands (B4.14). Portions of the site are identified on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). However, the submitted plans and documentation indicate that the proposed works are located outside of the BV Map area and are below the 0.5 ha clearing threshold (at 0.2 ha) and therefore will not trigger entry into the BOS.</p> <p>Some Arboricultural information has been provided (Elke, Aug 2025), however a full Arboricultural Impact Assessment addressing the actual proposal and tree impacts has not been sited. Additionally, removal and impacts on several trees and groups of trees requires some further investigation. From the information given, there are 22 trees proposed for removal with a further 6 proposed to be transplanted if possible. Of</p> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                        | <p>these trees, 12 are exempt by either height, species or form and no objections are raised to their removal.</p> <p>There are 10 prescribed trees proposed for removal that will require council's permission for removal. Biodiversity also supports the recommendations of the Landscape Referral Body, particularly the investigation of deletion of the turning circle and relocation of the shared path, as this may enable the retention of more trees. It is noted that T25 (<i>Ficus macrophylla</i>) seems to be also subject to a separate tree application (TA2026/0128) as it has experienced a major trunk failure. The arborist notes for this tree application state that the tree needs to be removed as soon as possible for safety reasons.</p> <p>Additionally, there are 19 prescribed trees of moderate to high retention value that are noted on the Arborist report as 'TBC' as they may require removal depending on the construction footprint. The impact of the proposed development on these trees needs to be determined in order for impacts on biodiversity to be accurately assessed.</p> <p>The Flora and Fauna Assessment (FFA) (Narla Environmental, Feb 2026) includes a field-validated vegetation map of the subject site and shows that the areas impacted by this proposed development are of mixed native and exotic landscaped vegetation or exotic dominated lawn. The FFA identified two priority weed species within the subject site, and these must be removed in accordance with the Biosecurity Act 2015.</p> <p>The FFA identified two threatened species that may be impacted by this proposed development. A 5-part test was conducted to assess potential impacts to Grey Headed Flying Fox (<i>Pteropus poliocephalus</i>). It was found that whilst habitat and food resources for this species are present, the impacts are anticipated to be minimal. Secondly, potential indirect impacts to Swift Parrots (<i>Lathamus discolor</i>) were identified and recommendations for future landscaping within the subject property were made. The direction from the Landscape Referral Body to re-vegetate the grass slope is also supported. Species chosen must follow the FFA's recommendation and include a portion of native winter-flowering canopy or midstorey species to support habitat for Swift Parrots.</p> <p>Finally, it is noted that this proposal will have impacts on important habitat features. The FFA identified one hollowed arboreal termite nest that will need to be removed to accommodate the proposed development, along with two existing rock outcrops. A hollow replacement to offset the impacts to the termite nest must be implemented prior to construction, and this will be conditioned should this proposal be approved. Further, as noted by the Landscape Referral Body, the rock outcrops must be assessed by the AHO, and as much of them as possible should be retained. Accordingly, the recommendation from the Landscape Referral Body to remove the</p> |

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                  | <p>planters around the base of the building is supported. It should also be investigated whether any excavated rock can be repurposed elsewhere on the site to enhance biodiversity, manage site topography, and reduce environmental impact.</p> <p>Council's biodiversity team will resume its referral upon receipt of the above information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| NECC (Development Engineering)   | <p><b>CONDITIONS PROVIDED</b></p> <p><b>Original Comments</b><br/>The proposed development is in Region 1. Vehicle crossing construction is not proposed. A geotechnical report has been provided. The proposed development is close to the top of the catchment. It is noted on the stormwater management plans that run-off from the site is channeled into on-site dams for water re-use. The dams however do not appear to perform any pertinent attenuation function. The proposed increase in impervious area for the development is approximately 600 square metres. The applicant is required to provide on-site detention for all new impervious areas of development in accordance with Table 7 of Section 9.3.1 Onsite Stormwater Disposal Requirements Region 1 – Northern Catchments of the Water Management for Development Policy.</p> <p><b>Amended Plans 15/6/2026</b><br/>Stormwater plans with the provision OSD have been submitted. Geotechnical Forms 1 &amp; 1A have been provided. Referral completed and conditions recommended.</p> |
| NECC (Flooding)                  | <p><b>NO CONDITIONS PROVIDED</b></p> <p>This development is for construction of a new indoor golf practice building. The proposal is assessed against Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP. The development is situated outside the Low and Medium Flood Precincts. The proposal complies with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| NECC (Riparian Lands and Creeks) | <p><b>NO CONDITIONS PROVIDED</b></p> <p>No riparian issues were identified as part of the assessment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| NECC (Water Management)          | <p><b>CONDITIONS PROVIDED</b></p> <p>The revised stormwater management documentation, including the submitted MUSIC model, satisfactorily demonstrates compliance with Council's water quality objectives and WSUD requirements. No further comments are raised from a water quality perspective.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Internal Referral Body                         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Strategic and Place Planning<br>(Urban Design) | <p><b>NO CONDITIONS PROVIDED</b></p> <p>This advice is provided as an internal referral from the Urban Design Unit to inform the Development Assessment Officer's consideration and coordination of the overall assessment.</p> <p>The application seeks consent for the construction of a building for indoor golf practice and teaching, including the storage of golf carts, at 154–156 Elanora Road, Elanora Heights. The proposal is considered to complement and extend the existing use of the site, enhancing the offering for members.</p> <p><b>Bulk and Scale</b><br/>The proposed building should remain secondary to the existing clubhouse in terms of height, massing and visual prominence. Its bulk and scale are to be modulated and expressed in a manner consistent with the established built form and architectural character of the site.</p> <p><b>Excavation</b><br/>Excavation of the existing rock outcrop should be minimised. The design should respond to the natural topography and prioritise a building form that limits disturbance to the rock and surrounding landscape.</p> <p><b>Material Palette</b><br/>The material palette should reinforce a cohesive architectural language across the site and respond to the natural setting. Durable, high-quality materials such as natural timber and brick are encouraged to ensure the building integrates with the surrounding verdant landscape.</p> <p><b>Assessment Officers Comment:</b> The urban design matters raised above have been considered through the assessment of the application and the amended proposal is satisfactory in this regard.</p> |

| External Referral Body                                    | Comments                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | <p><b>CONDITIONS OF CONCURRENCE PROVIDED</b></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p> |
| Aboriginal Heritage Office                                | <p><b>CONDITIONS PROVIDED</b></p> <p>The AHIMS search has demonstrated that the development is setback over 450m from nearby Aboriginal sites. Conditions are recommended to account for potential site disturbances during excavation and construction.</p>                                                                         |

**ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

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

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

**State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)****Housing and Productivity Contribution**

The Housing and Productivity Order (HPC) specifies that commercial development in Greater Sydney will be levied contributions for \$32.44 per sqm of additional commercial gross floor area.

The gross floor area of the development is 1,074.1sqm. As such, a condition is recommended requiring the applicant to pay \$34,843.80 pursuant to the HPC.

**SEPP (Sustainable Buildings) 2022****Chapter 3 - Standards for non-residential development**

Chapter 3 of State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP) applies as the proposal involves the erection of a new building with a capital investment value of over \$5 million and the development is not expressively excluded from the application of Chapter 3 as specified in Section 3.1(2) of the SB SEPP.

As assessment against the relevant provisions of Chapter 3 of the SB SEPP is provided below as follows:

- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
  - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
  - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
  - (d) the generation and storage of renewable energy,*
  - (e) the metering and monitoring of energy consumption,*
  - (f) the minimisation of the consumption of potable water.*

**Comment:**

The assessment has considered particulars (a) - (f) and concludes that the development has been

designed to incorporate these matters, as annotated on the plans and described in the Sustainable Development Plan, Construction Traffic and Waste Management Plan and NABERS Embodied Emission Material Form submitted with this application.

*(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

Comment:

As detailed above, the NABERS Embodied Emissions Material Form has quantified the embodied emissions attributable to the development.

### **3.3 Other considerations for large commercial development**

*(1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.*

Comment:

The application is not a 'large commercial development' as defined by the SB SEPP.

In conclusion, the development complies with the relevant provisions of the SB SEPP.

## **SEPP (Transport and Infrastructure) 2021**

### **Chapter 2 – Infrastructure**

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

## **SEPP (Biodiversity and Conservation) 2021**

### **Chapter 2 - Vegetation in non-rural areas**

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to Clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.



Clause 2.3 has been considered, and consent is sought for tree removal, noting that 23 prescribed trees are proposed for removal. The detailed assessment of which is carried out within the 'Landscape Referral Response' and 'Biodiversity Referral Response' sections of this report.

#### **Chapter 4 - Koala habitat protection 2021**

Chapter 4 of the BC SEPP applies to the development pursuant to Clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The application has been accompanied by a Flora and Fauna Assessment Report (FFA) prepared by Narla Environmental, dated February 2026. Section 1.11 of the FFA states that a site assessment was undertaken by the project ecologist to determine whether the land contained core koala habitat and that while the site contained suitable habitat for koalas, the site assessment showed no signs of koala's or koala occupancy as there were no scats or scratch marks on the vegetation. The FFA also noted that records indicate that there was only one (1) observation of a koala in 2020 which was 2.7 kilometres from the subject site.

Given the above information, the FFA concluded that the subject site is highly unlikely to constitute core koala habitat and that no further assessment under Chapter 4 of the BC SEPP is required.

Council's Biodiversity Officer has reviewed the application and not raised any concerns in relation to impacts on koalas or koala habitat.

As such, the assessment concludes that the proposal is consistent with Chapter 4 of the BC SEPP.

#### **SEPP (Resilience and Hazards) 2021**

##### **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated.

Council records indicate that the subject site has been used by the golf club for more than a century. Additionally, the part of the site which is subject to the development has not been occupied by any prior development in association with the club.

In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

#### **Pittwater Local Environmental Plan 2014**

|                                                                                        |     |
|----------------------------------------------------------------------------------------|-----|
| Is the development permissible?                                                        | Yes |
| After consideration of the merits of the proposal, is the development consistent with: |     |
| aims of the LEP?                                                                       | Yes |
| zone objectives of the LEP?                                                            | Yes |

Principal Development Standards

| Standard            | Requirement  | Proposed | % Variation | Complies |
|---------------------|--------------|----------|-------------|----------|
| Height of Buildings | 8.5m maximum | 11.32m   | 33.18%      | No       |

Compliance Assessment

| Clause                                                   | Compliance with Requirements |
|----------------------------------------------------------|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 4.3 Height of buildings                                  | No                           |
| 4.6 Exceptions to development standards                  | Yes                          |
| 5.10 Heritage conservation                               | Yes                          |
| 5.21 Flood planning                                      | Yes                          |
| 7.1 Acid sulfate soils                                   | Yes                          |
| 7.2 Earthworks                                           | Yes                          |
| 7.6 Biodiversity protection                              | Yes                          |
| 7.7 Geotechnical hazards                                 | Yes                          |
| 7.10 Essential services                                  | Yes                          |

Detailed Assessment**Zone RE2 Private Recreation**

The portion of the site that is accommodating the development is zoned RE2 Private Recreation. The works in association with the club are defined as a recreation facility (outdoor), which is a permissible land use in the RE2 Private Recreation zone.

The development is consistent with the objectives of the RE2 zone for the following reasons:

- The works will enhance the existing private recreation use of the land and provide new amenities that are compatible with the existing golf club.
- The works are located in a part of the site that is not constrained by biodiversity values or flooding constraints and less constrained by bushfire and geotechnical hazards. In this regard, the development will protect and enhance the natural environment from the recreational use.
- The building height, bulk and scale is appropriate in the context of existing development on the site, and the use of dark and earthy external finishes ensure the development integrates well into the landform and landscape.

**4.6 Exceptions to development standards**

Clause 4.3 of the PLEP 2014 states that the maximum height of development shall not exceed 8.5m above the existing ground level. The proposed development involves a maximum height of 11.32m, which involves a 33.18% (2.82m) variation to Clause 4.3 of the PLEP 2014.

It is noted that most of the building sits under the 8.5m height plane and that the non-compliance is largely caused by the slope of the land under the building footprint that falls towards the north.

The extent of non-compliance is depicted in **Figure 4** below.

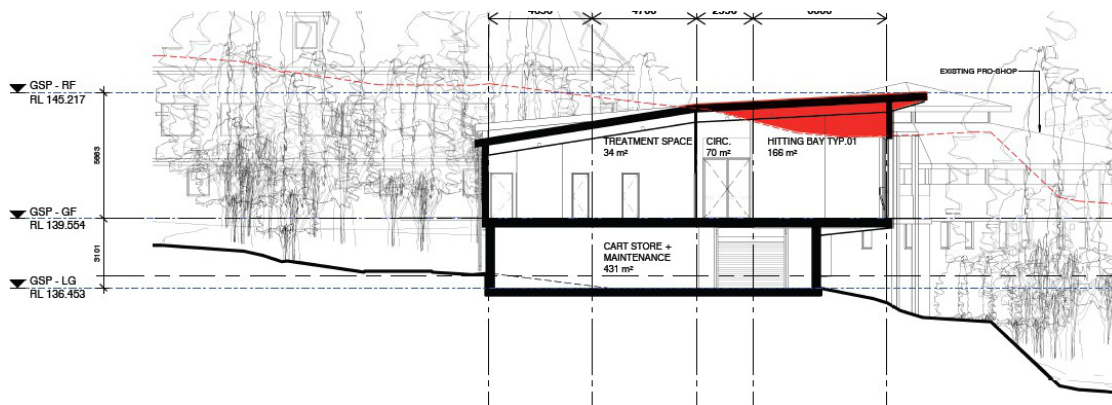


**Figure 4 - Building height non-compliance (highlighted in red)**

With reference to Section 35B of the Environmental Planning and Assessment Regulation 2021, the development application is accompanied by a document that sets out the grounds on which the Applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the PLEP 2014 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

*(1) The objectives of this clause are as follows:*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979.

Subclause (2) of this clause provides that:

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

Comment:

Clause 4.3 of the PLEP 2014 is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

*(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment:

As outlined within the matter of *Wehbe v Pittwater Council [2007] NSWLEC 827*, it was established that in order to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, an applicant must demonstrate either of the following:

- the objectives of the development standard are achieved notwithstanding non-compliance with the standard; or
- the underlying objective or purpose of the standard is not relevant to the development; or
- the underlying objective or purpose would be defeated or thwarted if compliance was required; or
- the standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard; or
- the zoning of land was unreasonable or inappropriate, such that the standards for that zoning are also unreasonable or unnecessary.

The applicant's written request seeks to demonstrate that compliance is unreasonable or unnecessary by demonstrating that the objectives of Clause 4.3 of the PLEP 2014 have been achieved and by demonstrating that the underlying objective or purpose would be defeated or thwarted if compliance was required.

**Clause 4.3 Objectives**

The objectives of Clause 4.3 of the PLEP 2014 are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The applicant's written request argues that:

- **Objectives (a) and (b)** - *"The proposed design seeks to merge the built form of a suitable with the same scale as the adjacent existing building".*
- **Objectives (c) and (d)** - *"No overshadowing or blocking of views result from the proposed building as there are no other receivers within the club's premises".*
- **Objectives (e) and (f)** - *"The proposed building adjusts to the existing slope and rock formations and avoids sensitive impacts on the landscape formations. Aside from the height exceedance of the protruding roof elements, the proposed scale of the building is highly suitable for the site. The proposed form is consistent with the surrounding area, and the*

*development complies with the LEP and DCP controls. This is further discussed in the SEE and the supporting documentation".*

**Assessment Officer Comment:**

The assessment officer concurs with the justification provided by the applicant and concludes that the objectives of Clause 4.3 of the PLEP 2014 are achieved for the following reasons:

- The height of the new building is sited at RL145.217m AHD, which is below the height of the pro shop building immediately to the west of the new building, which is sited at RL145.7m AHD. The new building is also significantly lower in height than the existing club building on the site. In this regard, the height and scale of the building will be compatible with surrounding development on the site.
- The development is significantly separated from surrounding properties and sensitive residential receivers. As such, the development will not result in adverse residential amenity impacts to neighbouring properties in terms of overshadowing, view impacts, noise impacts or privacy impacts.
- The construction methodology minimises the extent of excavation into the rock outcrops.
- The development is not located in close proximity to items of Aboriginal or European heritage significance and will not have an adverse impact on items of heritage significance.

As the objectives of Clause 4.3 have been achieved, an assessment to confirm whether the underlying objective or purpose would be defeated or thwarted if compliance was required has not been undertaken as it is not required.

The applicant has therefore demonstrated that compliance with the height standard is unreasonable or unnecessary in this instance.

*(b) there are sufficient environmental planning grounds to justify contravening the development standard.*

**Comment:**

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

*'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'*

The Clause 4.6 Request argues, in part:

*"There is an absence of environmental harm arising from the contravention and positive planning benefits arising from the proposed development as outlined in detail above. This includes:*

- *The proposal is consistent with the objectives of the RE2 zone and Height of Buildings standard.*
- *The Statement of Environmental Effects prepared by Urbis demonstrates that any impacts associated with the proposed development are acceptable, and mostly negligible.*
- *The non-complaint section of the building will not be out of context with the surrounding built form and does not contribute to any distinguishable bulk, scale or density of the building given the extremely limited visibility from the public domain, and that the non-compliance is only for a portion of the roof ridgeline in the building.*
- *The development does not diminish the development potential of adjacent land in any way, given its location within the club's premises.*
- *The proposal will see an improvement of the existing uses and operation on site.*
- *The development can adjust to the site-specific constraints as follows:*
  - *The building has been designed to avoid impacts on the rocky outcrop, safeguarding the landscape values of the local area.*
  - *The geotechnical risk has been assessed as minimal, and no environmental impact is expected to arise. Should further investigations be required during construction, further geotechnical studies will include mitigation measures to ensure the structural adequacy of the new building.*
  - *Vegetation clearance has been minimised where possible, and offset in the form of replacement planting is provided as part of the DA".*

**Assessment Officers Comment:**

The environmental planning grounds advanced by the applicant are concurred with as they are site-specific. The assessment officer agrees that the topographical constraints have caused the height breach, agrees that the height and scale of the building will be visually compatible with existing buildings on the site that surround the proposal and agrees that the height breach will not cause any adverse impacts to surrounding properties.

The applicant has therefore demonstrated that there are sufficient environmental planning grounds to justify a variation to Clause 4.3 of the PLEP 2014.

**Public Interest**

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

**Conclusion**

As demonstrated above, the proposed development satisfies the relevant considerations under Clause 4.6 of the PLEP 2014. Therefore, the contravention to Clause 4.3 of the PLEP 2014 is supported in this instance.

**5.21 Flood planning**

While portions of the site are flood affected, the proposed development takes place on a part of the site

that is not flood affected. As such, Clause 5.21 of the PLEP 2014 does not apply to the proposal.

Council's Floodplain Officer has reviewed the application and raised no objections and recommended no conditions.

## 7.2 Earthworks

The objective of Clause 7.2 of the PLEP 2014 requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land. The Geotechnical Investigation Report (GIR) prepared by geo-environmental Engineering dated, 10 June 2026 submitted with this application concludes that the site is suitable for the proposal and that the development will not result in unacceptable geotechnical risk. The recommendations of the GIR form part of the recommended conditions of consent.

*(c) the quality of the fill or the soil to be excavated, or both*

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties, given the development is significantly separated from residential receivers. Nonetheless, conditions are recommended to limit the construction hours to accord with the EPA's requirements for construction during daytime hours, which will maintain appropriate neighbourhood amenity.

*(e) the source of any fill material and the destination of any excavated material*

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(f) the likelihood of disturbing relics*

Comment:

The subject site does not contain any known relics and the works are substantially separated from Aboriginal sites.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*

Comment:

The development is located in a part of the site that is not constrained by biodiversity values or flooding constraints and less constrained by bushfire and geotechnical hazards. The area of the site that will accommodate the development is also significantly separated from natural waterways.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

Conditions are included in the recommendation of this report that will minimise the impacts of the development, particularly those relating to construction impacts.

*(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment:

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent Clause 7.2 of the PLEP 2014, subject to recommended conditions.

## **7.6 Biodiversity protection**

The site is mapped on the PLEP 2014 Biodiversity Map. Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

*(a) whether the development is likely to have:*

*(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

*(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and*



Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Council is also satisfied that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

It is important to note that the tree removal and the managed asset protection zone will occur in parts of the site that are not located on the State Government's BVM, thereby ensuring the development does not trigger entrance into the Biodiversity Offset Scheme.

*(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

Council's Biodiversity Team have recommended several conditions to mitigate impacts of the development on biodiversity, including the requirement for a Project Ecologist to be engaged and monitor tree removal including conducting a pre-clearance survey for wildlife prior to tree removal. Moreover, the applicant will be required to a minimum of one nest box suitable for hollow-nesting fauna species to be installed in retained trees.

These measures will assist in mitigating impacts on local biodiversity.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

With the recommended conditions outlined above in place, and noting that the works are located on a less constrained part of the site in terms of biodiversity values, it is concluded that the development is designed, sited and will be managed to avoid significant environmental impacts.

Having regard to the above assessment, it is concluded that the development is consistent with the jurisdictional matters within Clause 7.6 of the PLEP 2014, subject to recommended conditions.

## **7.7 Geotechnical hazards**

While portions of the site are mapped on the Geotechnical Hazard H1 area on the PLEP 2014 Geotechnical Risk Map, the proposed development takes place on a part of the site that is mapped outside of the Geotechnical Hazard H1 area. In this regard, Clause 7.7 of the PLEP 2014 does not strictly apply to the development.

Notwithstanding, the submitted GIR concludes that the site is suitable for the development and that the proposal will not result in unacceptable geotechnical risk to property and life. The recommendations of the GIR form part of the recommended conditions of consent.

### Pittwater 21 Development Control Plan

#### Built Form Controls

| Built Form Control  | Requirement                            | Proposed                                                                                            | % Variation* | Complies |
|---------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------|--------------|----------|
| Front building line | Merit Assessment                       | Acceptable on merit as the development is located approximately 220m from the front boundary        | -            | Yes      |
| Rear building line  | Merit Assessment                       | Acceptable on merit as the development is approximately 600m from the rear boundary to the west     | -            | Yes      |
| Side building line  | Merit Assessment                       | Acceptable on merit as the development is located approximately 150m from the nearest side boundary | -            | Yes      |
| Building envelope   | 3.5m / 45 degrees from side boundaries | Within Envelope                                                                                     | -            | Yes      |

#### Compliance Assessment

| Clause                                                                    | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------------------------------------------------------------|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                             | Yes                          | Yes                         |
| A4.5 Elanora Heights Locality                                             | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                                     | Yes                          | Yes                         |
| B3.1 Landslip Hazard                                                      | Yes                          | Yes                         |
| B3.2 Bushfire Hazard                                                      | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land                  | Yes                          | Yes                         |
| B3.11 Flood Prone Land                                                    | Yes                          | Yes                         |
| B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)       | Yes                          | Yes                         |
| B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor | Yes                          | Yes                         |
| B4.18 Heathland/Woodland Vegetation                                       | Yes                          | Yes                         |
| B5.15 Stormwater                                                          | Yes                          | Yes                         |
| B6.2 Internal Driveways                                                   | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                              | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill                | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation                     | Yes                          | Yes                         |
| B8.6 Construction and Demolition - Traffic Management Plan                | Yes                          | Yes                         |

| Clause                                                                                                         | Compliance with Requirements | Consistency Aims/Objectives |
|----------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| C2.1 Landscaping                                                                                               | Yes                          | Yes                         |
| C2.2 Safety and Security                                                                                       | Yes                          | Yes                         |
| C2.5 View Sharing                                                                                              | Yes                          | Yes                         |
| C2.6 Adaptable Housing and Accessibility                                                                       | Yes                          | Yes                         |
| C2.7 Building Facades                                                                                          | Yes                          | Yes                         |
| C2.8 Energy and Water Conservation                                                                             | Yes                          | Yes                         |
| C2.9 Waste and Recycling Facilities                                                                            | Yes                          | Yes                         |
| C2.10 Pollution Control                                                                                        | Yes                          | Yes                         |
| C2.12 Protection of Residential Amenity                                                                        | Yes                          | Yes                         |
| C2.15 Car/Vehicle/Boat Wash Bays                                                                               | Yes                          | Yes                         |
| C2.16 Undergrounding of Utility Services                                                                       | Yes                          | Yes                         |
| C2.22 Plant, Equipment Boxes and Lift Over-Run                                                                 | Yes                          | Yes                         |
| D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)                        | Yes                          | Yes                         |
| D5.2 Scenic protection - General                                                                               | Yes                          | Yes                         |
| D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)                                 | Yes                          | Yes                         |
| D5.5 Front building line (Excluding Elanora Heights Village Centre)                                            | Yes                          | Yes                         |
| D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)                                    | Yes                          | Yes                         |
| D5.7 Building envelope (Excluding Elanora Heights Village Centre)                                              | Yes                          | Yes                         |
| D5.12 Fences - Flora and Fauna Conservation Areas                                                              | Yes                          | Yes                         |
| D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre) | Yes                          | Yes                         |

### THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

### POLICY CONTROLS

#### Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$69,300 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$6,930,000.

**BIODIVERSITY CONSERVATION ACT 2016**

The Biodiversity Conservation Act 2016 (BC Act) applies to the land pursuant to Section 1.7 of the EP&A Act and aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecological sustainable development.

As noted earlier within this report, portions of the site are mapped on the BVM as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017 (see **Figure 5**).

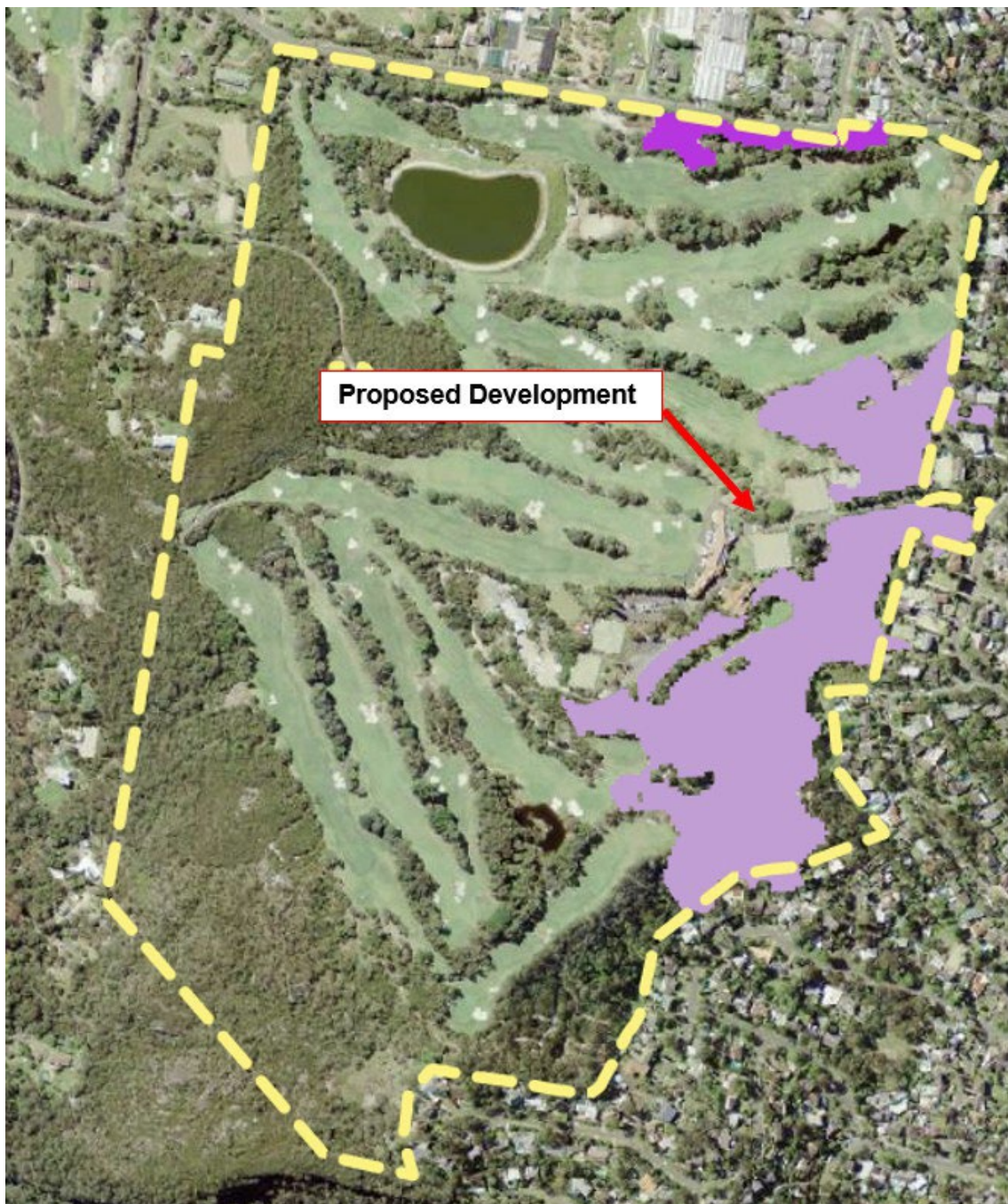


**Figure 5 - Location of new works relative to BVM Area (shown in purple)**

Notwithstanding, the development does not include any works that encroach into this area, including the establishment of asset protection zones.

As the works do not encroach into the BVM area and the development does not exceed the native clearing thresholds of 0.5 hectares or more, as identified in the BC Act, the application does not require the submission of a Biodiversity Development Assessment Report (BDAR) or require entry into the Biodiversity Offset Scheme.

Overall, the development is not likely to have adverse impacts on threatened ecological communities, species, or their habitats and is consistent with the provisions of the BC Act.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

Council is satisfied that the Applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify variation of the development standard contained within Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify the variation.

## **PLANNING CONCLUSION**

This Development Application seeks consent for the construction and use of a new two-storey building to be used for an indoor golf practice facility and associated amenities in association with the existing Elanora Country Club.

While the proposal involves a 33.18% (2.82m) variation to the height of buildings development standard under Clause 4.3 of the PLEP 2014, which requires development to be no more than 8.5m above the existing ground level, the applicant's Clause 4.6 variation request has adequately addressed the jurisdictional matters within Clause 4.6 of the PLEP 2014 and the assessment has concluded that compliance with the development standard is unreasonable, and that there are sufficient environmental planning grounds to justify the variation.

Furthermore, the height of the new building will be visually compatible in scale with existing buildings on the site that surround the proposal and the elements of the building that exceed the height limit will not result in any adverse visual impacts or residential amenity impacts to neighbouring properties given the significant setbacks afforded from the property boundaries and the intervening landscape screening between the building and the boundaries.

During the course of the assessment, the applicant made amendments to the application to address Council's RFI; including but not limited to reducing the extent of tree removal, removing planter boxes around the building that would impact on the rock outcrops, and updating stormwater management plans to include on-site detention tanking and water sensitive urban design measures to ensure compliance with Council's Water Management for Development Policy. The assessment finds that the amended development application has adequately resolved the concerns raised on the RFI.

The assessment concludes that the proposed development is acceptable as it would not result in unacceptable impacts to local biodiversity, the height of the new building is compatible with existing buildings on the site, the development will enhance the amenities provided by the Elanora Country Club, the development is setback over 150m from the nearest residential receiver and the development occurs on a portion of the site that is partially disturbed by prior development and is the least constrained in terms of bushfire hazards, biodiversity values, flooding and geotechnical risks.

Suitable conditions have been imposed to ensure the protection of surrounding native vegetation and rock outcrops that are to be retained as part of this development.

Accordingly, it is recommended that the NBLPP **approve** the Development Application, subject to the recommended conditions attached to this report.

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

**RECOMMENDATION**

That the Northern Beaches Local Planning Panel, as the consent authority, vary the development standard contained within Clause 4.3 Height of Buildings, pursuant to Clause 4.6 of the Pittwater Local Environmental Plan 2014 because the Applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) of Clause 4.6.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2026/0234 for Construction of a new building to be used for indoor golf practice in association with an existing recreation facility (outdoor) (Elanora Country Club) on land at Lot 1 DP 201384, 154 - 156 Elanora Road, ELANORA HEIGHTS, Lot 8 DP 22281, 154 - 156 Elanora Road, ELANORA HEIGHTS, Lot 2 DP 538508, 154 - 156 Elanora Road, ELANORA HEIGHTS, Lot 145 DP 22670, 154 - 156 Elanora Road, ELANORA HEIGHTS, Lot 146 DP 22670, 154 - 156 Elanora Road, ELANORA HEIGHTS, subject to the conditions printed below:

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**GENERAL CONDITIONS****1. Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| <b>Approved Plans</b> |                        |                           |                 |                     |
|-----------------------|------------------------|---------------------------|-----------------|---------------------|
| <b>Plan Number</b>    | <b>Revision Number</b> | <b>Plan Title</b>         | <b>Drawn By</b> | <b>Date of Plan</b> |
| A-DA.103              | D                      | DEMOLITION SITE PLAN      | djrd            | 20 May 2026         |
| A-DA.201              | E                      | PROPOSED SITE PLAN - ROOF | djrd            | 20 May 2026         |
| A-DA.301              | E                      | LOWER GROUND FLOOR PLAN   | djrd            | 20 May 2026         |
| A-DA.302              | E                      | GROUND FLOOR PLAN         | djrd            | 20 May 2026         |
| A-DA.303              | E                      | ROOF PLAN                 | djrd            | 20 May 2026         |
| A-DA.401              | D                      | ELEVATION - SHEET 1       | djrd            | 20 May 2026         |
| A-DA.402              | D                      | ELEVATION - SHEET 2       | djrd            | 20 May 2026         |
| A-DA.403              | D                      | ELEVATION - SHEET 3       | djrd            | 20 May 2026         |

|          |   |                     |      |             |
|----------|---|---------------------|------|-------------|
| A-DA.404 | D | ELEVATION - SHEET 4 | djrd | 20 May 2026 |
| A-DA.501 | D | SECTION - SHEET 1   | djrd | 20 May 2026 |
| A-DA.502 | D | SECTION - SHEET 2   | djrd | 20 May 2026 |
| A-DA.503 | D | SECTION - SHEET 3   | djrd | 20 May 2026 |

**Approved Reports and Documentation**

| <b>Document Number</b>                                                                                           | <b>Version Number</b>                                                | <b>Prepared By</b>                                              | <b>Date of Document</b> |
|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------|-------------------------|
| Geotechnical Investigation Report                                                                                | REPORT ID: G24096EH-R02F REV2                                        | geo-environmental Engineering                                   | 10 June 2026            |
| Sustainable Development Plan                                                                                     | LCE105554-002                                                        | Lucid                                                           | 18 March 2026           |
| Stormwater Management Plans Drawing Numbers SW00, SW10, SW20, SW30, SW40, SW50, SW60, SW70, SW80, SW90 and SW100 | Job No. D25248, Revision D                                           | ae Consulting Engineers                                         | 8 May 2026              |
| Landscape Concept Plan Drawing Number A-A0.1004                                                                  | Project No. 24_434 (Rev A)                                           | Kruse Golf Pty Ltd                                              | 2 December 2025         |
| Arboricultural Impact Assessment                                                                                 | Ref: 2405_d_Elanora Country Club, Golf Practice Facility, Revision A | ELKE Landscape Architect + Consulting Arborist + Horticulturist | 8 May 2026              |
| Bushfire Assessment Report                                                                                       | 260566                                                               | Building Code & Bushfire Hazard Solutions Pty Limited           | 3 February 2026         |
| Flora and Fauna Assessment Report                                                                                | Project No. ELCC1, Version No. Final v1.0                            | Narla Environmental Pty Ltd                                     | February 2026           |
| Construction Traffic and Waste Management Plan                                                                   | -                                                                    | -                                                               | -                       |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.



**2. Ausgrid Conditions of Concurrence**

Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction works near existing electrical assets.

The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid's Network Standards can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets- Clearances". This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

Reason: Statutory requirement.

**3. Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is 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.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the

updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

#### 4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of

1 per 20 persons.

- (g) Prior to the release of the Construction Certificate, payment of the following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
  - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;  
  
Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$69,300.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$6,930,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

#### 6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

#### 7. **Housing and productivity contribution - Development consents**

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

| <b>Contribution Type</b>              | <b>Amount</b>       |
|---------------------------------------|---------------------|
| Housing and Productivity Contribution | \$ 34,843.80        |
| <b>Total:</b>                         | <b>\$ 34,843.80</b> |

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

*highest PPI number*

*consent PPI number*

where—

**highest PPI number** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

**consent PPI number** is the PPI number last used to adjust HPC rates when consent was granted.

**June quarter 2023 and PPI** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

| Development                                                                                                                                                                                  | Time by which HPC must be paid                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Development consisting only of residential subdivision within the meaning of the HPC Order                                                                                                   | Before the issue of the first subdivision certificate                      |
| High-density residential development within the meaning of the HPC Order for which no construction certificate is required                                                                   | Before the issue of the first strata certificate                           |
| Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building | Before the issue of the first strata certificate                           |
| Manufactured home estate for which no construction certificate is required                                                                                                                   | Manufactured home estate for which no construction certificate is required |

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

### **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

8. **Installation of Nest Boxes**

A minimum of one (1) nest boxes suitable for hollow-nesting fauna species are to be installed in retained trees on the site, in a location determined by the Project Ecologist.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

9. **On-Site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by AE Consulting Engineers referenced in Condition 1.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

10. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Investigation Report referenced in Condition 1 are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**11. Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the AEconsulting Stormwater Plans rev D 08.05.26 and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

**12. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via

<https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept



informed of likely disruption where the access will be closed or blocked for any given time.

- If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
- A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
  - Compare the post-construction report with the pre-construction report,
  - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
  - Should any damage have occurred, identify remediation actions taken.
  - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to)

- concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
  - Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
  - The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
  - Proposed protection for Council and adjoining properties.
  - The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

**13. Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the Flora and Fauna Assessment (Narla Environmental, Feb 2026).

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

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

**14. Compliance with Standards**

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

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

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

15. **External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 to minimise solar reflections. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

16. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with the Arboricultural Impact Assessment Revision A dated 8 May 2026 prepared by ELKE Consulting Arborist and AS4970-2025 Protection of trees on development sites.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Principal Certifier that all tree protection measures under AS4970-2025 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

17. **Tree Removal Within the Property**

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment Revision A dated 8 May 2026 prepared by ELKE Consulting Arborist as listed below:

- i) Trees numbered 3, 4, 5, 6, 7, 9, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 47
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

#### 18. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),

- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

**19. Compliance with Biodiversity Impact Mitigation Measures - Prior to Commencement**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to any commencement.

Reason: To avoid and minimise impacts to biodiversity.

### **DURING BUILDING WORK**

**20. Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

**21. Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all trees and vegetation within the road reserve.
  
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with the Arboricultural Impact Assessment Revision A dated 8 May 2026 prepared by ELKE Consulting Arborist and AS4970-2025 Protection of trees on development sites,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
  - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
  - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
  - vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Principal Certifier,
  - viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2025 Protection of trees on development sites,
  - ix) the activities listed in section 4.2 of AS4970-2025 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
  - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
  - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by the Project Arborist as compliant to AS4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

**22. Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from the Project Arborist during the works.

In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

**23. Compliance with Biodiversity Impact Mitigation Measures - During Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

**24. Pre-clearance Survey - Certified by Project Ecologist**

Any habitat for native wildlife (including tree/ termite hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

25. **Wildlife Protection**

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

Reason: To protect native wildlife.

26. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

27. **Road Reserve**

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

Reason: Public safety.

28. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation.

Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

29. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.



Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

30. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

31. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Construction Traffic and Waste Management Plan for this development that is referenced in Condition 1.

Details demonstrating compliance must be submitted to the Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

32. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

33. **Required Tree Planting**

Trees shall be planted in accordance with the following:

- a) 52 locally native trees as indicated on Landscape Concept Plan Dwg No. A-A0.1004 Rev A dated 2/12/2025 prepared by Kruse Golf Pty Ltd shall be planted within the property:
  - i) tree planting shall be a minimum pre-ordered planting size of 200mm; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
- b) Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

#### 34. **Landscape Completion**

Landscape works are to be implemented in accordance with Landscape Concept Plan Dwg No. A-A0.1004 Rev A dated 2/12/2025 prepared by Kruse Golf Pty Ltd, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- c) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan(s),

Prior to the issue of an Occupation Certificate, details (from a qualified landscape architect, landscape designer or horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

#### 35. **Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

#### 36. **Protection of Habitat Features**

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

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

37. **Native Landscaping**

Any new landscaping is to incorporate a minimum of 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

38. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

39. **Priority Weed Removal and Management**

All Priority weeds (as specified in the Flora and Fauna Assessment (Narla Environmental, Feb 2026) and Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

40. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate approved plan. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

41. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

**42. Stormwater Treatment Measures Operation and Maintenance Plan**

An Operation and Maintenance (O&M) Plan shall be prepared and submitted to, and approved by, the Principal Certifier prior to the issue of any Occupation Certificate. The Plan must detail the ongoing operation, inspection, and maintenance requirements for all proposed stormwater treatment measures to ensure their continued effectiveness and compliance with the approved design objectives.

The O&M Plan shall include, but not be limited to:

- A description and location of all stormwater treatment devices;
- Maintenance schedules and procedures, including frequency of inspection and cleaning;
- Identification of responsible parties for ongoing maintenance;
- Procedures for monitoring system performance; and
- Record-keeping requirements.

All stormwater treatment measures shall be operated and maintained in accordance with the approved Plan for the life of the development.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

**43. Works as Executed Drawings - Stormwater Treatment Measures**

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

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

Reason: Protection of the receiving environment.

**44. Certification of Bushfire Requirements**

A suitably qualified bushfire consultant must provide written certification demonstrating that the

recommendations within the Bushfire Assessment Report referenced in Condition 1 have been incorporated into the as-built development.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of an Occupation Certificate.

Reason: Compliance with Planning for Bush Fire Protection 2019.

45. **Waste Disposal Verification Statement**

On completion of building work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

46. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link:

<https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/media/files/2023-12/guide-for-submitting-legal-documents.pdf?1756256223>

The form for the application can be found on Council's website using the following link:

<https://applications.northernbeaches.nsw.gov.au/T1PRProd/WebApps/eProperty/P1/eSubmit/Tr=WC.WEBGUEST&f=%24P1.ESB.TERMS.VIW&ReturnUrl=%2fT1PRProd%2fWebApps%2fe>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

47. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

48. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

49. **Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

50. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Investigation Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

51. **Maintenance of Bushfire Requirements including Asset Protection Zone**

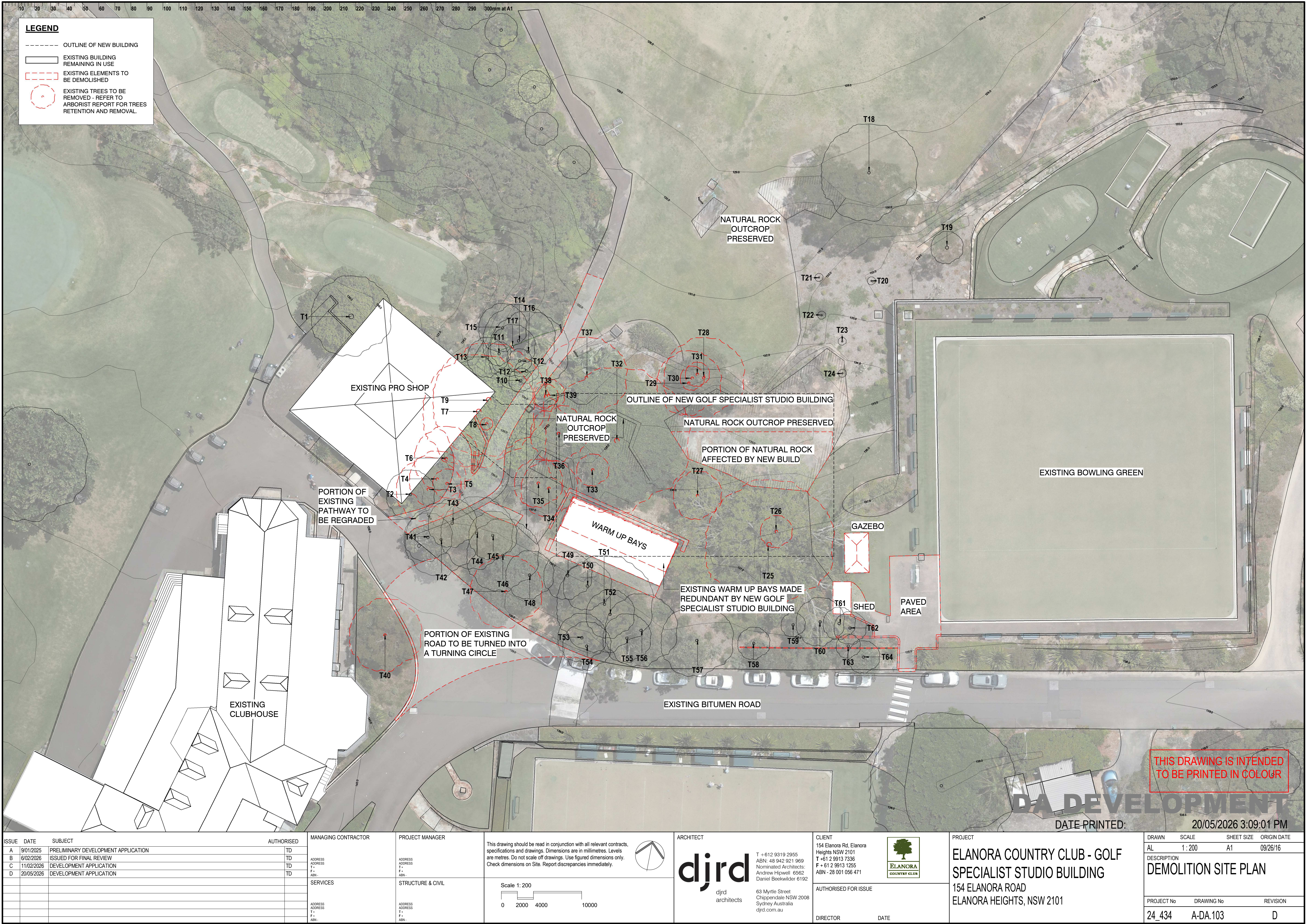
The recommendations within the Bushfire Assessment Report referenced in Condition 1 must be maintained in perpetuity of the development.

Reason: Compliance with Planning for Bush Fire Protection 2019.















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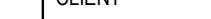






|     |                    |
|-----|--------------------|
| BID | BIFOLD GLAZED DOOR |
| DP  | DOWNPIPE           |
| GLD | GLAZED DOOR        |
| GLB | GLAZED BALUSTRADE  |
| FG  | FIXED GLASS        |
| RS  | ROLLER SHUTTER     |
| W   | WINDOW             |

## DA DEVELOPMENT

| ISSUE | DATE       | SUBJECT                             | AUTHORISED | MANAGING CONTRACTOR | PROJECT MANAGER | ARCHITECT                                                                                                                                                                                                   | CLIENT                                                                                                      | PROJECT                                                                                                       | DRAWN                       | SCALE                                         | SHEET SIZE   | ORIGIN DATE         |            |          |  |
|-------|------------|-------------------------------------|------------|---------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------|--------------|---------------------|------------|----------|--|
| A     | 9/01/2025  | PRELIMINARY DEVELOPMENT APPLICATION | TD         |                     |                 |                                                                                                                                                                                                             |                                                                                                             |                                                                                                               |                             |                                               |              |                     |            |          |  |
| B     | 6/02/2026  | ISSUED FOR FINAL REVIEW             | TD         | ADDRESS             | ADDRESS         | <br>T + 612 9319 2955<br>ABN: 48 942 921 969<br>Nominated Architects:<br>Andrew Hipwell 6562<br>Daniel Beekwilder 6192 | 154 Elanora Rd, Elanora Heights NSW 2101<br>T +61 2 9913 7336<br>F + 61 2 9913 1255<br>ABN - 28 001 056 471 | <br>ELANORA COUNTRY CLUB | ELANORA COUNTRY CLUB - GOLF | AL                                            | As indicated | A1                  | 09/26/16   |          |  |
| C     | 11/02/2026 | DEVELOPMENT APPLICATION             | TD         | ADDRESS             | ADDRESS         |                                                                                                                                                                                                             |                                                                                                             |                                                                                                               |                             | 154 ELANORA ROAD<br>ELANORA HEIGHTS, NSW 2101 | DESCRIPTION  | ELEVATION - SHEET 3 |            |          |  |
| D     | 20/05/2026 | DEVELOPMENT APPLICATION             | TD         | ADDRESS             | ADDRESS         |                                                                                                                                                                                                             |                                                                                                             |                                                                                                               |                             |                                               |              | PROJECT No          | DRAWING No | REVISION |  |
|       |            |                                     |            | ADDRESS             | ADDRESS         |                                                                                                                                                                                                             |                                                                                                             |                                                                                                               |                             |                                               |              | 24 434              | A-DA 403   | D        |  |







# Clause 4.6 Variation Request

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*New building used for indoor  
golf practice/teaching and golf  
cart storage*

May 2026

Prepared for: Elanora Country Club



**Urbis staff responsible for this report were:**

|                   |             |
|-------------------|-------------|
| Director          | John Wynne  |
| Senior Consultant | Pablo Yague |
| Project Code      | P0057704    |
| Report Number     | Final       |

## Acknowledgment of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on. We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years. We pay our respects to First Nations Elders, past and present.

Urbis is committed to incorporating our respect for First Nations cultures, peoples and storytelling in our work across the Country. We are proud to have partnered with Darug Nation artist, **Hayley Pigram**, and to profile her artwork – **Sacred River Dreaming**.



*The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.*

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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# Introduction

This Clause 4.6 Variation Request (**the request**) has been prepared by Urbis Ltd (**Urbis**) on behalf of Elanora Country Club (**the applicant**)(**ECC**) in support of a Development Application (**DA**) comprising of a building to be used for the purposes of indoor golf practice and teaching, and the storage and maintenance of golf carts (**the proposed development**) at 154-156 Elanora Road, Elanora Heights NSW (**the site**).

The proposed development is ancillary to the established use of the site as a golf club (defined as Recreation Facility (Outdoor)). The facilities provided in the new building are available only to members and guests of ECC and does not result in any changes to the established use and character of ECC.

The Request seeks a variation to the height of building (**HOB**) development standard which applies to the site under clause 4.3 of the *Pittwater Local Environmental Plan 2014* (**PLEP**). The variation request is made pursuant to clause 4.6 of the PLEP.

This report should be read in conjunction with the updated Statement of Environmental Effects (**SEE**) prepared by Urbis and dated May 2026, which the request supports.

This request has been updated in response to Northern Beaches Council (**Council**), noting that the spot level of the survey is at RL133.9m AHD.

# 1 Site Context

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# 1 Site Context

ECC occupies a site referred to as 154-156 Elanora Road, Elanora Heights – refer Figure 1. The property comprises a number of Land Titles summarised as follows:

- Lot 1 DP 201384.
- Lot 8 DP 22281.
- Lot 2 DP 538508.
- Lots 145, 146 and 147 DP 22760.

Access to the site is obtained primarily from Elanora Road but the site also has frontage to Wilga Street and from which service vehicle access to the site is available. The site is located within the Northern Beaches Council area.

Figure 1 The Subject Site



Source: Urbis

Key features of the site today include the following:

- An 18 hole golf course.
- A golf driving and short game practice area.
- 2 bowling greens.
- A croquet lawn.
- Tennis courts.
- Clubhouse.
- A building providing short stay accommodation for members and guests.
- Buildings and areas used for the storage and management of site maintenance.
- A large dam supplying water for use on the site.



- Large areas of the site remain undeveloped and contain vegetation.

Photographs of the existing development and surrounding context are provided in Figure 2 below.

Figure 2 Photographs of existing development and surrounding context





# 2 Proposed Development

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## 2 Proposed Development

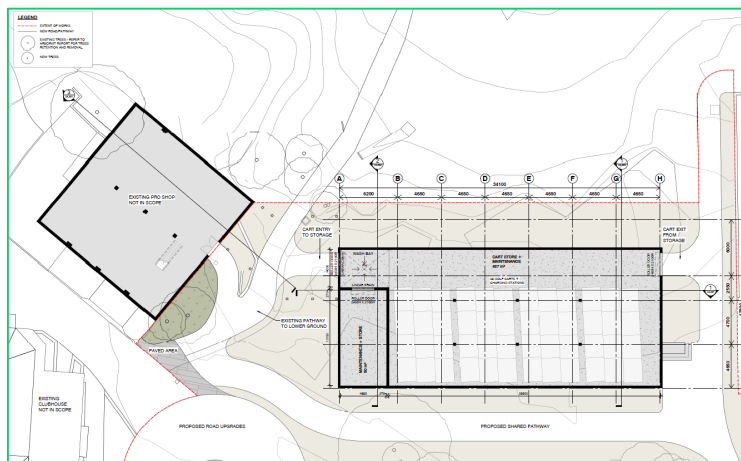
The DA seeks consent for the construction and use of a new building to be used for the purposes of an indoor golf practice facility. Features of the proposed development include the following:

- The new building is located adjacent to the existing golf 'pro-shop' and being close to the existing Clubhouse building.
- The new building has two levels with the upper floor being connected to the existing pro shop by way of a partly enclosed passage and associated balcony.
- The upper level of the new building is used for the purposes of golf practice and comprising:
  - 6 enclosed golf hitting bays.
  - 2 enclosed golf teaching bays.
  - A flexible space to be used for gym/stretching/exercise activities.
  - A room suitable for physiotherapy or other health/wellness treatment.
  - A sauna and ice bath room.
  - Shower, toilet and change rooms.
  - A space to be used for people to meet and wait to utilise the facilities.
- Openings and windows are provided to the upper level of the building providing the golf driving bays and other spaces with access to fresh air and a visual connection to the golf course. However all golf hitting bays are fully enclosed with nets preventing balls from leaving the building.
- The lower level of the new building is used for the storage and charging of electric golf carts and provision of storage space and other facilities supporting the operation of the Club.
- The new building will be constructed of brick and timber materials presenting a high quality appearance complementing the existing character of the adjacent pro shop building.
- The new building has a total floor area of 1,071m<sup>2</sup> and a maximum height of 11.32m.

Architectural plans prepared by DJRD are provided with the application – refer to **Appendix B**.

Images of the proposed building are shown below:

Figure 3 Images of the proposed building





Works associated with the proposed development are:

- Removal of existing vegetation and new landscaping.
- Excavation
- Minor changes to the existing vehicle access road to the Clubhouse and construction of new golf cart and pedestrian pathways connecting the building to existing pathways.

# 3

## **Planning Instrument, Development Standard and Proposed variation**

---

### 3 Proposed Variation

#### What is the planning instrument you are seeking to vary?

The Pittwater Local Environmental Plan 2014 (PLEP).

#### What is the site zoning?

The site is zoned predominantly as RE2 Private Recreation

#### What is the development standard to be varied?

Clause 4.3 of the PLEP relating to the maximum height of buildings to be constructed on the land, which reads as follows:

- (1) The objectives of this clause are as follows—
  - a. to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
  - b. to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
  - c. to minimise any overshadowing of neighbouring properties,
  - d. to allow for the reasonable sharing of views,
  - e. to encourage buildings that are designed to respond sensitively to the natural topography,
  - f. to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the *Height of Buildings Map*

#### Type of development standard?

Development standards are provisions of an environmental planning instrument or the *Environmental Planning and Assessment Regulation 2021* which relate to the carrying out of development, and specify requirements or fix standards in respect of any aspect of the development. Generally, development standards either set numerical values or contain non-numerical requirements or criteria relating to the design and carrying out of the development in certain circumstances.

Numerical development standards use numbers to specify requirements (often minimum or maximum requirements) for measuring components of a site and/or development. Examples are minimum lot size requirements or building height limits.

The proposed development standard sought to be varied is numerical.

#### What is the numeric value of the development standard in the environmental planning instrument?

The height of building (HOB) development standard applying to the site is 8.5m.

#### What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

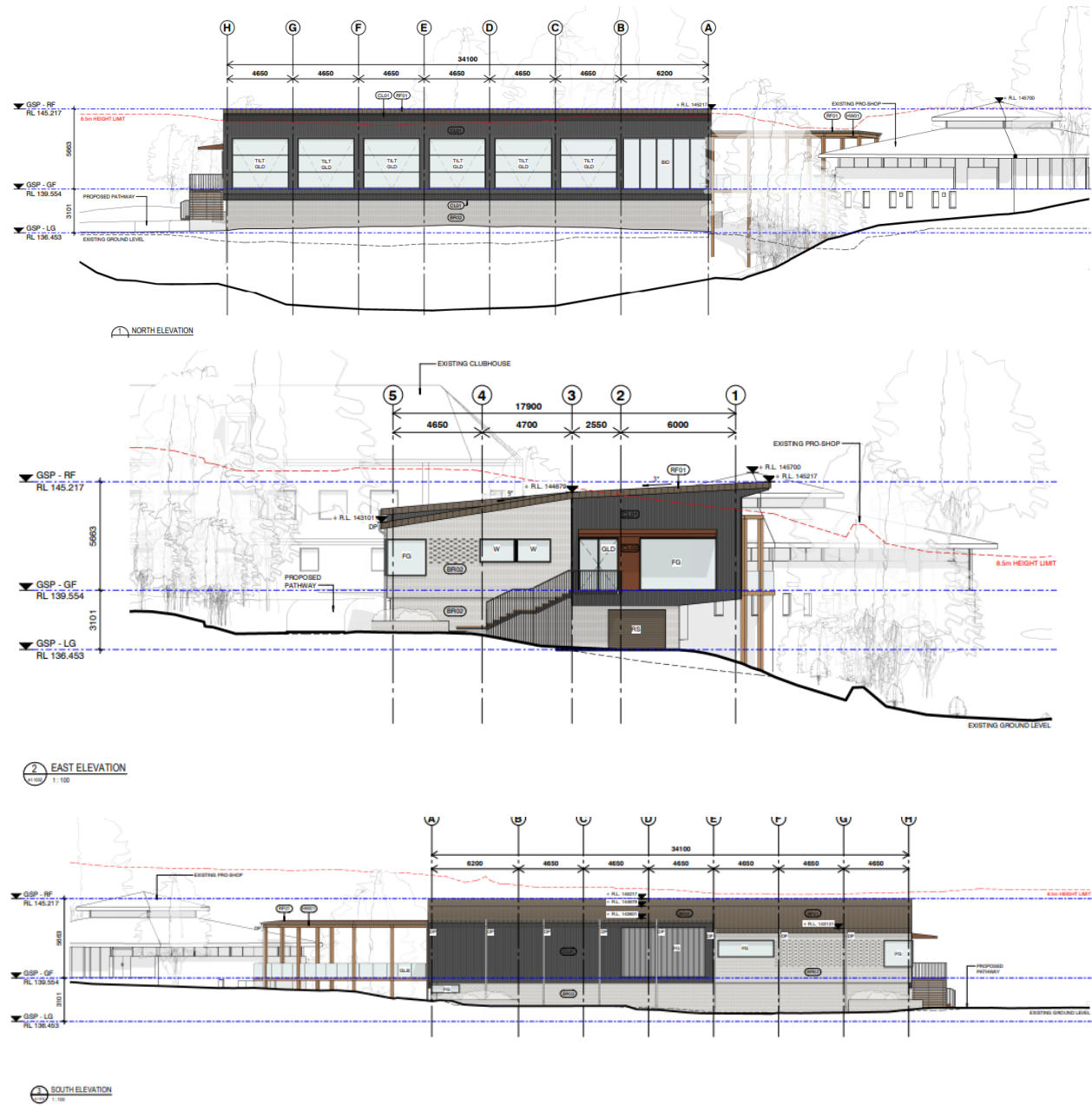
The roof of the proposed building has a height at RL 145.217. Due to the topography of the site, this results in a **maximum building height of 11.32m**. This results in a variation to the HOB development standard of 2.82m (33.2%)

#### Visual representation of the proposed variation

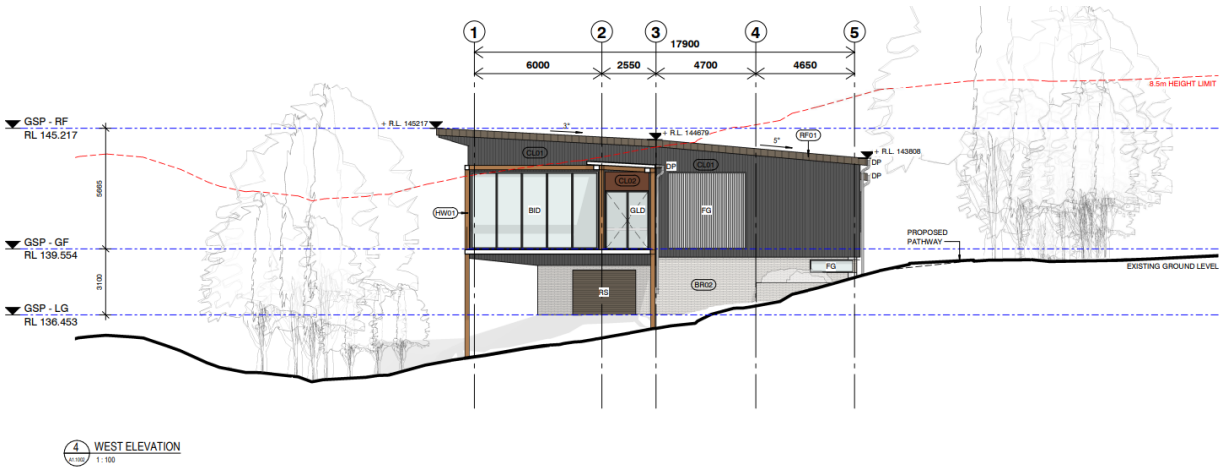
The following Figure 4 illustrates the maximum HOB development standard by providing the adjusted height limit comparatively to the ground level at the spot level on the survey. The figure demonstrates how the 8.5m

HOB standard applies across the site and illustrates the varied exceedance of the standard by the proposed development.

Figure 4 Height limit encroachment – Elevations







# 4

## **Justification for the Proposed Variation**

---

## 4 Justification for the Proposed Variation

### How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

The following table addresses how compliance with the development standard is unnecessary in the circumstances of the particular case by addressing the key questions provided within the *Guide to Varying Development Standards* published by the Department in November 2023.

| Key Questions                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) Are the objectives of the development standard achieved notwithstanding the non-compliance?                                        | <p>The objectives of clause 4.3 of the PLEP are addressed as follows:</p> <p><i>(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,</i></p> <p><i>(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,</i></p> <p>The proposed design seeks to merge the built form of a suitable building with the same scale as the adjacent existing building.</p> <p><i>(c) to minimise any overshadowing of neighbouring properties,</i></p> <p><i>(d) to allow for the reasonable sharing of views,</i></p> <p>No overshadowing or blocking of views result from the proposed building as there are no other receivers within the club's premises.</p> <p><i>(e) to encourage buildings that are designed to respond sensitively to the natural topography,</i></p> <p><i>(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.</i></p> <p>The proposed building adjusts to the existing slope and rock formations and avoids sensitive impacts on the landscape formations.</p> <p>Aside from the height exceedance of the protruding roof elements, the proposed scale of the building is highly suitable for the site. The proposed form is consistent with the surrounding area, and the development complies with the LEP and DCP controls. This is further discussed in the SEE and the supporting documentation.</p> |
| b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable) | <i>Not relied upon.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| c) Would the underlying objective or purpose be defeated or thwarted if                                                               | The objectives of the land use zone applying to the site, being the RE2 Private Recreation zone, aim to enable a range of recreational facilities and services that meet the needs of the community, and to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Key Questions                                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| compliance was required? (Give details if applicable)                                                                                                 | <p>allow development of a scale and character that is appropriate to the nature of its recreational use and is integrated with the landform and landscape</p> <p>If required to be delivered within a compliant building height, it would limit the proposals' ability to deliver on the objectives of the applicable land use zone, as it would require a reduction in the scale of the building leading to a reduction in golf cart capacity and utilization numbers.</p> <p>The proposed development is a built form that is consistent with the surrounding context, whereby recreational amenities are provided. Specifically, the development will support the operation of the Eleanora Country Club as a whole, which is a key recreation and economic asset in the LGA.</p> |
| (d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? | <i>Not relied upon.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?                      | <i>Not relied upon.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

### Are there sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

*"...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and*

*...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development"*

There is an absence of environmental harm arising from the contravention and positive planning benefits arising from the proposed development as outlined in detail above. This includes:

- The proposal is consistent with the objectives of the RE2 zone and Height of Buildings standard.
- The Statement of Environmental Effects prepared by Urbis demonstrates that any impacts associated with the proposed development are acceptable, and mostly negligible.
- The non-complaint section of the building will not be out of context with the surrounding built form and does not contribute to any distinguishable bulk, scale or density of the building given the extremely limited visibility from the public domain, and that the non-compliance is only for a portion of the roof ridgeline in the building.

- The development does not diminish the development potential of adjacent land in any way, given its location within the club's premises.
- The development is essential to support the ongoing operation and growth of the Elanora Country Club and will provide facilities to support golfing activities.
- The proposal will see an improvement of the existing uses and operation on site.
- The development can adjust to the site-specific constraints as follows:
  - The building has been designed to avoid impacts on the rocky outcrop, safeguarding the landscape values of the local area.
  - The geotechnical risk has been assessed as minimal, and no environmental impact is expected to arise. Should further investigations be required during construction, further geotechnical studies will include mitigation measures to ensure the structural adequacy of the new building.
  - Vegetation clearance has been minimised where possible, and offset in the form of replacement planting is provided as part of the DA.

Based on the above, it has been demonstrated that there are positive benefits arising from the development.

**Is there any other relevant information relating to justifying a variation of the development standard? (If required)**

The proposed development has been discussed with Council during a pre-DA meeting in November 2025. Council feedback identified no major issues with the overall proposal, noting the proposed design is commensurate with the existing character of the site, providing the rock formations are avoided and its impacts managed. In order to achieve this, the architectural design had to adjust for the slope of the site, thus slightly elevating the final height of the building. This improves the overall objectives of the proposal without significantly impact any environmental values of the area.

Within the RFI, Council has also noted that the height non-compliance is supported, subject to the updates hereby discussed in this request. As identified, the height variation will not result in any environmental or amenity impact on the local area or public domain.

# 5 Conclusion

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## 5 Conclusion

For the reasons set out in this written request, strict compliance with the height of building development standard contained within clause 4.3 of the PLEP is unreasonable and unnecessary in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation.

It is reasonable and appropriate to vary the height of building development standards to the extent proposed for the reasons detailed within this submission and as summarised below:

- The proposed development achieves the relevant objectives of the HOB development standard listed in Clause 4.3 of the PLEP and remains within the envisaged intensity of the use of the land in accordance with the PLEP.
- The proposed development is consistent with the zone objectives as it will provide enhanced recreational amenities within the club.
- There is no adverse consequence as a result of the non-compliance section of the roofline from the public domain as it is not visible due to its location within the club premises.
- Despite the non-compliance, the proposed built form is appropriate to the contextual considerations of the site and aligned with the bulk of existing adjoining buildings.

For the reasons outlined above, the clause 4.6 variation request is well-founded. The development standard is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the height of building development standard should be applied.

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## **6 MEETING CLOSURE**