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 21 OCTOBER 2026

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

Peter Robinson
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.

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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.

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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 7 OCTOBER 2026

RECOMMENDATION

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel Meeting held on 7 October 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 MOD2026/0228 - 1749 PITTWATER ROAD MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2025/0143 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT INCLUDING BASEMENT CAR PARKING

PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as the land owner of one of the affected properties is the council.

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2026/0228 for Modification of Development Consent DA2025/0143 granted for demolition works and construction of a shop top housing development including basement car parking at Lot 2 DP 412869, 1749 Pittwater Road MONA VALE NSW 2103, Lot 1 DP 715158, 1753 Pittwater Road MONA VALE NSW 2103, Lot 2 DP 230780, Lot 2 DP 715158, Lot 102 DP 788439 and Lot 2 DP 1136849 4 Bungan Lane MONA VALE NSW 2103 subject to the conditions set out in the Assessment Report.

Reporting manager:	Executive Manager Development Assessment
Attachments:	1. Assessment Report [**4.1.1** - 63 pages] 2. Site Plans & Elevations [**4.1.2** - 3 pages] 3. Design and Sustainability Advisory Panel Report [**4.1.3** - 6 pages]

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2026/0228

Responsible Officer:	Darren Laybutt (GAT & Associates) – Consultant Planner
Land to be developed (Address):	Lot 1 DP 715158, 1753 Pittwater Road MONA VALE NSW 2103 Lot 2 DP 230780, 4 Bungan Lane MONA VALE NSW 2103 Lot 2 DP 715158, 4 Bungan Lane MONA VALE NSW 2103 Lot 102 DP 788439, 4 Bungan Lane MONA VALE NSW 2103 Lot 2 DP 1136849, 4 Bungan Lane MONA VALE NSW 2103 Lot 2 DP 412869, 1749 Pittwater Road MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2025/0143 granted for demolition works and construction of a shop top housing development including basement car parking
Zoning:	MU1 Mixed Use SP2 Infrastructure
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Raymond Touma

Application Lodged:	05/05/2026
Nominated Integrated Development:	Yes – *Water Management Act 2000*
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	02/09/2026 to 30/09/2026
Advertised:	02/09/2026
Submissions Received:	12
Clause 4.6 Variation:	Nil
Recommendation:	Approval

EXECUTIVE SUMMARY

This Section 4.55(1A) Modification application seeks consent to modify DA2025/0143, which granted consent for the "*demolition of existing structures and construction of a five (5) storey shop top housing development with 4 commercial tenancies, 36 residential units and basement car parking.*"

The approved development utilised the in-fill affordable housing provisions under State Environmental

Planning Policy (Housing) 2021, seeking the maximum 30% bonus in height under Section 18.

The approved development also involved demolition work on 4 Bungan Lane, a council-owned car park, to facilitate vehicle access to the site by widening an existing opening between the properties via a right-of-carriageway.

This Section 4.55(1A) Modification is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the development application undertaking the aforementioned works on the Council owned 4 Bungan Lane to enable vehicle access to the basement car parking. Council is not the applicant, but the Property Services team has granted owner's consent to lodge the Section 4.55(1A) application.

The modification application seeks a number of amendments including the deletion of Basement 2, lowering of a portion of the Pittwater Road street frontage and retail tenancies to near the existing street level, and various amendments to the layouts of commercial tenancies, residential units, communal open space, stormwater design, and more. No modifications are proposed to the portion of the works on Council's land. A detailed summary of the modifications is provided further in this report.

The application was lodged on 5 May 2026. The application was notified from 1 July to 29 July 2026 and renotified from 2 September to 30 September 2026. A total of twelve (12) submissions were received during the two (2) notification periods objecting to the development on the grounds of:

- Traffic and parking impacts.
- Excavation and construction impacts.
- Pedestrian ingress/egress to 1747A Pittwater Road is impacted.
- Concerns regarding the demolition relating to the Council car park.
- Acoustic impacts of commercial tenancies.

The application has been assessed in accordance with the Conflict of Interest Management Strategy dated 29 April 2026, prepared specifically for this application, including the requirement that public exhibition is for twenty-eight (28) days. The application was assessed by an external planning consultant due to the conflict of interest.

Following a detailed assessment of the proposal, it is recommended that the NBLPP grant approval for the Section 4.55(1A) Modification application, subject to conditions.

PROPOSED MODIFICATION IN DETAIL

Following amendments made to the Section 4.55(1A) application, the proposed modifications include:

Changes to Built Form and Site Planning

- Delete Basement Level 2.
- Reduce car parking from 59 x residential spaces, 17 x commercial spaces and 12 x visitors (88 total) to 42 x residential spaces, 16 x commercial spaces and 0 x visitor spaces (58 total).
- Reconfigure and reduce in motorcycle parking from 8 to 1 space and bicycle parking from 17 to 16 spaces.
- Reconfigure residential storage cages, services and OSD tanks on Basement Level 1 and Level 1 Pittwater Road Ground to suit the above.
- Revise Pittwater Road frontage design to lower the entry forecourt, residential lobby and front 5m of Retail 01 and Retail 02 from RL 7.25m AHD to RL 6.45m AHD (north section) and RL 6.65m AHD (south section).
- Addition of a flood gate to the southern Pittwater Road frontage pedestrian entry.

- Revised design to Level 2 communal open spaces.
- Bring forward the residential entry closer to Bungan Lane.
- Creation of an outdoor seating terrace for Retail 03.
- Addition of stair lifts to Retail units 01, 02 and 03.
- General layout amendments to residential units.
- Conversion of the Pittwater Road awning from glass to concrete.
- Incorporation of the approved wintergardens fronting Pittwater Road on Levels 2, 3 and 4 within the units.
- Proposed new, narrower and shallower wintergardens fronting on Pittwater Road on Levels 2, 3 and 4.
- Reconfiguration of solar panels and increased in provision.
- Various minor design amendments to fire stairs, car park design and location of roller doors, clarification of EV charging for residential parking, column designs, landscaping in Pittwater Road setback, and bin room design.

Changes to Approved Conditions

The modification proposes to modify a number of conditions of consent as outlined below.

- Modify Condition 1 to align with the new architectural plans and supporting documents.
- Modify Condition 10 to reference the amended development cost.
- Modify Condition 14 to reference the amended stormwater plans.
- Modify Conditions 21, 22 and 94 to reference the updated acoustic report.
- Modify Condition 26 to reference the portion of the Pittwater Road facing retail tenancies floor space located below the flood planning level.
- Modify Condition 35 to reference the modified car parking numbers and allocation.

Additional conditions were sought to be modified but rescinded in the course of the assessment.

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 have 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

The main issues that arose during the assessment of the application included:

- Flooding: A portion of the site fronting Pittwater Road is flood affected with a Flood Planning Level (FPL) of 7.24m AHD. The approved design included stairs and a chairlift to transition from the footpath level to the FPL in the front setback, ensuring the retail tenancies and the residential lift lobby were above the FPL.

  The proposed modifications sought to lower the front setback, a portion of the retail tenancies and the residential lift lobby essentially to footpath level to increase activation, with a flood gate and a requirement that the portions of the building below the FPL be constructed of flood compatible materials to address the flooding concerns.

  Council's Flooding Engineer initially did not support the modification. Further information was submitted recognising examples of the design approach within Mona Vale and the broader Council area. Subject to conditions of consent, the revised design was deemed acceptable.

- Communal Open Space: It was initially proposed to delete the communal open space on the roof of the central building on the premise of the town centre locality and proximity to open space. The Design and Sustainability Advisory Panel (DSAP) and the planning assessment rejected the proposed modification, as the rooftop space was the only communal open space receiving solar access in the current and long-term scenarios, and comparable facilities were not within adequate walking distance.

  In response, the applicant reinstated the rooftop communal open space to its original size and design.

- Front Setback & Wintergardens: The lodged modification sought to delete the wintergardens from Pittwater Road on Levels 2, 3 and 4, incorporating the floor area within the units. The DSAP and the planning assessment did not support the modification due to the detrimental impact on the acoustic amenity and cross-ventilation of the relevant units. The acoustic assessment in the original application determined that road noise from Pittwater Road would be sufficiently offensive to necessitate windows to be shut during "peak periods" and thus cross-ventilation was unviable. The wintergardens delivered acoustic amelioration and cross-ventilation.

  The applicant amended the application to introduce new, narrower and shallower wintergardens forward of the approved, already non-compliant front setback. Notwithstanding that the applicant submitted a statement in support of reducing the front setback, the further erosion of the street setback is not supported. A condition of consent is recommended to be imposed to increase the front setback on Levels 2, 3 and 4 by 600mm (the depth of the encroachment).

SITE DESCRIPTION

Property Description:	Lot 1 DP 715158, 1753 Pittwater Road MONA VALE NSW 2103 Lot 2 DP 230780, 4 Bungan Lane MONA VALE NSW 2103 Lot 2 DP 715158, 4 Bungan Lane MONA VALE NSW 2103 Lot 102 DP 788439, 4 Bungan Lane MONA VALE NSW 2103 Lot 2 DP 1136849, 4 Bungan Lane MONA VALE NSW 2103 Lot 2 DP 412869, 1749 Pittwater Road MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of two (2) allotments located on the

	northwestern side of Pittwater Road. The site is irregular in shape with a frontage of 18.73m to Pittwater Road. The rear of the site adjoins Bungan Lane, which has a 21.195m frontage width. The site depth is approximately 78m. The total surveyed site area is 1,524.8m^2. The site is located within the MU1 Mixed Use zone and currently contains: • 1749 Pittwater Road: A two storey concrete block commercial building, with hardstand car parking at the rear accessed from 4 Bungan Lane (Council car park). • 1753 Pittwater Road: A two storey rendered and metal clad commercial building with a hardstand car parking area accessed from 4 Bungan Lane. A substation is also present on the Bungan Lane frontage. The land falls from Bungan Lane to Pittwater Road in the corner of up to 3.5 metres (RL 9.88 to RL 6.30). The survey identifies a number of easements, including: • A 0.455 metres wide right of footway along the southern boundary of 1749 shared with 1747A Pittwater Road. • Rights of carriageway between 3 metres and 5.8 metres wide enabling vehicle access from the Council car park through a roller door into 1749. The site contains no notable vegetation. Two (2) street trees are present on the Pittwater Road frontage. Refer to **Figure 1** for an aerial and **Figures 2-7** for photos of the site. A portion of the Pittwater Road frontage is in the medium risk flood precinct.

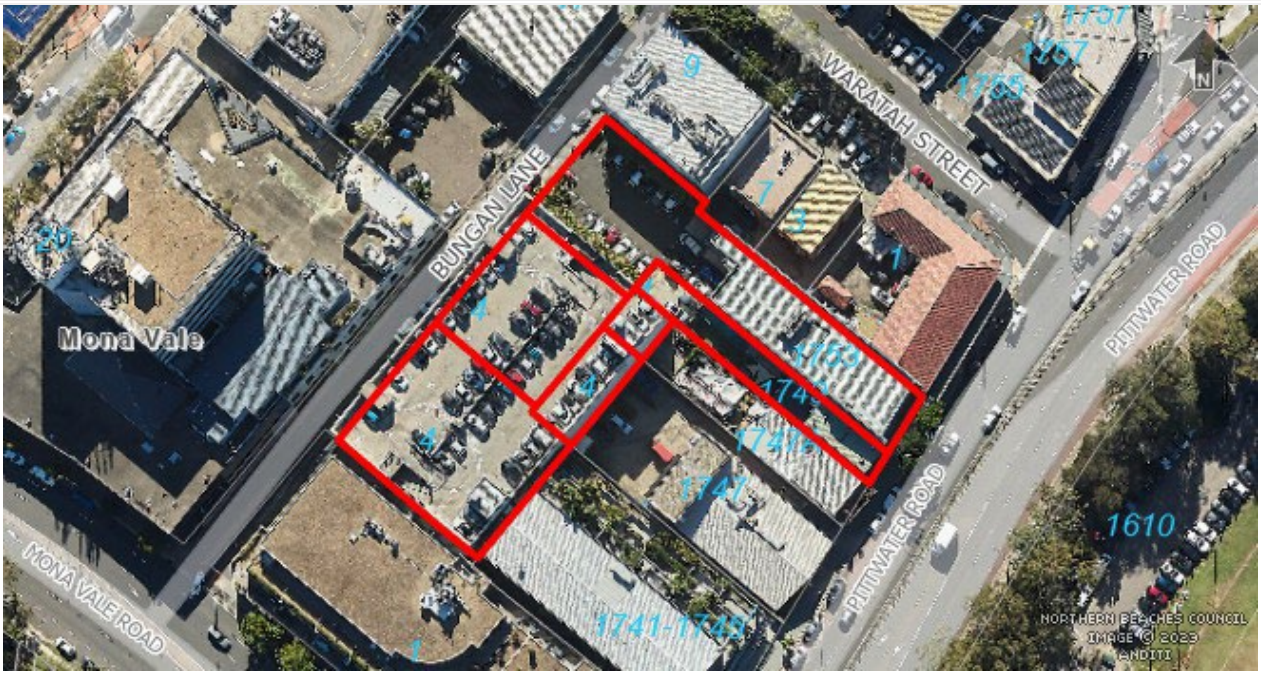


Figure 1: Site Location Map



Figure 2: View of the site from Pittwater Road, including both two storey commercial neighbours



Figure 3: View of the site from Bungan Lane, including existing vehicle access, vegetation and substation, and the Council car park in the background



Figure 4: View of the existing car park at the rear of 1753 Pittwater Road accessed from Bungan Lane



Figure 5: View of the Council car park adjoining the site, including the driveway and pedestrian access to the proposed car park



Figure 6: Existing connection between Council car park and 1749 Pittwater Road, including pedestrian path ramp and storage cage to the left of image



Figure 7: Rear of 1749 Pittwater Road, including right of footway to the right of image

Description of Locality

The site is located within the Mona Vale Town Centre and is surrounded by commercial land uses.

Pittwater Road is a six-lane classified road, while Bungan Lane is a one-way primarily rear service lane discharging onto Mona Vale Road to the south of the site.

The immediate adjoining properties are:

- A two storey brick commercial building at 1747A Pittwater Road to the south of the site.
- A four storey concrete and metal cladding car park at 4 Bungan Lane to the southwest.
- A two storey brick commercial building at 1 Waratah Street to the northeast.
- Two storey brick commercial buildings at 3 & 7 Waratah Street to the north.
- A three storey commercial building at 9 Waratah Street to the north.
- A two storey brick commercial building opposite Bungan Lane at 11 Waratah Street to the north, with the hardstand parking area directly opposite.

As indicated, the entire area immediately around the site is for commercial or other non-residential land uses. The land is all zoned MU1 Mixed Use except for the car park, which is zoned SP2 Car Park, under the Pittwater Local Environmental Plan (PLEP) 2014.

The most contemporary development is to the northeast of the site, being a recently completed 4 storey shop top housing development at 19 Bungan Street.

Figures 8-10 below are photos of the immediate locality.



Figure 8: View of the Pittwater Road character to the south of the site, including 1-4 storey commercial or mixed use buildings



Figure 9: View of the Pittwater Road character to the north of the site, being two storey commercial buildings



Figure 10: View north along Bungan Lane opposite the site to 11 Waratah Street

SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed that, prior to the previous development application, there are a number of development applications on the site, primarily for alterations and additions to the commercial buildings, and change of use applications (gym, radiology, banking office, etc.).

A development application (DA2018/1113) was approved on 5 December 2018 for the retention of the two storey commercial building and construction of a four storey shop top housing over the hardstand parking area on 1753 Pittwater Road.

The development to which this modification relates (DA2025/0143) was lodged on 20 February 2025 and approved by the Sydney North Planning Panel on 3 February 2026.

APPLICATION HISTORY

The original Section 4.55(1A) was submitted on 5 May 2026.

The lodged application also sought to:

- Remove the rooftop communal open space.
- Substantially modify and reduce the western Level 2 communal open space.
- Modify Retail 03 to open out to the approved western Level 2 communal open space, as modified.
- Delete the wintergardens fronting Pittwater Road.
- Increase side setback to 1747A Pittwater Road by 455mm on Levels 3-5.

The DSAP reviewed the proposed modifications on 25 June 2026.

A request for additional information was issued on 28 July 2026 raising the following questions and concerns:

- The extent of the modifications was not of a 'minor environmental impact' given the substantial loss of communal open space, reduced amenity to units fronting Pittwater Road, and unresolved flooding concerns from lowering Pittwater Road frontage and part of the retail tenancies below the flood planning level.
- While the intent to increase the street activation of the Pittwater Road frontage was supported, the Council's Flooding Engineer did not support lowering the floor levels below the flood planning level.
- Deletion of the rooftop communal open space was not supported as it was the only space within the development with long-term solar access and additional facilities beyond seating.
- The modifications to and reduction of western Level 2 communal open space and conversion to essentially form part of Retail 03 was not supported as it resulted in high solid fencing to adjacent units, reducing outlook and amenity, CPTED concerns arising from the semi-public space beyond the initial lobby fronting Bungan Lane, and a net reduction in landscaping.
- Deletion of the wintergardens was not supported on the basis of reduced amenity and cross-ventilation.
- Unresolved unit storage as a consequence of the deletion of Basement 2.
- Inadequate separation of residential and commercial parking.
- Various clarifications sought on proposed conditions to be modified and plan details.

Concept amendments were submitted on 7 August 2026. Following comments provided to the applicant, a formal resubmission was submitted on 19 August 2026.

Additional information was further submitted addressing flooding and other planning matters.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)

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 have been prepared and are attached, taking into account 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;

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 are:

Section 4.55(1A) – Other Modifications	**Comments**
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 proposed modification is of	**Yes** The modifications, as proposed in the final assessed application, are

Section 4.55(1A) – Other Modifications	Comments
minimal environmental impact, and	considered to be of minimal environmental impact for the following reasons: • The removal of a level of basement is a reduction in environmental impact. It does introduce or significantly modify any environmental assessment requirement, whether geotechnical, drainage, groundwater or contamination, in the context of the assessment. • The redesigned Pittwater Road frontage to increase portions of the development below the flood planning level (FPL) has been accepted by Council's Flooding Engineer and the flood gate approach to protecting the residential lift lobby and shopfronts has been adopted in other applications within the Mona Vale and broader Northern Beaches area. Consequently, while increasing floor area below the FPL, the approach has been and is acceptable from an environmental impact perspective. • The modest reduction in communal open space on the western part of the podium level does not significantly reduce the amenity for residents, as the rooftop communal open space is intact as the primary space of high amenity, and a clear usable area remains available for residents in the modified space. • The reduction in car parking is of minimal environmental impact, noting the quantum of car parking remains above the minimum required under State Environmental Planning Policy (Housing) 2021. • The modification to the wintergarden design does not materially alter the building aesthetics and preserves the cross-ventilation, natural ventilation and unit amenity for the Pittwater Road fronting units, ensuring minimal environmental impacts. • The remaining modifications are of negligible consequence on the development.
(b) 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	The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2025/0143 for the following reasons: • The modified development is consistent with the approved use and density as the original application. • The amenity available to the development is substantially the same as the original application. • The amenity impacts of the development are substantially the

Section 4.55(1A) – Other Modifications	Comments
	same as the original application.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (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.
(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, 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 for the grant of the consent that is sought to be modified are discussed as follows:

Comment on reasons for Determination of DA2025/0143

Reasons given by the Sydney North Planning Panel dated 2 February 2026 for the determination of DA2025/0143:

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variations to maximum building height, landscaping requirements and deep soil zoning requirements and approve the application for the reasons below and in the Independent Assessor's two Reports and Supplementary Memo dated 23 January 2026.

The Panel initially considered the matter at a meeting with Council and Applicant on 24 September 2025. The draft Reasons for Refusal were extensively discussed at that meeting and it was apparent to the Panel that further communication between the parties may resolve outstanding issues. The Panel met again on 28 January 2026 to consider the Supplementary Report and Memo and again asked the parties to resolve the few remaining issues. These were then agreed between the parties as detailed in Council's email of 30 January 2026, which included amendments to plans and the draft conditions.

The Panel agrees the proposal has been thoroughly and properly assessed against relevant planning controls. All significant issues identified during assessment have been satisfactorily resolved and the proposal will deliver residential and commercial properties in the Mona Vale Town Centre. Therefore, the project warrants approval.

The proposed modification does not alter the maximum building height, landscaped area (as relevant for the Clause 4.6 submitted in the original application) or deep soil. The applicant has sought modifications to the landscaping design, primarily in the Level 2 communal open spaces and on the Pittwater Road frontage. These remain generally consistent with and substantially the same as the original application. Moreover, the design and planting are supported from the planning and technical assessment perspective.

The modification application will continue to deliver residential and commercial properties in the Mona Vale Town Centre.

The reasons for granting the original consent have been considered in the assessment of this modification. 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	See detailed assessment under "DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS" below.
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	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent.

Section 4.15 'Matters for Consideration'	Comments
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	These matters have been addressed via the original conditions of consent. Section 26 of the EP&A Regulation 2021 requires the specification of the name of the registered community housing provider who will manage the affordable housing component for an application to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, 2 or 5 applies. The original application was supported by a letter by a registered community housing provider. Section 29 of the EP&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. Sections 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested as described under Application History earlier in this report. Section 61 of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via the original conditions of consent. Section 62 and/or 64 of the EP&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. Section 69 of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via the original conditions of consent. Section 69 of the EP&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.
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	(i) **Environmental Impact** 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. (ii) **Social Impact** The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) **Economic Impact**

Section 4.15 'Matters for Consideration'	Comments
	The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site was and remains 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.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Northern Beaches Local Environmental Plan (Draft LEP)

The draft Northern Beaches Local Environmental Plan does not introduce any changes in land use zoning (MU1 Mixed Use) or change the current 13m development standard for building height that applies to the site.

The site will be identified on the Design Excellence Map. The application has been reviewed by the DSAP and the recommendations generally adopted by the applicant, as discussed in this assessment.

A detailed assessment against the proposed numerical provisions and development standards has not been undertaken as part of this report. However, broad consideration has been given to the Draft LEP, and the proposal is consistent with its relevant aims and objectives.

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 01/07/2026 to 29/07/2026 and renotified from 02/09/2026 to 30/09/2026 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 submissions from:

Name:	Address:
Mr Victor Matouk	34 Tennyson Avenue TURRAMURRA NSW 2074
Details Withheld	BAYVIEW NSW 2104
Ms Karen Bones	50 Peacock Parade FRENCHES FOREST NSW 2086
Mr Lino Querin	17 Patterson Street CONCORD NSW 2137
Ms Rebecca Oluwi	34B Redgrade Road NORMANHURST NSW 2076
Mr Scott Beggs	PO Box 999 NEWSPORT NSW 2106
Ms Kylie Walford	18 Nullaburra Road NEWPORT NSW 2106
Details Withheld	MONA VALE 2103
Mr Ian Newson	10/1741-1745 Pittwater Road MONA VALE 2103
Details Withheld	Unknown
K C Pardey	BILGOLA PLATEAU 2107
Sarah Williams	Unknown

The following issues were raised in the submissions:

Traffic impacts, including adequacy of traffic data in Council car park
Concerns were raised regarding the underestimation of the traffic within the Bungan Lane car park as 5 shops were vacant at the time of the study. Additional concerns were raised generally from the additional traffic generated by the development and safety within the car park.

Comment: The traffic data relied on in the Transport Impact Assessment accompanying the Section 4.55(1A) application is the same as the original application that Council's Traffic Engineer agreed as satisfactory.

It is important to note that the modification removes a basement level and 30 car spaces. The traffic impacts of the development are being notably reduced. Consequently, the modification will reduce congestion in Bungan Lane car park and the lane generally compared to the approved application.

Council's Traffic Engineer has also been satisfied in terms of safety of pedestrians and vehicle movements within the proposed and public car park.

Ingress and Egress to 1747A Pittwater Road
Concern was raised about whether ingress and egress will remain available to 1747A Pittwater Road, including pedestrian access, and the associated increase in risk and safety to users of the car park.

Comment: The widened driveway approved under DA2025/0143 affects the portion of the car park identified in **Figure 11**.

Vehicles leaving the subject site will leave via the new opening in the area identified in the yellow circle. Vehicles will then manoeuvre onto the main car park thoroughfare across the access point to 1747A Pittwater Road. This does not affect any car parking spaces.

The area does not increase risk or reduce safety to users in the car park over the original development. Vehicles from the subject development do not cross a pedestrian thoroughfare.

Access to 1747A Pittwater Road through the roller door is maintained.



Figure 11 - View of the roller door to 1747A Pittwater Road from the Bungan Lane car park

Right of Footway Setbacks
The submission raised support for increasing the side setback of 455mm from Level 1 to Level 6. They questioned whether they can build directly upward from their boundary or if the same setback would apply.

Comment: A 445mm wide right-of-footway exists over 1747A and 1749 Pittwater Road, combining to create a 910mm wide path between the two buildings from Pittwater Road to Bungan Lane car park.

DA2025/0143 was approved with a 445mm side setback at the Pittwater Road level to maintain the footway easement. The levels above were constructed to the boundary.

This Section 4.55(1A) application originally sought to set back all levels 455mm on the understanding that the terms of the easement actually required the easement to the clear to the sky, not only sufficient space for a footpath. However, this position was rescinded during the assessment with the submission of further information.

Specific to the submission, the easement will need to be confirmed to be extinguished before any building can be erected over the equivalent 455mm easement on 1747A Pittwater Road.

7 Waratah Street – Wrong Deposited Plan, Brick Wall and the Indicated 5 Storey Building
Concerns were raised that the incorrect Deposited Plan was referenced for 7 Waratah Street on the architectural plans, that a low brick wall that sits right on the shared boundary would be accidentally removed during construction and that the architectural plans presumed a development was or could be occurring on the property.

Comment: The architectural plans state DP 562763 rather than DP562736. While the architectural plans have not been amended to refer to the correct DP, this is acceptable as it does not affect the outcome of the application or the adjoining property.

The applicant was advised of the concern regarding the low brick wall at the rear of 7 Waratah Street. The architectural plans were amended to identify and reference the wall and to confirm that it is to be retained.

DA2025/0143 necessitated an assessment of potential future development and the impacts on the three tower form, including for long-term solar access. This included the indicative design illustrated on the current architectural plans.

This information was for illustrative purposes only and does not constitute a development application or approval on 7 Waratah Street or the adjoining properties.

Dilapidation Reports / Encroachment of Works Onto Adjoining Properties
Concerns were raised regarding the need for dilapidation reports and to ensure no construction works encroached onto adjoining properties.

Comment: The need for pre- and post-construction dilapidation reports formed part of the approved development's conditions of consent. This condition will be maintained should this application be approved.

No consent has been granted for any work on any property except for 1749 and 1753 Pittwater Road and part of 4 Bungan Lane. Any work that occurs would be in breach of the consent and is the subject of compliance action.

Demolition of 4 Bungan Lane / Public Car Park
Concern was raised regarding the demolition of the public car park and the consequential impacts on parking Mona Vale.

Comment: A couple of submissions are mistaken in that no approval has been granted to demolition the entire public car park structure. The works within the car park are effectively limited to the widening of the driveway in the area shown in **Figure 11**. The car park remains owned by Council and will be minimally affected by the works.

Reduction in Car Parking
Concerns were raised by the reduced provision of car parking given Mona Vale is already constrained by car parking issues.

Comment: Although the total provision of car parking is reduced by 30 spaces, the provision of parking is compliant with the respective development standard and controls.

The required residential car parking under Section 22A of State Environmental Planning Policy (Housing) 2021 is 32 spaces. The modification proposes 42 spaces.

No visitor car spaces are required under Section 22A.

Commercial car parking is determined by the Pittwater 21 Development Control Plan. The required parking is 16 spaces and 16 are provided.

Given compliance with the relevant requirements, no additional parking can be mandated or is necessary.

Construction Impacts
Concerns were raised by the impact on the public car park during construction works.

Comment: A Construction Traffic Management Plan formed part of the conditions of consent with the original approval. This condition requires consideration of construction vehicle access and parking and must be signed off by Council's Traffic team. The plan will ensure the minimum possible impacts allowable to enable the development to be erected.

Acoustic Measures for Commercial Tenancies
A request was made for acoustic barriers or measures to be incorporated for the commercial components, including plant and equipment, deliveries and waste collection.

Comment: The acoustic report submitted with the modification addresses acoustic impacts from indicative plant. The National Construction Code governs standard acoustic attenuation measures. Separate approvals will be necessary for uses of the commercial tenancies. Their acoustic impacts will be assessed at such time.

REFERRALS

Internal Referral Body	Comments
Engineering	***Referral completed – amended condition required.*** Referral 08/05/2026 The proposed modification includes an amended stormwater design. The proposed modification meets the objectives of the DCP controls subject to the amendment of condition 14 of consent DA2025/0143 as follows. The proposal is therefore supported.
Environmental Health (Contaminated Lands)	***Referral completed – no additional conditions required.*** Referral 03/06/2026 This application is seeking consent for modifications to DA2025/0143. The modifications include: • The deletion of basement carparking level B2 to reduce the extent of required excavation and construction risk and the reconfiguration of the remaining basement levels accordingly. Carparking remains complaint with the standards at clause 19(2)(e) and (f) which applied at the time of the lodgement and determination of the subject development application. • The deletion of the substation to the Bungan Lane frontage based on further advice from Ausgrid significantly enhancing the street level activation to Bungan Lane and the reconfiguration of the adjacent retail tenancies. • Deletion of the roof top communal open space given the developments location within a town centre and its immediate proximity to a plethora of public open space passive and active recreation areas. • The rationalisation in the location of roof top PV. • The setting back of levels L2 – L6 by 455mm from the boundary with 1747-1747A Pittwater Road to be clear of the Right of Footway including a consequential adjustment in apartment widths on each floor plate. • Redesign of the retail entry and adjacent internal floor levels from Pittwater Road to facilitate enhanced street level accessibility, retail activation and landscaping. • The maintenance of a minimum 15% of total GFA affordable housing component. • Minor modification to approved landscape plans.

Internal Referral Body	Comments
	The proposed changes to the original design do not significantly alter the Land Contamination outcome and recommendations associated with the development application (DA2025/0143). No additional conditions required. The proposal is therefore supported.
Environmental Health (Industrial Use)	***Referral completed, amended conditions required.*** <u>Referral 03/06/2026</u> This application is seeking consent for modifications to DA2025/0143. The modifications include: • The deletion of basement carparking level B2 to reduce the extent of required excavation and construction risk and the reconfiguration of the remaining basement levels accordingly. Carparking remains complaint with the standards at clause 19(2)(e) and (f) which applied at the time of the lodgement and determination of the subject development application. • The deletion of the substation to the Bungan Lane frontage based on further advice from Ausgrid significantly enhancing the street level activation to Bungan Lane and the reconfiguration of the adjacent retail tenancies. • Deletion of the roof top communal open space given the developments location within a town centre and its immediate proximity to a plethora of public open space passive and active recreation areas. • The rationalisation in the location of roof top PV. • The setting back of levels L2 – L6 by 455mm from the boundary with 1747-1747A Pittwater Road to be clear of the Right of Footway including a consequential adjustment in apartment widths on each floor plate. • Redesign of the retail entry and adjacent internal floor levels from Pittwater Road to facilitate enhanced street level accessibility, retail activation and landscaping. • The maintenance of a minimum 15% of total GFA affordable housing component. • Minor modification to approved landscape plans. The application is supported by an updated acoustic report. The application is seeking modification to condition 21 and 22 of the original DA relating to the acoustic report. Environmental Health has reviewed the original acoustic report based on the original DA and the amended acoustic report provided for this modification and can provide amendments to the conditions of consent. Other noise conditions of consent associated with DA2025/0143 remain the same. The proposal is therefore supported.
Landscape	***Referral completed – no additional conditions required.*** <u>Referral 06/05/2026</u> The application is for modification to development consent DA2025/0143 as described in reports and as illustrated on plans. Amended Landscape Plans are

Internal Referral Body	Comments
	submitted that co-ordinates with the adjustments of the architectural plans. No concerns are raised and the landscape setting outcomes are consistent with the approved landscape design. Conditions 23, 53, 54, 76 and 95 related to the public domain and landscape setting outcomes remain unaltered. The Amended Landscape Plans under this modification shall be included in Condition 1. Approved Plans and Supporting Documentation. The proposal is therefore supported.
Natural Environment (Flood)	***Referral completed – amended conditions required.*** <u>First Referral 15/05/2026</u> This proposal is for modifications to DA2025/0143 to remove the second level of the basement carpark and to alter the layout of B1 and the ground floor. The site is affected by the Flood Planning Area and a floodway along the front of the site. Control C1 of the DCP states: *"New floor levels within the development shall be at or above the Flood Planning Level."* Retail 01 and 02, and Lift 01 are set below the FPL (7.24m AHD) and 1% AEP level (6.74m AHD). This is inconsistent with clause 1(a) of the Pittwater LEP: *"The objectives of this clause are as follow… to minimise the flood risk to life and property associated with the use of land,"* The proposal does not comply with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP The proposal is therefore unsupported. <u>Second Referral – 26/08/2026</u> This proposal is for modifications to DA2025/0143 including the removal of basement carpark level 2, and the reconfiguration of internal layouts. Proposed retail spaces 01 and 02 have lower platforms which are below the FPL for the site (the floor levels being 6.45m AHD and 6.65m AHD respectively). The objective of the Pittwater LEP is to "minimise the flood risk of life and property associated with the use of land." The proposed retail spaces must be at least 0.15m above the street level to prevent an ingress route for flood waters being created. A flood gate is not considered to be an appropriate alternative to this. The proposed elevator has an RL of 6.65m AHD which is below the FPL for that location. Control B3 of the DCP states: *"All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power*

<table>
<tr><th>Internal Referral Body</th><th>Comments</th></tr>
<tr><td></td><td>points located below the Flood Planning Level within the subject structure must have residual current devices installed that turn off all electricity supply to the property when flood waters are detected."

It must be evidence in the flood management report that the elevator will be flood proofed to the FPL.

The proposal does not comply with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.

The proposal is therefore unsupported.

<u>Final Referral - 08/09/2026</u>
Following a merit assessment, the FPLs of the retail spaces are conditionally acceptable. Subject to conditions the proposal generally complies with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</td></tr>
<tr><td>Property and Commercial Development</td><td>Referral completed – no additional conditions required.

<u>Referral 28/05/2026</u>
The proposal is a modification to consent DA2025/0143 for demolition of existing structures and construction of a shop top housing scheme with vehicular access from the Council-owned Bungan Lane car park.

The proposal appears to be making a number of modifications to the approved buildings but does not impact on the approved extension of access to and from the carpark. As such, Property has no comment to make regarding this proposal.

The proposal is therefore supported.</td></tr>
<tr><td>Traffic Engineer</td><td>Referral completed – amended conditions required.

<u>First Referral – 26/06/2026</u>
The application is to modify an existing approved development application under DA2025/0143.

The applicant is seeking to modify condition number 35 to reference the modified car parking numbers and allocation.

Below is a comparison of approved development and proposed development.

<table>
<tr><td></td><td>Approved</td><td>Proposed</td></tr>
<tr><td>No. of residential units</td><td>36 (12 x 1 bed, 14 x 2 bed, 10 x 3 bed)</td><td>36 (12 x 1 bed, 16 x 2 bed, 8 x 3 bed) – traffic report</td></tr>
<tr><td>No. of affordable units</td><td>29</td><td>7</td></tr>
<tr><td>Commercial shops area</td><td>445m^2</td><td>480m^2</td></tr>
<tr><td>Car parking spaces</td><td>88 (61 residents, 12</td><td>58 (42 residents, 0</td></tr>
</table></td></tr>
</table>

Internal Referral Body	Comments

	visitor, 15 retail / commercial) Calculated based on Council DCP	visitors, 16 retail: 7 staff, 9 customers) 0 visitors Proposed under SEPP Housing
Bicycle parking spaces	17	16 (12 resi, 4 retail) All vertical parking Should be min 20% horizontal parking
Motorcycle spaces	8	3

The car parking was provided under council DCP for the approved development. Whereas the car parking is proposed under SEPP Housing 2021 for the proposed modifications.

Accordingly, the proposed modified development is required to provide a minimum of 32 resident spaces, combined for both affordable and non-affordable units as per SEPP Housing 2021 as shown below:

3 x 1 bedroom affordable units @ 0.4 space per unit	1.2 resident spaces
3 x 2 bedroom affordable units @ 0.5 space per unit	1.5 resident spaces
1 x 3 bedroom affordable units @ 1.0 space per unit	1.0 resident spaces
9 x 1 bedroom non-affordable units @ 0.5 space per unit	4.5 resident space
13 x 2 bedroom non-affordable units @ 1 space per unit	13.0 resident spaces
7 x 3 bedroom non-affordable units @ 1.5 space per unit	10.5 resident spaces
Total SEPP Requirement	**31.7 (32) resident spaces**

The proposed development provides a total of 42 car parking spaces for residents, which exceeds the minimum requirement of 32 spaces stipulated under the SEPP.

In accordance with Council's DCP, the development would ordinarily be required to provide a minimum of 12 visitor parking spaces. However, as the proposal is assessed under the SEPP Housing provisions, no dedicated visitor parking spaces are provided. The submitted traffic report indicates that residential visitors will have access to 16 retail parking spaces outside normal business operating hours. Given the site's close proximity to public transport, this arrangement is considered acceptable by Council.

Car parking for the proposed commercial and retail tenancies is to be provided in accordance with Council's DCP requirements. Based on these provisions, the development is required to provide a minimum of 16 car parking spaces for the retail component. The proposed allocation of 16 spaces comprising 7 spaces for staff and 9 for customers complies with the minimum DCP requirements.

A total of 12 bicycle parking spaces is proposed for the residential component, and 4 spaces are proposed for the retail/commercial component. While the number of spaces meets the DCP requirement, all bicycle spaces are shown as vertical parking. In accordance with AS2890.3:2015, a minimum of 20% of bicycle parking should be provided as horizontal parking. In addition, the dimensions of the bicycle parking spaces must be clearly indicated on the plans.

It should be noted that the door to Storage Unit 25 on Basement Level 1 currently

Internal Referral Body	Comments
	opens outward into a car parking space allocated to silver-level housing. Consideration should be given to reconfiguring the door to open toward the shared zone, so it does not encroach on the parking space. It should be noted that the lobby door on Level 1 opens outward into the traffic aisle. Consideration should be given to reversing the door swing so that it opens inward, thereby avoiding encroachment into the traffic aisle. It should be noted that the SEE report states the substation previously proposed along the Bungan Lane frontage has been removed following further advice from Ausgrid, with the intent of improving street-level activation and allowing for reconfiguration of the adjoining retail tenancies. However, no alternative location for the relocated substation has been identified on the submitted plans. Traffic team believes that this is for council planners to comment on. As this application seeks modification only to Condition of Consent No. 35 relating to the allocation of car parking spaces, and no changes are proposed to the previously approved vehicle access arrangements, on-street loading zone, traffic generation, or turning movement survey, the application includes a revised condition solely for Condition No. 35. All other conditions of the existing development consent are to remain unchanged. Accordingly, the application is supported, subject to the imposition of appropriate conditions. The proposal is therefore supported. <u>Second Referral 1/09/2026</u> Council have received amended architectural plans dated 19 August 2026, revision J, prepared by Gartner Trovato Architects. Traffic team have reviewed these latest architectural plans, compared with previously submitted plans and note the following changes: • A security door has been added to separate the retail parking area from the residential parking area. • The number of motorcycle parking spaces has been reduced to one, compared to the three spaces previously proposed. • The car wash bay has been relocated to Level 1 alongside the retail parking area. Previously, it was located in the basement with the residential parking. • The bicycle parking has been reconfigured and relocated, comprising 7 horizontal bicycle spaces and 9 vertical bicycle spaces. All bicycle parking is now located on Level 1. The Traffic Team has no objection to the proposed changes. However, given that a security door is now proposed between the retail and residential parking areas, additional information should be provided regarding resident access to the residential parking level. In particular, clarification is required on the following: • How will the security door operate? • Will a card reader, remote access device, or other access control system be required? • Where will vehicles wait when access is required, and the security door is closed? • Whether adequate queuing distance is available to ensure vehicles do

Internal Referral Body	Comments
	not obstruct internal circulation areas or parking manoeuvring movements while waiting for the door to open. • Additionally, it is noted that the ramp providing access to the basement level is a single-width, one-way ramp controlled by traffic signals. Based on the submitted plans, the proposed security gate is located within the ramp and downstream of the traffic signals. As a result, vehicles waiting at the signals would be positioned some distance from the security gate and may not have a clear view of either the gate operation or the traffic signal indications. This arrangement has the potential to create driver confusion and operational inefficiencies. Further information is therefore required to demonstrate how the proposed traffic signal and security gate system will operate in an integrated manner, including how drivers will be notified when access has been MOD2026/0228 granted and how conflicts between signal operation and gate opening will be avoided. The assessment should also demonstrate that the arrangement will not adversely affect vehicle queuing, circulation, or the safe operation of the basement access ramp. We have also noted that Parking Space No. 9 on Basement Level B1 has a non-compliant length of less than 5.4 m on the eastern side due to a kink in the wall alignment. However, the increased aisle width adjacent to this space allows the minimum required parking bay length of 5.4 m to be achieved. Therefore, it is recommended that the line marking for this parking space be extended to provide a minimum bay length of 5.4 m. <u>Final Referral 6/10/2026</u> Response to the traffic referral comments has been provided by Gartner Trovato Architects in a letter dated 20 August 2026. The response advises that the second gate servicing the resident parking area in basement level 1, is operated by remote control. As a result, residents accessing Basement Level 1 can activate the gate while approaching from Level 1, eliminating the need to stop and wait for the gate to open upon arrival. Based on this clarification, the Traffic Team no longer has concerns regarding the introduction of the security gate to Basement Level 1. Accordingly, the application is supported, subject to the recommended conditions of consent.
Waste	***Referral completed – amended conditions required.*** <u>First Referral 28/05/2026</u> I have reviewed the documentation provided with the Modification and the existing DA approval. The Modification 2026/0228 makes no changes to the approved domestic waste, bulky waste or commercial waste facilities within the development. All existing conditions per DA2025/0143 to apply and in addition, compliance with Protection of Environment Legislation Amendment (FOGO Recycling) Act 2025 No. 1 is required

Internal Referral Body	Comments
	The proposal is therefore supported.
Water Management	***Referral completed – amended conditions required.*** <u>Referral 15/06/2026</u> The proposed stormwater management strategy, which incorporates principles of stormwater conservation, reuse and filtration, is considered satisfactory. The Environment and Resilience team has reviewed the proposal and raises no objection on water management grounds. WaterNSW general term of approval IDAS1160460 is applicable to the proposal. The proposed modification meets the objectives of the DCP controls and Council Water Management for development policy subject to the amendment of condition 16 and 70 of consent DA2025/0143 as follows. The proposal is therefore supported.

External Referral Body	Comments
External - Ausgrid - Section 4.31 of SEPP (Planning Systems) 2021 Development near electricity infrastructure - s4.31 (of SEPP) 2021	***Referral completed – conditions provided.*** 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.
WaterNSW	***General Terms of Approval provided.*** The WaterNSW GTAs apply standard conditions regarding dewatering.

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 instrument, Development Controls Plan and Council Policy 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)

- ***State Environmental Planning Policy (Sustainable Buildings) 2022***

Chapter 2 Standards for residential development—BASIX
The development is defined as a BASIX development under the Environmental Planning and Assessment Regulation 2021.

An amended BASIX Certificate was submitted with the modification application.

The design of the development was further modified throughout the assessment of the modification application. An amended BASIX Certificate was submitted to reflect the amendments during the assessment. (see Certificate No. 1777926M_02 dated 8 October 2026).

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

- ***State Environmental Planning Policy (Resilience and Hazards) 2021***

Chapter 4 Remediation of Land
The original application was approved following a Detailed Site Investigation and Remediation Action Plan were submitted. The proposed modifications do not introduce any new contamination considerations.

Consequently, the modification is acceptable under Chapter 3.

- ***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

Chapter 2 Vegetation in Non-Rural Areas
No further tree removal considerations arise from this proposed Section 4.55(1A).

- ***State Environmental Planning Policy (Housing) 2021***

Chapter 2 Affordable Housing – Division 1 In-fill Affordable Housing

The original application was approved under the provisions of Chapter 2, Division 1 of SEPP Housing.

The table below contains the planning assessment of this Division relating to the proposed modifications. Further comments on certain clauses are provided below the table.

Section	Comment
Section 15C Development to which division applies	
This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (i) for development on land in a designated Sydney local government area or the Central Coast, City of Cessnock, Kiama, City of Lake Macquarie, City of Maitland,	The development remains permitted with consent under PLEP 2014. The affordable housing component exceeds 10%. Refer also to comments under Section 18. The development is carried out in an accessible area. The B-Line bus service meets the criteria for service frequency, with the starting bus stop approximately 200m walking distance from the site.

Section	Comment
City of Newcastle, City of Shellharbour or City of Wollongong local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	
Section 18 Affordable housing requirements for additional building height	
This section applies to development that includes residential development to which this division applies if the development— (a) includes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16. The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3). The minimum affordable housing component, which must be at least 10%, is calculated as follows— affordable housing component = $\frac{\text{additional building height (as a percentage)}}{2}$	**Affordable Housing Component** This section applies as the development is a shop top housing and does not use additional FSR under Section 16, as no FSR applies to the site. The affordable housing component (AHC) is described below. <u>DA2025/0143 – Approved</u> Approved GFA: 3,691.12m^2 Approved AHC: 554.9m^2 / 15% <u>Proposed Modification</u> Proposed GFA: 3,765.09m^2 Proposed AHC: 567.87m^2 / 15.1% The proposed modification maintains 15% of the GFA as affordable housing. Consequently, it maintains the full 30% bonus consistent with the original development application. **Building Height** The maximum permitted building height under Section 18 is 16.9m, comprising the 13m height under the PLEP 2014 and a 30% bonus. The approved building height is 20.25m. No change is proposed. As the affordable housing component maintains the full 30% bonus, no further assessment is required.
Section 19 Non-discretionary development standards—the Act, s 4.15	
The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m^2, (b) a minimum landscaped area that is the lesser of— (i) 35m^2 per dwelling, or (ii) 30% of the site area, (c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3	 No change to DA2025/0143. No change to DA2025/0143. Not applicable. Not applicable.

Section	Comment
hours of direct solar access between 9am and 3pm at mid-winter, (e), (f) (Repealed) (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, (h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, (i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m^2, (ii) for each dwelling containing 2 bedrooms—90m^2, (iii) for each dwelling containing at least 3 bedrooms—115m^2 plus 12m^2 for each bedroom in addition to 3 bedrooms. Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Complies. Not applicable. Not applicable.
Section 20 Design requirements	
Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The approved development was deemed to satisfactorily align with the desired future character. With the exception of the reduced front setback to Pittwater Road on Levels 2, 3 and 4 associated with the enclosure of approved wintergardens and new wintergardens forward of the approved building line, the modifications do not alter the original conclusion. Further discussion on the wintergardens and reduced front setback occurs under the DCP section of this report. In summary, a condition of consent is recommended to increase the setback 600mm on Levels 2, 3 and 4 as the further variation to the front setback is not supported.
Section 21 Must be used for affordable housing for at least 15 years	
Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	Subject to conditions.

Section	Comment
Section 22A Requirements to provide car parking	
Development consent must not be granted to development under this division unless— (a) the consent authority is satisfied the development will result in— (i) the following number of parking spaces for dwellings used for affordable housing— A. for each dwelling containing 1 bedroom—at least 0.4 parking spaces, B. for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, C. for each dwelling containing at least 3 bedrooms— at least 1 parking space, and (ii) the following number of parking spaces for dwellings not used for affordable housing— A. for each dwelling containing 1 bedroom—at least 0.5 parking spaces, B. for each dwelling containing 2 bedrooms—at least 1 parking space, C. for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, or (b) the consent authority has considered the Guide to Transport Impact Assessment published by Transport for NSW on 4 November 2024.	Complies. The proposed car parking is calculated as follows: <u>Affordable Units</u> 2 x 1 bedroom = 0.4 spaces x 2 = 0.8 spaces 4 x 2 bedroom = 0.5 spaces x 4 = 2 spaces 1 x 2 bedroom = 1 space x 1 = 1 space Required: 3.8 (4) spaces <u>Market Units</u> 10 x 1 bedroom = 0.5 spaces x 10 = 5 spaces 12 x 2 bedroom = 1 space x 12 = 12 spaces 7 x 3 bedroom = 1.5 spaces x 7 = 10.5 spaces Required: 27.5 (28) spaces Total Required: 32 spaces Proposed: 42 spaces

<u>Chapter 4 Design of Residential Apartment Development</u>
This chapter applies to development as it is for the purposes of shop top housing and has at least 3 storeys and 4 dwellings.

<u>Section 146 Referral to design review panel for modification applications</u>
A referral to Council's DSAP was undertaken, and a meeting was held on 28 July 2026. The following key comments were received. The applicant's response and/or amendments to each comment are also provided.

DSAP Comment	Applicant's Response / Action in Response	Assessment Planner Response
The Stamped Plans contain wintergardens on balconies facing Pittwater Road. These wintergardens were proposed as a means to abate noise and pollution impacts from Pittwater Road. Natural ventilation was proposed to be achieved with openable windows in the wintergarden being offset from openings in the	The wintergardens were reintroduced with a modest reduction in their width.	The modified façade design is generally consistent with the originally approved design. The reduction in width of the wintergardens further articulates the façade. The wintergardens are secondary spaces to the units, with the main POS on the other side.

DSAP Comment	Applicant's Response / Action in Response	Assessment Planner Response
bedroom fenestration, while abating noise and pollution impacts. The Panel agrees with this design approach to noise abatement and ventilation. The previously proposed wintergardens were clad with two shades of vertical and horizontal louvre screens. This approach created a visually cohesive street façade, with visual articulation through colour and the opening and closing of the screens. This would be an acceptable approach to the street façade design.		However, concern is raised with the reduced front setback. Accordingly, a condition of consent is recommended to be imposed to set Level 2, 3 and 4 back an additional 600mm, while retaining the reduced wintergarden design. Refer also to the front setback discussion under the DCP section of this report.
The chamber sub-station is proposed to be removed, however during the design presentation to the Panel the architect noted that the State Electricity Authority may require its retention. The Panel would accept retention, however would prefer the sub-station removal.	The substation was reintroduced. While its removal would have been supported to activate the Bungan Lane frontage further, the electricity requirements prevail.	Accepted.
Retain the rooftop Communal Open Space from the DA stage, designed in accordance with Landscape recommendations below.	The rooftop communal open space was reinstated.	Accepted.
Remove the blade walls facing Pittwater Road, as proposed.	Blade walls removed.	Accepted.
This Modification removes one basement parking level, reducing the number of car spaces. The Panel defers to Council's traffic planners regarding any technical and compliance issues of this change. The Panel notes that 3 fewer bicycle spaces and 2 fewer motorcycle spaces are provided in Basement 1 in this Modification. It is undesirable to discourage active transport solutions and these spaces should not be lost.	16 x bicycle spaces and 1 x motorcycle space are provided.	The provision of bicycle and motorcycle parking is compliant. Consequently, the reduced provision from the original approval is accepted. <u>Bicycles</u> Approved: 17 spaces Required: 12 residential spaces and 4 commercial spaces (16) Proposed: 16 spaces <u>Motorcycles</u> Approved: 8 spaces Required: 1 space Proposed: 1 space
The Panel strongly believes that	Provision of additional planter box	An amended landscape plan has

DSAP Comment	Applicant's Response / Action in Response	Assessment Planner Response
the rooftop communal open space should be reinstated and improved with the following inclusions: DDA compliant unisex toilet • Water • Electricity • Mechanical shade • Deciduous trees – shade in summer and sunlight in winter • Raised garden beds compliant with the dimensions and soil volumes as outlined in the ADG The entire landscape provisions rely on planting on structures and consequently the soil volumes as outlined in the ADG must be achieved to ensure successful plantings, with attention paid to the following ; • Solar access should guide final plant selection; • Consider the effects of wind on the plants proposed for the rooftop communal open space. Consider the use of a green roof with low water use ground covers and low growing grasses under the PV cells to further reduce the required energy for cooling and heating and to increase the efficiency of the cells.	planting to Level 2 and Level 6 communal open spaces. Accessible unisex toilet, water, electricity, BBQ, seating, landscaping and shade provided to level 6 communal open space.	been submitted with the response to the RFI and DSAP minutes. The plan does not nominate the soil depths for all on-structure planting. A condition of the original consent was that all on-slab landscaping must have a soil depth of 800mm. This condition is maintained to ensure adequate soil depth for the planting outcome to succeed. A green roof has not been proposed. However, additional solar panels have been introduced. Considered acceptable.
As the design is developed to better respect and integrate with the site while enabling the neighbours and the people on this site to enjoy appropriate solar access, cross ventilation and acoustics, please consider the following practical, cost-effective measures: Clean Energy • Good to see all-electric systems for cooking, heating, and hot water.	All-electric systems are specified for cooking, heating and hot water. Provision of additional 48 roof top solar panels. Provisions for future EV charging points to rear of residential car spaces. Provision for future battery storage to rear of residential car spaces.	The BASIX Certificate identifies all electric systems. The remaining elements are noted on the plans and are acceptable.

DSAP Comment	Applicant's Response / Action in Response	Assessment Planner Response
• Provision of additional rooftop solar panels (PV) would be wise. Additionally, their efficacy can be greatly enhanced when placed over a green roof, which has additional biodiversity benefits. • Consider provision for on-site battery storage as a highly desirable back-up during the transition to a de-carbonised grid. Electric Mobility • Provide EV charging points and/or provision for future installation (at least 15 amp for Level 1 charging). • Include easy to use facilities for charging and storing e-bikes and mobility scooters		
Passive Design & Thermal Comfort • All windows and doors should have double glazing with thermally broken frames to enable passive thermal and acoustic comfort. • Include ceiling fans to improve comfort and reduce reliance on air-conditioning. • Need to confirm efficacy of acoustic baffles in providing sound reduced ventilation. • Use planting in internal courtyards to soften surfaces, improve acoustic amenity and some improvements on biodiversity.	Provision of double glazing and thermally broken frames to units as indicated in thermal comfort commitments. Provision of ceiling fans to living rooms and bedrooms of units as indicated in thermal comfort commitments. Wall mounted ventilator with sound absorber provided to all bedrooms facing Pittwater Road. An amended landscape plan is submitted.	The commitments to glazing and framing and ceiling fans are on the BASIX Certificate. Acceptable.
Water Efficiency • Good to see water-efficient fixtures and appliances specified. • Landscape design and planting should be water tolerant and suitable for the	Provision of water efficient fixtures (refer to BASIX Certificate). Landscaping plantings water tolerant and suitable for micro-climate.	Acceptable.

DSAP Comment	Applicant's Response / Action in Response	Assessment Planner Response
microclimate		
Embodied Carbon Reduction • The most impactful way of reducing embodied carbon is by design, which is critical before material substitution. This includes: o Design simply: minimise complex structures, large spans, façade steps, and unnecessary finishes. o Keep building size modest and design for optimisation of spaces. o Use fewer materials where possible (e.g. exposed concrete floors, reduced tiling). • Reuse and/or recycle materials and equipment from any demolished buildings • Design for durability and adaptability over time, accounting for different replacement timeframes for different systems. • Preference low-carbon or renewable materials (e.g. timber, recycled steel, low-carbon concrete). • Only use responsibly sourced materials.	No comment.	The sourcing of materials for construction and ability to reuse/recycle is a construction stage consideration. The recommendation is supported.

The response to the DSAP advice is acceptable.

Section 147 Determination of development applications and modification applications for residential apartment development

Section 147 requires a residential apartment development to consider the design principles for residential apartment development, the Apartment Design Guide (ADG), and advice received from a design review panel.

The DSAP advice was discussed above. None of the proposed modifications notably alter the design principles for residential apartment development assessment. Consequently, no further comments are required.

The table below contains an assessment of the relevant ADG objectives and design criteria to this modification, being those where amendments have occurred.

It should be noted that the modifications do not affect:

- 3F Visual Privacy, as the building separation is unchanged.
- 4A Solar and Daylight Access, as the modification does not impact on solar compliance.
- 4B Natural Ventilation, as the application (as amended) retains wintergardens fronting Pittwater Road.
- 4C Ceiling Heights, as these are unchanged.

Section	Design Criteria	Approved	Proposed	Compliance with Requirements
3D: Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site.	350m^2 / 23%	296m^2 / 19.4%	No, but acceptable. Refer to comments below the table.
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter).	Yes (rooftop space)	Yes (rooftop space)	Acceptable
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	Satisfactory.	A modest improvement is proposed through lowering the Pittwater Road frontage, increasing the visibility of the residential entry, and bring forward the recessed entry on Bungan Lane.	Yes
4D Apartment Size and Layouts	Apartment are required to have the following minimum internal areas: • 1 bedroom: 50m^2 • 2 bedrooms: 70m^2 • 3 bedrooms: 90m^2 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.	Compliant.	Compliant.	Yes
	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	Some study/media rooms were proposed which borrowed light and air from the	The study/media rooms are removed from the units, with the space returned to living rooms or	Yes

Section	Design Criteria	Approved	Proposed	Compliance with Requirements
	and air may not be borrowed from other rooms.	adjoining living rooms.	bedrooms.	
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Most <8m Up to 8.6m for some units	Most <8m Up to 9.8m for some units (i.e. Unit 1 and 4).	Deemed acceptable as the units with the greatest distance are those where media rooms have been removed, and the majority of kitchens associated with non-compliant depth are still within 8m.
	Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m² (excluding wardrobe space).	Compliant.	Compliant.	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Compliant.	Compliant.	Yes
	Living rooms or combined living / dining rooms have a minimum width of: • 3.6m for studio and 1-bedroom apartments • 4m for 2- and 3-bedroom apartments	Compliant.	Compliant.	Yes
4E Private Open Space and Balconies	All apartments are required to have primary balconies as follows: Minimum area of 8m^2 and minimum depth of 2m for 1-bedroom units Minimum area of 10m^2 and minimum depth of 2m for 2-bedroom units Minimum area of 12m^2 and minimum depth of 2m for 3-bedroom units. The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Compliant.	Compliant.	Yes
4G Storage	In addition to storage in	Compliant.	Residential	Yes, and secured

Section	Design Criteria	Approved	Proposed	Compliance with Requirements
	kitchens, bathrooms and bedrooms, the following storage is provided: • $6m^3$ for 1 bedroom units • $8m^3$ for 2 bedroom units • $10m^3$ for 3 bedroom units		storage was reconfigured and redistributed across Basement Level 1 and Level 1 – Pittwater Road to suit the deletion of basement 2. Compliance achieved.	by an existing condition of consent
4P Planting on Structures	Minimum soil standards for plant sizes should be provided in accordance with Table 5.	The landscape plan does not clearly note all soil depths. The Landscape officer has recommended a condition of consent for a minimum soil depth of 800mm.	The landscape design has changed and is acceptable, subject to the same conditions to address soil depths where they are unspecified on the plans.	Yes, subject to conditions
4S Mixed Use	Residential circulation areas should be clearly defined. Design solutions may include: • Residential entries are separated from commercial entries and directly accessible from the street • Commercial service areas are separated from residential components • Residential car parking and communal facilities are separated and secured • Security at entries and safe pedestrian routes are provided • Concealment opportunities are avoided	Residential and commercial entries were separated, including car parking.	The reconfiguration of the development under the modification maintains separate commercial and residential parking, entries, and adequate separation adjacent to the Level 2 western COS.	Yes

3D Communal Open Space

The proposed modifications seek a modified and reduced communal open space (COS). As amended, the provision is $296m^2$ (19.4% of the site area).

The main area of reduction occurred in the western Level 2 communal open space. A comparison of the two designs is provided below.

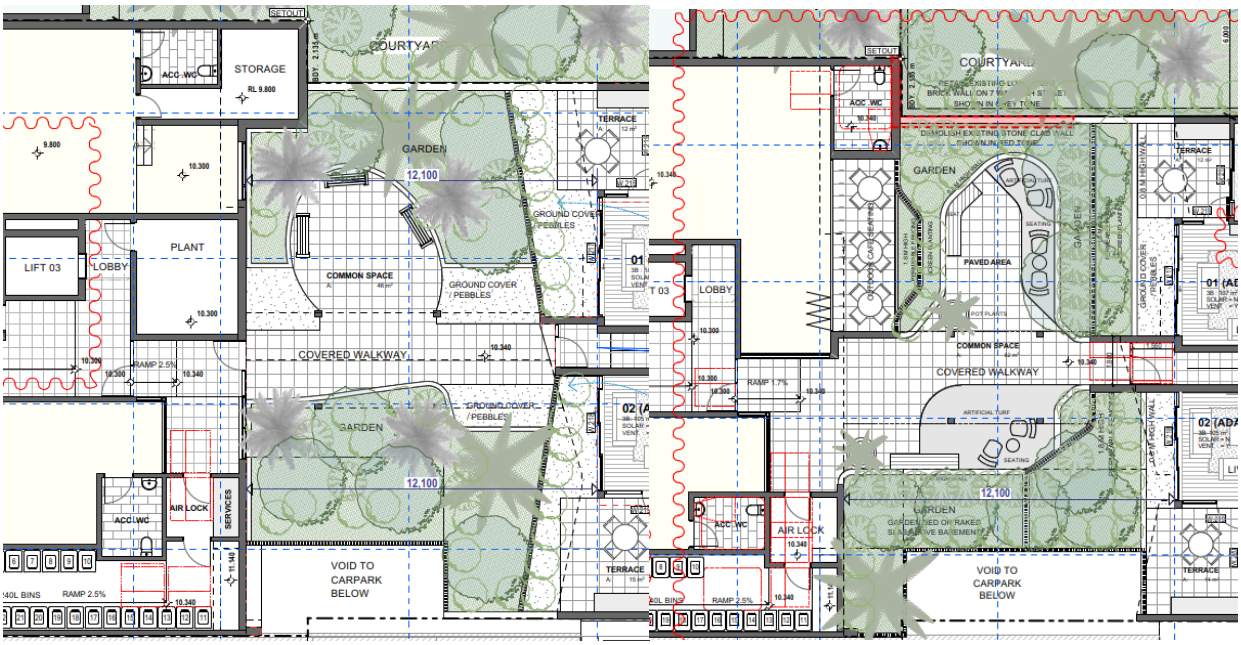


Figure 12 - Comparison of the Approved (left) and Proposed (right) L2 COS

The primary amendment affecting the size of the space is the redesign and extension of Retail 03 to (in part) create a modest courtyard seating area.

The primary COS is the central rooftop space where the BBQ and long-term solar access is available. The area of COS in discussion is a secondary space offering a quieter enjoyment area which is less affected by the modest reduction and redesign. As an area located between towers, it affords opportunities for group and individual recreation and activities, opportunities for social interaction and, coupled with the landscaping, amenity for residents. While a reduction in overall size, the space itself is accepted.

A similarly modest reduction and design have occurred on the eastern Level 2 COS. However, the reduction is acceptable for similar reasons.

<u>Section 148 Non-discretionary development standards for residential apartment development—the Act, s 4.15</u>
The following non-discretionary development standards are also assessed pursuant to Section 148:

(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.

As the application also relies on the in-fill affordable housing provisions of State Environmental Planning Policy (Housing) 2021, the car parking is assessed under Section 22A and is compliant. Refer to the relevant table earlier in this report.

The internal areas and ceiling heights are compliant with the recommended minimum internal areas specified in Part 4D and 4C of ADG.

Housing and Productivity Contribution

The Housing and Productivity Contribution was levied at the development application stage. The application does not alter the number of units. Consequently, there is no change to the relevant condition (Condition 13).

- ***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

Land Zoning and Permissibility
The site is zoned MU1 Mixed Use pursuant to Clause 2.3 of the PLEP 2014. Refer to the zoning map below.



Figure 13 - Land Zoning Map (Source: NSW Planning Portal Digital EPI Viewer)

The proposed development comprises commercial premises and shop top housing, which are both listed as permitted with consent in the MU1 Mixed Use land use table.

The uses are defined in the LEP dictionary as:

commercial premises means any of the following—
(a) business premises,
(b) office premises,

(c) retail premises.

shop top housing *means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.*
Note*.*
Shop top housing *is a type of* ***residential accommodation****—see the definition of that term in this Dictionary.*

Each aspect of the proposal is consistent with its respective definition.

The development was and remains permissible and consistent with the zone objectives.

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings	13m (LEP) 16.9m (SEPP Housing)	20.25m	20.25m	19.8% (SEPP Housing)	No change
Floor Space Ratio	N/A	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.6 Exceptions to development standards	N/A
5.10 Heritage conservation	N/A
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment
Further comments on certain clauses are provided below.

Section 5.21 Flood Planning

The site is identified partially within the medium risk flood precinct. Refer to the extract of Council's flood maps below.



Figure 14 - NBC Flood Hazard Map

The approved development was supported by a Flood Risk Management Report prepared by Barrenjoey Consulting Engineers. The report required the building fronting Pittwater Road to be elevated and designed with a minimum FFL 7.24m AHD, generally 600mm-950mm greater than the footpath level.

The Pittwater Road frontage was approved with the transition occurring in the front setback in the form of stairs and a chair lift. Refer to the approved plan in **Figure 15**.

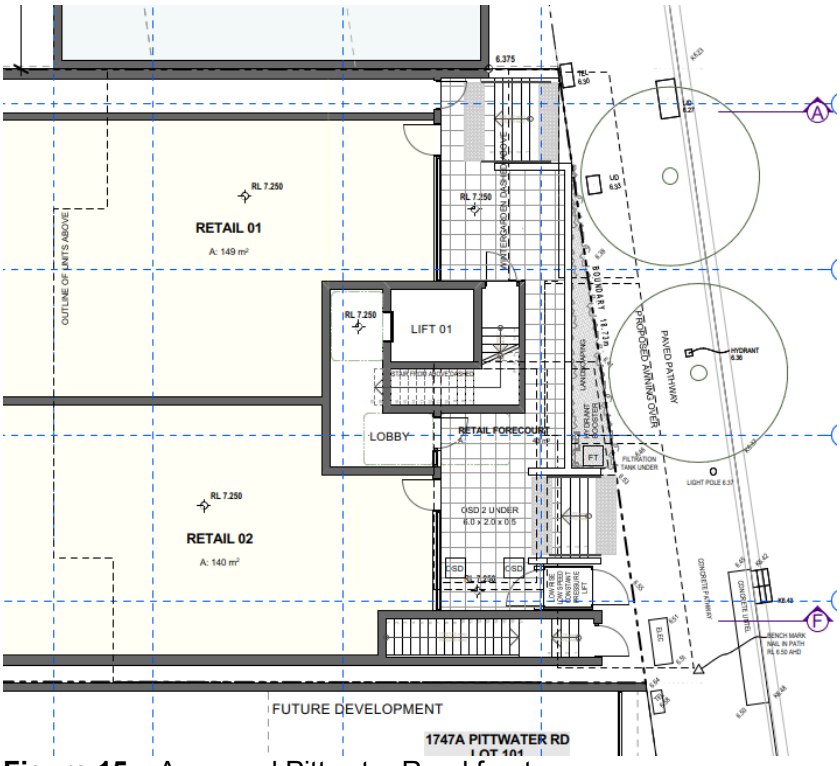


Figure 15 – Approved Pittwater Road frontage

The proposed modification sought to lower Retail 01 and 02 and the front setback (including residential lobby) closer to street level. Refer to the lodged Pittwater Road frontage design below.

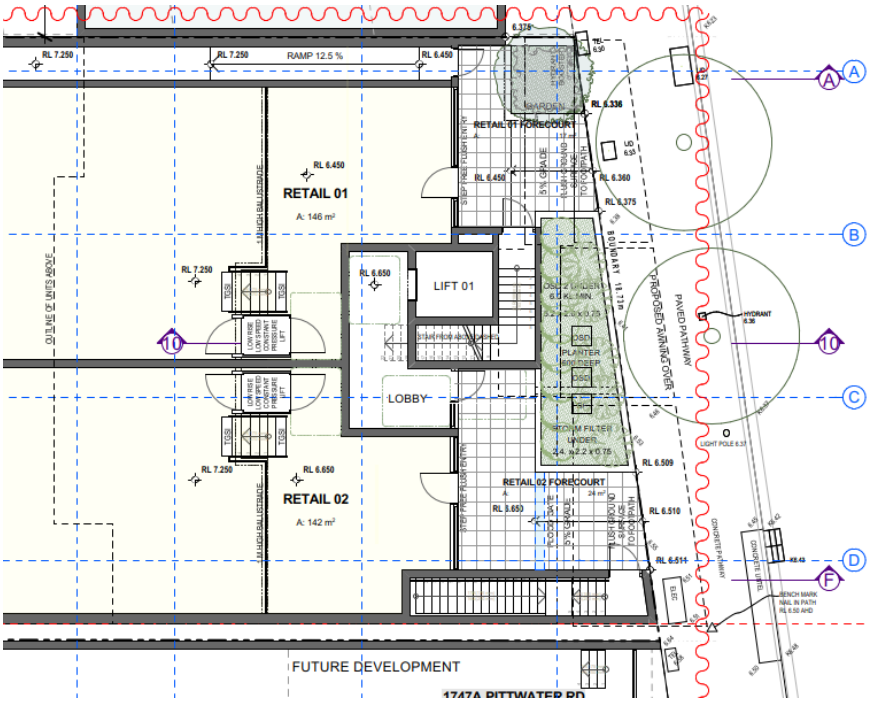


Figure 16 – Section 4.55(1A) lodgement Pittwater Road frontage

The proposed design will result in the front setback, front portion of Retail 01 and Retail 02, and the residential lobby sitting below the FPL. To address the flood risk, a flood gate was proposed, indicated by the blue line in **Figure 16**.

Council's Flood Engineer was initially not supportive of the amendment. Further information was requested to support the flood gate approach and was submitted in the form of additional flooding advice and acknowledgement of existing flood gates in Mona Vale and in Northern Beaches more broadly. A modest update to the design of this area was also part of the additional information, shown below.

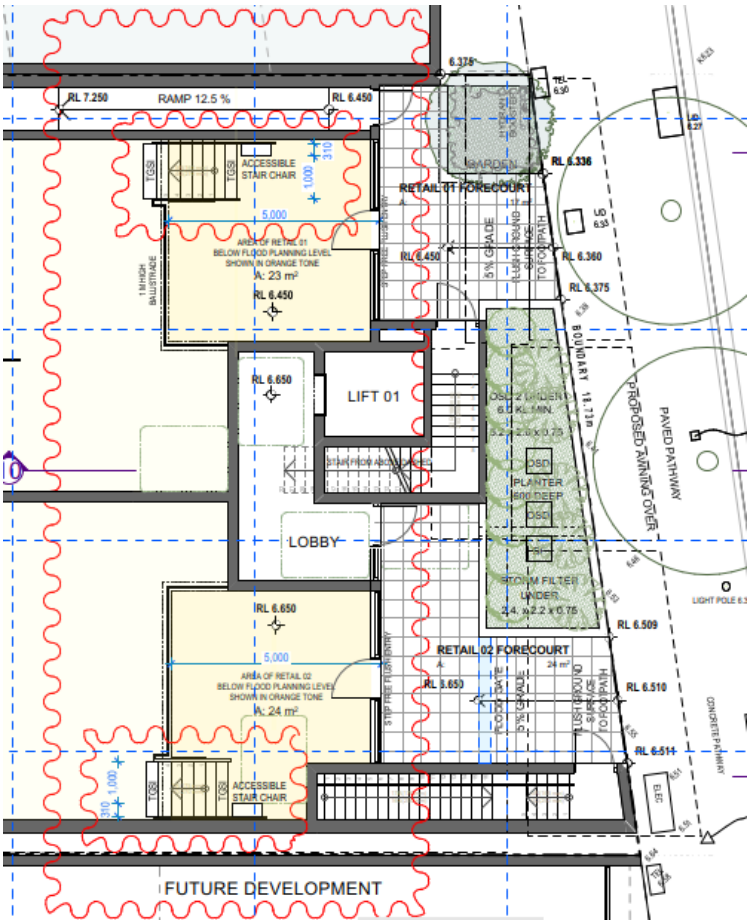


Figure 17 – Current Pittwater Road frontage design

Council's Flooding Engineer supported the additional information subject to conditions of consent ensuring flood compatible materials are used for construction of the elements below the FPL, and all electricity equipment, power points and wiring are above the FPL. These conditions are included in the amended conditions in this report.

Section 7.2 Earthworks
The original application approved two basement levels and was supported by a Geotechnical Investigation that formed part of the conditions of consent. The Section 4.55(1A) seeks to delete one basement level, reducing excavation by some 3.0m to now be up to approximately 5.5m below existing ground level near Bungan Lane.

A cover letter from the same company (Crozier Geotechnical Consultants) was submitted as part of the Section 4.55(1A) application, confirming that the reduction in basement excavation did not significantly alter the geotechnical aspects of the proposed development from those on which the original report was based.

The extent of the earthworks and associated geotechnical considerations are considered satisfactory.

- ***Pittwater 21 Development Control Plan***

Compliance Assessment

The relevant parts of the DCP that applied to the development application are:

- Section B General Controls

- Section C Development Type Controls
- Section D Locality Specific Development Controls

The relevant clauses to the modification are addressed within the table below and further comments are provided below the table where required.

Clause	Compliance with Requirements	Consistency Aims/Objectives
Section B General Controls		
B2 Density Controls		
B2.6 Dwelling Density and Subdivision – Shop Top Housing	No	Acceptable. The approved commercial GFA was approximately 497m^2 (17.5%) (as calculated up to the LEP maximum height). While below the 25% required by B2.6, the original application was supported with sufficient justification that deeper commercial tenancies or those above ground floor were of minimal value in the Mona Vale Centre. This position was deemed acceptable. The proposed commercial GFA is 490m^2. The 7m^2 GFA reduction has negligible consequence to the economic outcomes for development in the Mona Vale Town Centre and is acceptable.
B3 Hazard Controls		
B3.11 Flood Prone Land	Yes	Yes. Refer to comments under Section 5.21 PLEP 2014 earlier in this report.
B5 Water Management		
B5.5 Rainwater Tanks – Business, Light Industrial and Other Development	Yes	Yes. Amended stormwater design has been submitted and accepted by Council's Development Engineer.
B5.15 Stormwater	Yes	
B6 Access and Parking		
B6.2 Internal Driveways	Yes	Yes. The modifications to the basement levels maintain compliance with the relevant Australian Standards.
B6.3 Off-street Vehicle Parking Requirements	Yes	Refer to the comments below this table.

Clause	Compliance with Requirements	Consistency Aims/Objectives
Section C Development Type Controls		
C1 Design Criteria for Residential Development		
C1.1 Landscaping	Yes	Yes. A modified landscape design is proposed generally responding to DSAP advice and aligning with the objectives of delivering residential amenity within a centre environment.
C1.5 Visual Privacy	Yes	Yes. Altered fencing between the Level 2 COS and units and the COS and Retail 03 courtyard are satisfactory from a visual privacy perspective.
C1.6 Acoustic Privacy	Yes	Yes. The altered wintergardens maintain acoustic privacy from road noise. The modest terrace for Retail 03 is unlikely to generate significant noise that impacts the amenity of units. A use approval will be required and may inform hours of operation for the use of the terrace.
C1.9 Adaptable Housing and Accessibility	Yes	Yes. Amended pre- and post-adaptable layout plans have been provided. No change to the number of adaptable units (4) and Livable units (8).
C1.10 Building Façades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes. Waste rooms were modestly adjusted. Council's Waste officer was supportive of the final arrangement.
C1.15 Storage Facilities	Yes	Yes, subject to a condition to align with ADG minimum storage requirements.
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes. Car wash bay was relocated from Basement 2 to Level 1 – Pittwater Road parking area. The minimum size/dimensions are met.
C2 Design Criteria for Business Development		
C2.1 Landscaping	Yes	Yes. A modified landscape design is proposed generally responding to DSAP advice and aligning with the objectives of delivering residential amenity within a centre environment. Landscaping to the frontages at ground level is modified but

Clause	Compliance with Requirements	Consistency Aims/Objectives
		remains satisfactory.
C2.2 Safety and Security	Yes	Yes. The modifications to the Retail 03 and western Level 2 COS are satisfactory from a safety and security perspective. The broader development maintains the same approach in responding to CPTED principles and is acceptable.
C2.3 Awnings	Yes	Yes. Concrete awning over Pittwater Road frontage.
C2.7 Building Façades	Yes	Yes
C2.8 Energy and Water Conservation	Yes	Yes
C2.9 Waste and Recycling Facilities	Yes	Yes. Waste rooms were modestly adjusted. Council's Waste officer was supportive of the final arrangement.
Section D Locality Specific Development Controls		
D9 Mona Vale Locality		
D9.1 Character as Viewed from a Public Place	Yes	Yes. The modified Pittwater Road façade maintains the articulation and visual interest of the original application.
D9.3 Building Colours and Materials	Yes	Yes
D9.6 Front Building Line	No	Refer to the discussion below this table.
D9.7 Side and Rear Building Line	Yes	Yes
D9.12 Fences – General	Yes	Yes
D9.14 Construction, Retaining Walls, Terracing and Undercroft Areas	Yes	Yes
D9.16 Character of the Public Domain – Mona Vale Commercial Centre	Yes	Yes

B6.3 Off-street Vehicle Parking Requirements

The residential car parking provision is determined by Section 22A State Environmental Planning Policy (Housing) 2021.

The commercial car park is as follows:

Development Type	Parking Rate / Calculation	Provision	Compliance
Retail Premises			
Retail premises	1 per 30m^2 GLA 490m^2 / 30m^2 = 16.33 (16) spaces	16 spaces	Yes
	Parking spaces are to be accessible to the public.	Yes, though behind a roller shutter to be open during	Yes

Development Type	Parking Rate / Calculation	Provision	Compliance
		business hours	
	Adequate space for delivery vehicles is to be provided.	A loading bay is proposed	Yes

The provision of all commercial car parking and a loading are entirely on the Level 1 – Pittwater Road level. A security gate separates the commercial and residential parking areas.

The bicycle and motorcycle parking is as follows:

Parking Type	Parking Rate / Calculation	Provision	Compliance
Bicycle Parking	Residential: 1 per 3 dwellings Requirement: 36/3 = 12 spaces	Approved: 13 spaces Proposed: 12 spaces	Yes
	Commercial: 4 bicycle racks, or 1 per 1,000m2 GFA, whichever is greater Requirement: Lesser = 4 spaces	Approved: 4 spaces Proposed: 4 spaces	Yes
Motorcycle Spaces	Residential: Nil	Nil	Nil
	Commercial: For development of 200m2 GFA or more, 1 space per 100 motor vehicle spaces Requirement: 1 space	Approved: 8 spaces total Proposed: 1 space	Yes

Due to the deletion of Basement 2, the bicycle and motorcycle spaces have been consolidated on the Level 1 – Pittwater Road level. While a net reduction of 1 bicycle space and 7 motorcycle spaces is proposed, the provision remains compliant with the DCP rates. Consequently, the provision is supported.

D9.6 Front Building Line

The front building line control for land within the Mona Vale Core Commercial Centre is:

> "*3.5m at ground level up to 8.49m in height, then 6.0m to that part of the building 8.5m and greater above ground level existing."*

It is proposed to reduce the front setback to Pittwater Road on Levels 2, 3 and 4. A comparison of the approved and proposed Level 3 plan is shown in **Figure 18** below.

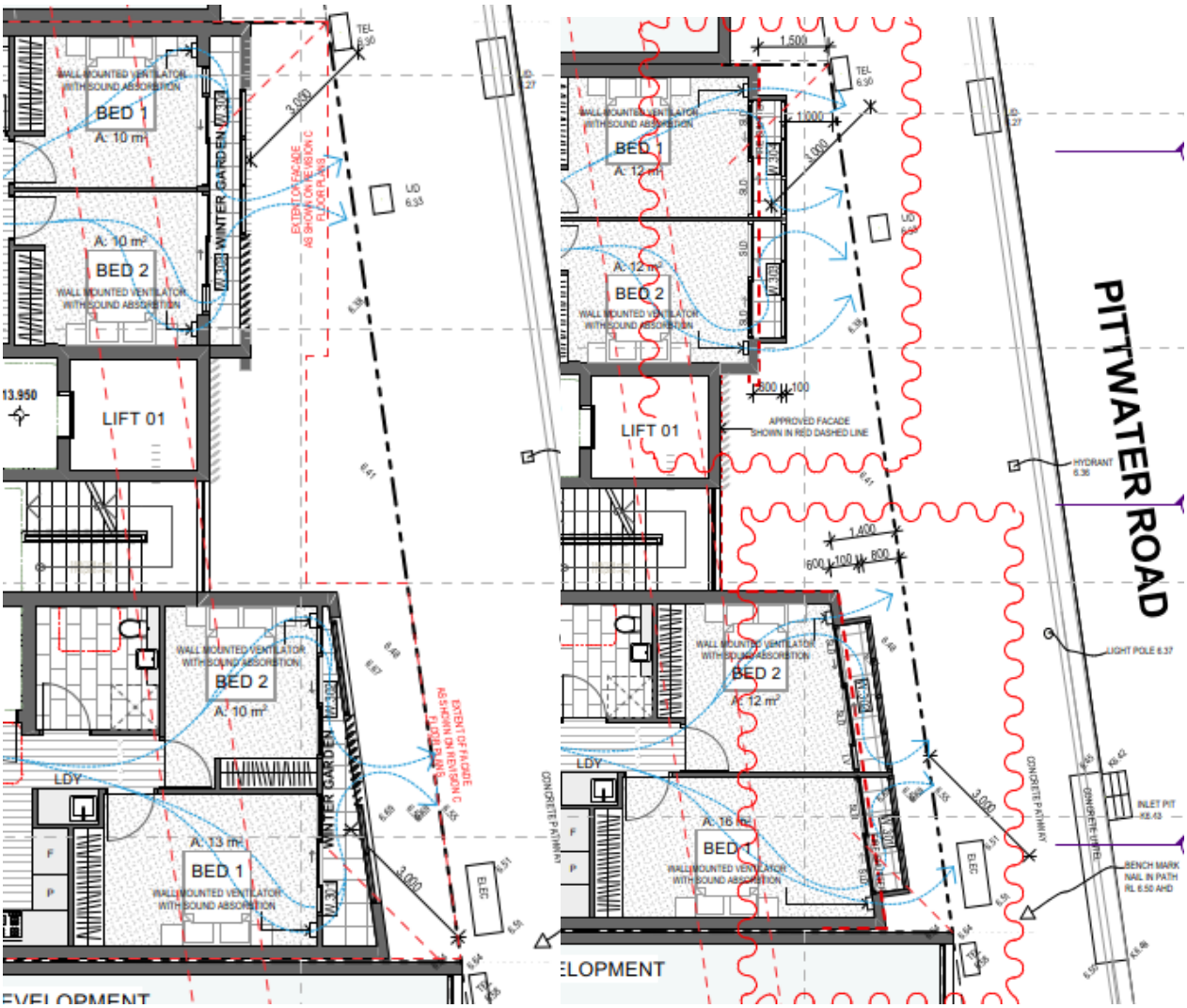


Figure 18 – Approved (left) and Proposed (right) Level 3 front setbacks

The key amendment is the enclosure of the approved wintergardens to extend the bedrooms and the addition of new, narrower, 600mm deep wintergardens which further encroach into the front setback. This occurs on Levels 2 and 4 in the same fashion as illustrated in **Figure 18** above.

As approved, the front setback on Levels 2, 3 and 4 varied between 1.4m (southern unit), 1.55m to 2.4m (northern unit) and 3.35m to 3.85m (fire stairs and lift). The units encroach well within the front setback of 3.5m on Level 2 and 6.0m on Levels 3 and 4. The setbacks are reduced by 600mm for the units, to 800mm at the minimum.

The front setback was a key discussion point of the original application. Following two recommendations for refusal significantly on the grounds of the front setback and lengthy additional discourse at the directive of the Sydney North Planning Panel, the application was ultimately accepted and approved.

As part of the modification, it was requested that the applicant provide justification for further reducing the setback. The information submitted stated:

> ***Approved vs Proposed Setbacks***
> *The approved setbacks to the winter gardens are 1,400 – 1,500 mm to the Pittwater Road boundary. The extent of the approved setbacks is shown in a dashed red line on the revised Section 4.55 floor*

plans and sections.

The proposed wintergardens project 600 mm beyond the approved façade line as above. The proposed setbacks to the wintergardens are therefore 800 – 1,000 mm to the Pittwater Road boundary.

The proposed wintergardens represent less than 30% of the visible façade when viewed from Pittwater Road. The 600 mm projection beyond the approved building line is therefore considered minor.

Bulk & Scale
The proposed wintergardens are 3 storeys high and are set down 700 – 1,000 mm from the top and 650 mm from the sides of the surrounding approved façade.

The visual effect of the above is to reduce the apparent bulk and scale of the development. The glass louvres, mullions and perimeter frames to the wintergardens further add a finer degree of scale to the proposed façade.

Existing & Future Context
The existing neighbouring buildings are 2 storeys tall and are built to the Pittwater Road boundary (or close to it) with awnings that extend over most of the public footpath. The reduced setback to the wintergardens will not adversely affect the relationship between the approved development and the existing context.

The future context would benefit from the varied setbacks demonstrated by the proposed development, including the 800 – 1,000 mm setbacks to the wintergardens.

Amenity
The wintergardens are not intended to be used as balconies but rather as an external, operable screens to control traffic noise and privacy. The glazing between the bedrooms and the wintergardens are double sliding glass doors to enable different ventilation paths for acoustic control and to facilitate cleaning. The lower 800 mm of the glass louvres are translucent to provide visual privacy from Pittwater Road.

Façade Activation
The wintergardens will provide activation to the façade and passive surveillance to the public domain and Pittwater Road.

In summary, the 600 mm reduced setback of the proposed wintergardens is considered minor and of no negative impact to the public domain or neighbouring properties. The projection of the wintergardens beyond the approved building line is instead regarded as a positive contribution to the development."

In discussing the setback control, it is relevant to note the primary objective of D9.6 Front Building Line is to "*achieve the desired future character of the locality."*

In understanding the desired future character of the locality, it is relevant to consider both the existing built form of similar density and the permitted planning controls. For the specific development, the key catchment is development fronting Pittwater Road on the same block.

The existing streetscape is shown in **Figures 19-21** below.



Figure 19 – 1 Mona Vale Road and 1741-1745 Pittwater Road, three and four storeys buildings



Figure 20 – View of the single storey post office at 1747 Pittwater Road



Figure 21 – View of the two storey commercial building at 1747A, the subject site and the two storey commercial building at 1751 Pittwater Road

The two (2) buildings in **Figure 19** pre-date the current DCP. However, they are the most representative of the setback control in that they offer a limited setback at lower levels and recessed upper storeys. While numerically non-compliant, they nevertheless offer a closer proximation to the intended character that the setback control under D9.6 contemplates, as well as the density envisioned under the current PLEP 2014, with four (4) storeys being what a 13.0m building height delivers. The remaining buildings on the block fronting Pittwater Road closer to the site in **Figures 20 and 21** have nil and limited setbacks and, most importantly, have yet to redevelop to the current development potential. Their redevelopment will need to be assessed under the current planning controls, not any pre-existing nil or limited setback, and thus there is every expectation that their setbacks will increase when redeveloped.

The above is to arrive at the conclusion that the proposed wintergardens encroaching forward of the approved building line are a further erosion of the front setback control that is not supportable. The outcome being achieved by the encroachment is the extension of bedrooms in several units, bedrooms that already meet their minimum size and dimensions in units that already meet their minimum internal floor area. They do not achieve a significant amenity or environmental benefit that warrants the further variation.

In response to the applicant's justification statement, it is considered that the approved design already benefited from adequate articulation and façade activation. There is some merit in the alternative, narrower wintergardens further contributing to the articulation. However, this can occur within the approved building envelope and not further diminish the already varying setback.

Further to the above, in the intervening period since the approval of DA2025/0143, the draft Northern Beaches Local Environmental Plan and associated Northern Beaches Development Control Plan have been publicly exhibited. The site and locality are not identified for further uplift under the draft Northern

Beaches Local Environmental Plan and, most relevantly, the draft Northern Beaches Development Control Plan maintains the same front setback control of 3.5m up to 8.49m in height and 6m thereafter. Consequently, it remains the intended desired future character of the Mona Vale Town Centre for greater setbacks than was originally approved. The further reduction of this setback does not meet the desired future character, as required under Section 20 of the State Environmental Planning Policy (Housing) 2021 or as the objective of the setback control.

Given the above, it is recommended to impose a condition of consent to setback Levels 2, 3 and 4 an additional 600mm from Pittwater Road, being the depth of new wintergardens, to return these levels to effectively the originally approved setback.

The imposition of this setback does not introduce a non-compliance with the bedroom size and dimensions or overall unit size under the Apartment Design Guide, nor does it result in the minimum affordable housing component not being met. Accordingly, the condition can be reasonably imposed.

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

Section 7.12 contributions were levied on the Development Application. The modification seeks to amend Condition 10 – Development Contributions as the the cost of works are considered to be reduced. An amended Estimated Development Cost Form prepared and signed by a Quantity Surveyor was submitted. The relevant documents were reviewed by the Development Contributions Team, however, are not supportive as the Form does not sufficiently demonstrate that the costing is against/refer to the plans submitted for the subject modification application. Therefore, Condition No. 10 Development Contributions will not be amended.

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 2014;
- Pittwater 21 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 modification of consent to DA/2025/0143, has been referred to the Northern Beaches Local Planning Panel, due to the conflict of interest arising from works proposed on land owned by Northern Beaches Council.

The concerns raised in the objections have been addressed within this assessment report and no critical issues have arisen from submissions that warrant refusal of the application.

The key issues of communal open space reduction and flooding have been addressed within the assessment process of the application. The reduction of the front setback due to enclosing wintergardens and proposing new wintergardens forward of the building line is not supported. However, a condition of consent is recommended to satisfactorily address this concern and approve the remaining modifications.

Overall, the modified design is of acceptable design quality that, when assessed against the relevant planning instruments, will not result in unreasonable environmental or amenity impacts. The proposal has therefore been recommended for approval subject to modified and new conditions as set out below.

REASON FOR DETERMINATION

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed, subject to the recommended conditions of consent.

RECOMMENDATION

THAT Northern Beaches Local Planning Panel, as the consent authority, grant approval to Modification application No. Mod2026/0228 for Modification of Development Consent DA2025/0143 granted for demolition works and construction of a shop top housing development including basement car parking on land at Lot 1 DP 715158,1753 Pittwater Road, MONA VALE, Lot 2 DP 230780,4 Bungan Lane, MONA VALE, Lot 2 DP 715158,4 Bungan Lane, MONA VALE, Lot 102 DP 788439,4 Bungan Lane, MONA VALE, Lot 2 DP 1136849,4 Bungan Lane, MONA VALE, Lot 2 DP 412869,1749 Pittwater Road, MONA VALE, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description

Mod2026/0228 PAN-635479	The date of this notice of determination.	Modification of Development Consent DA2025/0143 granted for demolition works and construction of a shop top housing development including basement car parking. A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation. B. Modify Condition 2 – Design Amendments. C. Modify Condition 5 – Compliance with Other Department, Authority or Service Requirements. D. Modify Condition 14 – On-Site Stormwater Detention Details E. Modify Condition 16 – Detailed Design of Stormwater Treatment Measure – Major. F. Modify Condition 21 – Mechanical Plant. G. Modify Condition 22 – Acoustic Design Recommendations. H. Modify Condition 26 Floor levels. I. Delete Condition No. 32 Vehicular Swept Paths. J. Modify Condition 35 Vehicle Access & Parking. K. Modify Condition 70 Stormwater Treatment Measures Operation and Maintenance Plan. L. Modify Condition 77 Certification of Works as Executed. M. Add Condition 79A Traffic Signal System. N. Modify Condition 93 In-fill affordable housing. O. Amend Condition 94 Acoustic Requirements – On-going. P. New Condition 100 Protection of Environment Legislation Amendment (FOGO Recycling) Act 2026 No 1 Compliance.

MODIFIED CONDITIONS

A. Add Condition No.1A - 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.

Approved Plans – Architectural Plans				
Plan Number	**Revision Number**	**Plan Title**	**Drawn By**	**Date of Plan**
A01	L	Site Plan	Gartner Trovato Architects	19/08/2026
A03	I	Basement 1	Gartner Trovato Architects	19/08/2026
A04	K	Level 1 – Pittwater Road	Gartner Trovato Architects	30/09/2026

		Ground		
A05	K	Level 2 – Bungan Lane Ground	Gartner Trovato Architects	30/09/2026
A06	J	Level 3	Gartner Trovato Architects	19/08/2026
A07	I	Level 4	Gartner Trovato Architects	19/08/2026
A08	I	Level 5	Gartner Trovato Architects	19/08/2026
A09		Level 6	Gartner Trovato Architects	19/08/2026
A10	J	Elevations – NW & SE	Gartner Trovato Architects	19/08/2026
A11	J	Elevations – NE & SW	Gartner Trovato Architects	19/08/2026
A12	J	Section A & F	Gartner Trovato Architects	19/08/2026
A13	J	Section B, C, D & E	Gartner Trovato Architects	19/08/2026
A23	E	Demolition & Excavation Plan	Gartner Trovato Architects	19/08/2026
A24	J	Sections 1, 2, 3, 10	Gartner Trovato Architects	19/08/2026
A25	C	Adaptable Unit Layouts	Gartner Trovato Architects	19/08/2026
Stormwater Plans				
SW01 S4.55	S4.55	Stormwater Management Plan	Barrenjoey Consulting Engineers	08.04.2026
SW02 S4.55	S4.55	Stormwater Management Detailing 1	Barrenjoey Consulting Engineers	08.04.2026
SW03 S4.55	S4.55	Stormwater Management Detailing 2	Barrenjoey Consulting Engineers	08.04.2026
Landscape Plans				
GTA05-SK-002	B	Plant Schedule	Sym Studio Landscape Planning	12/08/2026
GTA05-DA-101	B	Landscape Plan Level 1	Sym Studio Landscape Planning	12/08/2026
GTA05-DA-102	B	Landscape Plan Level 2	Sym Studio Landscape Planning	12/08/2026
GTA05-DA-103	B	Landscape Plan Level 3	Sym Studio Landscape Planning	12/08/2026
GTA05-DA-104	B	Landscape Plan Level 4	Sym Studio Landscape Planning	12/08/2026
GTA05-DA-105	B	Landscape Plan Level 5	Sym Studio Landscape Planning	12/08/2026
GTA05-DA-106	A	Landscape Plan Level 6	Sym Studio Landscape Planning	12/08/2026

Approved Reports and Documentation			
Document Title	**Version Number**	**Prepared By**	**Date of Document**
Access Design Review – DA Stage	120252-Access-r2.2	Jensen Hughes	29 April 2026
BASIX Certificate	No. 1777926M_04	Renovation Solutions Pty Ltd	8 October 2026
BCA Assessment Report	120252-BCA-r2	Jensen Hughes	22 April 2026

Development Application Noise Assessment	2	Acoustic Dynamics	10 April 2026
Flood Risk Management Report		Barrenjoey Consulting Engineers	April 2026
NCC Section J Report	120252-Section J -r2.0	Jensen Hughes	7 April 2026
Stage 2 Detailed (Environmental) Site Investigation (DSI)	R01	EBC Environmental Geoscience	24 March 2026
Geotechnical Assessment for Section 4.55 modification to approved works at 1749-1753 Pittwater Road, Mona Vale	-	Crozier Geotechnical Consultants	9 April 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. Modify Condition 2 – Design Amendments to read as follows:

The approved plans and documents must be amended in accordance with the following requirements:

(a) Full height operable privacy louvres capable of being fully open or closed are to be erected outside of the bedroom windows Units 29 and 31.

Reason: To preserve visual privacy between units.

(b) All doors to lift lobbies in Basement 1 are to have clear glazing to ensure adequate sightlines.

Reason: To ensure compliance with Crime Prevention Through Environmental Design principles.

(c) The privacy screens on the Pittwater Road fronting units (South East Elevation) are to be operable screens and not fixed.

Reason: To ensure proper functionality of the wintergardens.

(d) A glass roof structure is to be introduced along the pathway between the eastern and central towers on Level 2 – Bungan Lane Ground, similar to the structure above the walkway between the western and central towers, to ensure a resident can walk from the eastern to the western towers with weather protection.

Reason: To deliver sufficient resident amenity.

(e) The floor, wall and ceiling finishes of the Pittwater Road tower fire stairs are to match those of the adjacent lift lobby.

Reason: To deliver sufficient resident amenity.

(f) The wintergardens and external walls fronting Pittwater Road (Eastern Elevation) associated with

Bedrooms 2 and 3 of Units 03 and 04, and Bedrooms 1 and 2 of Units 12, 14 and 22 and 24 are to be setback an additional 600mm from the Pittwater Road front boundary.

To achieve the additional setback, the depth of the above-nominated bedrooms is to be reduced by 600.00mm to accommodate the wintergardens. The depth of the wintergardens and the remainder of the floor area of the respective units are not to be reduced.

Reason: To generally maintain the originally approved building line on Pittwater Road on Levels 2, 3 and 4.

C. Modify Condition 5 – Compliance with Other Department, Authority or Service Requirements 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	Referral - Ausgrid	[undated]
Transport for NSW	Referral Response – TfNSW	30 April 2025
WaterNSW	Referral Response 1 - WaterNSW	08 September 2026

Note: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au
Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

D. Modify Condition 14 – On-Site Stormwater Detention Details to read as follows:

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 Barrenjoey Consulting Engineers Pty Ltd, drawing number 240505 SW1, SW2 and SW3 Issue S4.55, dated 08/04/2026. 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:
1. Provide complete sections through OSD Tank 2, including the base level, internal dimensions and water proofing details
2. Overflow pipe from OSD Tanks 1 and 2 to connect to outlet pipe
3. 300x100 RHS to Pittwater Road to be deleted.
4. Connection from site to existing stormwater pit in Pittwater Road to be approved by Transport for NSW in accordance with their letter dated 20 April 2025 Ref: SYD25/00248/02 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.

E. Modify Condition 16 – Detailed Design of Stormwater Treatment Measure – Major to read as follows:

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in

accordance with the stormwater plan from Barrenjoey Consulting Engineers pty ltd 241103 SW1, SW2 and SW3 issue S4.55 08/04/2026 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.

F. Modify Condition 21 – Mechanical Plant to read as follows:

Prior to the issue of any Construction Certificate a detailed assessment by an acoustic consultant is to be conducted of all mechanical plant intended to be installed to ensure that mechanical plant selection complies with the relevant noise criteria outlined in the acoustic report titled "Development Application Noise Assessment" by Acoustic Dynamics dated 10 April 2026 reference number 6550R001.BC.260331.

Details of compliance are to be provided to the Principal Certifier.

Reason: To ensure mechanical plant does not create offensive noise.

G. Modify Condition 22 – Acoustic Design Recommendations to read as follows:

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the following acoustic reports have been implemented / incorporated into the design of the premises:

- Acoustic report titled "Development Application Noise Assessment" by Acoustic Dynamics dated 13 December 2026 reference number 6550R001.BC.260331
- "Traffic Noise Advice" by Acoustic Dynamics dated 21 October 2025 reference number 6550L001.BC251018

Reason: To prevent noise nuisance by using mitigation measures in design.

H. Modify Condition 26 Floor levels to read as follows:

C1 - New residential floor levels within the development shall be set at or above the Flood Planning Level of 7.24m AHD. New commercial floor levels within the development shall be at least 150mm above the kerb, with a minimum FFL of 6.45m AHD and 6.65m AHD for retail 01 and 02 respectively.

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.

I. Delete Condition No. 32 Vehicular Swept Paths.

J. Modify Condition 35 Vehicle Access & Parking to read as follows:

All internal driveways, vehicle turning areas and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

In addition, the parking allocation must be marked as follows:

- 42 residential spaces
- 16 retail spaces (7 staff parking and 9 customer parking)
- 1 car wash bay

These amendment(s) must be clearly marked on the plans submitted to the Principal Certifier prior to the issue of a Construction Certificate.

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

K. Modify Condition 70 Stormwater Treatment Measures Operation and Maintenance Plan to read as follows:

An Operation and Maintenance Plan summary must be prepared to ensure the stormwater treatment measures continue to operate effectively.

The Plan must be attached to the Positive Covenant (and to the community or strata management statement, if applicable) and must be provided as a concise summary not exceeding two pages including:

Summary of stormwater treatment measures
- Simple plan showing locations
- Brief description of each measure and its purpose
- Summary of management responsibilities, funding, and contact details

Ongoing maintenance
- Summary of routine maintenance activities and frequency
- WHS considerations
- Waste disposal requirements
- Renewal/replacement expectations
- Requirement to keep maintenance records and provide them to Council on request

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

Reason: Protection of the receiving environment.

L. Modify Condition 77 Certification of Works as Executed to read as follows:

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 the ground floor are set at or above the required level
2. There has been no filling on the land other than what has been approved

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.

M. Add Condition 79A Traffic Signal System to read as follows:

There are traffic lights shown on the basement levels near the entries.

These traffic light signal systems must;
- be clearly visible from ramp entrances,
- is to clearly indicate to an approaching driver, by way of red light or wording, that an opposing vehicle has entered the ramp,
- Incorporate line marking to delineate traffic flow, wait for the signal and nominate waiting bay locations to allow vehicles to overtake another.

Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a compliance certificate to the Principal Certifier that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of an Occupation Certificate issued for the development.

Reason: To ensure no vehicle conflicts within the basement carpark.

N. Modify Condition 93 In-fill affordable housing to read as follows:

It is a condition of the development consent that before the issue of an occupation certificate for the development—

(a) a restriction must be registered for the nominated affordable housing units (Units 5, 6, 7, 8, 9, 11 and 12), in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, and
(b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
(c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

It is a condition of the development consent that during the relevant period—
(a) the affordable housing component must be used for affordable housing, and
(b) the affordable housing component must be managed by a registered community housing provider, and
(c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
(d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

In this section—
affordable housing component has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 21.
relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

Reason: Prescribed condition under Section 82 of the Environmental Planning and Assessment Act 2021.

O. Amend Condition 94 Acoustic Requirements – On-going to read as follows:

Compliance with the recommendations within the acoustic report titled "Development Application Noise Assessment" by Acoustic Dynamics dated 10 April 2026 reference number 6550R001.BC.260331.

Reason: To prevent a noise nuisance to any neighbouring receiver.

P. New Condition 100 Protection of Environment Legislation Amendment (FOGO Recycling) Act 2026 No 1 Compliance to read as follows:

The development must provide sufficient space in both domestic and commercial waste rooms for food waste recycling in order to comply with the Protection of the Environment Legislation Amendment (FOGO Recycling) Act 2025 No. 1

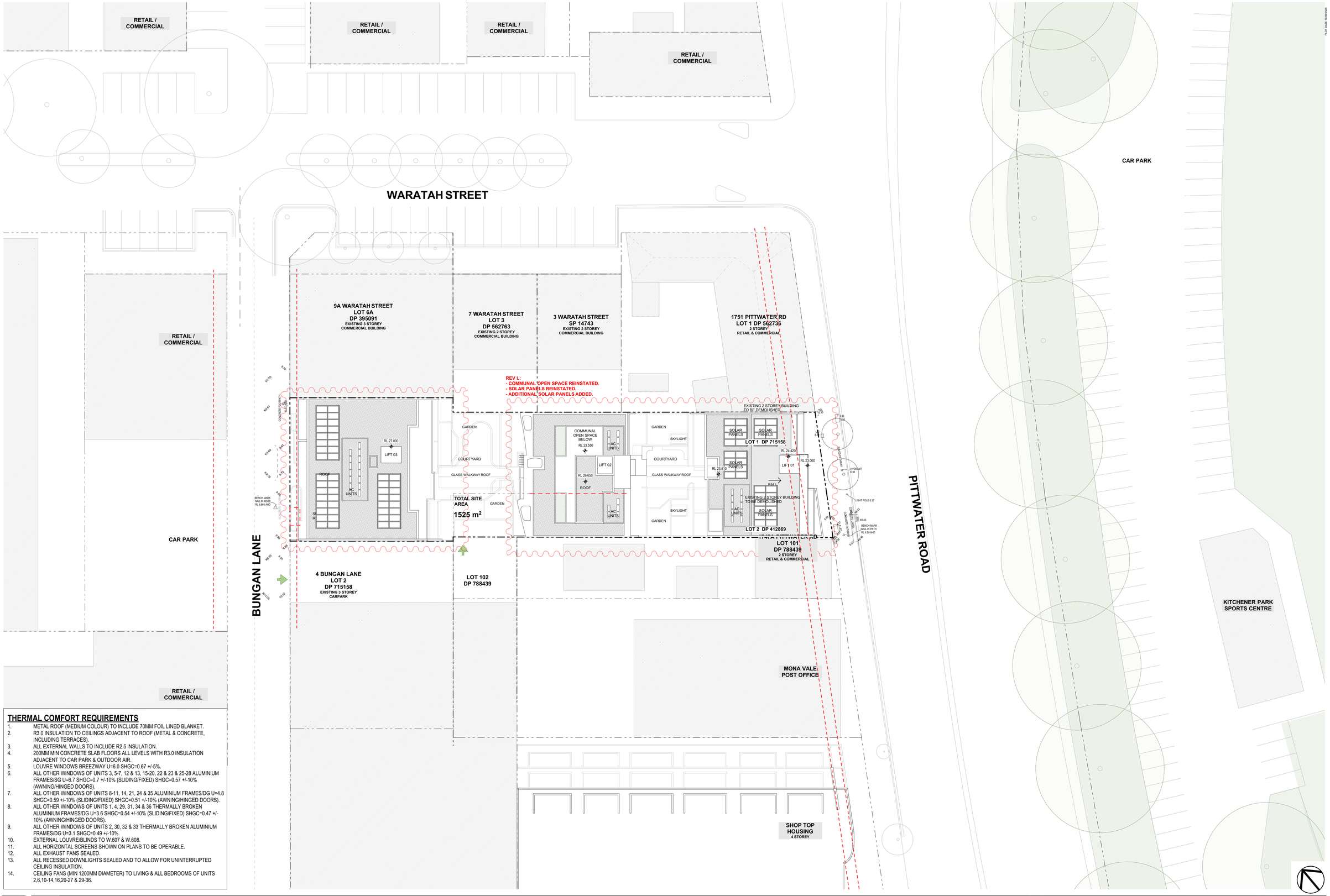
Reason: To comply with government legislation.

FINAL DECLARATION



Consultant Name: Darren Laybutt (GAT & Associates Pty Ltd)

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.



THERMAL COMFORT REQUIREMENTS

1. METAL ROOF (MEDIUM COLOUR) TO INCLUDE 70MM FOIL LINED BLANKET.
2. R3.0 INSULATION TO CEILINGS ADJACENT TO ROOF (METAL & CONCRETE, INCLUDING TERRACES).
3. ALL EXTERNAL WALLS TO INCLUDE R2.5 INSULATION.
4. 200MM MIN CONCRETE SLAB FLOORS ALL LEVELS WITH R3.0 INSULATION ADJACENT TO CAR PARK & OUTDOOR AIR.
5. LOUVRE WINDOWS BREEZWAY U=6.0 SHGC=0.67 +/-5%.
6. ALL OTHER WINDOWS OF UNITS 3, 5-7, 12 & 13, 15-20, 22 & 23 & 25-28 ALUMINIUM FRAMES/SG U=6.7 SHGC=0.7 +/-10% (SLIDING/FIXED) SHGC=0.57 +/-10% (AWNING/HINGED DOORS).
7. ALL OTHER WINDOWS OF UNITS 8-11, 14, 21, 24 & 35 ALUMINIUM FRAMES/DG U=4.8 SHGC=0.59 +/-10% (SLIDING/FIXED) SHGC=0.51 +/-10% (AWNING/HINGED DOORS).
8. ALL OTHER WINDOWS OF UNITS 1, 4, 29, 31, 34 & 36 THERMALLY BROKEN ALUMINIUM FRAMES/DG U=3.6 SHGC=0.54 +/-10% (SLIDING/FIXED) SHGC=0.47 +/-10% (AWNING/HINGED DOORS).
9. ALL OTHER WINDOWS OF UNITS 2, 30, 32 & 33 THERMALLY BROKEN ALUMINIUM FRAMES/DG U=3.1 SHGC=0.49 +/-10%.
10. EXTERNAL LOUVRE/BLINDS TO W.607 & W.608.
11. ALL HORIZONTAL SCREENS SHOWN ON PLANS TO BE OPERABLE.
12. ALL EXHAUST FANS SEALED.
13. ALL RECESSED DOWNLIGHTS SEALED AND TO ALLOW FOR UNINTERRUPTED CEILING INSULATION.
14. CEILING FANS (MIN 1200MM DIAMETER) TO LIVING & ALL BEDROOMS OF UNITS 2,6,10-14,16,20-27 & 29-36.

GARTNERTROVATO
ARCHITECTS
SEAN GARTNER 6272 | LUKE TROVATO 7094
A 1/119-133 Alex Avenue
Unit 9, 133 Alex Avenue
PO Box 1132
Mona Vale NSW 1660
P T 61 2 9979 6411
F T 61 2 9979 4422
E info@gtarchitects.com.au

Issue Date	Rev	Description
24/03/2026	G	PRELIMINARY SECTION 4.55 DRAWINGS ISSUED FOR CO-ORDINATION.
1/04/2026	H	SECTION 4.55 APPLICATION.
30/06/2026	J	REVISIONS TO SECTION 4.55 DRAWINGS AS CLOUDED.
6/08/2026	K	REVISIONS TO SECTION 4.55 DRAWINGS AS CLOUDED.
19/08/2026	L	REVISIONS TO SECTION 4.55 DRAWINGS AS CLOUDED.

PROJECT
PROPOSED SHOP TOP HOUSING
1749-1753 PITTWATER RD
MONA VALE NSW

LOT 1 DP 715158 + LOT 2 DP 412869

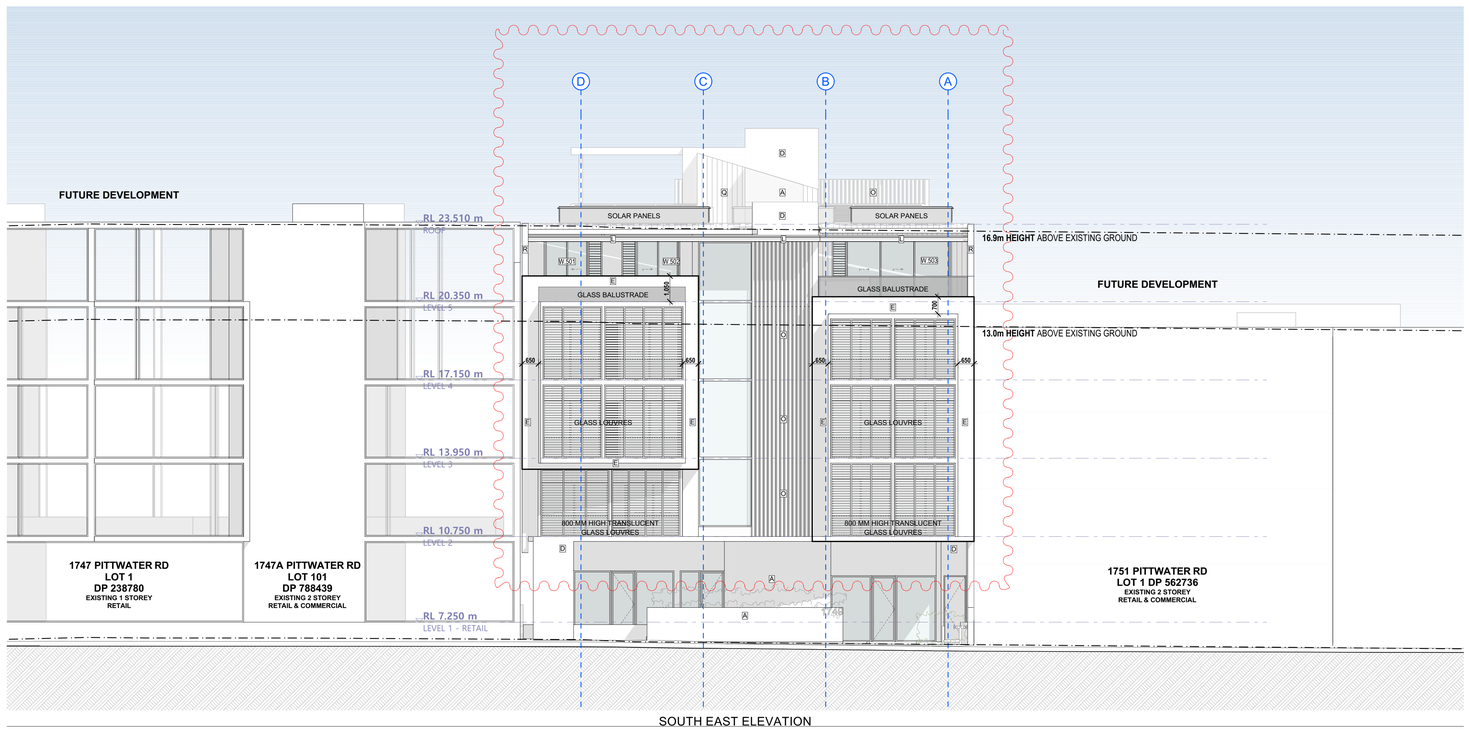
DRAWING TITLE
SITE PLAN

SCALE	DRAWN BY	DATE
1:200 @ B1	SG / DH / AW	19/08/2026
PROJECT NO.	DRAWING NO.	REVISION
2401	A 01	L

PLOT DATE: 19/09/2026



NORTH-WEST ELEVATION



SOUTH EAST ELEVATION

REV J:
- WINTERGARDENS REINSTATED.
- SUBSTATION REINSTATED.
- SOLAR PANELS ADDED.

EXTERNAL FINISHES

NOTE: FINISHES AND IMAGES SHOWN ARE INDICATIVE OF DESIGN INTENT ONLY

CONCRETE OFF FORM

A TEXTURED OFF FORM CONCRETE
TIMBER GRAIN VERTICAL

B SMOOTH OFF FORM CONCRETE
SHUTTER FACE SMOOTH FINISH

STONE CLADDING

C FEATURE STONE CLADDING
ROUGH CUT ALPINE STONE

RENDERED WALLS

D PAINTED RENDER
COLOUR - WARM DARK GREY

E PAINTED RENDER
COLOUR - OFF WHITE

F PAINTED RENDER
COLOUR - PALE GREEN

G PAINTED RENDER
COLOUR - BLUE GREY

H PAINTED RENDER
COLOUR - GREY BROWN

METALWORK COLOUR

J FENCES / AWNING STRUCTURE
COLOUR CB MONUMENT

K HANDRAILS
COLOUR - CHROME

L FEATURE METALWORK
COLOUR LIGHT RUST RED

M FEATURE METALWORK
COLOUR - OFF WHITE

FACADE SCREENS

N LOUVRE SCREENS
ALUMINIUM TIMBER-LOOK - DARK

O LOUVRE SCREENS
ALUMINIUM TIMBER-LOOK - PALE

FC WALL CLADDING

P FC VERICAL NARROW
COLOUR - PALE WARM GREY

Q VERICAL WIDE
COLOUR - DARK GREY

R PRECAST OFF FORM CONCRETE
SHUTTER FACE SMOOTH FINISH
UNPAINTED

THERMAL COMFORT REQUIREMENTS

1. METAL ROOF (MEDIUM COLOUR) TO INCLUDE 70MM FOIL LINED BLANKET.
2. R3.0 INSULATION TO CEILINGS ADJACENT TO ROOF (METAL & CONCRETE, INCLUDING TERRACES).
3. ALL EXTERNAL WALLS TO INCLUDE R2.5 INSULATION.
4. 200MM MIN CONCRETE SLAB FLOORS ALL LEVELS WITH R3.0 INSULATION ADJACENT TO CAR PARK & OUTDOOR AIR.
5. LOUVRE WINDOWS BREEZWAY U=6.0 SHGC=0.67 +/-5%.
6. ALL OTHER WINDOWS OF UNITS 3, 5-7, 12 & 13, 15-20, 22 & 23 & 25-28 ALUMINIUM FRAMES/SG U=6.7 SHGC=0.7 +/-10% (SLIDING/FIXED) SHGC=0.57 +/-10% (AWNING/HINGED DOORS).
7. ALL OTHER WINDOWS OF UNITS 8-11, 14, 21, 24 & 35 ALUMINIUM FRAMES/DG U=4.8 SHGC=0.59 +/-10% (SLIDING/FIXED) SHGC=0.51 +/-10% (AWNING/HINGED DOORS).
8. ALL OTHER WINDOWS OF UNITS 1, 4, 29, 31, 34 & 36 THERMALLY BROKEN ALUMINIUM FRAMES/DG U=3.6 SHGC=0.54 +/-10% (SLIDING/FIXED) SHGC=0.47 +/-10% (AWNING/HINGED DOORS).
9. ALL OTHER WINDOWS OF UNITS 2, 30, 32 & 33 THERMALLY BROKEN ALUMINIUM FRAMES/DG U=3.1 SHGC=0.49 +/-10%.
10. EXTERNAL LOUVRE-BLINDS TO W 607 & W 608.
11. ALL HORIZONTAL SCREENS SHOWN ON PLANS TO BE OPERABLE.
12. ALL EXHAUST FANS SEALED.
13. ALL RECESSED DOWNLIGHTS SEALED AND TO ALLOW FOR UNINTERRUPTED CEILING INSULATION.
14. CEILING FANS (MIN 1200MM DIAMETER) TO LIVING & ALL BEDROOMS OF UNITS 2,6,10-14,16,20-27 & 29-36.

GARTNERTROVATO
ARCHITECTS
SIDNEY GARTNER ASTP | LUKE TROVATO TDPA
A 1/113 PITTWATER PLACE
MONA VALE NSW 2103
PO BOX 1122
MONA VALE NSW 1660
P (61) 2 9979 4422
F (61) 2 9979 4433
E studio@gtsa.com.au

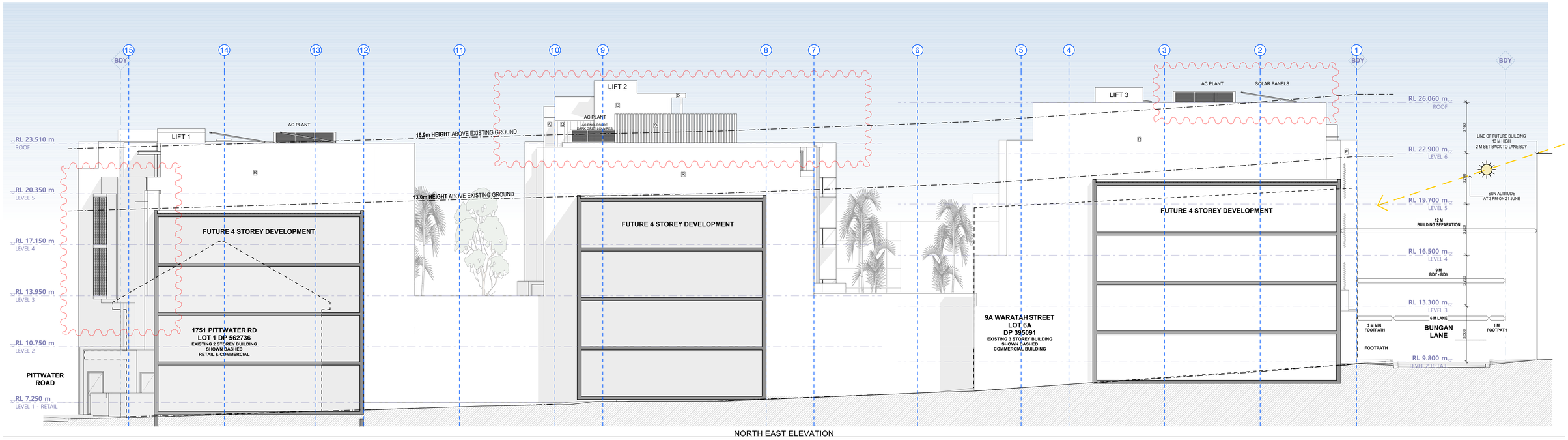
Issue Date	Rev	Description
24/02/2026	G	PRELIMINARY SECTION 4.55 DRAWINGS ISSUED FOR CO-ORDINATION.
1/04/2026	H	SECTION 4.55 APPLICATION.
6/08/2026	I	REVISIONS TO SECTION 4.55 DRAWINGS AS CLOUDED.
19/08/2026	J	REVISIONS TO SECTION 4.55 DRAWINGS AS CLOUDED.

PROJECT
PROPOSED SHOP TOP HOUSING
1749-1753 PITTWATER RD
MONA VALE NSW

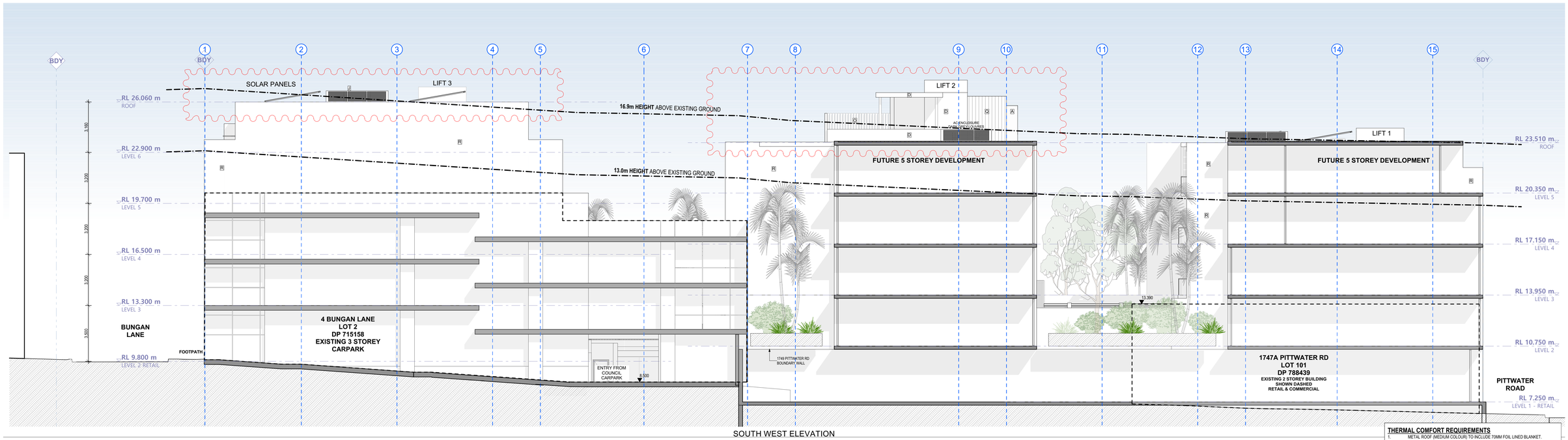
LOT 1 DP 715158 + LOT 2 DP 412869

DRAWING TITLE
ELEVATIONS - NW & SE

SCALE	DRAWN BY	DATE
1:100 @ B1	SG / DH / AW	19/08/2026
PROJECT NO.	DRAWING NO.	REVISION
2401	A 10	J



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

REV J:
- WINTERGARDENS REINSTATED.
- ROOFTOP COS REINSTATED.
- SOLAR PANELS ADDED.

EXTERNAL FINISHES

NOTE: FINISHES AND IMAGES SHOWN ARE INDICATIVE OF DESIGN INTENT ONLY

CONCRETE OFF FORM
- A TEXTURED OFF FORM CONCRETE — TIMBER GRAIN VERTICAL
- B SMOOTH OFF FORM CONCRETE — SHUTTER FACE SMOOTH FINISH

STONE CLADDING
- C FEATURE STONE CLADDING — ROUGH CUT ALPINE STONE

RENDERED WALLS
- D PAINTED RENDER — COLOUR - WARM DARK GREY
- E PAINTED RENDER — COLOUR - OFF WHITE
- F PAINTED RENDER — COLOUR - PALE GREEN
- G PAINTED RENDER — COLOUR - BLUE GREY
- H PAINTED RENDER — COLOUR - GREY BROWN

METALWORK COLOUR
- J FENCES / AWNING STRUCTURE — COLOUR CB MONUMENT
- K HANDRAILS — COLOUR - CHROME
- L FEATURE METALWORK — COLOUR LIGHT RUST RED
- M FEATURE METALWORK — COLOUR - OFF WHITE

FACADE SCREENS
- N LOUVRE SCREENS — ALUMINIUM TIMBER-LOOK - DARK
- O LOUVRE SCREENS — ALUMINIUM TIMBER-LOOK - PALE

FC WALL CLADDING
- P FC VERICAL NARROW — COLOUR - PALE WARM GREY
- Q VERICAL WIDE — COLOUR - DARK GREY
- R PRECAST OFF FORM CONCRETE — SHUTTER FACE SMOOTH FINISH UNPAINTED

THERMAL COMFORT REQUIREMENTS

1. METAL ROOF (MEDIUM COLOUR) TO INCLUDE 70MM FOIL LINED BLANKET.
2. R3.0 INSULATION TO CEILINGS ADJACENT TO ROOF (METAL & CONCRETE, INCLUDING TERRACES).
3. ALL EXTERNAL WALLS TO INCLUDE R2.5 INSULATION.
4. 200MM MIN CONCRETE SLAB FLOORS ALL LEVELS WITH R3.0 INSULATION ADJACENT TO CAR PARK & OUTDOOR AIR.
5. LOUVRE WINDOWS BREEZWAY U=6.0 SHGC=0.67 +/-5%.
6. ALL OTHERS WINDOWS OF UNITS 3, 5-7, 12 & 13, 15-20, 22 & 23 & 25-28 ALUMINIUM FRAMES/SG U=6.7 SHGC=0.7 +/-10% (SLIDING/FIXED) SHGC=0.57 +/-10% (AWNING/HINGED DOORS).
7. ALL OTHER WINDOWS OF UNITS 8-11, 14, 21, 24 & 35 ALUMINIUM FRAMES/DG U=4.8 SHGC=0.61 +/-10% (SLIDING/FIXED) SHGC=0.51 +/-10% (AWNING/HINGED DOORS).
8. ALL OTHER WINDOWS OF UNITS 1, 4, 29, 31, 34 & 36 THERMALLY BROKEN ALUMINIUM FRAMES/DG U=3.6 SHGC=0.54 +/-10% (SLIDING/FIXED) SHGC=0.47 +/-10% (AWNING/HINGED DOORS).
9. ALL OTHER WINDOWS OF UNITS 2, 30, 32 & 33 THERMALLY BROKEN ALUMINIUM FRAMES/DG U=3.1 SHGC=0.49 +/-10%.
10. EXTERNAL LOUVRE/BLINDS TO W.607 & W.608.
11. ALL HORIZONTAL SCREENS SHOWN ON PLANS TO BE OPERABLE.
12. ALL EXHAUST FANS SEALED.
13. ALL RECESSED DOWNLIGHTS SEALED AND TO ALLOW FOR UNINTERRUPTED CEILING INSULATION.
14. CEILING FANS (MIN 1200MM DIAMETER) TO LIVING & ALL BEDROOMS OF UNITS 2,6,10-14,16,20-27 & 29-36.

GARTNERTROVATO
ARCHITECTS
NSW NOMINATED ARCHITECT: MARK GARTNER 6078 | LANCE TROVATO 6356
LEVEL 3 10 MARK STREET
NORTH SYDNEY NSW 2060
MONA VALE, NSW 2103
P +61 2 9979 4811
F +61 2 9979 4822
E info@gtpl.com.au

Issue Date	Rev	Description
24/03/2026	F	PRELIMINARY SECTION 4.55 DRAWINGS ISSUED FOR CO-ORDINATION.
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PROJECT
PROPOSED SHOP TOP HOUSING
1749-1753 PITTWATER RD
MONA VALE NSW

LOT 1 DP 715158 + LOT 2 DP 412869

DRAWING TITLE
ELEVATIONS - NE & SW

SCALE	DRAWN BY	DATE
1:100 @ B1	SG / DH / AW	19/08/2026
PROJECT NO.	DRAWING NO.	REVISION
2401	A 11	J

Design + Sustainability Advisory Panel Meeting Report – Date 25 June 2026

ITEM 5 – MOD2026/0228 – 1749-1753 Pittwater Road & 4 Bungan Lane MONA VALE NSW 2103

PANEL COMMENT AND RECOMMENDATIONS

General

The Application before the Panel is a Section 4.55 (1a) Modification Application to modify DA2025/0143, which was originally approved by the SNPP on 30 February 2026, by way of Deferred Commencement.

This Development Application was presented to the Panel at Pre-DA stage on 24 April 2025. The advice provided the following conclusion:

> *The proposal inherits problematic outcomes from the earlier PLM scheme, beginning with how it responds to public domain and surrounding properties, and following to poor amenity outcomes for residents and commercial tenants.*
> *The scheme fails to adequately consider future surrounding context, pushes outwards with zero setbacks, then inwards, by proposing a central building which stands to be isolated and 'landlocked' with poor outlook, ambiguous address, challenged privacy, and limited access to air and light.*
> *Significant reconsideration of how this site is approached will be required before a convincing scheme may result. This likely begins with the removal of the central residential building and development of a more measured and well-studied street wall setback condition that has capacity to generate greater accord with existing and future development.*
> *The Panel does not support the development in its current form.*

The Panel notes that the DA was approved in 2026 with the central building in place, after the original Panel meeting in 2025. Based on the DA approved design, this Modified design does not remove the central building. However, this Modification reduces the amenity of the central building the removal of the rooftop communal open space. Other amendments include amendments to the Pittwater Road ground level and upper-level setbacks. We refer to comments and recommendations below.

Strategic context, urban context: surrounding area character

Recommendations in the previous Panel report that have been addressed include:

- An Urban Design Study by Gartner Trovato;
- SEPP 65 ADG assessment by Gartner Trovato;
- Some additional site analysis.



With regard to Council requirements in response to Flood Hazard Mapping, an amended design has been provided for the street and lane addresses at ground level. The Panel defers to Council's flooding engineers regarding technical flooding matters, however the proposed design is a substantial improvement on the previous design, as better street and lane addresses are created with step-free entry into shops and the residential lobby without external stairs. These are the Panel's preferred designs for street and lane addresses.

Recommendations

1. Respond to recommendations below regarding scale, built form, articulation and façade design/aesthetics to address the relationship between the proposed development and the surrounding area character.

Scale, built form and articulation

The proposed building height of the central building has been reduced by the deletion of the rooftop communal open space, amenities and lift over run from the Stamped Plans. The Panel does not consider the height of the central building in the Stamped Plans to be excessive as it is located within the centre of the lot, and its height would not be easily perceived from the public realm.

The previous design contained blade walls that projected past the balconies facing Pittwater Road, creating a visually weak transition to the adjoining properties. The proposed design removes those blades, creating a simpler form and a better transition to the adjoining properties.

The Stamped Plans contain wintergardens on balconies facing Pittwater Road. These wintergardens were proposed as a means to abate noise and pollution impacts from Pittwater Road. Natural ventilation was proposed to be achieved with openable windows in the wintergarden being offset from openings in the bedroom fenestration, while abating noise and pollution impacts. The Panel agrees with this design approach to noise abatement and ventilation.

The previously proposed wintergardens were clad with two shades of vertical and horizontal louvre screens. This approach created a visually cohesive street façade, with visual articulation through colour and the opening and closing of the screens. This would be an acceptable approach to the street façade design.

The chamber sub-station is proposed to be removed, however during the design presentation to the Panel the architect noted that the State Electricity Authority may require its retention. The Panel would accept retention, however, would prefer the sub-station removal.

It is noted that a step-free entry to the shops from Bungan Lane is proposed, with internal steps in Retail 03, which the Panel supports.

Recommendations

2. Retain the rooftop Communal Open Space from the DA stage, designed in accordance with Landscape recommendations below.
3. Remove the blade walls facing Pittwater Road, as proposed.
4. Retain wintergardens as proposed in Stamped Plans, for environmental performance and façade articulation.

Access, vehicular movement and car parking

This Modification removes one basement parking level, reducing the number of car spaces. The Panel defers to Council's traffic planners regarding any technical and compliance issues of this change. The Panel notes that 3 fewer bicycle spaces and 2 fewer motorcycle spaces are provided in Basement 1 in this Modification. It is undesirable to discourage active transport solutions and these spaces should not be lost.

Recommendations

5. Reinstate bicycle and motorcycle spaces from DA stage.

Landscape

Previous recommendations from DA stage:

I. Remove central residential tower to allow for greater courtyard at centre of block.
   - There are still three main towers proposed for the building, in accordance with the DA approval following the Panel's first report.

II. Provide more communal open space. Consider rooftop amenity to street facing buildings.
   - The communal open space that was at one time proposed for the rooftop has been removed for this submission, so this recommendation remains unresolved.

III. Provide deep soil planting.
   - All planting is on top of the basement and on structure planting, so this recommendation remains unresolved.

IV. Provide clear and dignified access to communal open space for all residents.
   - The communal open space that was at one time proposed for the rooftop has been removed for this submission, so this recommendation remains unresolved.

The submitted architectural plans show an outdoor courtyard area that is not part of the site with no explanation of why it is shown and furthermore, this area is not reflected on the landscape plans submitted to the Panel for the DSAP meeting. Clarification is sought on what the intention is of providing this information.

The modification seeks consent to the following changes:

a. Deletion of the roof top communal open space.
b. Minor modification to approved landscape plans.

Recommendations

The Panel strongly believes that the rooftop communal open space should be reinstated and improved with the following inclusions:

6. DDA compliant unisex toilet
   - Water

- Electricity
- Mechanical shade
- Deciduous trees – shade in summer and sunlight in winter
- Raised garden beds compliant with the dimensions and soil volumes as outlined in the ADG

7. The entire landscape provisions rely on planting on structures and consequently the soil volumes as outlined in the ADG must be achieved to ensure successful plantings, with attention paid to the following:
   - Solar access should guide final plant selection;
   - Consider the effects of wind on the plants proposed for the rooftop communal open space.
8. Consider the use of a green roof with low water use ground covers and low growing grasses under the PV cells to further reduce the required energy for cooling and heating and to increase the efficiency of the cells.

Amenity

The amenity of this proposal has been reduced in the Modification in comparison with the approved DA as:

- The rooftop communal open space has been removed;
- The wintergardens and screening on Pittwater Road have been removed.

A number of improvements to amenity, such as ceiling fans, double glazing, acoustic baffles and deep soil planting are recommended in Landscape and Sustainability below.

Recommendations

9. Retain the rooftop Communal Open Space from the DA stage, designed in accordance with Landscape recommendations below.
10. Retain wintergardens as proposed in Stamped Plans, for acoustic and environmental performance and natural ventilation.

Façade treatment/Aesthetics

The approved Stamped Plans show wintergardens and screening to Pittwater Road which should be retained. The proposed deletion of projecting blade walls on Pittwater Road is supported. The proposed deletion of external stairs on Pittwater Road is supported.

Recommendations

11. Retain wintergardens as proposed in Stamped Plans, for environmental performance and façade articulation.

northern beaches council

Sustainability

With the regulatory environment shifting rapidly (NatHERS, electrification, zero emissions and mandatory disclosure), early investment in sustainability will benefit both future residents, the project's marketability and the proponent’s reputation.

Recommendations

As the design is developed to better respect and integrate with the site while enabling the neighbours and the people on this site to enjoy appropriate solar access, cross ventilation and acoustics, please consider the following practical, cost-effective measures:

12. Clean Energy
    - Good to see all-electric systems for cooking, heating, and hot water.
    - Provision of additional rooftop solar panels (PV) would be wise. Additionally, their efficacy can be greatly enhanced when placed over a green roof, which has additional biodiversity benefits.
    - Consider provision for on-site battery storage as a highly desirable back-up during the transition to a de-carbonised grid.
13. Electric Mobility
    - Provide EV charging points and/or provision for future installation (at least 15 amp for Level 1 charging).
    - Include easy to use facilities for charging and storing e-bikes and mobility scooters.
14. Passive Design & Thermal Comfort
    - All windows and doors should have double glazing with thermally broken frames to enable passive thermal and acoustic comfort.
    - Include ceiling fans to improve comfort and reduce reliance on air-conditioning.
    - Need to confirm efficacy of acoustic baffles in providing sound reduced ventilation.
    - Use planting in internal courtyards to soften surfaces, improve acoustic amenity and some improvements on biodiversity.
15. Water Efficiency
    - Good to see water-efficient fixtures and appliances specified.
    - Landscape design and planting should be water tolerant and suitable for the microclimate.
16. Embodied Carbon Reduction
    a. The most impactful way of reducing embodied carbon is by design, which is critical before material substitution. This includes:
        b. Design simply: minimise complex structures, large spans, façade steps, and unnecessary finishes.
        c. Keep building size modest and design for optimisation of spaces.
        d. Use fewer materials where possible (e.g. exposed concrete floors, reduced tiling).
    - Reuse and/or recycle materials and equipment from any demolished buildings.
    - Design for durability and adaptability over time, accounting for different replacement timeframes for different systems.
    - Preference low-carbon or renewable materials (e.g. timber, recycled steel, low-carbon concrete).



- Only use responsibly sourced materials.

PANEL CONCLUSION

The Panel does not support the proposal in its current form. The proposal should return to the Panel with responses made to the above recommendations.

The Panel refer the applicant to the Apartment Design Guide for aspects related to amenity and internal planning of apartments.

ITEM 4.2 DA2026/0524 - 70 DELMAR PARADE DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT

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. DA2026/0524 for Demolition works and construction of a seniors housing development at Lot 20 DP 8270, 70 Delmar Parade DEE WHY NSW 2099 subject to the conditions set out in the Assessment Report.

Reporting manager:	Executive Manager Development Assessment
Attachments:	1. Assessment Report [**4.2.1** - 122 pages] 2. Site Plans & Elevations [**4.2.2** - 3 pages] 3. Design and Sustainability Advisory Panel Report [**4.2.3** - 9 pages]

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2026/0524

Responsible Officer:	Dean Pattalis
Land to be developed (Address):	Lot 20 DP 8270, 70 Delmar Parade DEE WHY NSW 2099
Proposed Development:	Demolition works and construction of a seniors housing development, consisting of independent living units for people with a disability
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes, under SEPP (Housing) 2021
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Manly House Foundation Limited

Application Lodged:	24/04/2026
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	08/05/2026 to 22/05/2026
Advertised:	08/05/2026
Submissions Received:	32
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	$ 5,699,665.00

EXECUTIVE SUMMARY

This development application seeks consent for the demolition of existing on-site structures and the construction of a new seniors housing development, consisting of nine (9) independent living units specifically for people with a disability, within two separate part two and part three storey pavilions.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to greater than 10 submissions being received during the community notification period. 27 submissions were received during the notification period objecting to the proposal, with an additional 3 submissions provided outside the

notification period and 2 further submissions that were written in support of the development.

The proposed development was the subject of a pre-lodgement meeting with Council (PLM2025/0117), with numerous design amendments and additional documentation provided following pre-lodgment advice from Council's planning officers as well as referral officers including the Design and Sustainability Advisory Panel (DSAP). The amendments are discussed in detail within the 'Site History' section of this assessment report, including updated vehicular and pedestrian circulation, communal open space and deep soil arrangement, car parking, amenity and visual privacy enhancements, as well as the provision of various expert reports.

Assessment issues discussed in detail within this report include; how the proposal satisfies the provisions of Chapter 3, Part 5 of SEPP (Housing) 2021, including prescribed requirements and non-discretionary development standards relating to building height, floor space ratio (FSR), landscaped area, solar access, private open space, car parking, accessibility and usability, access to facilities and services, as well as the seniors housing design principles under schedule 8. The proposal is numerically compliant with the above built form and amenity related standards, whilst also demonstrating adequate consideration and consistency with the design principles.

The subject site is mapped within a Low and Mid Rise Housing Area within the meaning of Chapter 6 of the SEPP, therefore an increased FSR standard of 0.8:1 is afforded to the proposal. It is noted the proposed FSR of 0.58:1 is well below the maximum permitted.

Chapter 4 of SEPP (Housing) 2021 applies to the rear pavilion (Building B) only, as the front pavilion (Building A) is only two storeys (excluding the parking level) in height. Therefore, in addition to the above seniors housing related SEPP provisions, the proposed rear pavilion is also considered in detail within this report in the context of the design principles for residential apartment development (schedule 9) as well as the Apartment Design Guide (ADG). The rear pavilion is generally consistent with the ADG provisions with the exception of privacy separation to the side boundaries, however it is considered that compliance with the separation requirements is not feasible for residential apartment development on the subject site, and privacy impacts are sufficiently resolved by effective measures including; well articulated side elevations, effectively designed and located window openings, obscure glazed materials, fixed screening and boundary landscape planting.

The proposed built form is considered to be a compatible, well articulated and site responsive outcome in the context of the relevant standards, controls and surrounding character. The design steps the building mass down the slope of the site, whilst the separate pavilions further assist in breaking up the size and scale. The generously sized terraces and associated long, continuous fixed privacy screens have the potential to be reduced whilst also retaining the high quality amenity afforded by the large north-facing terraces. A condition of consent is therefore recommended for the northern balustrades and side elevation screens of each terrace to be relocated towards the south. The reduced habitational capacity and trafficable area of the terraces shall also assist with further reducing opportunities for visual and acoustic privacy impacts towards adjoining sites.

Council's internal referral bodies have reviewed the proposal and provided their conditions. Specifically, Council's Traffic Engineer has provided detailed comments in relation to on-site parking and traffic generation which is addressed in the applicant's Traffic and Parking Assessment. Council's Traffic Officer is satisfied that the amended proposal has addressed the pre-lodgement traffic engineering advice, and will not unreasonably impact traffic on Delmar Parade. Furthermore, the proposal complies with the non-discretionary development standard for car parking prescribed by the Housing SEPP, which prevents the consent authority from requiring a more onerous standard.

The application was also re-referred to the DSAP following pre-lodgement advice provided by the panel

as mentioned above. The DSAP were generally complimentary and supportive of the amended design, subject to minor additional refinements related to the arrival experience and amenity as detailed within this report.

Concerns raised in the community objections predominantly relate to density, built form, traffic, visual privacy, acoustic privacy, vegetation removal, view sharing, overshadowing, site suitability and site disturbance. These issues are discussed in detail in the submissions section of this assessment report, with the issues generally resolved by the assessment outcomes and recommended conditions of consent. A detailed assessment in accordance with the Court principles of view sharing is also included within this report. The proposed view sharing outcome to the respective properties is considered to be reasonable in the context of the principles.

It is noted that members of Council's assessment team met onsite on two separate occasions with the resident objectors, one of which was in relation to traffic matters and was attended by Council's Traffic Engineering referral officer, and the other with individual adjoining owners who were concerned regarding amenity and environmental impacts.

On balance, this report concludes with a recommendation that the NBLPP should grant approval to the development application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The application proposes the demolition of existing on-site structures and the construction of a seniors housing development incorporating nine (9) Independent Living Units (ILU's) and associated parking.

Specifically, the application proposes the following:

- Demolition of the existing single-storey weatherboard dwelling and ancillary site structures.
- Construction of a development comprising two separate pavilions: Building A (north/front), with a basement parking level and two residential storeys (Levels 0 - 2); and Building B (south/rear), with a communal ground floor and three residential storeys above (Levels 2 - 5).
- 9 independent living units consisting of 4 x 1 bedroom and 5 x 2 bedroom units
- Four (4) total parking spaces comprising two dedicated staff spaces (tandem), one ambulance/visitor bay, and one communal minibus bay.
- 4 bicycle spaces.
- Communal open space provided centrally on the site.
- Stormwater drainage system incorporating on-site detention (OSD)
- All-electric building services with no gas connections (with the exception of gas water heaters), rooftop solar PV, EV charging provisions and mobility scooter/e-bike charging and storage facilities.
- Associated excavation and site works.
- Accessible pedestrian access between the proposed units, Delmar Parade and throughout the site in general is achieved by virtue of circulation cores, lifts, common floor plates and a series of accessible pathways.
- The units are intended to be used for Specialist Disability Accommodation (SDA) for occupants with extreme functional impairment and high support needs, under the National Disability Insurance Scheme (NDIS).

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

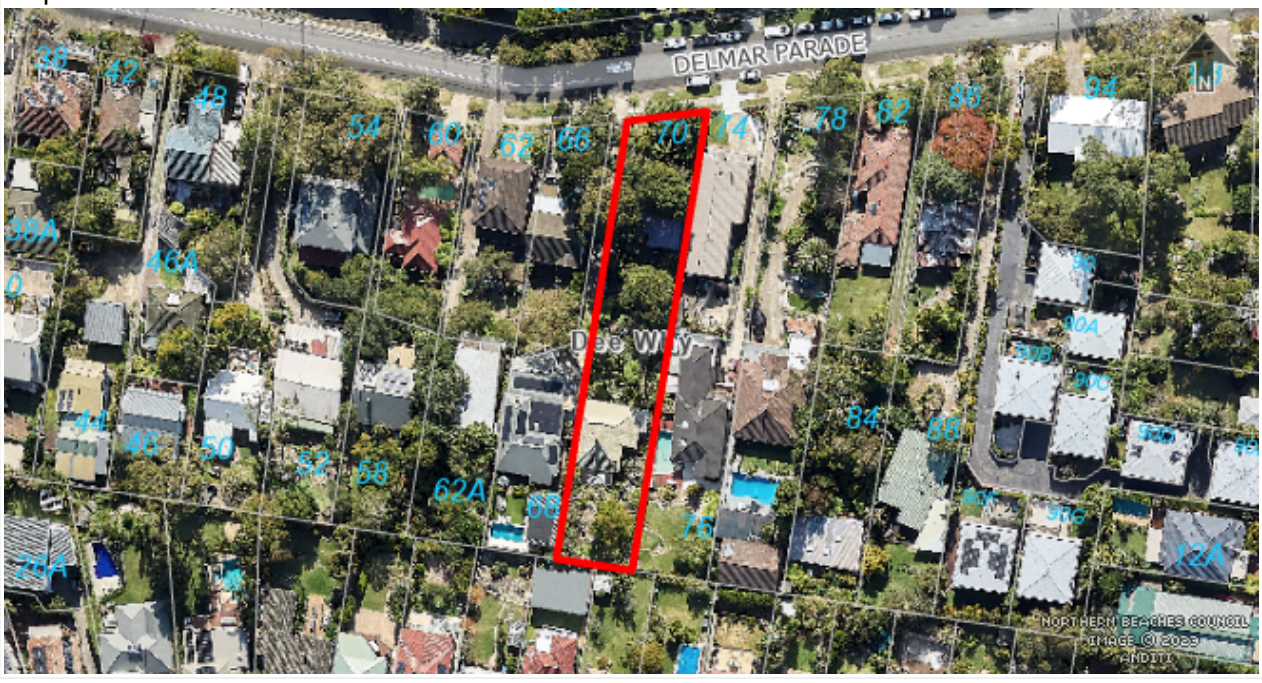
Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential
Warringah Local Environmental Plan 2011 - 6.2 Earthworks
Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
Warringah Development Control Plan - B1 Wall Heights
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - C2 Traffic, Access and Safety
Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - C7 Excavation and Landfill
Warringah Development Control Plan - C8 Demolition and Construction
Warringah Development Control Plan - C9 Waste Management
Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
Warringah Development Control Plan - D7 Views
Warringah Development Control Plan - D9 Building Bulk
Warringah Development Control Plan - E6 Retaining unique environmental features
Warringah Development Control Plan - E10 Landslip Risk

SITE DESCRIPTION

Property Description:	Lot 20 DP 8270 , 70 Delmar Parade DEE WHY NSW 2099

Detailed Site Description:	The subject site is zoned R2 Low Density Residential under the provisions of the Warringah Local Environmental Plan 2011 (WLEP). The site is located approximately 260m from the Dee Why Town Centre and is identified as being located within the low and mid rise housing area of the State Environmental Planning Policy (Housing) 2021 Town Centres Map. The site has a splayed frontage to Delmar Parade of 15.86 metres, depth of between 88.62 and 92.86 metres and a site area of 1383m². The site contains a number of exposed rock outcrops and falls approximately 17 metres across its surface towards its Delmar Parade frontage. The subject site is currently occupied by a single-storey weatherboard clad dwelling of no heritage significance located towards the rear of the property together with a single detached garage and outbuilding located towards the front of the site. The site contains a number of exposed rock outcrops and falls approximately 17 metres across its surface towards its Delmar Parade frontage. Two large trees are located towards the frontage of the property as identified within the accompanying arborist report. Surrounding development on the south side of Delmar Parade consists of predominantly subdivided, battle axe lots containing 1, 2 and 3 storey dwelling houses within the R2 Low Density Residential zone. Development on the north side of Delmar Parade consists of 2, 3 and 4 storey residential flat development located within the R3 Medium Density Residential zone.

Map:



SITE HISTORY

Prelodgement Meeting PLM2025/0117

A pre-lodgement meeting was held on 11 September 2025 in relation to the proposed development. Preliminary draft plans and documentation of the proposal were presented to Council and the following concerns were raised to the applicant to address prior to the lodgement of the future application:

- Clear description and characterisation of the proposed land use as independent living units in accordance with the definition under Warringah LEP 2011
- Well functioning and operational accessibility arrangement in the context of the site topography and configuration
- Further details regarding the proposed on-site transport service in accordance with Clause 93 of the Housing SEPP
- Articulation and modulation of the proposed built form in the context of the site topography and satisfactory compliance with the development standards prescribed by Chapter 3, Part 5 of the Housing SEPP
- Amenity and privacy impacts to adjoining neighbours to be considered and addressed, particularly in relation to the proposed rear terrace attached to the top level of the rear pavilion.
- Comments from Council's Traffic Engineer recommending a re-design of the proposed parking arrangement to provide an additional staff parking space and re-located visitor space.
- Additional referral comments from Council's Waste Officer, Landscape Officer and Development Engineer
- The proposal was also referred to the Design and Sustainability Advisory Panel (DSAP) at pre-lodgement stage, who recommended that substantial reconfigurations and resolution of issues around access, address and amenity were required, including:
    - Activation of the front entry and residential address with clearly defined pedestrian and vehicular access
    - Enhancement of deep soil landscaping, communal and private open space
    - Articulated and visually softened facade that does not necessitate excessive excavation
    - Consolidation and enhancement of pedestrian access to provide distinct accessibility and horizontal circulation with reduced reliance on lifts
    - Consideration in the design of a high quality internal and external amenity outcome particularly in the context of visual privacy.

DA2026/0524 (Current Development Application)

The DA was submitted to Council with the following design refinements:

- Reconfiguration works to the vehicular and pedestrian circulation arrangement in the front setback area.
- Updated communal central courtyard, terrace, deep soil and pedestrian areas.
- Attempt to minimise unbroken walls along the side elevations and provide greater articulation of the building mass to both pavilions.
- Amenity arrangement re-considered with living rooms oriented to the street and the north-facing terraces with pop-out bay windows, orientated away from side neighbours and supplemented by obscure glazing, batten and louvre screens and boundary planting.
- Service equipment deleted from rooftop of Building B.
- Deletion of rear terrace attached to Unit 9 at top level of rear pavilion.
- Deletion of subterranean habitable spaces and reduction in site disturbance works.

- Amended parking arrangement responding to pre-lodgement comments from Council's Traffic Engineer.
- New Site Context Plan and Site Analysis.
- New Bulk Excavation Plan.
- New Visual Privacy, View Sharing and Cross Ventilation Analysis Plan.
- Lodgement of formal documents and expert reporting absent at PLM-stage including Landscape Plan, Arborist Report, Geotechnical Report, Acoustic Report and Traffic Report.
- As discussed elsewhere in this report, the current application was re-referred to the DSAP who were complimentary of the design improvements applied following the pre-lodgement meeting particularly in relation to access, circulation and overall functionality. The panel were generally supportive of the current proposal, subject to some additional refinements related to the arrival experience and amenity.

Request for Further Information (RFI)

Amended information has been provided during the assessment period in response to a Request for Further Information (RFI) issued to the applicant.

The amendments to the proposal are summarised as follows:

- Updated arrival, pedestrian and vehicular entry experience with the creation of an open porte-cochere in response to recommendations from the DSAP.
- Amended driveway and stormwater engineering plans in response to referral comments from Council's Water Management Officer as well as the above entry amendment.
- Correction of diagrammatical error on west elevation plan in relation to building levels.
- Updated landscape and deep soil calculation plans.
- Updated solar access and view from sun diagrams.
- Additional information in relation to bin storage, circulation and waste management in response to referral comments from Council's Waste Officer.

Site Visits with Objectors

Two site inspections were undertaken during the assessment period and also in the presence of resident objectors to the proposal. One of which was in relation to traffic matters affecting the local network and was attended by Council's Traffic Engineering referral officer, and the other with individual adjoining owners who were concerned regarding amenity and environmental impacts.

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	See detailed assessment under “DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS” below.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration	Comments
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)	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. Clause 29 of the EP&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. Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to a Council RFI and submitted on 18/08/2026. Clause 61 of the EP&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. Clauses 62 and/or 64 of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. Clause 69 of the EP&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. Clause 69 of the EP&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.
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	(i) Environmental Impact 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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 Matters for Consideration	Comments
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.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Northern Beaches Local Environmental Plan (Draft LEP)

Definition(s): Seniors housing

Land Use Zone: R2 Low Density Residential

Permissible or Prohibited: Permissible SEPP (Housing) 2021

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable

A detailed assessment against the proposed numerical provisions and development standards has not been undertaken as part of this report. However, broad consideration has been given to the Draft LEP, and the proposal is consistent with its relevant aims and objectives.

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 08/05/2026 to 22/05/2026 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 32 submission/s from:

Name:	**Address:**
Mr Julian Robert Francis Soper	44 Tango Avenue DEE WHY NSW 2099
Matthew Falcomata	Address Unknown
Mr Anthony Wayne Winslow	60 Delmar Parade DEE WHY NSW 2099
David Henry Lewis	12 / 25 - 29 Delmar Parade DEE WHY NSW 2099
Mr Stefan Dunkel	5 / 37 Delmar Parade DEE WHY NSW 2099
Linda Jane Bendall	9 / 49 - 53 Delmar Parade DEE WHY NSW 2099
Ms Cassandra Lynette Tully Mr Mark Edward Bradford	38 Tango Avenue DEE WHY NSW 2099

Name:	Address:
Mr Andrew Biasi	78 Delmar Parade DEE WHY NSW 2099
Sophie Geeves	Address Unknown
Declan Lee	Address Unknown
Nancy Zhu	19 The Crescent DEE WHY NSW 2099
Ms Lenka Tulich	10 / 31 - 35 Delmar Parade DEE WHY NSW 2099
Miss Melanie Clare Tadhunter	18 / 307 - 317 Condamine Street MANLY VALE NSW 2093
Michael Peter James Bennett Ms Melanie Louise Collins	13 Grace Avenue FRENCHS FOREST NSW 2086
Ian James Tulloch Mrs Mary Tulloch	3 / 31 - 35 Delmar Parade DEE WHY NSW 2099
Mrs Joan Rosemary Divall	3 / 25 - 29 Delmar Parade DEE WHY NSW 2099
Mrs Janice Lynette Thomsett	6 / 25 - 29 Delmar Parade DEE WHY NSW 2099
Pamela Anne Ballesty	13 / 25 - 29 Delmar Parade DEE WHY NSW 2099
Peta-Lee Quill	20 / 31 - 35 Delmar Parade DEE WHY NSW 2099
Peter Samuel Diegutis	4 / 25 - 29 Delmar Parade DEE WHY NSW 2099
Marie Louise Gambi	17 / 25 - 29 Delmar Parade DEE WHY NSW 2099
Ms Rosane Karin Segundo	13 / 41 - 45 Delmar Parade DEE WHY NSW 2099
Joao Vicente Millan Carraro	5 / 41 - 45 Delmar Parade DEE WHY NSW 2099
Mr Bruce Ian Kennaway	90 F Delmar Parade DEE WHY NSW 2099
Withheld Mr Cleveland John Rose Anikka Edsberg	58 Delmar Parade DEE WHY NSW 2099
Withheld Mr Cleveland John Rose Anikka Edsberg	DEE WHY NSW 2099
Mrs Jennifer Mary Fry	88 Delmar Parade DEE WHY NSW 2099
Mr Raymond Walter Eilersen	48 Delmar Parade DEE WHY NSW 2099
Mr David Colin Hawkes Nolan Planning Consultants Ms Shauna Lynn Hawkes	68 Delmar Parade DEE WHY NSW 2099
Mr Alfred Nicholas Kuffel	74 Delmar Parade DEE WHY NSW 2099
Carlisle Architects	18 Nenagh Street NORTH MANLY NSW 2100
Mr Walter George Spink	86 George Street AVALON BEACH NSW 2107
Mrs Jacqueline Mary Shepherd	18 / 31 - 35 Delmar Parade DEE WHY NSW 2099

A total of 32 submissions were received during the assessment period.

It is noted that of the total submissions, 27 were received during the notification period objecting to the proposal, with an additional 3 submissions provided outside the notification period and 2 further

submissions that were written in support of the development.

The following concerns raised within the submissions which were written in objection to the proposed development:

- **Density and permissibility**

Concern was raised the proposed land use and subsequent increased density is not compatible with the subject site

Comment
As discussed within this report, the proposed land use for a seniors housing in the form of independent living units is permissible with consent on the subject site under SEPP (Housing) 2021. It is also noted the subject site and immediate precinct is undergoing transition as it is now mapped within a *Low and Mid Rise Housing Area* under Chapter 6 of the SEPP, which permits an increased floor space ratio of 0.8:1 for the proposed development. However, it is noted that the proposed FSR of 0.58:1 is well below the maximum permitted. It is also further noted that the northern side of Delmar Parade (opposite the subject site) is zoned R3 Medium Density Residential and currently accommodates various residential flat building typologies. The site has therefore been determined to be suitable for the proposed development, which is generally compatible with the existing and anticipated future character of Delmar Parade.

- **Built form**

Concern was raised regarding the proposed visual presentation and building bulk of the development.

Comment
The proposed building bulk is generally considered to be a compatible, well articulated and site responsive outcome in the context of the relevant standards, controls and surrounding character. The proposed design steps the building mass down the slope of the site, whilst the separate pavilions further assist in breaking up the built form. The proposal is also comfortably compliant with the landscaped area and deep soil provisions of the SEPP which suitably softens the presence of the built form and affords suitable opportunities for landscaped setback areas. Primarily, the proposed 2-3 storey streetscape presentation will not appear inconsistent with the existing visual character of Delmar Parade.

Notwithstanding, as discussed in detail under Clause D9 - Building Bulk of the WDCP, the proposed terraces and associated long and continuous fixed privacy screens along the side elevations can be reduced, whilst maintaining compliance with the relevant SEPP standards and retaining the generous internal amenity afforded by the terraces. Therefore, a suitable condition of consent is recommended for the northern balustrade to each terrace, as well as the privacy screens along the side elevations, to be re-located towards the south by 1.0m.

Subject to conditions, the proposal is considered to be acceptable in the context of building bulk and visual impact.

- **Vegetation and tree removal**

Concern was raised regarding the proposed landscaping arrangement, including removal of significant vegetation.

Comment
Suitable landscape plans have been provided with the application which demonstrate numerical compliance

with the landscaped area and deep soil provisions of the SEPP, as well as boundary planting treatment to provide visual softening and screening of the development. The submitted Arborist Report (prepared by Arbor Express) demonstrates the proposed removal and retention of significant trees. Council's Landscape Officer has reviewed the application in this context and raises no objection to approval, subject to canopy offset planting and recommended conditions of consent, including for protection of specific on-site trees.

- **Traffic and parking**

Concern was raised in regards to vehicular traffic, access, parking and safety impacts resulting from the development upon the immediate road network.

Comment
As discussed in detail with this report, a Traffic and Parking Assessment Report (prepared by Terraffic) has been submitted with the application, which establishes the proposed traffic and parking generation resulting from the development. According to the report, the proposed on-site parking arrangement of two (2) staff spaces, one (1) visitor space and one (1) bus bay, is adequate to service the parking demand of the development. Council's Traffic Engineering referral has reviewed the proposal in this context and is satisfied the development will not unreasonably impact traffic on Delmar Parade. The referral is also satisfied that the proposal has adopted the pre-lodgement meeting (PLM2025/0117) advice provided by Council's Traffic Engineer which recommended additional on-site parking to be provided. Furthermore, the proposal numerically complies with the non-discretionary development standard for car parking prescribed by the Housing SEPP which prevents the consent authority from requiring a more onerous standard.

- **Visual and acoustic privacy**

Concern was raised in regards to visual and acoustic privacy impacts resulting from the proposed development to the adjoining properties

Comment
The development proposes articulated side elevations and inward-facing bay windows which will prevent overlooking opportunities into adjoining properties. The communal terrace, attached private terraces and front wrap-around windows are centrally located and effectively treated by fixed screening, obscure glazing and boundary landscape treatment. Furthermore, as noted above, a reduction to the habitational capacity and trafficable area of the proposed attached terraces to each unit, is recommended by a condition of consent. This design amendment will result in a reduction in opportunities for visual and acoustic impacts resulting from the proposed terraces. A further condition also recommends for noise levels from the approved terraces to not exceed 5dB(A) above the background noise level measured from the boundary to adjacent residential receivers. Furthermore, a suitable Acoustic Assessment Report prepared by an accredited consultant has been provided with the application and establishes that noise levels and transmission will comply with all relevant standards.

- **View loss**

Concern was raised in regards to loss of views from adjoining properties at No.40 Tango Avenue and 68 Delmar Parade.

Comment

A detailed assessment in accordance with the principles of view sharing established within Tenacity Consulting vs Warringah Council (2004) is included within this report. The proposed view sharing outcome to the respective properties is considered to be reasonable.

- **Excavation, geotechnical impacts and structural integrity**

Concern was raised in regards to dilapidation impacts and structural impacts to adjoining properties resulting from the development

Comment
As discussed within this report, the extent and depth of site disturbance and earthworks is considered to be adequately minimised in the context of the site. Notwithstanding, a Geotechnical Investigation Report (prepared by Crozier) has been submitted with the application demonstrating an 'acceptable' level of risk management, subject to the implementation of the recommendations within the report, including for vibration levels to be suitably limited and minimised in the context of rock excavation and neighbouring structures. The conclusions, recommendations and findings of the geotechnical report are included as a condition of this consent. Conditions of consent are also recommended in the form of pre and post construction dilapidation reporting, including photographic surveys, to be conducted at all directly adjoining properties.

- **Site suitability**

Concern was raised in regards to the suitability and constraints of the subject site in relation to accommodating the proposed development

Comment
As referred to above, the proposed development and land use is considered to be compatible with the existing and desired future character of Delmar Parade and the surrounding precinct. The proposed built form is also considered to represent a well articulated and numerically compliant design response in the context of the site constraints and sloping topography, as well as the existing character of surrounding development. The Access Report (prepared by Accessibility Solutions) provided with the application also demonstrates that an acceptable level of accessibility is provided, with functional circulation across the subject site for the occupants. The proposal was also reviewed in this context by the DSAP who generally supported the design response to the site characteristics.

- **Overshadowing**

Concern was raised in regards to impacts to overshadowing.

Comment
Clause D6 Access to Sunlight of the WDCP 2011 requires at least 50% of the required area of private open space of adjoining dwellings to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.The subject site benefits from a natural north to south orientation and as a result, all adjoining properties retain a numerically compliant level of solar access in accordance with the control.

- **Ongoing Land Use**

Concern was raised in regards to the long term use of the development and possible conversion opportunities

Comment
Suitable recommended conditions of consent are included within this consent ensuring the approved development is only permitted to be used in accordance with the development as described in the approved application documents and approved description of development. This includes conditions that require, in perpetuity, for the development to be used exclusively as independent living units for people with a disability and operated by a social housing provider. The land use, as well as the provision of the proposed on-site transport service, shall be registered on the title of the land, with Council being the sole authority able to release or modify the covenant.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	The development application was referred to the Design and Sustainability Advisory Panel in accordance with Clause 145 of SEPP (Housing) 2021. **PANEL COMMENTS AND RECOMMENDATIONS** **General** *This Development Application was presented to the Panel at Pre-DA stage on 28 August 2025. The advice provided the following conclusion:* *'The Panel does not support the proposal in its current form. A complete redesign and substantial resolution of issues around access, address and amenity is required. Any breaching of the primary controls should be supported by an analysis of any resulting benefit with reference and comparison to a complying scheme. The Panel refer the applicant to the Apartment Design Guide for aspects related to amenity and internal planning of apartments.'* *The Panel recognises that the proposal is a valuable community facility and is supportive of the development in principle. The proposal has the potential to deliver significant social and community benefits through the provision of specialised accommodation and support services.* *The Panel notes that the scheme has undergone several positive revisions since earlier design iterations, resulting in a substantially improved outcome. In particular, improvements to site access, circulation and overall functionality of the development are acknowledged and supported.* *The proposal is located within an area identified for transition under the Low and Mid-Rise Housing provisions, where increased residential density and a broader range of housing typologies are anticipated. In this context, the provision of seniors housing and specialist disability accommodation is considered an appropriate and desirable land use.* *Notwithstanding the above, careful consideration must continue to be given to the amenity impacts arising from boundary conditions, including privacy, outlook, building separation and the interface with adjoining properties. The design should ensure that future residents benefit from high levels of amenity while minimising impacts on neighbouring development.* *Subject to the resolution of the matters identified within this report, the Panel is generally supportive of the proposal and encourages its continued refinement.* **Strategic context, urban context: surrounding area character** *See above.*

Internal Referral Body	Comments
	Recommendations *Previous recommendations from Pre-DA stage:* *I. Provide adequate response to Country.* *o The Panel do not consider that this has been adequately addressed by the Applicant and would benefit from further consideration. This matter relates to site, landscape and context. The Australian Institute of Architects provides guidance on what connection to country entails.* *II. Provide adequate site analysis addressing topography, water, trees, urban context etc.* *o Acceptable* *III. Reduce excavation and disturbance to site.* *o Improved. Acceptable* *IV. Reconsider access strategy.* *o Improved but further work required* *Further recommendations for DA:* *1. See Item I above.* **Assessment Officer Comment:** The amended plans have satisfactorily addressed these recommendations as follows: • A Response to Country statement has been submitted in accordance with the relevant framework which addresses the harmonisation and connection of the development with the natural features of the land. **Scale, built form and articulation** *The Panel notes that the proposal is compliant with the applicable FSR and height controls. The Panel also acknowledges that improvements have been made to the building entry and access arrangements compared with earlier iterations of the scheme.* *Notwithstanding this, concerns remain regarding the overall built form strategy and whether the site can comfortably accommodate a development of the proposed size and scale whilst maintaining a high level of amenity for both future residents and neighbouring properties. Council's concerns regarding the dual-building character of the proposal and the potential impacts on surrounding amenity warrant further refinement.* *The Panel strongly supports the design objective of providing generous north-facing terraces to each dwelling. This is a compelling architectural and amenity-driven concept that responds well to the*

Internal Referral Body	Comments
	site's orientation and has the potential to deliver excellent outdoor living opportunities, solar access and outlook for residents. *While access arrangements have improved, the arrival experience for residents requires further refinement. The requirement for residents and visitors to move through the basement level to access building entries is not considered an ideal outcome. The Panel encourages the Applicant to reconsider this space as a key component of the architectural experience of the development. In this regard, the basement entry sequence should be designed more akin to a hotel porte-cochère, incorporating generous access to natural light, fresh air and landscape. The quality of materials, finishes, lighting and spatial treatment should reinforce the perception of this space as an extension of the building's public domain rather than a conventional basement circulation area.* *The Panel also recommends that residents of Units 3 and 4 be provided with more direct access to the communal terrace and Lift 3 via the circulation space adjacent to Lifts 1 and 2. This would improve convenience, accessibility and the overall functionality of the communal facilities.* *The proposed bay windows represent a positive response to privacy and outlook considerations and are moderately successful in reducing direct overlooking. However, the current design still permits views between apartments on different levels. Further refinement of the bay window geometry, orientation and screening elements is recommended to address these residual privacy impacts while maintaining access to daylight and outlook.* *<u>Recommendations</u>* *Previous recommendations from Pre-DA stage:* *V. Do not include subterranean habitable spaces.* *o Acceptable* *VI. Provide adequate articulation, surface area and aspect to enable habitable spaces access to light and air without compromising privacy.* *o Acceptable* *VII. Ensure adequate inclusion of realistic building tolerances and allowances.* *o Acceptable* *VIII. Ensure GFA calculations are consistent with applicable definition and realistic with respect to required extent of enclosure.* *o Council to confirm acceptance* *Further recommendations for DA:* *2. Improve the arrival experience by redesigning the basement entry*

Internal Referral Body	Comments
	sequence as a high-quality, light-filled and landscaped space that functions as an extension of the public domain rather than a conventional basement circulation area. *3. Incorporate additional natural light, fresh air, landscape treatment and high-quality materials within the basement access and entry spaces.* *4. Provide more direct pedestrian access from Units 3 and 4 to the communal terrace and Lift 3 via the circulation area adjacent to Lifts 1 and 2.* *5. Refine the design of the bay windows to further reduce overlooking and inter-apartment views between levels while maintaining daylight, outlook and architectural quality.* **Assessment Officer Comment:** The amended plans have satisfactorily addressed these recommendations as follows: • The arrival experience has been reconfigured within the existing building footprint with the creation of an open porte-cochere which will receive enhanced natural light and provide greater integration with the public domain. Substantial landscape treatment is maintained in the front setback area. • In addition, the circulation area adjacent to Lifts 1 and 2 has been expanded. Building A is considered to suitably access the communal terrace of Building B via Lift 1 and 2 and the adjoining accessible path. Furthermore, Building A has direct access to the communal central courtyard located between the dual pavilion structures. • The proposed internal-facing bay windows will be constructed of obscure glazing in accordance with the proposed window schedule and shall preserve inter-apartment visual privacy. **Access, vehicular movement and car parking** *See above.* *<u>Recommendations</u>* *Previous recommendations from Pre-DA stage:* *IX. Consolidate vertical pedestrian access to avoid long, convoluted access pathways.* *o Improved but further refinement recommended. As advised above.* *X. Ensure clear and distinct pedestrian pathways.* *o Improved but further refinement recommended. As advised above.* *XI. Do not depend on access solution requiring multiple elevators to be utilised.* *o Acceptable*

Internal Referral Body	Comments
	Further recommendations for DA: *6. See above.* **Assessment Officer Comment:** The amended plans have satisfactorily addressed these recommendations as follows: • As outlined above, the entry and arrival sequence has been suitably amended in accordance with the panel recommendations. **Landscape** *The Arborist report refers to AS4970:2009 which was updated in 2025 which must be rectified for a proper assessment and recommendations of encroachments.* *The proposal seeks removal of a significant large Corymbia citriodora Lemon Scented Gum (Tree #3) which has the Arborist has rated with a High Retention Value that should be considered for retention. The tree is located within the required side setback, and a minor building footprint redesign could facilitate its retention.* *The proposed plant schedule only incudes one large replacement canopy tree that will require decades to reach mature dimensions further supporting the case for retention of Tree #3.* *1. Tree retention* *• Consider relocating the level 1 Communal Open Space beneath Tree #3 Corymbia citriodora which is a natural asset and when highlighted and utilised properly would provide immediate and significant amenity for all residents while providing upper-level established tree canopy.* *• Consider having a more thorough Visual Tree Assessment conduction of Tree #3 to confirm its health and vigour and to verify the feasibility of a redesign.* *2. Tree replacement* *• With the powerlines located on the opposite side of the street, a more substantial (large) street tree should be considered that can reach a height of greater than 13 metres or two medium trees.* *• Consider the use of a structural root cell system to be placed beneath the footpath prior to replacing the footpath and around existing services in order to provide sufficient room for proper root development in loose friable soil.* *• The intention of the 3m dimension in all directions is to have each tree installation in the centre of this area which will provide room for the roots of each tree to send out roots in all directions which is a basic arboriculture principle for healthy plant growth and development as well as the stability of the tree. Implementation of this planning control should be consistent.*

Internal Referral Body	Comments
	3. Communal Open Space *• Communal Open Space is best when co-located with deep soil planting areas. The proposed central common area meets this requirement. Consider providing an additional communal open space area at the entry area to contribute toward the required 25%.* *4. Potted Plants or raised planter boxes* *• Consider providing permanently irrigated planting options on each of the private outdoor terraces for the option of a kitchen garden and small flowering plants for each of the residents as further landscape amenity.* *5. Maintenance access* *• It is unclear how the western boundary garden beds will be maintained, consider an access path to address this.* *• It will be necessary to have a strict pruning regime in place to ensure the blueberry ash hedge along the eastern boundary remains in check allowing egress for pedestrians.* *<u>Recommendations</u>* *Previous recommendations from Pre-DA stage:* *XII. Consider providing adequate areas of unencumbered deep soil for planting canopy trees in the most appropriate locations and co-locating tree planting with communal open spaces.* *o This recommendation has been properly addressed in the landscape documentation and is compliant with the relevant planning controls.* *XIII. Consider integrating the entry garden bed with some sort of landscape amenity for the residents and their guests.* *o This recommendation has been mostly addressed however further investigating providing an entry level, hotel style arrival area which should be explored further by the landscape architect.* *XIV. Consider creating a communal open space area between buildings for connectivity and providing an outdoor area equally located between the furthest units.* *o This recommendation has been addressed by the landscape architect and a nice open space, communal area has now been provided.* *XV. Consider the use of pergola structures with deciduous vines over courtyard areas to provide an element of privacy and a sense of an outdoor room.* *o The architectural plans show pergola structures which addresses the recommendation however, further work is required and this is to be reflected in the landscape plans.* *XVI. An Arborist report is required.* *o The arborist report provided needs to fix inconsistencies with*

Internal Referral Body	Comments
	reference to AS4970:2009 which need to reference the updated AS4970:2025. *XVII. Deep soil and landscape calculations are required.* *o Deep soil calculations have been provided by the Architect on page 16 of the documentation package which are compliant with the relevant controls.* *XVIII. Consolidated landscaped area 65% at rear to incorporate tree canopy & deep soil landscaping.* *o This recommendation has been addressed, and sufficient deep soil areas have been provided in what can be considered two backyard areas. One being the communal area between buildings and the other being the area behind unit #9.* *XIX. Will require extensive retaining and drainage treatments.* *o The landscape plans show a series of retaining walls that can be further detailed at Construction Certificate stage. The referral suggests providing maintenance access pathways down both sides of the development. Drainage has not been resolved by the landscape plans. More information can be provided referencing the overland flows at the Construction Certificate stage.* *XX. Navigation on foot around the site requires agility and flexibility not characteristic of many older seniors.* *o The architect has addressed this issue with a series of flat pathways and lifts to assist in transversing the site more easily by all abilities.* *XXI. Front area appears to be dedicated to vehicle circulation with pedestrian circulation secondary.* *o This recommendation has been addressed in the latest submission but more potential to further resolve the front entry should be investigated.* *XXII. Private open space areas have not been identified.* *o Private open space areas have been documented on page 15 of the architectural plans.* *Further recommendations for DA:* *7. See above.* **Assessment Officer Comment:** The amended plans have satisfactorily addressed these recommendations as follows: • As per the above comments, the DSAP is generally supportive of the proposal in the context of landscape character and was satisfied with the amendments to the proposal made following the pre-lodgement stage. Communal open space and circulation areas have been enhanced and co-located with

Internal Referral Body	Comments
	deep soil planting and pergola structures. Council's Landscape Officer has also reviewed the proposal and raised no objection to approval in the context of the landscape amenity or tree removal, subject to recommended conditions of consent. **Amenity** *The communal open space areas are generally well resolved and are expected to provide a strong sense of enclosure, comfort and outlook. These spaces have the potential to function as high-quality communal environments that support resident interaction and contribute positively to the overall amenity of the development.* *<u>Recommendations</u>* *Previous recommendations from Pre-DA stage:* *XXIII. The panel do not find the length of circulation proposed and the necessity to utilise two separate elevators to gain access to dwellings acceptable. Due to slope of site, it appears that it may only be possible to provide dignified access to one core. This may be the limiting factor of development of this type on the site. The applicant should be advised that the yield capacity of the site for this type of development may be far lower than as proposed due to this factor alone.* *o Acceptable* *XXIV. Provide distinct pedestrian point of address and dedicated, clear horizontal circulation, ensuring access to light and air throughout these common spaces.* *o Acceptable* *XXV. Separate and untangle vehicular movements from pedestrian entry.* *o Further improvements recommended* *XXVI. Whilst strict compliance with building separation requirements in the ADG would likely sterilise the site, ensure that when habitable spaces are located close to side boundaries, that spaces are planned such that they can face away from other buildings and habitable spaces appropriately.* *o Improved but further design refinement required.* *XXVII. Ensure all habitable rooms have adequate access to daylight.* *o Acceptable* *XXVIII. Ensure interfaces between common circulation and habitable spaces do not undermine privacy of habitable spaces.* *o Acceptable* *XXIX. Provision for high quality, accessible communal open spaces.* *o Acceptable*

Internal Referral Body	Comments
	Further recommendations for DA: *8. See recommendations in Scale Built Form (above)* **Assessment Officer Comment:** The amended plans have satisfactorily addressed these recommendations as follows: • As above, the DSAP are generally supportive of the amended proposal in the above context and amenity impacts have been well-resolved following pre-lodgement stage. • As also outlined above, the entry and arrival sequence has been suitably amended in accordance with the panel recommendations. • Visual privacy will be preserved as a result of the articulated side elevations and inward-facing bay windows which will not result in overlooking opportunities to adjoining neighbours. The communal terrace, attached private terraces and front wrap-around windows are centrally located and effectively treated by fixed screening, obscure glazing and boundary landscape treatment. • Furthermore, it is noted a reduction to the habitational capacity and trafficable area of the proposed attached terraces to each unit is recommended by condition of consent. This design amendment will result in a reduction in opportunities for visual and acoustic privacy impacts resulting from the proposed terraces. **Façade treatment/Aesthetics** *Insufficient detail provided. Further information required to Council satisfaction.* *<u>Recommendations</u>* *Previous recommendations from Pre-DA stage:* *XXX. In cases where habitable spaces are located within 6m of side boundary, carefully oriented splayed walls and pop-out windows may assist in effectively managing the nexus of daylight, privacy and ventilation requirements.* *o Further design refinement required.* *XXXI. The Panel would encourage calm, honest expression of built form with well resolved details and junctions and avoidance of applied and faux materials.* *o Acceptable* *XXXII. Ensure considered integration of required servicing, especially firefighting infrastructure.* *o Acceptable*

Internal Referral Body	Comments
	Further recommendations for DA: *9. Further detail required.* **Assessment Officer Comment:** The amended plans have satisfactorily addressed these recommendations as follows: • All windows and terraces which are orientated towards and located within 6m of a side boundary, are well treated by fixed screening, obscure glazed materials and boundary planting. The nexus of sunlight, privacy and ventilation is considered to be preserved to internal residents as well as to adjoining principal living and open space areas. • As discussed within this report and addressed by suitable conditions of consent, the trafficable area and habitational capacity of the proposed terraces shall be slightly reduced, whilst also reducing the built form required by fixed privacy screening. Notwithstanding, the internal amenity benefits provided by the generously sized north-facing terraces, which is considered a key strength of the design as concluded by the DSAP, shall be preserved. **Sustainability** *The applicant has addressed a lot of the sustainability comments from the previous panel, which is appreciated. Some further changes could be made to improve the sustainability outcomes of the development. These are outlined in the recommendations below.* *• Replace the gas hot water with electric, preferably heat pumps as the most efficient option for providing hot water.* *• Increase the number of solar panels by providing solar panels to both roof tops. This is particularly important as a demographic that would benefit from the long-term operational savings from the solar energy.* *• Make sure EV charging is provided in the car park, including for the bus which feasibly could be an electric bus.* *• Provide space for mobility scooter parking and charging in the basement.* *• Increase the amount of double glazing to the apartments to improve thermal comfort and energy efficiency.* *<u>Recommendations</u>* *Previous recommendations from Pre-DA stage:* *XXXIII. Clean Energy* *a. Use all-electric systems (avoid gas for cooking, heating, and hot water).* *b. Install rooftop solar panels (PV) wherever possible. Their efficacy*

Internal Referral Body	Comments
	can be greatly enhanced when placed over a green roof, which has additional biodiversity benefits. *c. Hot water storage is a de facto battery if heated by PVs during the day.* *d. Consider on site battery storage as a highly desirable back-up during the transition to a de-carbonised grid.* *o Further work required* *XXXIV. Electric Mobility* *a. Provide EV charging points (at least 15 amp for Level 1 charging).* *b. Include facilities for charging and storing e-bikes and mobility scooters.* *o Further work required* *XXXV. Passive Design & Thermal Comfort* *a. Ensure that at least 70% of the apartments achieve a minimum of 2 hours of solar access to habitable living rooms between 9am – 3pm.* *b. Higher BASIX thermal performance standards that commenced on 1 October 2023 require an average 7 stars NatHERS, with no unit below 6 stars. This is consistent with the National Construction Code for 2022. Given the coastal location a very comfortable indoor environment should be achievable.* *c. Include ceiling fans to improve comfort and reduce reliance on air-conditioning.* *o Further work required* *XXXVI. Water Efficiency* *a. Use water-efficient fixtures and appliances.* *b. Plan for site-wide system to collect rainwater and reuse for landscaping and toilet flushing.* *c. Landscape design and planting should be water tolerant and suitable for the microclimate.* *o Acceptable* *XXXVII. Embodied Carbon Reduction* *a. Reuse materials from any demolished buildings (e.g. masonry, timber, fittings, equipment).* *b. Design simply: minimise complex structures, large spans, façade steps, and unnecessary finishes.* *c. Keep building size modest and optimise design of spaces.* *d. Use fewer materials where possible (e.g. exposed concrete floors, reduced tiling).* *e. Design for durability and adaptability over time, accounting for different systems.* *f. Preference low-carbon or renewable materials (e.g. timber, recycled steel, low-carbon concrete).* *o Limited detail provided* *Further recommendations for DA:* *10. Further information recommended.*

Internal Referral Body	Comments
	Assessment Officer Comment: The amended plans have satisfactorily addressed these recommendations as follows: • Electric systems are provided for all energy and appliance systems, with the exception of water heating which is connected to gas to supply the building's hot water demand. • EV charging provisions are included in the car parking level, with the bus bay also capable of supporting future transition of the minibus to an electric vehicle. Mobility scooter and e-bike charging facilities also provided. • Internal solar access is consistent with ADG provisions and BASIX performance standards are satisfied thereby achieving suitable thermal comfort levels. • The re-use and incorporation of resilient low-maintenance materials provide suitable durability and adaptability. ***PANEL CONCLUSION*** *The Panel is generally supportive of the proposal and acknowledges the considerable improvements made to the scheme, particularly in relation to access, circulation and the quality of communal spaces. The provision of generous north-facing terraces is strongly supported and represents a key strength of the design, delivering high levels of amenity, solar access and outlook for future residents.* *The proposal has the potential to provide an excellent community facility and a positive addition to the locality. Notwithstanding this support, further refinement is recommended to improve the arrival experience, strengthen privacy outcomes between dwellings, enhance accessibility to communal facilities, and ensure the overall architectural quality is fully realised.* *Subject to these matters being addressed, the Panel considers the proposal capable of achieving a high standard of design and residential amenity.*

Internal Referral Body	Comments
Landscape Officer	**REFERRAL COMPLETED - CONDITIONS RECOMMENDED** The subject application proposes the demolition of the existing dwelling and the construction of Specialist Disability Accommodation (SDA) incorporating nine (9) Independent Living Units (ILU's) and associated parking pursuant to the provisions of Chapter 3, Part 5 of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). The property is located in the Low and Mid Rise Housing zone. An Arboricultural impact Assessment and Landscape Plans are submitted for Landscape Referral assessment. Arboricultural impact Assessment: The existing trees in neighbouring properties that are in proximity shall all be retained and the reports identifies tree protection fencing for tree numbered 7 along the boundary. To protection tree numbered 8 the existing boundary fencing shall be maintained. Within the development property tree numbered 1 shall be retained with tree protection fencing to be installed for the duration of the construction. Trees numbered 2, 3, 4, 5, 6 and 9 are recommended for removal and no concerns area raised subject to canopy offset planting. Of these trees 3, 5 and 6 are prescribed trees requiring Council consent. Tree protection measures as recommended for trees numbered 1, 7 and 8 shall the subject to imposed conditions. Landscape Plans: The Landscape Plans provide for hard and soft landscape proposals upon natural ground and on structure. Landscape Referral consider the landscape proposal is an appropriate landscape setting outcome to satisfy SEPP Housing requirements. Canopy tree planting is documented within the front and rear setbacks as well as other planting, and suitable screening trees and other planting are proposed to side boundaries. Common open space areas are incorporated into the landscape setting and specifically the central courtyard area affords communal opportunities for social interaction with the provisions of garden, pavement and seating areas. The proposed deep soil areas across the development site are noted in the application as achieving the requirements of SEPP Housing 2021 clause 108(2)(f) and this matter shall be assessed for compliance by the Assessing Planning Officer. Based on the available deep soil areas Landscape Referral considers that the proposed tree planting as documented on the Landscape Plans provides adequate canopy coverage across the property to soften the bulk and scale of the development in consideration of clause 97(2) of SEPP Housing, as well as clause 97(2)(f) and 97(2)(g).

Internal Referral Body	Comments
NECC (Development Engineering)	**REFERRAL COMPLETED - CONDITIONS RECOMMENDED** **Updated Comments 22/9/2026** The updated stormwater drainage plans by Taylor Consulting dated August 2026 , have been reviewed and are satisfactory . OSD condition to be updated accordingly. **Previous conditions** The proposed seniors living development is supported subject to conditions. The stormwater management plan as prepared by Taylor Consulting is acceptable . An Inlet pit will be required to be constructed over the existing Council stormwater line in Delmar Parade to facilitate a stormwater connection to Councils system as the proposed skewed outlet impacts the adjoining vehicle access and is not acceptable.
NECC (Water Management)	**REFERRAL COMPLETED - CONDITIONS RECOMMENDED** The Catchment Team has reviewed the amended stormwater documentation. Stormwater quantity and drainage matters are assessed separately by Council's Development Engineer. This referral is therefore limited to stormwater quality. The amended stormwater management plan identifies and sizes the proposed stormwater quality treatment measures. The supporting MUSIC modelling demonstrates compliance with Council's Generic Water Quality Targets, and appropriate operation and maintenance documentation has been provided. The geotechnical report indicates that the regional groundwater table is not expected to be intercepted by the proposed excavation, although minor seepage may occur at the soil-bedrock interface and along defects within the sandstone. Groundwater, seepage and construction water are to be managed in accordance with the recommendations of the geotechnical consultant and Council's relevant conditions. The previous concerns have been resolved, and no objection is raised from a stormwater quality perspective, subject to the recommended conditions.

Internal Referral Body	Comments
Traffic Engineer	**REFERRAL COMPLETED - CONDITIONS RECOMMENDED** The proposal by the Manly House Foundation to provide a Specialist Disability Accommodation facility at 70 Delmar Parade Dee Why has been reviewed. It involves the demolition of the existing dwelling and the construction of Specialist Disability Accommodation (SDA) incorporating nine (9) Independent Living Units (ILU's) and associated parking in the basement. The development will include 4 One bedroom ILU's and 5 Two bedroom ILU's along with parking provision for 2 staff vehicles, a facility commuter bus, and a visitor/ambulance bay (accessible). **Parking Assessment.** The proposed development does not provide parking for the residents of the facility as it is classified High Physical Support. The development is using SEPP clause 108J *(for a development application made by, or made by a person jointly with, a social housing provider or Landcom—at least 1 parking space for every 5 dwellings)* provision of parking resulting in 2 parking spaces to be included. In addition to the staff parking there is one visitor space provided which also doubles as an ambulance bay should it be required. There is also an internal bus bay for the on-site accessible bus that will be provided to cater for the residents of the facility. The staff parking is stacked parking which is suitable for the facility and the carpark provides sufficient space to allow for vehicle manoeuvring and caters for staff shift change requirements. Bicycle parking for staff is also provided to encourage active transport options, which complies with the Warringah DCP rate. There is limited parking within Delmar Parade to cater for any additional visitor parking requirements, due to the nature of the adjoining land uses and existing road geometry requiring parking restrictions in several locations. There is likely to be on-street parking available however within a 400m walking distance but this may not be suitable for all visitors. **Traffic Generation Assessment** The nature of the facility is outside the published rates in the Transport for NSW guidance due to the niche nature of the development. The Traffic and Parking report provided by Terraffic Pty Ltd, uses a first principles assessment of the impact of the traffic generated based on staff number and shift changeover times, which is an approach that has merit and can be supported in this instance. The development is likely to generate around 3 vehicle trips at the two main shift change times, which are on the cusp of the traditional peak hour periods and as such unlikely to affect traffic within Delmar Parade. **Carpark and Access Design** The carpark design provides for the ability of all vehicles to enter and

Internal Referral Body	Comments
	leave in a forward direction and this would include the on site bus being able to achieve this outcome. As the carpark is only generally for the facility staff there is limited concern around the potential conflict at the 3m wide driveway crossover. The traffic report has limited turning path analysis, however it demonstrates that the largest proposed vehicle can turn around in the carpark. The applicant will be required to provide additional turning path analysis by conditions.

Internal Referral Body	Comments
Waste Officer	**REFERRAL COMPLETED - CONDITIONS RECOMMENDED** 9 units for residents with specialist disability needs. Elephants Foot Consulting Operational Waste Management Plan Report No 708136 Revision D dated 14/4/2026 Construction and Demolition Waste Management Plan Report Rev D dated 15/4/2026 (With EFC) Operational Plan of Management prepared for Manly House Group April 2026 Council would supply shared bins for nine units of 3 red lid 240L waste, 2 x 240L blue lid paper and cardboard recycling, 2 x 240L container recycling, 2 x 240L green lid vegetation and 1 x 240L food organics recycling bin. Bin holding area adjacent to the entrance will need to be sufficient to house a minimum of 10 bins on domestic waste collection day with streams not being stacked to ensure the contractor has easy access to each commodity for collection. Council would service the domestic waste bins on a wheel out/wheel in basis. There must be sufficient space for the 10.5 council waste collection vehicles to park at kerbside to provide the service. Specialist Disability Accommodation caretakers will be responsible for managing and segregating waste and recycling. Bin storage areas for the development indicated on the plans are not equitable and do not allow for easy access for all carers to the full range of waste streams serviced by council. There seem to be more bins located at the rear of level 3 than elsewhere and the bin carting route requires the bins to be taken down to level 2 and carted from the rear of the building to the central lifts which is <60m and there is then after using the lifts to move bins to the ground level, an additional 42m to the bin presentation area. This is an unreasonable distance to expect caretakers to move bins through a series of pathways and lifts. Bin moving equipment would need to be provided and bin carting paths indicated on the plans in addition to storage for bin moving equipment if each level is to have storage for council's 240L mobile garbage bins. An additional separate bunded area for medical wastes including an adsorbent personal waste product collection service (if required) would be necessary at ground level and a private collection contractor would be required to service this. Bin moving paths and/or swept paths should be provided to demonstrate how this collection would occur. The Operational Plan of Management refers (pg 5) to waste management facilities on the ground floor. There is only the holding bay at the entrance - no other waste management appears to be within the ground floor. No residential bulky waste storage is required but a specialist disability development may require storage for wheelchairs, hoists and other

Internal Referral Body	Comments
	mechanical aides required for care that require replacing. There may be a benefit to amenity of the development in considering this. Updated Waste Officer comments Monday 14th September 2026- Review of waste facilities on Amended Master Set Plans dated 12/08/2026 The street level bin holding bay has been amended to reflect 10 x 240L bins being able to be stored and presented for a wheel out/wheel in bin service in single rows, not stacked as per previous plans. As per the applicant's response to the original waste referral comments regarding distance from the various bin storage locations within the property to bin holding area at the front of the property, the applicant takes responsibility for this bin movement distances and states they engage Supported Independent Living Support Staff to carry out this task without the aid of any mechanical bin carting equipment noting all access is via gradient, compliant pathways and lifts and noting additional lift access has been provided. The amended plans also show the addition of a bunded medical area for the storage of a medical waste bin, this is located on the ground floor inside the building at the front right hand side, just in front of the visitor parking space. The supply and servicing of this medical waste bin will be a condition of consent to provide a commercial bin and contractor to service this medical waste bin. This bin will need to be serviced by a commercial waste contractor entering the building to retrieve the bin, wheeling it out and servicing it, then wheeling it straight back inside the building to its storage location, Council will not accept this bin being presented kerbside for servicing. Northern Beaches Council will only provide 10 x 240L bins consisting of 3 x 240L red general waste bins, 3 x 240L blue recycle bins, 2 x 240L yellow recycle bins and 2 x 240L green vegetation/food waste bins, if additional bins are required, these will have to be purchased and stored within the complex and waste transferred into the Northern Beaches Council bins for scheduled bin servicing, Council does not supply additional bins than what is allocated for 9 x living units.

External Referral Body	Comments
External - Ausgrid - Section 4.31 of SEPP (Planning Systems) 2021 Development near electricity infrastructure - s4.31 (of SEPP) 2021	**REFERRAL COMPLETED - CONDITIONS RECOMMENDED** In accordance with Clause 4.31 of SEPP (Planning Systems) 2021, 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)

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.

Comment:
The subject site is sited within the Greater Sydney region. Under Schedule 2 of the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024, S*pecialist Disability Accommodation* (SDA) within the meaning of the National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020 of the Commonwealth, are exempt from the housing and productivity contribution.

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No.1843168M dated 22/04/2026).

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

Chapter 3 Diverse housing

Part 5 – Housing for seniors and people with a disability

Division 3 Development Standards

Clause 84 – Development Standards (General)	
Standard	**Compliance/Comment**
(2) Development consent must not be granted for the development unless:	
(a) The site area of the development is at least 1,000m².	Subsection (2)(a) does not apply to development if the development application is made by a social housing provider or Landcom.
(b) The frontage of the site area of the development is at least 20m measured at the building line.	Subsection (2)(b) do not apply to development if the development application is made by a social housing provider or Landcom.
(c) for development on land in a residential zone where residential flat buildings are not permitted: (i) the development will not result in a building with a height of more than 9.5m, (ii) excluding servicing equipment on the roof of the building, and if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m, the servicing equipment must— (A) be fully integrated into the design of (iii) the roof or contained and suitably screened from view from public places, and (B) be limited to an area of no more than 20% of the surface area of the roof, and (C) not result in the building having a height of more than 11.5m, and if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	N/A - Residential Flat Buildings are permitted on the subject site pursuant to Chapter 6, Part 4 of SEPP (Housing) 2021.

Clause 85 – Development Standards for Hostels and Independent Living (Self-Care) Units
Standard

(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the following under Schedule 4.
(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.

An assessment against Schedule 4 has been completed in the following tables:

In accordance with Clause 85(2), sections 2 and 5-21 do not apply to units, or part of a unit, located above the ground floor.

Part 1 - Standards applying to hostels and independent living units	
Section 2 - Siting Standards	
(1) **Wheelchair access** If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel to an adjoining public road.	**Complies** It is noted the site has a sloping gradient of greater than 1:10 and all dwellings are wheelchair accessible by a continuous accessible path of travel. An Access Report prepared Accessibility Solutions has been provided with the application which demonstrates that all lift landings, circulation widths, turning, passing and common areas are consistent with relevant standards including AS1428.1 Design for access and mobility.
(2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the (b) proportion of the site that has a gradient of less than 1:10, or 50% (whichever is greater), and the wheelchair access provided must be by a continuous accessible path of travel to an adjoining public road or an internal road or a driveway that is accessible to all residents.	
(3) **Common areas** Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	
Section 3 - Letterboxes	
Letterboxes: (a) must be located on a hard standing area, (b) and (c) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and must be lockable by a lock that faces a wheelchair accessible path.	**Complies** The plans indicate that lockable and accessible letterboxes will be installed adjacent to the front site entrance pathway.
Section 4 - Carparking	

(1) If parking spaces attached to or integrated with a class 1 building under the Building Code of Australia are provided for use by occupants who are seniors or people with a disability, at least 1 parking space must: (a) be at least 3.2m wide, and (b) be at least 2.5m high, and (c) have a level surface with a maximum gradient of 1:40 in any direction, and (d) be capable of being widened to 3.8m without requiring structural modifications to a building.	N/A
(2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies: (a) for a parking space not in a group—the parking space must comply with AS/NZS 2890.6,	**Complies** The proposed development complies with the minimum parking standard prescribed by Clause 108(j) of the SEPP. In accordance with the provided Access Report (prepared Accessibility Solutions) the proposed parking arrangement shall achieve consistency with AS/NZS 2890.6 and all requirements under Section 4.
(b) for a group of 2–7 parking spaces: (i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and (ii) 50% of the parking spaces must: (A) comply with AS/NZS 2890.6, or (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction,	
(c) for a group of 8 or more parking spaces— (i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and (ii) at least 50% of the parking spaces must— (A) comply with AS/NZS 2890.6, or (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.	N/A
(3) To avoid doubt, a parking space that complies with AS/NZS 2890.6 is only counted toward 1 of the requirements in subsection (2)(b)(i) or (ii) or (c)(i) or (ii).	
(4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6.	**Complies** - see subsection 2.
(6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.	**Complies** - see subsection 2.
(7) A parking space, other than a parking space under subsection (6), must be— (a) secured by a power-operated door, or (b) capable of accommodating the installation of a power-operated door, including by having— (i) access to a power point, and (ii) an area for motor or control rods for a power-operated door.	**Complies** - see subsection 2.
Section 5 - Accessible Entry	

(1) The main entrance to a dwelling must have: (a) a clear opening that complies with AS 1428.1, and (b) a circulation space in front of the door and behind the door that complies with AS 1428.1.	**Complies** The proposed dwelling entrances provide adequate circulation space and clearances to comply with AS 1428.1.
Section 6 - Interiors	
(1) An internal doorway must have an unobstructed opening that complies with AS 1428.1.	**Complies** The internal doorways comply with AS 1428.1.
(2) An internal corridor must have an unobstructed width of at least 1,000mm.	**Complies** The internal corridors are 1m or greater in width.
(3) The circulation spaces in front of and behind an internal doorway in the following areas must comply with AS 1428.1— (a) a kitchen, (b) a laundry, (c) a bathroom, (d) a toilet, (e) a bedroom, (f) a living area, (g) the main area of private open space.	**Complies** All internal doorways have compliant circulation space on both sides of the door in accordance with AS1428.1-2021.
Section 7 - Bedroom	
At least 1 bedroom within each dwelling must have: (a) a clear area, not including a circulation space, sufficient to accommodate— (i) for a hostel—a wardrobe and a (ii) single-size bed, or for an independent living unit—a wardrobe and a queen-size bed, (b) a clear area around the area for the bed of at least— (i) 1,200mm at the foot of the bed, (ii) and 1,000mm on each side of the bed, (c) at least 2 double general power outlets on the wall where the head of the bed is likely to be, (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be.	**Complies** Each unit contains bedrooms of sufficient proportions to comply with this requirement.
Section 8 - Bathroom	

(1) At least one bathroom in a dwelling must be located on: (a) the same floor as the entry to the (b) dwelling, or c) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The bathroom must have the following: (a) a slip resistant floor surface that achieves a minimum rating of P3 (b) in accordance with AS 4586—2013, (c) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use existing hydraulic lines, a shower that— (d) (i) is accessible without a (e) shower-hob or step, and (ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and (iii) is in the corner of a room, and (iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1, a wall cabinet with shelving illuminated by an illumination level of at least 300 lux, a double general power outlet in an accessible location, in accordance with AS 1428.1.	**Complies** Each unit contains accessible bathrooms.
Section 9 - Toilet	
(1) At least one toilet in a dwelling must be located on— (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	**Complies** The toilets within each unit are located on the same floor as the entry to the unit.

(2) The toilet must have the following— (a) a water closet pan— (i) in the corner of the room, and (ii) with a centreline set-out in accordance with AS 1428.1, (b) a circulation space in front of the water closet pan that is— (i) at least 1,200mm long and at least 900mm wide, and (ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails, (c) a circulation space around the water closet pan that complies with AS 1428.1, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1. (3) A removable shower screen may be located in the circulation space specified in subsection (2)(c).	**Complies** The plans illustrate a suitable toilet pan with adequate clearances as well as a removable shower screen.
Section 10 - Surfaces of balconies and external paved areas	
Balconies and external paved areas must have surfaces that are slip resistant and comply with— (a) theBuilding Code of Australia, or (b) the Standards Australia Handbook SA HB 198:2014, Guide to the specification and testing of slip resistance of pedestrian surfaces, published on 16 June 2014.	**Complies** The Access Report states that this information will be included on the construction plans to demonstrate compliance.
Section 11 - Door Hardware	
(1) Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1.	**Complies** The Access Report states that this information will be included on the construction plans to demonstrate compliance.
Section 12 - Switches and power points	
(1) Switches and power points must— (a) comply with AS 1428.1, or (b) be capable of complying with AS 1428.1 through future adaptation.	**Complies** The Access Report states that this information will be included on the construction plans to demonstrate compliance.
Section 13 - Private passenger lifts	

(2) The private passenger lift must— (a) be at least 1,100mm wide and at least 1,400mm long, measured from the lift car floor, and (b) have a clear indoor landing on all floors serviced by the lift, other than the floor on which the main area of private open space is located, at least 1,540mm long and at least 2,070mm wide, and (c) have controls that comply with— (i) AS 1735.12:2020, Lifts, escalators and moving walks, Part 12: Facilities for persons with disabilities, published on 26 June 2020, or (ii) AS 1735.15:2021, Lifts, escalators and moving walks, Part 15: Safety rules for the construction and installation of lifts — Special lifts for the transport of persons and goods — Vertical lifting platforms intended for use by persons with impaired mobility, published on 23 July 2021. (3) The width of the door opening of the private passenger lift must be at least 900mm. (4) The private passenger lift must not be a stairway platform lift.	N/A – The lifts within the development are for common use.

Part 2 - Additional Standards for Independent Living Units	
Section 15 - Bedroom	
At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on: (a) the same floor as the entry to the unit, or (b) a floor serviced by a private passenger lift accessible only from inside the unit.	**Complies** The bedrooms are located on the same floor as the entry to the units.
Section 16 - Access to kitchen, Main Bedroom, Bathroom and Toilet	
(1) A living room in an independent living unit must be located on— (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	**Complies** The living rooms are on the same floor as the entry to the units.
(2) The living room must have— (a) a circulation space that— (i) is clear of all fixtures, and (ii) has a diameter of at least 2,250mm, and (b) a telecommunications or data outlet adjacent to a general power outlet.	**Complies** The living rooms contain adequate circulation space.
Section 17 - Main area of private open space	
The main area of private open space for an independent living unit must be located on: (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	**Complies** The private open space within each unit are on the same level as the entryway.

Section 18 - Kitchen	
(1) A kitchen in an independent living unit must be located on: (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	**Complies** The kitchens are located on the same level as the entry to the units.
(2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.	**Complies** The circulation spaces are compliant.
(3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without— (a) relocating the sink, or (b) moving a load-bearing wall, or (c) breaching another circulation requirement.	**Complies** The circulation spaces are already 1.55m and compliance is achieved.
(4) The kitchen must have the following fittings— (a) a bench that includes at least one work surface that is— (i) at least 800mm long, and (ii) clear of obstructions, and (iii) not in the corner of the room, (b) a lever tap set with the lever and water source that is within 300mm of the front of the bench, (c) a cooktop next to the work surface, (d) an isolating switch for the cooktop, (e) an oven that— (i) has operative elements between 450mm and 1,250mm above the finished floor level, and (ii) is next to the work surface, (f) at least one double general power outlet located within 300mm of the front of a work surface.	**Complies** The kitchens comply with this clause.
(5) The cupboards must— (a) not be entirely located in the corner of the bench or the corner of the room, and (b) face where the user of the fixture is likely to be.	**Complies** The cupboards comply with this requirement.
(6) An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard.	**Complies** The cupboards are capable of compliance with this requirement.
(7) A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard.	**Complies** The cupboards are capable of compliance with this requirement.

(8) The lever tap set, cooktop, isolating switch, oven and double general power outlet must— (a) not be in the corner of the bench or the corner of the room, and (b) face where the user of the fixture is likely to be.	**Complies** The kitchen complies with this requirement.
(9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.	**Complies** Cabinetry work is capable of being easily removed.
Section 19 - Laundry	
(1) A laundry in an independent living unit must be located on: (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	N/A No laundry is proposed in any independent living units and therefore this standard does not apply. The proposed development includes a shared laundry facility which is accessed by all lifts and with support staff to assist residents with the usage. This is consistent with the land use definition for independent living units under WLEP 2011 which states; *"clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis".*
(2) The laundry must have the following: (a) a circulation space that complies with AS 1428.1 at the approach to any external doors, (b) an appropriate space for an automatic washing machine and a clothes dryer, (c) a clear space in front of each appliance of at least 1,550mm, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (e) a continuous accessible path of travel to the main area of private open space or any clothes line provided for the dwelling.	**Complies** The shared laundry complies with the circulation space requirement and additional detailing on the construction plans will demonstrate compliance with the slip rating requirements
(4) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations: (a) for below-bench cupboards—towards the top, (b) for overhead cupboards—towards the bottom, (c) for floor-to-ceiling doors—between 900mm and 1,100mm above the finished floor level.	N/A
Section 20 - Linen storage	
An independent living unit must have a floor-to-ceiling linen storage cupboard that— (a) is at least 600mm wide, and (b) has adjustable shelving.	**Complies** The units have compliant storage.

Section 21 - Lift access in multi-storey buildings	
An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the Building Code of Australia, Volume 1, Part E3.	**Complies** The units that are located above the ground storey are accessible by a compliant lift.
Section 22 - Garbage and recycling	
A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.	**Complies** Bin storage areas are accessible by continuous paths of travel.

Clause 87 – Additional Floor Space Ratios	
Standard	**Compliance/Comment**
(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if:	
(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5, Chapter 6 or another environmental planning instrument, or (b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	Development for the purposes of a residential flat building or shop top housing are permitted on the land under Chapter 6 SEPP (Housing) 2021.
(2) Development consent may be granted for development to which this section applies if:	
(a) the site area of the development is at least 1,500m², and	The surveyed site area of the development is 1,383m2 and therefore this section does not apply.
(b) The development will result in a building with the maximum permissible floor space ratio plus: (i) for development involving independent living units - an additional 15% of the (ii) maximum permissible floor space ratio if the additional floor space is used only for (iii) the purposes of independent living units, or for development involving a residential care facility - an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or for development involving independent living units and residential care facilities - an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and	N/A

(c) The development will result in a building with a height of not more than 3.8m above the maximum permissible building height.	N/A

Clause 88 – Restrictions on Occupation of Seniors Housing	
Standard	**Compliance/Comment**
(1) Development permitted under this Part may be carried out for the accommodation of only the following:	A condition of consent is recommended to ensure that only persons referred to in sub-section (1) shall occupy the accommodation to which the development relates.
(a) seniors or people who have a disability,	
(b) people who live in the same household with seniors or people who have a disability,	
(c) staff employed to assist in the administration and provision of services to housing provided under this Part.	
(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in sub-section (1) will occupy accommodation to which the development relates.	

Clause 90 – Subdivision	
Standard	**Compliance/Comment**
(1) Development consent may be granted for the subdivision of land on which development is carried out under this Part.	No subdivision is proposed under this application.
(1A) Development consent for the subdivision of land may be granted at any time, including before the development under this part is carried out.	
(2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	

Division 4 – Site-related requirements

Clause 93 – Location and access to facilities and services (independent living units)	
Standard	**Compliance/Comment**
(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services:	

<table>
<tr><td>(a) by a transport service that complies with sub-section (2), or</td><td rowspan="2">Complies

The accompanying access report and operational plan of management confirms that the developer and operator, the Manly House Group will provide an “on-site” transport service in the form of a wheelchair accessible minibus that will convey residents to appointments, shopping and recreational activities, within the meaning of 'facilities and services' as defined under this clause.

A condition of consent is recommended that the development must provide the above transport service in perpetuity.</td></tr>
<tr><td>(b) on-site.</td></tr>
<tr><td colspan="2">Note: Facilities and services means:
(a) shops and other retail and commercial services that residents may reasonably require, and
(b) community services and recreation facilities, and
(c) the practice of a general medical practitioner.</td></tr>
<tr><td colspan="2">(2) The transport service must:</td></tr>
<tr><td>(a) take the residents to a place that has adequate access to facilities and services, and</td><td rowspan="3">Complies

The submitted Access Report and Operational Plan of Management states the transport service will operate daily 7 days per week with services in the morning and afternoon. The provision of this transport service in perpetuity and for the life of the development, forms a suitable condition of consent.</td></tr>
<tr><td>(b) for development on land in a designated Sydney local government area or the Central Coast local government area—
(i) not be an on-demand booking service for
(ii) the transport of passengers for a fare, and
be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and</td></tr>
<tr><td>(c) for development on other land—be available both to and from the site during daylight hours at least once each weekday.</td></tr>
<tr><td colspan="2">(3) For the purposes of sub-sections (1) and (2), access is adequate if:</td></tr>
<tr><td>(a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and
(b) the distance is accessible by means of a suitable access pathway, and
(c) the gradient along the pathway complies with sub-section (4)(c).</td><td>Complies

The minibus parking bay is located at the ground floor adjacent to the lift lobby of Building A and is accessible to occupants by suitable access pathways of appropriate gradients provided on-site.</td></tr>
<tr><td colspan="2">4) In sub-section (3):</td></tr>
</table>

a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and b) the distance is to be measured by reference to the length of the pathway, and c) the overall average gradient must be no more than 1:14 and the gradients along the pathway must be no more than: i) 1:12 for a maximum of 15m at a time, or ii) 1:10 for a maximum length of 5m at a iii) time, or 1:8 for a maximum length of 1.5m at a time.	**Complies** As per above, the transport service is provided on-site and is accessible by suitable access pathways.

Clause 95 – Water and sewer	
Standard	**Compliance/Comment**
(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will:	
(a) be connected to a reticulated water system, and	**Complies** A condition is recommended to ensure that the development is connected to a reticulated water supply. The development also has access to sewage infrastructure.
(b) have adequate facilities for the removal or disposal of sewage.	
(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority:	
(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or	
(b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.	

Division 5 – Design requirements

Clause 97 – Design of seniors housing	
Standard	**Compliance/Comment**
(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.	
(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.	

An assessment against Schedule 8 has been completed in the following tables:

Schedule 8 - Design principles for seniors housing

1 – Neighbourhood amenity and streetscape	
Standard	**Compliance/Comment**
Seniors housing should be designed as follows:	
(a) recognise that the operational, functional and economic requirements of residential care facilities typically require a different building shape from other residential accommodation,	N/A - the development is not a residential care facility.

(b) recognise the desirable elements of: i) the location's current character, or ii) for precincts undergoing a transition - the future character of the location so new buildings contribute to the quality and identity of the area,	**Compliant** The development is consistent with the requirements for the following reasons: • In accordance with section b(ii), the subject site and surrounding precinct is undergoing a transition as it is in proximity to Dee Why Town Centre and is mapped as being within the low and mid rise housing area pursuant to Chapter 6 of SEPP (Housing). As a result, development on the subject site anticipates a height of up to 9.5m and a floor space ratio of 0.8:1. It is noted the proposed floor space ratio of 0.58:1 is well below the maximum permitted, whilst also comfortably exceeding the landscaped area and deep soil standards under Clause 108 of the SEPP. The proposal therefore does not seek to maximise the development potential of the site. • Further to the above, the northern side of Delmar Parade is zoned R3 Medium Density Residential and currently consists of a predominant character of residential flat buildings and medium density typologies. The proposed development is therefore considered to be consistent with the existing and desired future character of the subject site and immediate locality. • The proposed development is highly articulated with a dual-pavilion modular form. The proposal responds sensitively with the site topography by stepping the built form with the slope of the site, whilst the separate pavilions further assist in breaking up the building mass. The proposal is numerically compliant with all built form related development standards prescribed by the SEPP. • As a result of the modulated and articulated design outcome, the proposed development presents as a 2-3 storey built form to the frontage, which is generally consistent with the character of existing buildings along the Delmar Parade streetscape and is not unsympathetic to

	the subject site's immediate visual catchment.
(c) complement heritage conservation areas and heritage items in the area,	There are no identified heritage items within proximity of the site.
(d) maintain reasonable neighbourhood amenity and appropriate residential character by: i) providing building setbacks to reduce bulk ii) and overshadowing, and iii) using building form and siting that relates iv) to the site's land form, and adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	**Compliant** The development is consistent with these requirements for the following reasons: • The proposed building setbacks are appropriate in the context of the subject site and surrounding development. The top floor (fourth storey) unit of the rear pavilion proposes increased side setback separation in comparison to the floors below. • Due to the natural orientation of the subject site, all surrounding properties shall retain a numerically compliant extent of solar access. • The built form of the front and rear pavilions are stepped with the slope of the land towards the street frontage and respond sensitively to the topography of the site. • The proposed 2-3 storey visual presentation of the front pavilion is compatible with the street frontage and the predominant scale of development within the visual catchment of the site. A generous front setback distance of 12m - 13m to the wall of the building is proposed to further minimise visual and amenity impacts upon the streetscape.
(e) to set back the front building on the site generally in line with the existing building line,	**Compliant** The proposed setbacks are consistent with that prescribed by the WDCP and are appropriately responsive to the prevailing character.
(f) to include plants reasonably similar to other plants in the street,	**Compliant** A landscape plan is included as a component of the development with the proposed planting arrangement considered to be sympathetic with vegetative character in the streetscape.

(g) to retain, wherever reasonable, significant trees,	**Compliant** An Arborist Report has been submitted with the application and the proposal has been reviewed by Council's Landscape Officer in this context. The proposed vegetation removal and retention arrangement is considered acceptable, subject to canopy offset planting and recommended conditions of consent including for protection of certain on-site trees.
(h) be designed so no building is constructed in a riparian zone.	N/A The development is not within a riparian zone.

2 – Visual and acoustic privacy	
Standard	**Compliance/Comment**
Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by:	
(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	**Compliant** The development proposes articulated side elevations and inward-facing bay windows which shall not result in overlooking opportunities to adjoining neighbours. The communal terrace, attached private terraces and front wrap-around windows are centrally located and effectively treated by fixed screening, obscure glazing and boundary landscape treatment. Furthermore, it is noted a reduction to the habitational capacity and trafficable area of the proposed attached terraces to each unit is recommended by condition of consent. This design amendment shall result in a reduction in opportunities for visual and acoustic impacts resulting from the proposed terraces.
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	**Compliant** An Acoustic Assessment Report has been provided with the application which demonstrates an acceptable level of internal acoustic amenity.

3 – Solar access and design for climate	
Standard	**Compliance/Comment**
The design of seniors housing should:	

(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and	**Compliant** The development complies with the solar access and cross ventilation requirements within the ADG.
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	

4– Stormwater	
Standard	**Compliance/Comment**
The design of seniors housing should aim to:	
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	**Compliant** Council's Development Engineers and Water Management Officers are satisfied that the development complies with the WMDP.
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	

5 – Crime prevention	
Standard	**Compliance/Comment**
Seniors housing should:	
(a) be designed in accordance with environmental design principles relating to crime prevention, and	**Compliant** The development enables casual observation of the streetscape and access areas within the site. The circulation cores and individual apartment entries are well located centrally within the site, so that they are easily identifiable, providing a sense of address to each unit and opportunities for passive surveillance.
(b) provide personal property security for residents and visitors, and	
(c) encourage crime prevention by: (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	

6 – Accessibility	
Standard	**Compliance/Comment**

Seniors housing should:	**Compliant** As discussed within the relevant section of this report, the proposal complies with the relevant standards concerning accessibility and usability for independent living units under Schedule 4 of the Housing SEPP.
(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and	
(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	

7 – Waste management	
Standard	**Compliance/Comment**
Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	**Compliant** Council's Waste Management Officer has reviewed the proposal and is satisfied with the proposed waste facilities and storage arrangement.

Division 7 – Non-Discretionary Development Standards

Clause 108 – Non-discretionary development standards for independent living units	
Standard	**Compliance/Comment**
(2) The following are non-discretionary development standards in relation to development for the purposes of an independent living unit:	
Height	
a) no building exceeds a height of 9.5m, excluding servicing equipment on the roof of a building,	**Complies** The proposed maximum building height is 9.5m.
b) servicing equipment on the roof of a building, which results in the building exceeding a height of 9.5m: i) is fully integrated into the design of the ii) roof or contained and suitably screened iii) from view from public places, and is limited to an area of no more than 20% of the surface area of the roof, and does not result in the building exceeding a height of 11.5m.	No rooftop servicing equipment is proposed.
Density and Scale (FSR)	

c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.	**Complies** Subsection (2)(c) does not apply to land in Zones R1 and R2 in a low and mid rise housing area, within the meaning of Chapter 6. This subsection is superseded by Clause 108AA which permits a maximum floor space ratio on land as described above, of 0.8:1. The proposed development results in a floor space ratio of 0.58:1 which is comfortably below the maximum floor space ratio standard.
Landscaped Area	
(d) a minimum landscaped area that is the lesser of: (i) 35m2 per dwelling, or (ii) 30% of the site area,	**Complies** 9 units are proposed and a requirement of 35m2 of landscaped area per dwelling equates to 315m2, whilst 30% of the site area of 1,383m2 is 415m2. Therefore, 315m2 is the standard being the lesser of the two calculations. Landscaped area as defined by the SEPP means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area. In accordance with the above definition, 532m2 of landscaped area is provided which complies with the standard.

(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	**Complies** 15% of the site area is required as a deep soil zone, which equates to 206.7m2. 309m2 (22.4%) of deep soil area is provided on-site which complies with the standard. The standard states that, if practicable, at least 65% (135m2) of the deep soil zone should be located at the rear of the site, whilst 57.6% (119m2) is proposed. Notwithstanding, the proposal has a numerically compliant rear setback in accordance with the Warringah DCP, as well as the separation criteria under the Apartment Design Guide, and the entire rear setback area is proposed as deep soil area. As a result, the site is considered to be constrained from providing 65% of the required deep soil zone at the rear and this is not a practicable outcome, as excepted in the standard. It is also noted the proposal comfortably exceeds the overall deep soil requirement as stated above. The proposal is therefore acceptable.
Solar Access	
(g) at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces.	**Complies** The proposed development benefits from a north-facing aspect and a Solar Access Analysis, as well as View From Sun Diagrams have been provided (Dwg No. 51) which demonstrate that living rooms and private open spaces to all dwellings shall receive at least 3 hours of direct solar access between 9am-3pm in mid-winter.
Private Open Space	
(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building: (i) at least 15m² of private open space per (ii) dwelling, and at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor. **Note**: The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one (see Schedule 4, section 2).	**Complies** The proposed ground floor units contain private open space in the form of attached terraces which exceed the minimum area required by the standard.

(i) for a dwelling in a multi-storey building not located on the ground floor – a balcony accessible from a living area with minimum dimensions of 2m and: (i) an area of at least 10m², or (ii) for a 1 bedroom dwelling - an area of at least 6m².	**Complies** The proposed units located above the ground floor contain private open space in the form of attached terraces which exceed the minimum area required by the standard.
Car Parking	
j) for a development application made by, or made by a person jointly with, a social housing provider - at least 1 parking space for every 5 dwellings,	**Complies** 9 units are proposed which equates to a total parking requirement of 2 spaces. The proposal provides a total of 4 spaces comprising a communal bus bay, 2 staff parking spaces and a visitor space which may double as an ambulance bay should it be required.

Chapter 4 Design of residential apartment development

Application of Chapter

Clause 144 of State Environmental Planning Policy Housing 2021 (SEPP Housing) stipulates that:

(2) This chapter applies to the following—
(a) development for the purposes of residential flat buildings,
(b) development for the purposes of shop top housing,
(c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.

(3) This chapter applies to development only if—
(a) the development consists of—
(i) the erection of a new building, or
(ii) the substantial redevelopment or substantial refurbishment of an existing building, or
(iii) the conversion of an existing building, and
(b) the building is at least 3 storeys, not including underground car parking storeys, and
(c) the building contains at least 4 dwellings.

As defined by Warringah Local Environmental Plan 2011, a residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing. Therefore, in addition to seniors housing, the proposed development is also characterised as a residential flat building as per the definition. Dual characterisation of a development for the purposes of applying more than one set of provisions is permissible as outlined within *Abret Pty Ltd v Wingecarribee Shire Council [2011]*. The provisions of Chapter 4 SEPP Housing are therefore applicable to the assessment of this application as per subsection (2) of Clause 144.

However as per subsection (3) of Clause 144, this chapter applies only to a building that is at least 3 storeys, not including underground car parking storeys. As a result, the front pavilion of the proposed development

(Building A) constitutes a two storey building and the provisions of Chapter 4 do not apply. The provisions shall continue to apply to the rear pavilion (Building B) only.

Clause 29 of the Environmental Planning and Assessment Regulation 2021 requires the submission of a Design Verification Statement from the qualified designer at lodgement of the development application. This documentation has been submitted with the development 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). Refer to the DSAP referral comments section within this report.

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 below part of the report makes an assessment against the design quality principles contained within Schedule 9 (a) and an assessment is carried out against the ADG below (b).

Overall, the proposal meets the design quality principles of Schedule 9 for the reasons outlined below. The proposal appropriately responds to the design guidelines within the ADG and where strict compliance is not achieved numerical requirements, reasonable alterative solutions are provided to meet the objectives of the ADG.

The consent authority has considered the advice received from the DSAP and the applicant has amended the proposal where necessary to respond to the DSAP advice. Overall, the DSAP was supportive of the proposal subject to minor changes for the consideration of Council.

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: As noted in the below assessment, the proposal 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 of any of these reasons.

DESIGN QUALITY PRINCIPLES - Schedule 9

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.
Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The proposed development is located within a Low and Mid Rise Housing inner area as well as adjacent to an R3 Medium Density Residential zone on the northern side of Delmar Parade. This precinct is undergoing significant transition in height, scale and character, with an increased density of residential apartment typologies anticipated.

Furthermore, it is important to note that the proposed development does not seek to maximise the development potential of the subject site in the context of the development standards prescribed by the Housing SEPP, with the proposed Floor Space Ratio of 0.58:1 being well below the maximum permitted of 0.8:1.

The proposal is considered to be consistent with the character of similar existing and recently approved development in the immediate precinct, as well as the emerging future character.

Overall, the development is consistent with Principle 1.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.
Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

The proposed development is numerically compliant with the height standard of 9.5m permitted by the Housing SEPP and is highly articulated with a dual-pavilion modular form. The proposal responds sensitively with the site topography by stepping the building mass down with the slope of the site, whilst the separate pavilions further assist in breaking up the building mass.

As a result of the modulated and articulated design outcome, the proposed development presents as a 2-3 storey built form to the frontage, which is generally consistent with the character of existing buildings along the Delmar Parade streetscape and is not unsympathetic to the subject site's immediate visual catchment.

Generous side setback distances are proposed in the context of the site, as well as a substantial front setback distance of 12m - 13m to the building facade which shall further reduce visual impacts upon the existing streetscape. The top floor (fourth storey) unit of the rear pavilion proposes increased side setback separation in comparison to the floors below.

The proposal is also comfortably compliant with the landscaped area and deep soil provisions of the Housing SEPP which suitably softens the presence of built form and affords suitable opportunities for planting treatments.

Notwithstanding the above, it also noted the proposed terraces and associated long and continuous fixed privacy screens along the side elevations can be reasonably reduced, whilst maintaining compliance with the relevant SEPP standards as well as retaining the generous internal amenity afforded by the terraces. As a result, a suitable condition of consent is recommended for the northern balustrade to each terrace, as well as the privacy screens along the side elevations, to be re-located towards the south by 1.0m. This outcome shall result in a further softening of the proposed built form.

Overall, the development is consistent with Principle 2.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.
Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The proposal provides 9 independent living units that are well appointed and proportioned, achieving a high level of amenity for the future occupants.

As above, the proposed floor space ratio of 0.58:1 is well below the maximum permitted, whilst also comfortably exceeding the landscaped area and deep soil standards under Clause 108 of the SEPP.

The occupants of the development shall be serviced by an on-site minibus which will provide transport to

amenities and facilities in proximity to the subject site in the morning and afternoon.

Overall, the development is consistent with Principle 3.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

The development incorporates several passive sustainability features such as:

- natural cross ventilation to provide cooling during summer;
- suitably performing glazing to provide protection from hot ambient air during summer, while allowing heat to be kept inside during winter;
- vegetation incorporated throughout site will provide shade and places of respite
- efficient, heating, ventilation and air-cooling systems
- electric vehicle charging points.

Overall, the development is compliant with Principle 4.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment:

The resulting landscaping scheme includes deep soil landscaped areas with appropriate tree planting around the curtilage of the buildings to result in an appropriate landscaped setting that is compatible with the existing character of Delmar Parade. The proposed landscaped deep soil area is also comfortably compliant with the numerical provisions of Chapter 3, Part 5 of the Housing SEPP.

The landscaping within the communal open space areas will provide areas of shade for sunlight protection in summer.

The communal open space areas, of which are landscaped, will provide opportunities for social interaction. These areas are accessed via suitable pathways with compliant gradients.

The planting provided around the boundaries of the site will soften the development and provide suitable amenity to the neighbouring residential properties.

Overall, the development is compliant with Principle 5.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment:

Visual and acoustic amenity will be preserved as a result of the articulated side elevations and inward-facing bay windows which will not result in overlooking opportunities to adjoining neighbours.

The communal terrace, attached private terraces and front wrap-around windows are centrally located and effectively treated by fixed screening, obscure glazing and boundary landscape treatment.

Furthermore, it is noted a reduction to the habitational capacity and trafficable area of the proposed attached terraces to each unit is recommended by condition of consent. This design amendment will result in a reduction in opportunities for visual and acoustic impacts resulting from the proposed terraces.

The development complies with the ADG requirements as they pertain to solar access, cross ventilation, minimum apartment and private open space sizes and storage requirements.

Overall, the development is compliant with Principle 6.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The proposal appropriately optimises safety and security for occupants of the development itself and for users of the public domain by way of passive surveillance. Secure access points are also provided into the building and communal open space areas.

Overall, the development is compliant with Principle 7.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

The development provides a mix of apartment typologies to provide different housing choices for different demographics and living needs.

The proposed areas of communal open space will encourage social interaction amongst residents.

Overall, the development is compliant with Principle 8.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

The proposal incorporates a balanced variety of materials and textures, in addition to a modulated pavilion-style built form, to provide for an aesthetically compatible outcome with the existing and desired future context.

Overall, the development meets Principle 9.

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?	**Compliant** As discussed above, the development relates well to the local context and will be consistent with the form and scale of emerging development within the precinct.

<table>
<tr><td>Orientation</td><td>Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?</td><td>Compliant

The development meets the internal solar access requirements under the ADG whilst neighbouring properties shall also maintain suitable sunlight.</td></tr>
<tr><td>Public Domain Interface</td><td>Does the development transition well between the private and public domain without compromising safety and security?

Is the amenity of the public domain retained and enhanced?</td><td>Compliant

The development is compatible with the existing amenity of the public domain and proposes a suitable transitional area at the front of the site.</td></tr>
<tr><td>Communal and Public Open Space</td><td>Appropriate communal open space is to be provided as follows:
1. Communal open space has a minimum area equal to 25% of the site
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)</td><td>Compliant

The development provides over 25% of the site area as communal open space, of which has suitable solar access.</td></tr>
<tr><td>Deep Soil Zones</td><td>Deep soil zones are to meet the following minimum requirements:

<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>Less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m^2 – 1,500m^2</td><td>3m</td></tr><tr><td>Greater than 1,500m^2</td><td>6m</td></tr><tr><td>Greater than 1,500m^2 with significant existing tree cover</td><td>6m</td></tr></table></td><td>N/A

The deep soil landscaped area development standard under Section 108 of the Housing SEPP prevails, of which the development complies.</td></tr>
</table>

<table>
<tr>
<td>Visual Privacy</td>
<td>Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table>
<tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr>
<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>
</table>

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td>
<td>Does not comply (Satisfactory on merit)

As noted above under 'Application of chapter', Chapter 4 of SEPP (Housing) applies to the proposed rear pavilion only.

Given the width of the subject site, compliant building separation of 6m to the side boundaries is not able to be achieved as this would effectively sterilise the site from providing residential apartment development.

Nothwithstanding, the development proposes an adequate design response by providing articulated side elevations and inward-facing bay windows, which results in the proposed side walls of the rear pavilion being predominantly blank walls that do not require building separation.

It is noted that the communal terrace, attached private terraces and front wrap-around windows are effectively treated with fixed screening, obscure glazing and boundary landscape treatment.

Furthermore, the top floor (fourth storey) unit of the rear pavilion proposes increased side setback separation in comparison to the floors below.

Numerically compliant building separation is provided to the rear boundary.

As discussed elsewhere in this report, it is also noted a reduction to the habitational capacity and trafficable area of the proposed attached</td>
</tr>
</table>

		terraces to each unit is recommended by condition of consent. This design amendment will result in a reduction in opportunities for visual privacy impacts resulting from the proposed terraces. The proposal is therefore considered acceptable, notwithstanding the technical non-compliance with the design criteria.
Pedestrian Access and entries	Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify? Large sites are to provide pedestrian links for access to streets and connection to destinations.	**Compliant** The proposed development is serviced by suitable and identifiable accessible pathways which are able to provide for the occupants which consist of people with a disability. The occupants are serviced by a minibus facility of which the parking bay is accessible by a suitable pedestrian arrangement.
Vehicle Access	Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?	**Compliant** The proposed vehicular access points are appropriately separated to minimise traffic conflicts. These vehicular access points have been assessed as being safe and accessible by Council's Traffic Engineer.

Bicycle and Car Parking	For development in the following locations: • On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or • On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre 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. The car parking needs for a development must be provided off street. Parking and facilities are provided for other modes of transport. Visual and environmental impacts are minimised.	**Compliant** Vehicular parking is prescribed by the non-discretionary development standard under Clause 108 of the Housing SEPP of which the development complies.
Part 4 Designing the Building		
Amenity		
Solar and Daylight Access	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space: • 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.	**Compliant** The proposed development benefits from a north-facing aspect and a Solar Access Analysis, as well as View From Sun Diagrams have been provided (Dwg No. 51) which demonstrate that living rooms and private open spaces to all dwellings shall receive at least 3 hours of direct solar access between 9am-3pm in mid-winter.
	• A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	**Compliant** No apartments receive no direct sunlight between 9am-3pm in mid-winter.

<table>
<tr>
<td>Natural Ventilation</td>
<td>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:

• 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.

• Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.</td>
<td>Compliant

All apartments are cross ventilated and the depths of cross-through apartments is less than 18m.</td>
</tr>
<tr>
<td>Ceiling Heights</td>
<td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<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

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>
</td>
<td>Compliant

All apartments have compliant floor-to-ceiling heights.</td>
</tr>
</table>

<table>
<tr>
<td>Apartment Size and Layout</td>
<td>Apartments are required to have the following minimum internal areas:

<table>
<tr><th>Apartment type</th><th>Minimum internal area</th></tr>
<tr><td>Studio</td><td>35m2</td></tr>
<tr><td>1 bedroom</td><td>50m2</td></tr>
<tr><td>2 bedroom</td><td>70m2</td></tr>
<tr><td>3 bedroom</td><td>90m2</td></tr>
</table>

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each.</td>
<td>Compliant

Each of the apartments exceed the minimum dimensions for the relevant number of bedrooms.</td>
</tr>
<tr><td></td><td>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.</td><td>Compliant

The proposed window schedule to habitable rooms is acceptable in the context of the requirement.</td></tr>
<tr><td></td><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</td><td>Compliant

Proposed habitable rooms depths are suitably sized in the context of the requirement.</td></tr>
<tr><td></td><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td><td>Compliant

Windows to proposed habitable rooms are suitably incorporated in the context of the requirement.</td></tr>
<tr><td></td><td>Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).</td><td>Compliant

The proposal complies with this requirement.</td></tr>
<tr><td></td><td>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.</td><td>Compliant

Proposed bedrooms are considered to provide sufficient wardrobe space.</td></tr>
<tr><td></td><td>Living rooms or combined living/dining rooms have a minimum width of:
• 3.6m for studio and 1 bedroom apartments
• 4m for 2 and 3 bedroom apartments</td><td>Compliant

Proposed living rooms are considered to be suitably dimensioned.</td></tr>
</table>

<table>
<tr><td></td><td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</td><td>Compliant

Suitable internal apartment widths are provided in the context of the requirement.</td></tr>
<tr><td rowspan="2">Private Open Space and Balconies</td><td>All apartments are required to have primary balconies as follows:

<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m2</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m2</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m2</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m2</td><td>2.4m</td></tr></table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>Compliant

Generously sized balconies are proposed which exceed the minimum requirements.</td></tr>
<tr><td>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 15m2 and a minimum depth of 3m.</td><td>Compliant

All apartments have balconies due to the sloping nature of the site, however suitable communal open spaces are provided.</td></tr>
<tr><td rowspan="2">Common Circulation and Spaces</td><td>The maximum number of apartments off a circulation core on a single level is eight.</td><td>Compliant

This requirement is achieved.</td></tr>
<tr><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>N/A</td></tr>
<tr><td>Storage</td><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m2</td></tr><tr><td>1 bedroom apartments</td><td>6m2</td></tr><tr><td>2 bedroom apartments</td><td>8m2</td></tr><tr><td>3+ bedroom apartments</td><td>10m2</td></tr></table>
At least 50% of the required storage is to be located within the apartment.</td><td>Compliant

Suitable storage calculations are provided for the apartments.</td></tr>
</table>

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.	**Compliant** Mechanical noise sources are considered to be adequately separated from adjoining land. Communal open spaces are also well treated by both fixed and landscaped screening at the side elevations. A suitable Acoustic Assessment Report prepared by an accredited consultant has been provided with the application and establishes that noise levels and transmission shall comply with all relevant standards.
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	**Compliant, with conditions** As discussed elsewhere in this report, as the proposed terraces well exceed the minimum dimensions prescribed by the ADG, suitable conditions of consent are recommended for the balustrades of the attached terraces to be re-located towards the internal area of each unit. This shall reduce the trafficable area and habitational capacity of the terraces and therefore reduce opportunities for noise transmission to adjoining land. A further condition also recommends for noise levels from the approved terraces to not exceed 5dB(A) above the background noise level measured from the boundary to adjacent residential receivers. Notwithstanding, the terraces shall remain generously sized and a high level of amenity shall be maintained to the internal residents.
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.	**Compliant** The building design is satisfactory in this regard.

Ground Floor Apartments	Do the ground floor apartments deliver amenity and safety for their residents?	**Compliant** The units are generally located above ground level due to the sloping nature of the site.
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	**Compliant** The development is highly articulated and will provide visual interest along the street.
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. 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.	**Compliant** The proposed roof design is compatible with the adjoining buildings and and incorporates PV panels and landscape planter elements. There is no need for communal open space at the roof level, noting that a compliant quantum of communal open space is provided at the ground level.
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	**Compliant** The landscape plan provides deep soil landscaping with suitable planting within the front, side and rear setback areas, in addition to on-slab planting within the building footprint. The landscaping scheme responds well to the local context.

<table>
<tr>
<td>Planting on Structures</td>
<td>When planting on structures the following are recommended as minimum standards for a range of plant sizes:
<table>
<tr><th>Plant type</th><th>Definition</th><th>Soil Volume</th><th>Soil Depth</th><th>Soil Area</th></tr>
<tr><td>Large Trees</td><td>12-18m high, up to 16m crown spread at maturity</td><td>150m3</td><td>1,200mm</td><td>10m x 10m or equivalent</td></tr>
<tr><td>Medium Trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m3</td><td>1,000mm</td><td>6m x 6m or equivalent</td></tr>
<tr><td>Small trees</td><td>6-8m high, up to 4m crown spread at maturity</td><td>9m3</td><td>800mm</td><td>3.5m x 3.5m or equivalent</td></tr>
<tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr>
<tr><td>Ground Cover</td><td></td><td></td><td>300-450mm</td><td></td></tr>
<tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr>
</table>
</td>
<td>Compliant

The soil depths are sufficient to accommodate for the proposed planting.</td>
</tr>
<tr>
<td>Universal Design</td>
<td>Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features</td>
<td>Compliant

The proposed development contains 20% of apartments incorporating silver level universal design features.</td>
</tr>
<tr>
<td>Adaptable Reuse</td>
<td>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</td>
<td>N/A</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Can the development be accessed through public transport and does it positively contribute to the public domain?

Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.</td>
<td>N/A</td>
</tr>
</table>

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. Signage must respond to the existing streetscape character and context.	N/A
Performance		
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	**Compliant** The BASIX commitments are shown on the plans.
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	**Compliant** Council's Development Engineer and Water Management Officer are satisfied that the proposed stormwater management scheme complies with Council's WMDP.
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?	**Compliant** Council's Waste Management team are satisfied with the method of waste storage and transfer. A waste management plan has been provided.
Building Maintenance	Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?	**Compliant** Material selection is robust and sustainability with sun shading is used.

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.

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	% Variation	Complies
Height of Buildings	N/A - See discussion under SEPP (Housing) 2021	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

Pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011), ***seniors housing*** *means a building or place that is—*

(a) a residential care facility, or
(b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or
(c) a group of independent living units, or
(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
and that is, or is intended to be, used permanently for—
(e) seniors or people who have a disability, or
(f) people who live in the same household with seniors or people who have a disability, or
(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
but does not include a hospital.

The proposed development is considered to align with the definition of **independent living units** which is defined within WLEP 2011 as follows:
independent living unit *means a dwelling or part of a building, whether or not attached to another dwelling—*
(a) used to house seniors or people with a disability, and
(b) containing private facilities for cooking, sleeping and bathing, and
(c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.
Note—Independent living units are a type of seniors housing

The proposal is appropriately characterised as seniors housing in the form of independent living units, as the proposed units are designed as separate occupancies with private facilities as described above. Furthermore, allowance is made within the above definition of seniors housing, as well as within the proposed development, for people who live in the same household as the disabled occupants, or for staff employed to assist in the administration and provision of services to the occupants.
It is noted the proposed application has nominated the development to be used specifically for people with a disability. The ongoing use of the development to be used exclusively for people with a disability shall therefore be recommended as a condition of this consent.

It is noted that seniors housing is a prohibited form of development within the Land Use Table of the R2 Low Density Residential zone under WLEP 2011.
Notwithstanding, Clause 79 of Chapter 3, Part 5 - Housing for seniors and people with a disability under SEPP (Housing) 2021, states that this part applies to land zoned R2 Low Density Residential.
Furthermore, clause 81 states that development for the purposes of seniors housing may be carried out with development consent on land to which this Part applies.

The proposed development is therefore permissible under SEPP (Housing) 2021 which is the prevailing instrument.

6.2 Earthworks

The objectives of this clause are as follows:

- *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,*
- *to allow earthworks of a minor nature without requiring separate development consent.*

Comment
The proposed development is considered to appropriately minimise the depth of earthworks and site disturbance in the context of the sloping allotment. The proposal relies upon an effective design response to the topographical features of the site, with a built form that steps with the slope of the land and maximises the proximity of excavation works to the property boundaries. It is also noted that a reduction in the extent and depth of earthworks has been applied to the development in response to pre-lodgement advice provided by Council and the DSAP, as well as the removal of any subfloor habitable spaces. A Geotechnical Investigation Report (prepared by Crozier) has been submitted with the application demonstrating an 'acceptable' level of risk management, subject to the implementation of the recommendations within the report, including for vibration levels to be suitably limited and minimised in the context of rock excavation and neighbouring structures. The conclusions, recommendations and findings of the geotechnical report are included as a condition of this consent.

The proposal is therefore acceptable in this context.

6.4 Development on sloping land

The objectives of this clause are as follows:

- *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*

- *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

Comment
As discussed elsewhere in this report, in accordance with the recommendations of the Geotechnical Investigation Report (prepared by Crozier), suitably limited vibration levels resulting from surface and rock excavation works shall be incorporated to manage structural impacts to adjoining allotments. The report also concludes that there is expected to be a negligible impact to the local hydrogeology with the water table not intersected or expected with the depth of the proposed works, whilst only minor seepage is anticipated at geological interfaces. Council's Development Engineer has also reviewed the proposal in the context of subsurface flows and stormwater runoff and raised no objection to approval, subject to recommended conditions of consent in relation to on-site stormwater disposal and consistency with Council's Water Management for Development Policy.

The proposal is therefore acceptable in this context.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	N/A - See discussion	N/A	N/A	N/A
B3 Side Boundary Envelope	N/A - See discussion	N/A	N/A	N/A
	N/A - See discussion	N/A	N/A	N/A
B5 Side Boundary Setbacks	0.9m (E)	Pavilion A 1.4m (porte cochere) 2.0m - 3.0m (building) Pavilion B 2.0m - 3.0m (Level 1 - 3) 3.0m - 4.8m (Level 4)	- - - -	Yes Yes Yes Yes
	0.9m (W)	Pavilion A 2.0m - 3.0m Pavilion B 2.0m - 3.0m (Level 1 - 3) 3.0m - 3.8m (Level 4)	- - -	Yes Yes Yes
B7 Front Boundary Setbacks	6.5m	12.0m	-	Yes
B9 Rear Boundary Setbacks	6.0m	6.0m	-	Yes

D1 Landscaped Open Space (LOS) and Bushland Setting	SEPP (Housing) prevails - see discussion	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	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	Yes	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
D14 Site Facilities	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
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

The control applies only to sites with which an 8.5m maximum height of building standard applies under LEP 2011.

The proposed development is not subject to the above height standard and therefore the DCP wall height control does not apply.

B3 Side Boundary Envelope

Clause 84(2)(c)(iii) of the Housing SEPP prescribes a building envelope development standard for seniors housing development, whereby additional storeys above the 2nd storey must be set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site. This standard prevails over the building envelope control of the WDCP 2011.

However, as also stated within Clause 84, the above standard does not apply to land where residential flat buildings are permitted. The subject site is located within a low and mid rise housing area under Chapter 6 of the SEPP and therefore residential flat buildings are a permissible form of development.

As a result, the SEPP prevails and no envelope control applies to the development.

C2 Traffic, Access and Safety

As discussed elsewhere in this report, Council's Traffic Engineer has assessed the proposal in relation to traffic generation, vehicular access and safety, as well as in the context of the provided Traffic and Parking Assessment Report (prepared by Terraffic Pty Ltd).

As per the traffic report, the proposed vehicular generation resulting from staff changeover times shall be outside peak periods, with large volumes of visitors to the development at any singular time not anticipated. Furthermore, as noted elsewhere in this report, the proposal complies with the non-discretionary development standard for number of parking spaces prescribed by the Housing SEPP. Council's Traffic Officer is satisfied that the development will not unreasonably impact traffic conditions and flow on Delmar Parade.

Furthermore, the traffic report provides an analysis of the vehicular maneuvering and turning path arrangement demonstrating that the largest proposed vehicle can turn around in the carpark. Council's Traffic Officer raises no objection to approval in this regard, subject to recommended conditions of consent for swept paths to be provided prior to the issue of a construction certificate demonstrating compliance with relevant Australian standards.

The proposal is therefore acceptable in this context.

C3 Parking Facilities

As discussed elsewhere in this report, Clause 108(j) of SEPP (Housing) 2021 provides a non-discretionary development standard for independent living units of at least 1 parking space for every 5 dwellings, where a development application is made by, or made by a person jointly with, a social housing provider.

The object of the non-discretionary development standard is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

The development proposes 9 independent living units and therefore a minimum of 2 spaces must be provided.

The proposed development includes four (4) parking spaces. One space consists of a parking bay to the minibus facility, which shall service the occupants of a physical disability that do not utilise a private motor vehicle. Additionally, one space shall provide visitor parking whilst a further two spaces shall provide staff parking to the support workers of the resident's of the development.

In accordance with the Traffic and Parking Assessment Report (prepared by Terraffic Pty Ltd), the anticipated parking generation resulting from support staff shall be reasonably serviced by the proposed parking facilities. Council's Traffic Engineer has also reviewed the proposal in this context and raised no objection to approval, subject to recommended conditions of consent.

It is also noted that the design and parking arrangement proposed within the pre-lodgement meeting (PLM2025/0117) was reviewed by Council's Traffic Engineer who recommended amendments including an additional staff parking space and re-located visitor space which were adopted in the lodgement of the development application.

As above, the proposal is compliant with the non-discretionary standard and more onerous requirements are not imposed.

C7 Excavation and Landfill

The objectives of the control are as follows:
• To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.
• To require that excavation and landfill does not create airborne pollution.
• To preserve the integrity of the physical environment.
• To maintain and enhance visual and scenic quality.

Comment
The proposed development is considered to appropriately minimise the depth of earthworks and site disturbance in the context of the sloping allotment. The proposal relies upon an effective design response to the topographical features of the site, with a built form that steps with the slope of the land and maximises the proximity of excavation works to the property boundaries of adjacent properties. The visual and scenic quality of the site is maintained and enhanced by adequately dimensioned areas of landscaping and deep soil.

A Geotechnical Investigation Report (prepared by Crozier) has been submitted with the application demonstrating an 'acceptable' level of risk management, subject to the implementation of the recommendations within the report, including for vibration levels to be suitably limited and minimised in the context of rock excavation and neighbouring structures. The conclusions, recommendations and findings of the geotechnical report are included as a condition of this consent.

The proposal is therefore acceptable in this context.

C8 Demolition and Construction

Suitable conditions of consent are recommended for the development to maintain adequate compliance with relevant construction standards and requirements, as well as the implementation of a Demolition

Traffic Management Plan. It is also recommended for a suitable Noise Management Plan to be prepared to manage and restrict adverse noise impacts of the construction and demolition process on neighbouring residential receivers.

Dust minimisation measures shall also be undertaken in relation to the movement of materials and carrying out of the construction process, as recommended by condition.

Pre and post construction dilapidation reporting including the preparation of photographic surveys shall be completed at the commencement and completion of the demolition and construction process to confirm and document any physical impacts to the physical condition and integrity of adjoining allotments.

The proposal is therefore acceptable, subject to conditions.

C9 Waste Management

A suitable Waste Management Plan and Operational Waste Management Plan have been submitted which demonstrate compliance with Council's Waste Management Guidelines.

Suitable conditions of consent are recommended for a Waste Disposal Verification Statement to be prepared upon completion of demolition work verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and any asbestos removal supported by a suitable clearance certificate.

The proposal is acceptable, subject to conditions.

D1 Landscaped Open Space and Bushland Setting

A landscaped area development standard is prescribed under Clause 108(d) of SEPP (Housing) 2021, of which the proposal complies as outlined in the relevant section of this report.

The SEPP prevails in this instance.

D7 Views

During the community notification period, one (1) submission was received from the owners of 40 Tango Avenue, Dee Why raising concern in relation to view loss.

Whilst only one submission was received during the exhibition period, an analysis of the potential view impacts was made of surrounding properties and site inspections conducted by the assessing officer. Following the site visit, one (1) additional submission was submitted outside the prescribed notification period from the owners of No.68 Delmar Parade. This was a supplementary submission provided to Council in addition to the original submission which was provided by the property owner during the notification period.

The proposed impacts to view sharing in the context of both the above properties are assessed below.

Comment:

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*".

Comment to Principle 1:

The views in question from 40 Tango Avenue are available in a north-easterly direction partially looking over the top of the subject site towards Dee Why Beach and Dee Why Lagoon. Distant water views and some interface between land and water are experienced. The views are partial and obstructed predominantly by existing district vegetation.

The views in question from 68 Delmar Parade, Dee Why are available in an easterly direction looking over the top of the subject site towards Long Reef Headland. Distant water views and some interface between land and water are experienced. The views are partial and obstructed by existing district vegetation and development.

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 views from 40 Tango Avenue are experienced predominantly over the eastern side boundary and partially over the rear boundary, from a generally standing position.

The views from 68 Delmar Parade are experienced over the eastern side boundary from a generally standing position.

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 existing views from 40 Tango Avenue are experienced most prominently from the first floor parents' retreat and attached balcony of the main dwelling. These views will not be impacted by the proposed development (Figure 1). Views are generally not available from the existing ground floor of the main dwelling (figure 2) or from the rear elevation of the existing detached secondary dwelling (figure 3), as the view corridor is low-lying and highly obstructed. The proposed impact is therefore qualitatively assessed **negligible**.



Figure 1: Existing views from first floor parents' retreat of 40 Tango Avenue



Figure 2: Existing view from ground floor deck of 40 Tango Avenue



Figure 3: Existing view from rear deck of detached secondary dwelling on 40 Tango Avenue

The existing views from 68 Delmar Parade are experienced from the deck of the detached secondary dwelling at the rear of the property. No significant views are available from the main dwelling on No. 68. The proposed impact of the development has been illustrated by the assessing officer in Figure 4 based on the proposed location of the development in comparison to the existing on-site dwelling, as well as the existing and proposed surveyed levels. Based on the diagram, the existing corridor from the secondary dwelling on No.68 Delmar Parade shall be generally lost as a result of the proposal. However, it is noted the existing corridor is distant and highly obstructed, whilst only available from the detached secondary dwelling of 68 Delmar Parade. The impact is therefore qualitatively assessed as **minor to moderate**.



Figure 4: Existing view experienced from the attached deck of the rear secondary dwelling at 68 Delmar Parade

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
As above, existing water views from the first floor of 40 Tango Avenue shall be unimpacted, whilst views from the ground floor and secondary dwelling are generally not available and highly obstructed. The proposed view sharing outcome is therefore acceptable in the context of the adjoining site.

In the context of 68 Delmar Parade, the existing view corridor is currently experienced over a side boundary which is considered difficult to protect in accordance with principle 2 above. The proposed development also complies numerically with all relevant built form standards prescribed by SEPP (Housing) 2021, including the 9.5m height standard, as well as the relevant controls of Warringah DCP 2011, with generous side setback distances proposed in the context of the site.

As noted elsewhere in this report, the building envelope control does not apply to the development as the envelope standard prescribed by the Housing SEPP does not apply to sites where residential flat buildings are permitted. This prevails over the envelope control of WDCP. Notwithstanding, if the building envelope control under WDCP were applied on a merits basis, a minor encroachment of 600mm would result to the upper floor of the proposed rear pavilion, at the front-most portion of the western side elevation. This area of non-compliance is not located within the view corridor and would not materially alter the proposed impact if whole compliance with the control were applied.

The existing corridor is therefore considered to be highly vulnerable to being impacted from a numerically compliant development on the subject site. Furthermore, the views are difficult to retain as a result of their distant and obstructed nature as well as the location over a side boundary. Therefore, despite the impact to the view corridor, the outcome is considered reasonable.

To encourage innovative design solutions to improve the urban environment.

Comment
The proposed development steps down the site from south to north which reflects a site responsive design and assists in alleviating height, bulk and scale. The proposed development demonstrates innovative design in that it involves redevelopment of the site with reasonable levels of compliance, and without unreasonable impacts.

To ensure existing canopy trees have priority over views.

Comment
As above, the existing view corridors from the relevant adjoining sites are obstructed by existing district canopy vegetation which are not proposed for removal.

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

D9 Building Bulk

Comment

As discussed elsewhere in this report, the proposed building bulk is generally considered to be a compatible, well articulated and site responsive outcome in the context of the relevant standards, controls and surrounding character. The proposed design steps the building mass with the slope of the site, whilst the separate pavilions further assist in breaking up the built form. The proposal is also comfortably compliant with the landscaped area and deep soil provisions of the Housing SEPP which further softens the presence of built form and affords suitable opportunities for planting treatments.

Notwithstanding, it is noted the proposed terraces attached to each unit are large and range from 20m2 - 30m2 in size. This exceeds the minimum requirement of 10m2 (6m2 for 1-bedroom units) prescribed by Clause 108 of the Housing SEPP. The large terraces were noted by the Design and Substantiality Advisory Panel (DSAP) as a key strength of the proposal, given the north-facing aspect and high levels of amenity, solar access and outlook provided for future residents.

The size and elevation of the terraces necessitates long and continuous fixed screening along the side elevations to preserve adjoining privacy, which adds to the proposed building bulk. The trafficable area of

each terrace can be reasonably reduced to lessen the extent of screening, whilst also preserving the well-sized nature of the terraces and amenity value which was highlighted by the DSAP.

As a result, a suitable condition of consent is recommended for the northern balustrade to each terrace, as well as the privacy screens along the side elevations, to be re-located towards the south by 1 metre. The area of the balcony located forward of the northern balustrade shall continue to function as an awning for shade protection and thermal comfort in the context of the north-facing units.

It is also noted the reduction in trafficable area and habitational capacity of the terraces will reduce opportunities for visual and acoustic privacy impacts towards directly adjoining principal living areas and private open spaces.

Subject to conditions, the proposal is considered to be acceptable in the context of building bulk.

E6 Retaining unique environmental features

The objective of the control is as follows:
• To conserve those parts of land which distinguish it from its surroundings.

Comment
The subject site is characterised by extensive natural features including rock outcrops, remnant bushland and trees. An Arboricultural Impact Assessment (prepared by Arbor Express) has been submitted with the application which demonstrates the proposed removal and retention of significant trees.

Council's Landscape Officer has reviewed the application in this context and raises no objection to approval, subject to canopy offset planting and recommended conditions of consent, including for protection of specific on-site trees. The review also notes the retention of the major rock outcrops in the centre of the site, which are situated in the physical break between the two pavillions.

Suitable landscape plans have been provided with the application which demonstrate numerical compliance with the landscaped area and deep soil provisions of SEPP Housing and therefore an acceptable extent of natural character and landform is maintained.

The proposal is therefore acceptable in this context.

E10 Landslip Risk

The objectives of the control are as follows:
• To ensure development is geotechnically stable.
• To ensure good engineering practice.
• To ensure there is no adverse impact on existing subsurface flow conditions.
• To ensure there is no adverse impact resulting from stormwater discharge.

Comment
As discussed elsewhere in this report, proposed excavation and site disturbance works are considered to be appropriately minimised in the context of the site conditions, whilst the recommendations of the Geotechnical Investigation Report (prepared by Crozier) shall be incorporated as required by conditions of this consent, including for suitably limited vibration levels to manage structural impacts to adjoining allotments.

The geotech report also concludes that there is expected to be negligible impact to the local

hydrogeology with the water table not intersected or expected with the depth of proposed works, whilst only minor seepage is anticipated at geological interfaces.

Council's Development Engineer has also reviewed the proposal in the context of the subsurface flows and stormwater runoff and raised no objection to approval, subject to recommended conditions of consent in relation to on-site stormwater disposal and consistency with Council's Water Management for Development Policy.

The proposal is therefore acceptable in this context.

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 $56,997 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of $5,699,665.

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

The proposed development is for the demolition of existing structures and construction of a seniors housing development comprising nine (9) independent living units for people with a disability. It has been assessed against the relevant provisions of SEPP (Housing) 2021, the Apartment Design Guide, and other applicable local planning controls. The proposal complies with the relevant non-discretionary development standards and requirements relating to height, floor space ratio, landscaping, solar access, private open space, accessibility, parking and residential amenity, and demonstrates consistency with the applicable seniors housing and residential apartment design principles.

The proposal has been refined following pre-lodgement advice and further information requests during the assessment process, including consultation with the Design and Sustainability Advisory Panel, resulting in improvements to site planning, access arrangements, landscaping, amenity and privacy outcomes. While there are minor departures from the Apartment Design Guide relating to side boundary separation, these are considered acceptable given the site constraints and the incorporation of an effective configuration, screening and other privacy mitigation measures.

Council's specialist referral officers, including traffic, engineering, landscape, water management and waste officers, have reviewed the proposed development and have raised no objections subject to standard and special recommended conditions of consent. The proposal is not expected to result in unreasonable traffic impacts and complies with the applicable Housing SEPP parking requirements.

Issues raised in community submissions, including concerns regarding density, bulk and scale, privacy, traffic, vegetation removal, overshadowing and view impacts, have been carefully considered and are addressed through the assessment findings and recommended conditions. It is further noted that members of Council's assessment team met onsite on two separate occasions with the resident objectors, one of which was in relation to traffic matters and was attended by Council's Traffic Engineering referral officer, and the other with individual adjoining owners who were concerned regarding amenity and environmental impacts.

Suitable conditions have been imposed specifically in relation to the protection of residential amenity, retention of trees and rock outcrops, stormwater management, excavation, dilapidation, landscaping, external finishes, waste management, carparking, the provision of the mini-bus and the restrictions on occupation of the development by disabled persons (including a restriction on title).

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 DA2026/0524 for Demolition works and construction of a seniors housing development, consisting of independent living units for people with a disability on land at Lot 20 DP 8270, 70 Delmar Parade, DEE WHY, 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.

Approved Plans				
Plan Number	**Revision Number**	**Plan Title**	**Drawn By**	**Date of Plan**
1	B	Site Plan	HAO Design	12/08/2026
2	B	Ground Floor Plan	HAO Design	12/08/2026
3	A	Level 1 Plan	HAO Design	15/04/2026
4	B	Level 2 Plan	HAO Design	12/08/2026
5	B	Level 3 Plan	HAO Design	12/08/2026
6	A	Level 4 Plan	HAO Design	15/04/2026
7	A	Level 5 Plan	HAO Design	15/04/2026
8	A	Roof Plan	HAO Design	15/04/2026
20	B	Elevations 1	HAO Design	12/08/2026
21	B	Elevations 2 and Finishes	HAO Design	12/08/2026
22	B	Sections 1	HAO Design	12/08/2026
35	B	Demolition Plan	HAO Design	12/08/2026
52	B	Visual Privacy and Ventilation Analysis	HAO Design	12/08/2026

Approved Reports and Documentation			
Document Title	**Version Number**	**Prepared By**	**Date of Document**
Acoustic Assessment Report	3	NGC	17/042026

Waste Management Plan	-	Tom Oates	15/04/2026
Landscape Plan	F	Paul Scrivener	16/04/2026
Geotechnical Investigation Report	0	Crozier	15/04/2026
Traffic and Parking Assessment Report	-	Terraffic	15/04/2026
Operational Waste Management Plan	D	Elephants Foot Consulting	15/04/2026
Access Report	-	Accessibility Solutions	15/04/2026
Arboricultural Impact Assessment	2	Arbor Express	15/04/2026
Operational Plan of Management	-	Manly House Foundation	April 2026
BASIX Certificate	1843168M	Gradwell Consulting	22/04/2026
Stormwater Management Plan	B	Taylor Consulting	10/08/2026
Civil Works Plan	-	Taylor Consulting	21/04/2026

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.

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	05/05/2026

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

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

3. **Approved Land Use**
Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of independent living units, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

independent living unit *means a dwelling or part of a building, whether or not attached to another dwelling—*
(a) used to house seniors or people with a disability, and
(b) containing private facilities for cooking, sleeping and bathing, and

(c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,
but does not include a hostel.
Note—
Independent living units are a type of seniors housing—see the definition of that term in this Dictionary.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

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) If proposing to undertake works on Council property, a “Road Opening Permit” will need to be applied for from Council, and all applicable charges paid, prior to the commencement of any work. 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. Please contact Road Restorations Team at Council if unsure whether a Road Opening Permit is required.

(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.

6. **Social Housing Provider**
The development to which this consent relates, must be provided and operated in perpetuity by a social housing provider as defined by Schedule 10 of SEPP (Housing) 2021.

Reason: To ensure the development remains suitable and compatible with its intended use.

FEES / CHARGES / CONTRIBUTIONS

7. **Policy Controls**
Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of $56,996.65 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 $5,699,665.00.

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.

8. **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).

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

9. **Construction, Excavation and Associated Works Security Bond(s)**
The applicant is to lodge a bond with Council for the following:

Drainage Works
As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of $10000.

Crossing / Kerb & Gutter / Footpath Works
As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of $10000

Security Bond
As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of $10000

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

10. **On slab landscape planters**
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 dripline irrigation, and services connections. Soil depths shall be consistent with the approved Landscape Plans.

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.

11. **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 Taylor Consulting , drawing number Storm 1/A and Storm 2/A, dated 6 August 2026. 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:

- The inclusion of a v grated inlet pit over Councils existing stormwater drainage line in Delmar Parade to facilitate the connection of the site drainage to this inlet pit.
- The v grated inlet pit is to located in the middle of the proposed layback .
- The skewed 150mm outlet pipe is to be deleted.

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.

12. **Traffic Management and Control**
The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

13. **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 4.5 metres wide along the frontage of the site in Delmar Parade in accordance with Northern Beaches Council's Standard Normal High Profile and in accordance with Section 138 of the Roads Act 1993.

Driveways are to be in plain concrete only.

Adjustments to the existing concrete footpath are to be made 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.

14. **Erosion and Sediment Control Plan**
An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

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

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

Reason: Protection of the receiving environment.

15. **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 stormwater plans and report from Taylor Consulting Storm 1/B Storm 2/B, CIVIL 1 and CIVIL 2 dated 21/04/2026 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.

16. **Car Parking Standards**
The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of a construction certificate.

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

17. **Vehicular Swept Paths**
Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Details demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the construction Certificate.

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

18. **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 TfNSW 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.

19. **On-Street Work Zone**
The applicant shall lodge an application for a work zone for the frontage of the site to Council for consideration and approval. The provision of a work zone may require approval from Northern Beaches Local Transport Forum. Application forms for work zones are available on Council's website. Applications shall be lodged at least 4 weeks prior to work commencing.

Reason: To ensure works vehicles do not impact on parking, traffic flows and pedestrian thoroughfares.

20. **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.

21. **Amendments to the approved plans**
The following amendments are to be made to the approved plans:

- In relation to the individual private terraces to each unit, the northern balustrade be re-located towards the south by 1 metre.
- In relation to the individual private terraces to each unit, the horizontal length of the eastern and western privacy screens be reduced towards the south by 1 metre.
- A fixed privacy screen shall be attached to the western elevation of the terraces of Unit 2 and Unit 4 in Building A. The screen shall extend from the outer wall of the unit to the northern balustrade.
- A fixed privacy screen shall be attached to the outer wall of the accessible path to Building B on the 'Level 2 Floor Plan', for the length of the path that is adjacent to the communal terrace.
- All privacy screens must be 1.7 metres high (measured from finished floor level) and be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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.

22. **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 referenced in Condition 1 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 a Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

23. **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.

24. **Submission Roads Act Application for the construction of a kerb inlet pit in the Delmar Pde.**
The Applicant is to submit an application (using form number 4025 available on Council website) for approval for infrastructure works on Council's roadway. Engineering plans for the the construction of a kerb inlet pit with the existing property frontage to enable stormwater discharge from the site to this new pit are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of V grated inlet pit (minimum opening 1.2m wide) located within the proposed vehicle crossing layback which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.
The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

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

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

(a) AS2601.2001 - Demolition of Structures**
(b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
(c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
(d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
(e) AS 4970 - 2009 'Protection of trees on development sites'**
(f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
(g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
(h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
(i) AS 2890.5 - 1993 Parking facilities - On-street parking**
(j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**

(k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
(l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
(m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

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

The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website.

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

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

26. **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.

27. **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 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.

28. **Pedestrian Access Assessment**
Prior to the the issue of any Construction Certificate that applicant shall engage a suitably qualified consultant to undertake a pedestrian access assessment to determine the appropriateness of the walking route linking the proposed facility to the Dee Why town centre and provide any additional actions required to ensure suitability of this route for the residents

to access basic services locally with the assistance of on site staff.
Any actions required to achieve compliance with this report will require the applicant to seek approval from Council under section 138 of the Roads Act to undertake any necessary remedial works within the road reserve.

Reason: To provide safe connection to basic services and public transport for residents.

29. **Waste and Recycling Requirements**
Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

30. **Tree removal within the property**
This consent approves the removal of existing prescribed trees on the subject site as identified in the approved Arboricultural Impact Assessment. 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.

31. **Demolition Traffic Management Plan**
As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) 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.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.

- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of 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 DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

32. **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.

Property / Properties: 66 Delmar Parade, 68 Delmar Parade, 74 Delmar Parade, 76 Delmar Parade

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.

33. **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.

34. **Noise Management Plan**
Prior to any works, a Noise Management Plan is to be prepared by the project manager and implemented into the demolition, excavation and construction phase of the development.

The Noise Management Plan is to include, but not limited to, potential noise sources, how noise is to be managed, expected duration of noise, complaints protocol, responsible contact person and suitable provision for respite periods. The Plan is to include procedures to reduce adverse noise impacts on neighboring residential receivers.

The Plan is to be readily available at all times and updated as required.

Reason: To ensure noise is effectively managed.

DURING BUILDING WORK

35. **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 reports and 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 AS4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment, and in particular section 6 Tree Protection Plan, section 7 Recommendations and section 8 Construction

Hold Points for Tree Protection
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 of AS4970-2025 Protection of trees on development sites
ix) the activities listed in section 4 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 as complaint to AS4970-2025 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

36. **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.

37. **Dewatering and Discharge Regulatory Approvals**
WaterNSW is the lead regulatory authority for all groundwater dewatering activities.
If required the applicant must obtain and comply with all relevant WaterNSW recommendations, approvals, and conditions prior to commencing any groundwater dewatering.
Groundwater dewatering discharge to Council stormwater systems or natural assets is not permitted without prior written approval from Council.
A temporary dewatering discharge approval must be obtained from Council before any

discharge occurs. Discharge to the kerb will not be permitted, and a piped connection to an approved discharge point must be provided. The applicant must comply with all discharge approval conditions imposed by Council in relation to such discharge including discharge rates and quality.

Reason
To ensure site groundwater dewatering is appropriately managed, discharge rates are controlled, and the receiving environment and groundwater resources are protected

38. **Installation and Maintenance of Sediment and Erosion Controls**
Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

39. **Staff and Contractor Parking**
The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

40. **Implementation of Demolition Traffic Management Plan**
All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

41. **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.

42. **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.

43. **Handling of asbestos during demolition**
While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

44. **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.

45. **Demolition Works - Asbestos**
Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

46. **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.

47. **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.

48. **Site Maintenance**
While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

- Protective fencing and any hoardings to the perimeter on the site
- Access to and from the site
- Construction traffic management measures

- Protective measures for on-site tree preservation and trees in adjoining public domain
- Onsite temporary toilets
- A garbage container with a tight-fitting lid

Reason: To protect workers, the public and the environment.

49. **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.

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

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

50. **Traffic Control During Road Works**
Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Transport for NSW and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

51. **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.

52. **Dust Minimisation**
The applicant must take all reasonable measures to minimise dust generated during all works authorised by this consent. During construction, the applicant must ensure that:

a) All trucks entering or leaving the site with loads have their loads covered.
b) Trucks associated with the development do not track dirt onto the public road network.
c) Public roads used by these trucks are kept clean.
d) Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Reason: To minimise the environmental impacts of construction works.

53. **Cut and Fill**
While building work is being carried out, the principal certifier must be satisfied that all soil removed from or imported to the site is managed in accordance with the following requirements:

a) All excavated material removed from the site must be classified in accordance with the NSW Environment Protection Authority's (EPA) Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier.

b) Any fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

54. **Waste/Recycling Requirements (Waste Plan Submitted)**
During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated 15th April 2026

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

55. **Waste/Recycling Requirements (Materials)**
During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

56. **Landscape completion**
Landscape works are to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:
a) landscape works are to be contained within the legal property boundaries
b) landscape hard and soft works shall be installed as indicated and scheduled on the approved Landscape Plans.

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.

57. **Condition of retained vegetation**
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:
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.

58. **Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval**
The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as

Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

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

59. **Stormwater Disposal**
The stormwater drainage and on site detention works shall be certified as compliant with the approved plans and Councils Water Management Plan for Development by the Design Engineer. 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.

60. **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 plans. 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.

61. **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.

62. **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 theOccupation Certificate.

Reason: Protection of the receiving environment.

63. **Disabled Parking Spaces**
Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

64. **Shared Zone Bollard**
A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

65. **Operational Management Plan**
An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.
- Noise management.
- Truck delivery times and methods of control to manage the sequencing of the loading docks.
- Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

66. **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.

67. **Geotechnical Certification Prior to Occupation Certificate**
A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.
Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

68. **Outdoor Lighting**
Prior to the issue of an Occupation Certificate, the Certifier must be satisfied that all outdoor lighting:

a) achieves the objective of minimising light spillage beyond the property boundary and to adjoining or adjacent residential properties;

b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and

c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Reason: To protect public health and amenity.

69. **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.

70. **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/T
r=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

71. **Reconstruction of the existing concrete footpath**
The existing footpath is to be reconstructed to a 1.5m wide concrete footpath for the full frontage of the site in accordance with Councils standard drawings and specifications.

Reason: To comply with Councils current engineering specifications.

72. **Environmental Reports Certification**
Written certification from a suitably qualified person(s) shall submit to the Principal Certifier and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

(a) BASIX Certificate
(b) Arboricultural Impact Assessment (AIA) Report
(c) Access Report
(d) Geotechnical Report
(e) Acoustic Assessment Report
(f) Waste Management Plan
(g) Traffic and Parking Assessment Report
(h) Operational Waste Management Plan
(i) Operational Plan of Management

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

Reason: To ensure compliance with standards.

73. **Removal of All Temporary Structures/Material and Construction Rubbish**
Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management.

74. **Garbage and Recycling Facilities**
All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.
Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

75. **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.

76. **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> 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.

77. **Occupation of Seniors Housing or Housing for Persons with a Disability**
A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies. The covenant shall stipulate that Council is the sole authority to release or modify the covenant and shall include the following:

- The development is only permitted to be occupied by persons detailed as follows:
(a) people who have a disability;
(b) people who live within the same household of people who have a disability;
(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

  (Note: Under State Environmental Planning Policy (Housing) 2021): People with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

- The development must provide an on-site transport service which shall take the residents to a place that has adequate access to facilities and services, must not be an on-demand booking service for the transport of passengers for a fare, and be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Occupation Certificate.

Reason: Statutory requirements.

78. **Waste and Recycling Facilities Certificate of Compliance**
The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

79. **Waste/Recycling Compliance Documentation**
Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

80. **Positive Covenant for Council and Contractor Indemnity**
A positive covenant shall be created on the title of the land prior to the issue of an Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

81. **Authorisation of Legal Documentation Required for Waste Services**
The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of an Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

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

82. **Landscape maintenance**
If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. 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. 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 Plans and any conditions of consent.

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.

The approved landscape area 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.

83. **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.

84. **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.

85. **Commercial Medical Waste and Storage of bin/s**
Commercial Medical waste bin/s and storage of these medical waste bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans, it must be stored in a bunded area at all times.

A commercial waste contractor must be engaged to provide any medical waste bin/s required and there must be an ongoing contract for servicing of the bin/s, medical waste bins must be serviced within the site and not presented kerbside at any time for servicing.

Reason: To ensure that commercial medical waste and residential waste is not mixed and is properly managed.

86. **Restrictions on noise**
Noise levels from the use of balconies and terraces shall not exceed 5dB(A) above the background noise level measured at the boundary of the nearest residential receiver.

Furthermore, there is to be no amplified sound (eg. music) on the balconies and terraces.

Reason: To ensure the appropriate acoustic amenity for neighbouring properties.

87. **Mechanical Plant Noise**
Any mechanical plant shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary or any habitable rooms within the development.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

88. **Carpark Operation**
The proponent is to maintain signage within the carpark provided for the facility indicating that all vehicles are to enter and exit in a forward direction. All staff and regular attendees are to be inducted on this requirement when attending the site.

The carpark is to be maintained free of obstructions to allow for the safe turning of vehicles within the available space.

Reason: Maintain safe access and egress for the facility



UNIT SCHEDULE
ILU A–1 (UNIT 1)
ILU A–2 (UNIT 2)
ILU A–3 (UNIT 3)
ILU A–4 (UNIT 4)
ILU B–1 (UNIT 5)
ILU B–2 (UNIT 6)
ILU B–3 (UNIT 7)
ILU B–4 (UNIT 8)
ILU B–5 (UNIT 9)

BASIX SPECIFICATION

	Construction	Insulation	Colour	Details
Ext. Walls:	190 mm concrete lined	R1.4 added	Light	Unit A-1 only
	190 mm concrete lined	R1.1 added	Light	Elsewhere
	FC Clad	R1.1 added	Medium	As per plans

	Construction	Insulation	Details
Int. Walls:	Single Brick	None	Intertenancy
	Concrete with Plasterboard	None	To stairs/lift
	Plasterboard on Stud	None	As per plans

	Construction	Insulation	Details
Floors:	Concrete	R1.9 added	Where carpark/open below (Unit A-1, A-2 & B-5)
	Concrete	R1.1 added	Where carpark/open below (Elsewhere)
	Concrete	None	As per plans

	Construction	Insulation	Details
Ceilings:	Plasterboard	R4.0 added	Below metal deck roof

	Construction	Insulation	Colour	Details
Roof:	Concrete	50mm PIR or equiv (R2.3)	Medium	Where balconies above
	Metal Deck	60mm Anticon (R1.3)	Light	As per plans

	Product ID	Glass	Frame	Uw/SHGCw	Details
Windows:					
Group A	ALM-005-03 A	Double Clear	Aluminium	4.1/0.47	Awning (Unit A-1, A-2, B-1 & B-5)
Group A	ALM-001-01 A	Single Clear	Aluminium	6.7/0.57	Awning - elsewhere
Group B	ALM-004-01 A	Double Clear	Aluminium	4.8/0.59	Fixed (Glass blocks)
Group B	ALM-002-01 A	Single Clear	Aluminium	6.7/0.70	Sliding, Fixed - elsewhere

	Product ID	Glass	Type	Uw/SHGCw	Details
Skylights:					

	Orientation	Terrain	Rangehood	Recessed Downlights	Software Version
Other:	80	Suburban	Ducted	Sealed LED - 1 per 5m²	HERO22

Certificate No. #HR-DMNEPF-01
HERO
Scan QR code or follow website link for rating details.
Assessor name David Gradwell
Accreditation No. DMN/12/1451
Property Address 70 Delmar Parade, Dee Why, NSW, 2099
http://www.hero-software.com.au/pdf/HR-DMNEPF-01

COMMITMENTS FOR COMMON AREA AND CENTRAL SYSTEM/FACILITIES

Common area ventilation system

Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ (WS)
Lift bank (No. 1)	-	-	light-emitting diode	connected to lift call button	no
Common laundry	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	no
Lift bank (No. 2)	-	-	light-emitting diode	connected to lift call button	no

Central energy systems	Specification
Lift bank (No. 2)	gearless traction with V V V F motor and regenerative drive; Number of levels with apartments served by a lift: 3; number of levels from the bottom of the lift shaft to the top of the lift shaft: 4; number of lifts: 1; lift load capacity: >1001 kg

Floor types

Floor type	Area (m2)	Insulation	Low emissions option
-	-	-	-

External wall types

External wall type	Construction type	Area (m2)	Low emissions option	Insulation
-	-	-	-	-

Internal wall types

Internal wall type	Construction type	Area (m2)	Insulation
-	-	-	-

Reinforcement concrete frames/columns

Building has reinforced concrete frames/columns?	Volume (m³)	Low emissions option
-	-	-

Ceiling and roof types

Ceiling and roof type	Area (m²)	Roof insulation	Ceiling insulation
-	-	-	-

Glazing types

Single glazing (m²)	Double glazing (m²)	Triple glazing (m²)	Aluminium frames (m²)	Timber frames (m²)	uPVC frames (m²)	Steel frames (m²)	Composite frames (m²)
-	-	-	-	-	-	-	-

Hot water

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	4 star	3 star

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	7000	7'd collect run-off from at least: - 300 square metres of roof area of buildings in the development - 0 square metres of impervious area in the development - 0 square metres of other collection area in the development - 0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- irrigation of 343 square metres of common landscaped area on the site - car washing in 0 car washing bays on the site

Central energy systems	Type	Specification
Alternative energy supply	Photovoltaic system	Rated electrical output (min): 7 peak kW
Other	Common area electric / gas clothes dryer rating: 2.5 star - Common area clothes washer rating: 3 star	-

COMMITMENTS FOR BUILDING A

Floor types

Floor type	Area (m2)	Insulation	Low emissions option
concrete slab on ground, frame:	263		none
suspended floor above open subfloor, frame: suspended concrete slab	14	polystyrene	-
suspended floor above garage, frame: suspended concrete slab	166	polystyrene	-
floors above habitable rooms, frame: suspended concrete slab	126	-	-

External wall types

External wall type	Construction type	Area (m2)	Low emissions option	Insulation
External wall type 1	concrete block/ plasterboard,frame:no frame	273	-	polyurethane

External wall types

External wall type	Construction type	Area (m2)	Low emissions option	Insulation
External wall type 2	framed (fibre cement sheet or boards),frame:light steel frame	74	-	fibreglass batts or roll

Internal wall types

Internal wall type	Construction type	Area (m2)	Insulation
Internal wall type 1	plasterboard, frame:light steel frame	193	-
Internal wall type 2	single skin masonry, frame:no frame	94	-

Reinforcement concrete frames/columns

Building has reinforced concrete frames/columns?	Volume (m³)	Low emissions option
-	-	-

Ceiling and roof types

Ceiling and roof type	Area (m²)	Roof insulation	Ceiling insulation
framed - metal roof, frame: light steel frame	168	foil backed blanket	fibreglass batts or roll
concrete - plasterboard internal, frame: no frame	24	-	polystyrene

Glazing types

Single glazing (m²)	Double glazing (m²)	Triple glazing (m²)	Frame types: Aluminium frames (m²)	Timber frames (m²)	uPVC frames (m²)	Steel frames (m²)	Composite frames (m²)
52	-	-	52	-	-	-	-

Fixtures

Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 6 but <= 7.5 L/min)	4 star	4 star	5 star	-	not specified	5 star	-	-	-	-	-	-

Appliances

Dwelling no.	All dishwashers	Volume (max volume)
All dwellings	5 star	-

Individual pool

Dwelling no.	Pool cover	Pool location	Pool shaded	Volume (max volume)
-	-	-	-	-

Individual spa

Dwelling no.	Spa cover	Spa shaded
-	-	-

Alternative water source

Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection	Laundry connection	Pool top-up	Spa top-up
All dwellings	Central water tank (No. 1)	See central systems	See central systems	no	yes	no	no	no

Hot water

Dwelling no.	Hot water system	Each bathroom	Operation control
All dwellings	gas instantaneous - 5 star	individual fan, ducted to façade or roof	manual switch on/off

Bathroom ventilation system

Kitchen ventilation system

Each kitchen	Operation control
individual fan, ducted to façade or roof	manual switch on/off

Laundry ventilation system

Each laundry	Operation control
individual fan, ducted to façade or roof	manual switch on/off

Cooling

Dwelling no.	living areas	bedroom areas
All dwellings	1-phase airconditioning - non-ducted / 2.5 star (old label)	1-phase airconditioning - non-ducted / 2.5 star (old label)

Heating

Dwelling no.	living areas	bedroom areas
All dwellings	1-phase airconditioning - non-ducted / 2.5 star (old label)	1-phase airconditioning - non-ducted / 2.5 star (old label)

Natural lighting

Dwelling no.	No. of bathrooms or toilets	Main kitchen
All dwellings	0	no

Individual pool

Dwelling no.	Pool heating system	Pool Pump	Timer
All dwellings	-	-	-

Individual spa

Spa heating system	Timer
-	-

Appliances other efficiency measures

Kitchen cooktops/ovn	Dishwasher	Clothes dryer	Indoor or shielded clothes drying line	Private outdoor or weatherlined clothes drying line
induction cooktop & electric oven	3.5 star	-	no	no

Thermal loads

Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)	Area adjusted total load (in MJ/m²/yr)
A-1	30.40	5.70	36.100
A-2	32.8	3.5	36.300
A-3	18.20	9.2	27.400
All other dwellings	22.20	8.4	29.800

Common area

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	4 star	3 star

Central systems	Size	Configuration	Connection (to allow for...)
Fire sprinkler system (No. 1)	-	-	-
Fire sprinkler system (No. 2)	-	-	-

Common area ventilation system

Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ (WS)
GF carpark	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	time clock and motion sensors	no
Ground floor lobby	no mechanical ventilation	-	light-emitting diode	time clock and motion sensors	no

Common area lighting

Central energy systems	Type	Specification
Lift bank (No. 1)	gearless traction with V V V F motor and regenerative drive	Number of levels with apartments served by a lift: 2; number of levels from the bottom of the lift shaft to the top of the lift shaft: 3; number of lifts: 2; lift load capacity: >1001 kg

COMMITMENTS FOR BUILDING B

Floor types

Floor type	Area (m2)	Insulation	Low emissions option
concrete slab on ground, frame:	102		none
suspended floor above open subfloor, frame: suspended concrete slab	138	polystyrene	-
floors above habitable rooms, frame: suspended concrete slab	225	-	-

External wall types

External wall type	Construction type	Area (m2)	Low emissions option	Insulation
External wall type 1	concrete block/ plasterboard,frame:no frame	334	-	polyurethane
External wall type 2	framed (fibre cement sheet or boards),frame:light steel frame	81	-	fibreglass batts or roll

Internal wall types

Internal wall type	Construction type	Area (m2)	Insulation
Internal wall type 1	plasterboard, frame:light steel frame	258	-

Internal wall types

Internal wall type	Construction type	Area (m2)	Insulation
Internal wall type 2	single skin masonry, frame:no frame	123	-

Reinforcement concrete frames/columns

Building has reinforced concrete frames/columns?	Volume (m³)	Low emissions option
-	-	-

Ceiling and roof types

Ceiling and roof type	Area (m²)	Roof insulation	Ceiling insulation
framed - metal roof, frame: light steel frame	193	foil backed blanket	fibreglass batts or roll
concrete - plasterboard internal, frame: no frame	95	-	polystyrene

Glazing types

Single glazing (m²)	Double glazing (m²)	Triple glazing (m²)	Frame types: Aluminium frames (m²)	Timber frames (m²)	uPVC frames (m²)	Steel frames (m²)	Composite frames (m²)
79	-	-	79	-	-	-	-

Fixtures

Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 6 but <= 7.5 L/min)	4 star	4 star	5 star	-	not specified	5 star	-	-	-	-	-	-

Appliances

Dwelling no.	All dishwashers	Volume (max volume)
All dwellings	5 star	-

Individual pool

Dwelling no.	Pool cover	Pool location	Pool shaded	Volume (max volume)
-	-	-	-	-

Individual spa

Dwelling no.	Spa cover	Spa shaded
-	-	-

Alternative water source

Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection	Laundry connection	Pool top-up	Spa top-up
All dwellings	Central water tank (No. 1)	See central systems	See central systems	no	yes	no	no	no

Hot water

Dwelling no.	Hot water system	Each bathroom	Operation control
All dwellings	gas instantaneous - 5 star	individual fan, ducted to façade or roof	manual switch on/off

Bathroom ventilation system

Kitchen ventilation system

Each kitchen	Operation control
individual fan, ducted to façade or roof	manual switch on/off

Laundry ventilation system

Each laundry	Operation control
individual fan, ducted to façade or roof	manual switch on/off

Cooling

Dwelling no.	living areas	bedroom areas
B-5	1-phase airconditioning - non-ducted / 2.5 star (old label)	1-phase airconditioning - non-ducted / 2.5 star (old label)
All other dwellings	1-phase airconditioning - non-ducted / 2.5 star (old label)	1-phase airconditioning - non-ducted / 2.5 star (old label)

Heating

Dwelling no.	living areas	bedroom areas
B-5	1-phase airconditioning - non-ducted / 2.5 star (old label)	1-phase airconditioning - non-ducted / 2.5 star (old label)
All other dwellings	1-phase airconditioning - non-ducted / 2.5 star (old label)	1-phase airconditioning - non-ducted / 2.5 star (old label)

Natural lighting

Dwelling no.	No. of bathrooms or toilets	Main kitchen
B-5	0	yes
All other dwellings	0	no

Individual pool

Dwelling no.	Pool heating system	Pool Pump	Timer
All dwellings	-	-	-

Individual spa

Spa heating system	Timer
-	-

Appliances other efficiency measures

Kitchen cooktops/ovn	Dishwasher	Clothes dryer	Indoor or shielded clothes drying line	Private outdoor or weatherlined clothes drying line
induction cooktop & electric oven	3.5 star	-	no	no

Thermal loads

Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)	Area adjusted total load (in MJ/m²/yr)
B-1	29.8	3.7	33.500
B-2	20.90	7.7	28.200
B-3	13.40	8.3	19.700
B-4	26.8	8.7	35.800

Common area

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	4 star	3 star

Central systems	Size	Configuration	Connection (to allow for...)
Fire sprinkler system (No. 2)	-	-	-

WINDOW SCHEDULE

BUILDING	LEVEL	ASPECT	WINDOW NUMBER	AREA/UNIT	ROOM NAME	WIDTH (MM)	HEIGHT (MM)	GLAZING AREA	SILL HEIGHT (MM)	COMMENTS
Building A	Ground	E	AG-E1	Common	Carpark	5040	2200	11.09	1950	fire rated, double glazed glass blocks
Building A	Ground	E	AG-E2	Common	Carpark	5040	2200	11.09	1950	fire rated, double glazed glass blocks
Building A	Ground	W	AG-W1 (deleted)	Common	Carpark	5040	1050	4.23	120	fire rated, double glazed glass blocks
Building A	Ground	N	AG-N2	Common	Carpark	5040	4030	20.31	120	Bi-fold doors
Building A	Ground	W	AG-W1 (deleted)	Common	Carpark	5040	4030	20.31	120	fire rated, double glazed glass blocks
Building A	Ground	W	AG-W2	Common	Carpark	2170	800	1.74	2170	fire rated, double glazed glass blocks
Building A	Ground	W	AG-W3	Common	Carpark	2170	800	1.74	2170	fire rated, double glazed glass blocks
Building A	Level 1	N	A1-N1	ILU A-1 (SDA Unit 1)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building A	Level 1	N	A1-N2	ILU A-1 (SDA Unit 1)	Living	680	1400	0.95	1000	awning window
Building A	Level 1	N	A1-N3	ILU A-1 (SDA Unit 1)	Bed 1	830	2400	1.99	1000	awning window
Building A	Level 1	N	A1-N4	ILU A-1 (SDA Unit 1)	Bed 2	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building A	Level 1	S	A1-S1	ILU A-1 (SDA Unit 1)	Bed 1	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building A	Level 1	S	A1-S2	ILU A-1 (SDA Unit 1)	Bed 2	830	1400	1.16	0	awning window, obscure glazing
Building A	Level 1	E	A1-E1	ILU A-1 (SDA Unit 1)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building A	Level 2	N	A2-N1	ILU A-2 (SDA Unit 2)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building A	Level 2	N	A2-N2	ILU A-2 (SDA Unit 2)	Living	680	1400	0.95	1000	awning window
Building A	Level 2	N	A2-N3	ILU A-2 (SDA Unit 2)	Bed 1	830	2400	1.99	0	awning window
Building A	Level 1	S	A1-S1	ILU A-2 (SDA Unit 2)	Bed 1	830	2400	1.99	0	awning window
Building A	Level 1	W	A1-W1	ILU A-2 (SDA Unit 2)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building A	Level 2	N	A3-N1	ILU A-3 (SDA Unit 3)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building A	Level 2	N	A3-N2	ILU A-3 (SDA Unit 3)	Living	680	1400	0.95	1000	awning window
Building A	Level 2	N	A3-N3	ILU A-3 (SDA Unit 3)	Bed 1	830	2400	1.99	0	awning window
Building A	Level 2	N	A3-N4	ILU A-3 (SDA Unit 3)	Bed 2	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building A	Level 2	S	A3-S1	ILU A-3 (SDA Unit 3)	Bed 1	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building A	Level 2	S	A3-S2	ILU A-3 (SDA Unit 3)	Bed 2	830	1400	1.16	0	awning window, obscure glazing
Building A	Level 2	E	A3-E1	ILU A-3 (SDA Unit 3)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building A	Level 2	N	A4-N1	ILU A-4 (SDA Unit 4)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building A	Level 2	N	A4-N2	ILU A-4 (SDA Unit 4)	Living	680	1400	0.95	1000	awning window
Building A	Level 2	N	A4-N3	ILU A-4 (SDA Unit 4)	Bed 1	830	2400	1.99	0	awning window
Building A	Level 2	S	A4-S1	ILU A-4 (SDA Unit 4)	Bed 1	830	2400	1.99	0	awning window
Building A	Level 2	W	A4-W1	ILU A-4 (SDA Unit 4)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building B	Level 3	N	B1-N1	ILU B-1 (SDA Unit 5)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building B	Level 3	N	B1-N2	ILU B-1 (SDA Unit 5)	Living	680	1400	0.95	1000	awning window
Building B	Level 3	N	B1-N3	ILU B-1 (SDA Unit 5)	Bed 1	830	2400	1.99	0	awning window
Building B	Level 3	S	B1-S1	ILU B-1 (SDA Unit 5)	Bed 1	830	2400	1.99	0	awning window, obscure glazing
Building B	Level 3	E	B1-E1	ILU B-1 (SDA Unit 5)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building B	Level 3	N	B2-N1	ILU B-2 (SDA Unit 6)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building B	Level 3	N	B2-N2	ILU B-2 (SDA Unit 6)	Living	680	1400	0.95	1000	awning window
Building B	Level 3	N	B2-N3	ILU B-2 (SDA Unit 6)	Bed 1	830	2400	1.99	0	awning window
Building B	Level 3	N	B2-N4	ILU B-2 (SDA Unit 6)	Bed 2	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building B	Level 3	S	B2-S1	ILU B-2 (SDA Unit 6)	Bed 1	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building B	Level 3	S	B2-S2	ILU B-2 (SDA Unit 6)	Bed 2	830	2400	1.99	0	awning window, obscure glazing
Building B	Level 3	W	B2-W1	ILU B-2 (SDA Unit 6)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building B	Level 4	N	B3-N1	ILU B-3 (SDA Unit 7)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building B	Level 4	N	B3-N2	ILU B-3 (SDA Unit 7)	Living	680	1400	0.95	1000	awning window
Building B	Level 4	N	B3-N3	ILU B-3 (SDA Unit 7)	Bed 1	830	2400	1.99	0	awning window
Building B	Level 4	S	B3-S1	ILU B-3 (SDA Unit 7)	Bed 1	830	2400	1.99	0	awning window, obscure glazing
Building B	Level 4	E	B3-E1	ILU B-3 (SDA Unit 7)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building B	Level 4	N	B4-N1	ILU B-4 (SDA Unit 8)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building B	Level 4	N	B4-N2	ILU B-4 (SDA Unit 8)	Living	680	1400	0.95	1000	awning window
Building B	Level 4	N	B4-N3	ILU B-4 (SDA Unit 8)	Bed 1	830	2400	1.99	0	awning window
Building B	Level 4	N	B4-N4	ILU B-4 (SDA Unit 8)	Bed 2	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building B	Level 4	S	B4-S1	ILU B-4 (SDA Unit 8)	Bed 1	625	1400	0.88	1000	fire rated, double glazed glass blocks
Building B	Level 4	S	B4-S2	ILU B-4 (SDA Unit 8)	Bed 2	830	2400	1.99	0	awning window, obscure glazing
Building B	Level 4	W	B4-W1	ILU B-4 (SDA Unit 8)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building B	Level 5	N	B5-N1	ILU B-5 (SDA Unit 9)	Living	2170	2400	5.21	0	sliding door with 600mm wide side fixed pane window
Building B	Level 5	N	B5-N2	ILU B-5 (SDA Unit 9)	Living	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building B	Level 5	N	B5-N3	ILU B-5 (SDA Unit 9)	Living	680	1400	0.95	1000	awning window
Building B	Level 5	E	B5-E1	ILU B-5 (SDA Unit 9)	Living	680	1400	0.95	1000	awning window, obscure glazing
Building B	Level 5	S	B5-S1	ILU B-5 (SDA Unit 9)	Bed 1	2770	2400	6.65	0	sliding door with 600mm wide side fixed pane window
Building B	Level 5	S	B5-S2	ILU B-5 (SDA Unit 9)	Bed 2	2170	2400	5.21	0	sliding door with 600mm wide side fixed pane window

HAO design Pty Ltd
www.hao.com.au
admin@hao.com.au
M: 0403 263 365
NOMINATED ARCHITECT
NSW 5496 7532 NSW

REVISION	AMENDMENT	DATE
B	ADDRESS COUNCIL 16.07.26 RFI	12.08.26
A	COUNCIL DA	15.04.26

CLIENT: MANLY HOUSE FOUNDATION

LEGEND

NOTE: EV CHARGE READY DEVELOPMENT
LANDSCAPING TO LANDSCAPE ARCHITECT'S DETAILS
STORMWATER & DRIVEWAY TO ENGINEER'S DETAILS

PROJECT: SENIORS HOUSING
70 DELMAR PARADE DEE WHY NSW

TITLE: SITE PLAN
BASIX SPECIFICATION &
WINDOW SCHEDULE

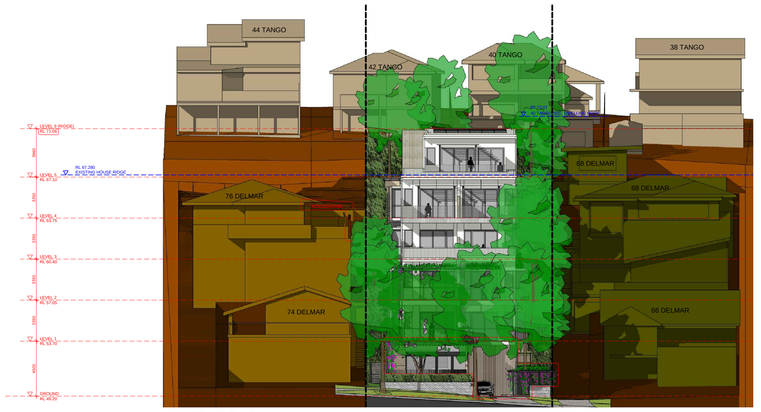
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PROJECT NO	DRAWING NO	REVISION	DATE
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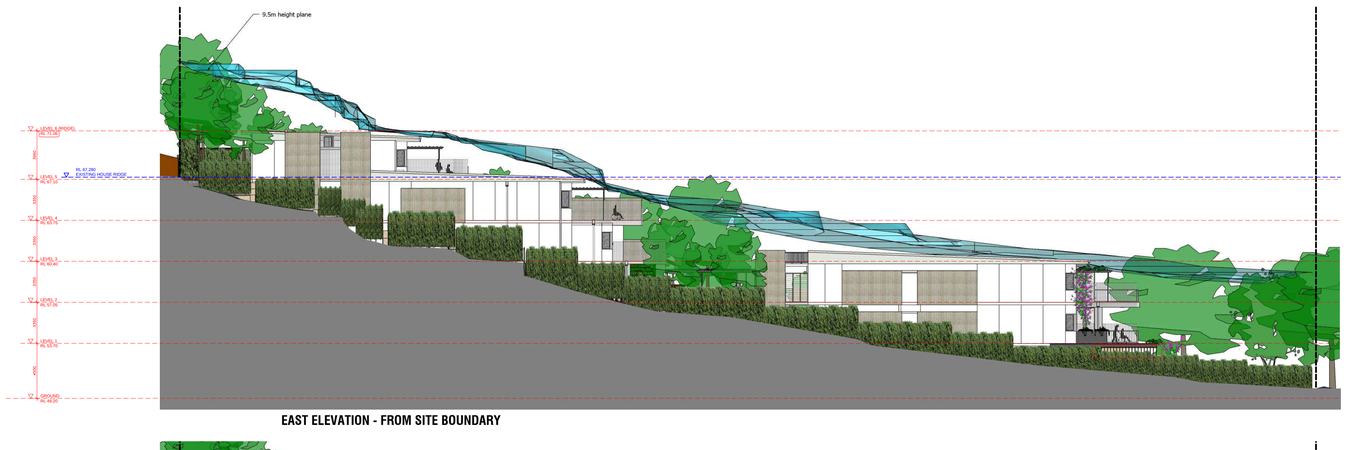
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EAST ELEVATION - FROM NEW EXTERNAL PATH



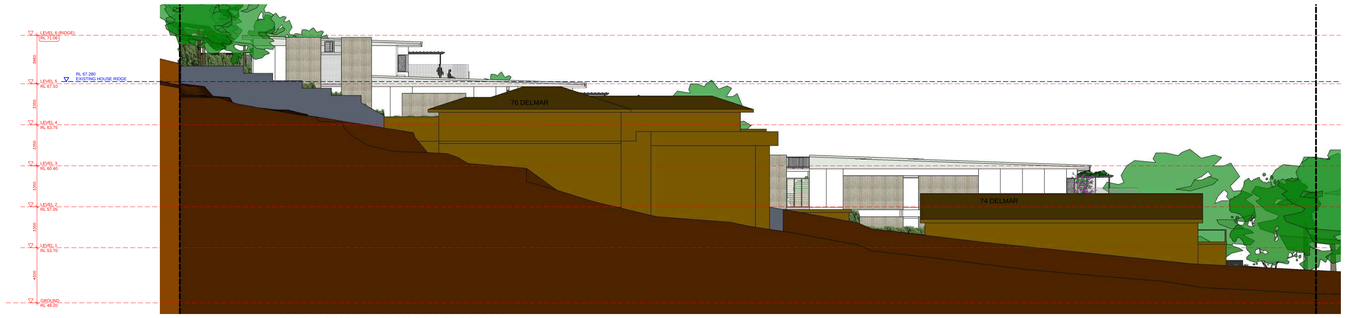
NORTH ELEVATION



EAST ELEVATION - FROM SITE BOUNDARY



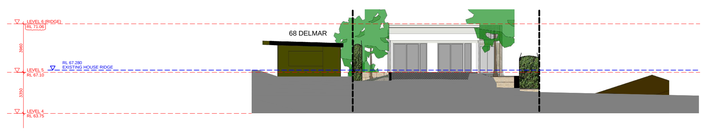
NORTH ELEVATION - BUILDING B



EAST ELEVATION - FROM 74 & 76 DELMAR



SOUTH ELEVATION - BUILDING A



SOUTH ELEVATION - BUILDING B

Certificate No. #HR-DMNEPF-01

HOUSE

Scan QR code or follow website link for rating details.

Assessor name: David Gradwell

Accreditation No.: DMN/218451

Property Address: 70 Delmar Parade, Dee Why, NSW, 2099

http://www.hero-software.com.au/pdf/HR-DMNEPF-01

HAO Design Pty Ltd
www.hao.com.au
admin@hao.com.au
M: 0403 263 365
NOMINATED ARCHITECT
NSW 5106 7532

REVISION	AMENDMENT	DATE
B	ADDRESS COUNCIL 16.07.26 RFI	12.08.26
A	COUNCIL DA	15.04.26

REVISION	AMENDMENT	DATE

CLIENT: MANLY HOUSE FOUNDATION

LEGEND:

NOTE: EV CHARGE READY DEVELOPMENT
LANDSCAPING TO LANDSCAPE ARCHITECT'S DETAILS
STORMWATER & DRIVEWAY TO ENGINEER'S DETAILS

PROJECT: SENIORS HOUSING
70 DELMAR PARADE DEE WHY NSW

TITLE: ELEVATIONS #1

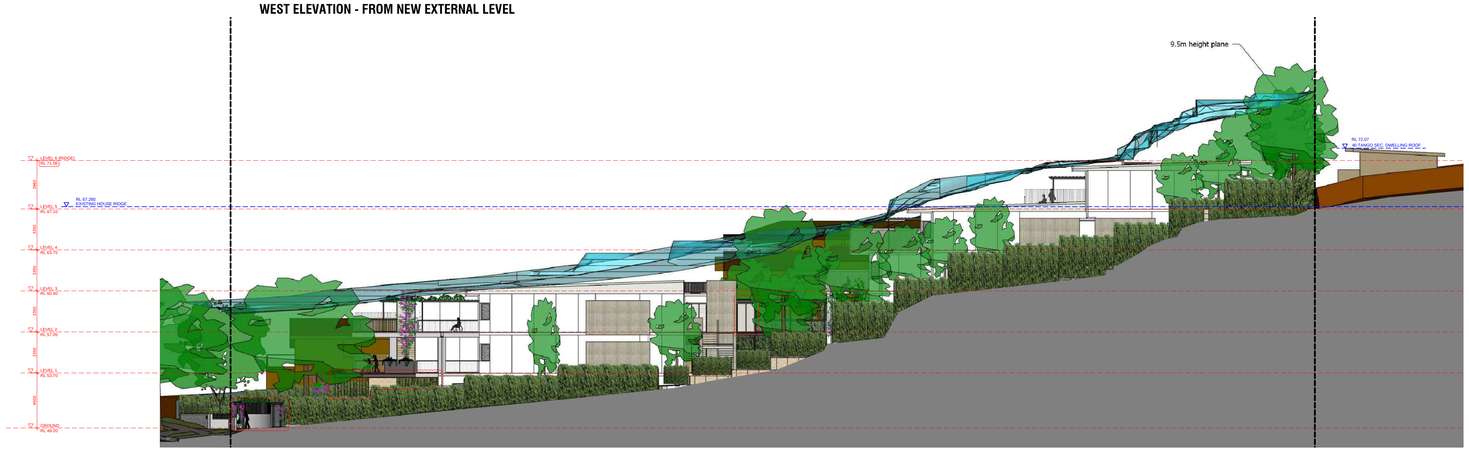
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B1	1:100	DL	DL

PROJECT NO	DRAWING NO	REVISION	DATE
2409301	20	B	12/08/26

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WEST ELEVATION - FROM NEW EXTERNAL LEVEL



WEST ELEVATION - FROM SITE BOUNDARY



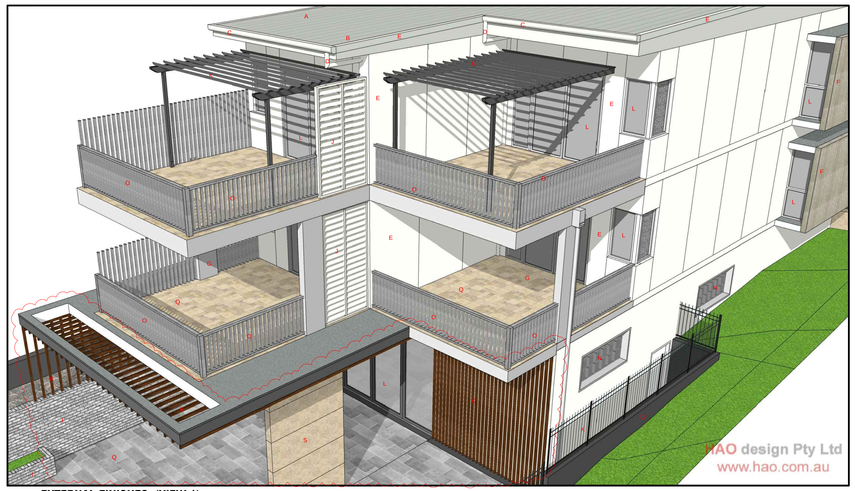
WEST ELEVATION - FROM 66 & 68 DELMAR



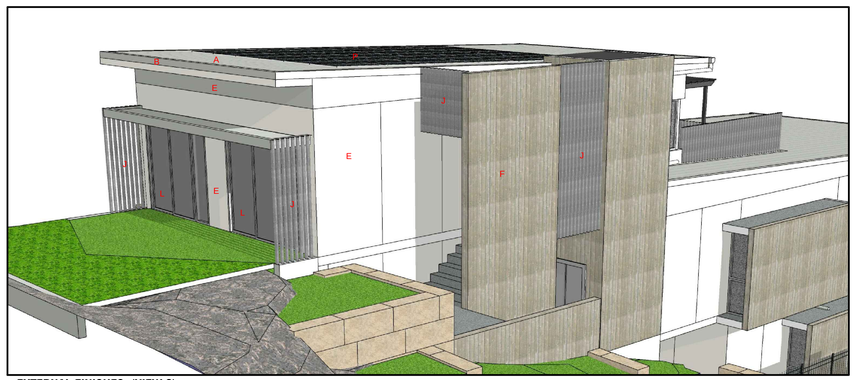
ARTIST IMPRESSION RENDER



INDICATIVE COLOUR PALETTE

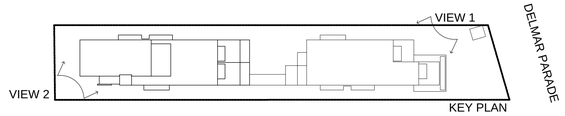


EXTERNAL FINISHES (VIEW 1)



EXTERNAL FINISHES (VIEW 2)

LEGEND
A SELECTED METAL ROOF
B SELECTED METAL FASCIA
C SELECTED METAL GUTTER
D FC CLADDING TYPE 1 PAINT FINISH
E FC CLADDING TYPE 2 PAINT FINISH
F FC CLADDING TYPE 3 TIMBER LOOK FINISH
G SELECTED FACE BRICK - WHITE
H SELECTED FACE BRICK - CHARCOAL
I METAL POWDERCOAT FINISH - MEDIUM/DARK GUAT FINISH
J METAL POWDERCOAT FINISH
K SELECTED METAL WINDOW
L GLASS BRICKS
M GLASS BLOCKS
N GLASS BALUSTRADE/TIMBER BALUSTRADE
O SOLAR PANEL
P SELECTED PAVING
Q SELECTED PAVING (PERMEABLE)
R STONE CLAD PANEL



Certificate No. #HR-DMNEPF-01
Scan QR code or follow website link for rating details.
Assessor name David Gradwell
Accreditation No. DMN/12/1451
Property Address 70 Delmar Parade, Dee Why, NSW, 2099
http://www.hero-software.com.au/pdf/HR-DMNEPF-01

HAO design Pty Ltd
www.hao.com.au
E: info@hao.com.au
M: 0403 263 365
NOMINATED ARCHITECT
NSW REG 7532

REVISION	AMENDMENT	DATE
B	ADDRESS COUNCIL 16.07.26 RFI	12.08.26
A	COUNCIL DA	15.04.26

CLIENT: MANLY HOUSE FOUNDATION

LEGEND:

NOTE: EV CHARGE READY DEVELOPMENT
LANDSCAPING TO LANDSCAPE ARCHITECT'S DETAILS
STORMWATER & DRIVEWAY TO ENGINEER'S DETAILS

PROJECT: SENIORS HOUSING
70 DELMAR PARADE DEE WHY NSW

TITLE: ELEVATIONS #2 &
EXTERNAL FINISHES

SIZE	SCALE	DESIGN	DRAWN
B1	1:100	DL	DL

PROJECT NO	DRAWING NO	REVISION	DATE
2409301	21	B	12/08/26

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northern beaches council

4 June 2026

DESIGN AND SUSTAINABILITY ADVISORY PANEL MEETING REPORT

DA2026/0524 – 70 Delmar Parade DEE WHY NSW 2099

PANEL COMMENTS AND RECOMMENDATIONS

General

This Development Application was presented to the Panel at Pre-DA stage on 28 August 2025. The advice provided the following conclusion:

> *The Panel does not support the proposal in its current form. A complete redesign and substantial resolution of issues around access, address and amenity is required. Any breaching of the primary controls should be supported by an analysis of any resulting benefit with reference and comparison to a complying scheme. The Panel refer the applicant to the Apartment Design Guide for aspects related to amenity and internal planning of apartments.*

The Panel recognises that the proposal is a valuable community facility and is supportive of the development in principle. The proposal has the potential to deliver significant social and community benefits through the provision of specialised accommodation and support services.

The Panel notes that the scheme has undergone several positive revisions since earlier design iterations, resulting in a substantially improved outcome. In particular, improvements to site access, circulation and overall functionality of the development are acknowledged and supported.

The proposal is located within an area identified for transition under the Low and Mid-Rise Housing provisions, where increased residential density and a broader range of housing typologies are anticipated. In this context, the provision of seniors housing and specialist disability accommodation is considered an appropriate and desirable land use.

Notwithstanding the above, careful consideration must continue to be given to the amenity impacts arising from boundary conditions, including privacy, outlook, building separation and the interface with adjoining properties. The design should ensure that future residents benefit from high levels of amenity while minimising impacts on neighbouring development.

Subject to the resolution of the matters identified within this report, the Panel is generally supportive of the proposal and encourages its continued refinement.

Strategic context, urban context: surrounding area character

See above

<u>Recommendations</u>

Previous recommendations from Pre-DA stage:

I. Provide adequate response to Country.

- The Panel do not consider that this has been adequately addressed by the Applicant and would benefit from further consideration. This matter relates to site, landscape and context. The Australian Institute of Architects provides guidance on what connection to country entails.

II. Provide adequate site analysis addressing topography, water, trees, urban context etc.

- Acceptable

III. Reduce excavation and disturbance to site.

- Improved. Acceptable

IV. Reconsider access strategy.

- Improved but further work required

Further recommendations for DA:

1. See Item 1 above.

Scale, built form and articulation

The Panel notes that the proposal is compliant with the applicable FSR and height controls. The Panel also acknowledges that improvements have been made to the building entry and access arrangements compared with earlier iterations of the scheme.

Notwithstanding this, concerns remain regarding the overall built form strategy and whether the site can comfortably accommodate a development of the proposed size and scale whilst maintaining a high level of amenity for both future residents and neighbouring properties. Council's concerns regarding the dual-building character of the proposal and the potential impacts on surrounding amenity warrant further refinement.

The Panel strongly supports the design objective of providing generous north-facing terraces to each dwelling. This is a compelling architectural and amenity-driven concept that responds well to the site's orientation and has the potential to deliver excellent outdoor living opportunities, solar access and outlook for residents.

While access arrangements have improved, the arrival experience for residents requires further refinement. The requirement for residents and visitors to move through the basement level to access building entries is not considered an ideal outcome. The Panel encourages the Applicant to reconsider this space as a key component of the architectural experience of the development. In this regard, the basement entry sequence should be designed more akin to a hotel porte-cochère, incorporating generous access to natural light, fresh air and landscape. The quality of materials, finishes, lighting and spatial treatment should reinforce the perception of this space as an extension of the building's public domain rather than a conventional basement circulation area.

The Panel also recommends that residents of Units 3 and 4 be provided with more direct access to the communal terrace and Lift 3 via the circulation space adjacent to Lifts 1 and 2. This would improve convenience, accessibility and the overall functionality of the communal facilities.

The proposed bay windows represent a positive response to privacy and outlook considerations and are moderately successful in reducing direct overlooking. However, the current design still

permits views between apartments on different levels. Further refinement of the bay window geometry, orientation and screening elements is recommended to address these residual privacy impacts while maintaining access to daylight and outlook.

Recommendations

Previous recommendations from Pre-DA stage:

V. Do not include subterranean habitable spaces.

- Acceptable

VI. Provide adequate articulation, surface area and aspect to enable habitable spaces access to light and air without compromising privacy.

- Acceptable

VII. Ensure adequate inclusion of realistic building tolerances and allowances.

- Acceptable

VIII. Ensure GFA calculations are consistent with applicable definition and realistic with respect to required extent of enclosure.

- Council to confirm acceptance

Further recommendations for DA:

2. Improve the arrival experience by redesigning the basement entry sequence as a high-quality, light-filled and landscaped space that functions as an extension of the public domain rather than a conventional basement circulation area.
3. Incorporate additional natural light, fresh air, landscape treatment and high-quality materials within the basement access and entry spaces.
4. Provide more direct pedestrian access from Units 3 and 4 to the communal terrace and Lift 3 via the circulation area adjacent to Lifts 1 and 2.
5. Refine the design of the bay windows to further reduce overlooking and inter-apartment views between levels while maintaining daylight, outlook and architectural quality.

Access, vehicular movement and car parking

See above.

Recommendations

Previous recommendations from Pre-DA stage:

IX. Consolidate vertical pedestrian access to avoid long, convoluted access pathways.

- Improved but further refinement recommended. As advised above.

X. Ensure clear and distinct pedestrian pathways.

- Improved but further refinement recommended. As advised above.

XI. Do not depend on access solution requiring multiple elevators to be utilised.

- Acceptable

Further recommendations for DA:

northern beaches council

6. See above.

Landscape

The Arborist report refers to AS4970:2009 which was updated in 2025 which must be rectified for a proper assessment and recommendations of encroachments.

The proposal seeks removal of a significant large Corymbia citriodora Lemon Scented Gum (Tree #3) which has the Arborist has rated with a High Retention Value that should be considered for retention. The tree is located within the required side setback, and a minor building footprint redesign could facilitate its retention.

The proposed plant schedule only incudes one large replacement canopy tree that will require decades to reach mature dimensions further supporting the case for retention of Tree #3.

Table 5 Minimum soil standards for plant types and sizes

Plant type	Definition	Soil volume	Soil depth	Soil area
Large trees	12-18m high, up to 16m crown spread at maturity	150m^3	1,200mm	10m x 10m or equivalent
Medium trees	8-12m high, up to 8m crown spread at maturity	35m^3	1,000mm	6m x 6m or equivalent
Small trees	6-8m high, up to 4m crown spread at maturity	9m^3	800mm	3.5m x 3.5m or equivalent
Shrubs			500-600mm	
Ground cover			300-450mm	
Turf			200mm	

Note: The above has been calculated assuming fortnightly irrigation. Any sub-surface drainage requirements are in addition to the above minimum soil depths

1. Tree retention
   - Consider relocating the level 1 Communal Open Space beneath Tree #3 Corymbia citriodora which is a natural asset and when highlighted and utilised properly would provide immediate and significant amenity for all residents while providing upper-level established tree canopy.
   - Consider having a more thorough Visual Tree Assessment conduction of Tree #3 to confirm its health and vigour and to verify the feasibility of a redesign.

2. Tree replacement
   - With the powerlines located on the opposite side of the street, a more substantial (large) street tree should be considered that can reach a height of greater than 13 metres or two medium trees.
   - Consider the use of a structural root cell system to be placed beneath the footpath prior to replacing the footpath and around existing services in order to provide sufficient room for proper root development in loose friable soil.
   - The intention of the 3m dimension in all directions is to have each tree installation in the centre of this area which will provide room for the roots of each tree to send out roots in

all directions which is a basic arboriculture principle for healthy plant growth and development as well as the stability of the tree. Implementation of this planning control should be consistent.

3. Communal Open Space
   - Communal Open Space is best when co-located with deep soil planting areas. The proposed central common area meets this requirement. Consider providing an additional communal open space area at the entry area to contribute toward the required 25%.
4. Potted Plants or raised planter boxes
   - Consider providing permanently irrigated planting options on each of the private outdoor terraces for the option of a kitchen garden and small flowering plants for each of the residents as further landscape amenity.
5. Maintenance access
   - It is unclear how the western boundary garden beds will be maintained, consider an access path to address this.
   - It will be necessary to have a strict pruning regime in place to ensure the blueberry ash hedge along the eastern boundary remains in check allowing egress for pedestrians.

Recommendations

Previous recommendations from Pre-DA stage:

XII. Consider providing adequate areas of unencumbered deep soil for planting canopy trees in the most appropriate locations and co-locating tree planting with communal open spaces.

- This recommendation has been properly addressed in the landscape documentation and is compliant with the relevant planning controls.

XIII. Consider integrating the entry garden bed with some sort of landscape amenity for the residents and their guests.

- This recommendation has been mostly addressed however further investigating providing an entry level, hotel style arrival area which should be explored further by the landscape architect.

XIV. Consider creating a communal open space area between buildings for connectivity and providing an outdoor area equally located between the furthest units.

- This recommendation has been addressed by the landscape architect and a nice open space, communal area has now been provided.

XV. Consider the use of pergola structures with deciduous vines over courtyard areas to provide an element of privacy and a sense of an outdoor room.

- The architectural plans show pergola structures which addresses the recommendation however, further work is required and this is to be reflected in the landscape plans.

XVI. An Arborist report is required.



- The arborist report provided needs to fix inconsistencies with reference to AS4970:2009 which need to reference the updated AS4970:2025.

XVII. Deep soil and landscape calculations are required.

- Deep soil calculations have been provided by the Architect on page 16 of the documentation package which are compliant with the relevant controls.

XVIII. Consolidated landscaped area 65% at rear to incorporate tree canopy & deep soil landscaping.

- This recommendation has been addressed, and sufficient deep soil areas have been provided in what can be considered two backyard areas. One being the communal area between buildings and the other being the area behind unit #9.

XIX. Will require extensive retaining and drainage treatments.

- The landscape plans show a series of retaining walls that can be further detailed at Construction Certificate stage. The referral suggests providing maintenance access pathways down both sides of the development. Drainage has not been resolved by the landscape plans. More information can be provided referencing the overland flows at the Construction Certificate stage.

XX. Navigation on foot around the site requires agility and flexibility not characteristic of many older seniors.

- The architect has addressed this issue with a series of flat pathways and lifts to assist in transversing the site more easily by all abilities.

XXI. Front area appears to be dedicated to vehicle circulation with pedestrian circulation secondary.

- This recommendation has been addressed in the latest submission but more potential to further resolve the front entry should be investigated.

XXII. Private open space areas have not been identified.

- Private open space areas have been documented on page 15 of the architectural plans.

Further recommendations for DA:

7. See above.

Amenity

The communal open space areas are generally well resolved and are expected to provide a strong sense of enclosure, comfort and outlook. These spaces have the potential to function as high-quality communal environments that support resident interaction and contribute positively to the overall amenity of the development.

Recommendations

Previous recommendations from Pre-DA stage:

XXIII. The panel do not find the length of circulation proposed and the necessity to utilise two separate elevators to gain access to dwellings acceptable. Due to slope of site, it appears that it may only be possible to provide dignified access to one core. This may be the limiting factor of development of this type on the site. The applicant should be advised that the yield capacity of the site for this type of development may be far lower than as proposed due to this factor alone.

- Acceptable

XXIV. Provide distinct pedestrian point of address and dedicated, clear horizontal circulation, ensuring access to light and air throughout these common spaces.

- Acceptable

XXV. Separate and untangle vehicular movements from pedestrian entry.

- Further improvements recommended

XXVI. Whilst strict compliance with building separation requirements in the ADG would likely sterilise the site, ensure that when habitable spaces are located close to side boundaries, that spaces are planned such that they can face away from other buildings and habitable spaces appropriately.

- Improved but further design refinement required.

XXVII. Ensure all habitable rooms have adequate access to daylight.

- Acceptable

XXVIII. Ensure interfaces between common circulation and habitable spaces do not undermine privacy of habitable spaces.

- Acceptable

XXIX. Provision for high quality, accessible communal open spaces.

- Acceptable

Further recommendations for DA:

8. See recommendations in Scale Built Form (above)

Façade treatment/Aesthetics

Insufficient detail provided. Further information required to Council satisfaction.

Recommendations

Previous recommendations from Pre-DA stage:

XXX. In cases where habitable spaces are located within 6m of side boundary, carefully oriented splayed walls and pop-out windows may assist in effectively managing the nexus of daylight, privacy and ventilation requirements.

- Further design refinement required

XXXI. The Panel would encourage calm, honest expression of built form with well resolved details and junctions and avoidance of applied and faux materials.

- Acceptable

XXXII. Ensure considered integration of required servicing, especially firefighting infrastructure.

- Acceptable

Further recommendations for DA:

9. Further detail required.

Sustainability

The applicant has addressed a lot of the sustainability comments from the previous panel, which is appreciated. Some further changes could be made to improve the sustainability outcomes of the development. These are outlined in the recommendations below.

- Replace the gas hot water with electric, preferably heat pumps as the most efficient option for providing hot water.
- Increase the number of solar panels by providing solar panels to both roof tops. This is particularly important as a demographic that would benefit from the long-term operational savings from the solar energy.
- Make sure EV charging is provided in the car park, including for the bus which feasibly could be an electric bus.
- Provide space for mobility scooter parking and charging in the basement.
- Increase the amount of double glazing to the apartments to improve thermal comfort and energy efficiency.

Recommendations

Previous recommendations from Pre-DA stage:

XXXIII. Clean Energy

a. Use all-electric systems (avoid gas for cooking, heating, and hot water).

b. Install rooftop solar panels (PV) wherever possible. Their efficacy can be greatly enhanced when placed over a green roof, which has additional biodiversity benefits.

c. Hot water storage is a de facto battery if heated by PVs during the day.

d. Consider on site battery storage as a highly desirable back-up during the transition to a de-carbonised grid.

- Further work required

XXXIV. Electric Mobility

a. Provide EV charging points (at least 15 amp for Level 1 charging).

b. Include facilities for charging and storing e-bikes and mobility scooters.

- Further work required

XXXV. Passive Design & Thermal Comfort

a. Ensure that at least 70% of the apartments achieve a minimum of 2 hours of solar access to habitable living rooms between 9am – 3pm.

b. Higher BASIX thermal performance standards that commenced on 1 October 2023 require an average 7 stars NatHERS, with no unit below 6 stars. This is consistent with the National Construction Code for 2022. Given the coastal location a very comfortable indoor environment should be achievable.

c. Include ceiling fans to improve comfort and reduce reliance on air-conditioning.

- Further work required

XXXVI. Water Efficiency

a. Use water-efficient fixtures and appliances.

b. Plan for site-wide system to collect rainwater and reuse for landscaping and toilet flushing.

c. Landscape design and planting should be water tolerant and suitable for the microclimate.

- Acceptable

XXXVII. Embodied Carbon Reduction

a. Reuse materials from any demolished buildings (e.g. masonry, timber, fittings, equipment).

b. Design simply: minimise complex structures, large spans, façade steps, and unnecessary finishes.

c. Keep building size modest and optimise design of spaces.

d. Use fewer materials where possible (e.g. exposed concrete floors, reduced tiling).

e. Design for durability and adaptability over time, accounting for different systems.

f. Preference low-carbon or renewable materials (e.g. timber, recycled steel, low-carbon concrete).

- Limited detail provided

Further recommendations for DA:

10. Further information recommended.

PANEL CONCLUSION

The Panel is generally supportive of the proposal and acknowledges the considerable improvements made to the scheme, particularly in relation to access, circulation and the quality of communal spaces. The provision of generous north-facing terraces is strongly supported and represents a key strength of the design, delivering high levels of amenity, solar access and outlook for future residents. The proposal has the potential to provide an excellent community facility and a positive addition to the locality. Notwithstanding this support, further refinement is recommended to improve the arrival experience, strengthen privacy outcomes between dwellings, enhance accessibility to communal facilities, and ensure the overall architectural quality is fully realised. Subject to these matters being addressed, the Panel considers the proposal capable of achieving a high standard of design and residential amenity.

ITEM 4.3 DA2026/0264 - 116 NAREEN PARADE NORTH NARRABEEN - COMMUNITY TITLE SUBDIVISION OF ONE 1 LOT INTO SEVENTEEN 17 LOTS AND ONE 1 COMMUNITY LOT INCLUDING ASSOCIATED CIVIL WORKS

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, **refuses** Application No. DA2026/0264 for Community Title Subdivision of one 1 lot into seventeen 17 lots and one 1 Community Lot including associated civil works at Lot A DP 395600 & Lot PO 79/16, 116 Nareen Parade NORTH NARRABEEN NSW 2101 for the reasons for refusal set out in the Assessment Report.

Reporting manager:	Executive Manager Development Assessment
Attachments:	1. Assessment Report [**4.3.1** - 52 pages] 2. Site Plans & Elevations [**4.3.2** - 4 pages]

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2026/0264

Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot A DP 395600, 116 Nareen Parade NORTH NARRABEEN NSW 2101 Lot PO 79/16, 116 Nareen Parade NORTH NARRABEEN NSW 2101
Proposed Development:	Community Title Subdivision of one (1) allotment into seventeen (17) residential allotments and one (1) Community allotment including associated civil works and landscaping
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	The Trustee For GMT Unit Trust

Application Lodged:	12/03/2026
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	25/03/2026 to 22/04/2026
Advertised:	25/03/2026
Submissions Received:	48
Clause 4.6 Variation:	Nil
Recommendation:	Refusal

Estimated Cost of Works:	$ 4,626,148.00

EXECUTIVE SUMMARY

The Development Application seeks consent for the Community Title subdivision of the site into 17 residential allotments and one community lot including earthworks, tree removal and the provision of associated infrastructure, services and vehicular access. The development takes place on a site that was formally owned and occupied by the Narrabeen RSL Club.

The application is reported to the Northern Beaches Local Planning Panel (NBLPP) as 41 submissions objecting to the development were received during the public exhibition period. As this exceeds 10 unique objections, the development constitutes 'sensitive development', and is required to be reported to the NBLPP in accordance with the Minister for Planning's Local Planning Panel Directions.

The application is Nominated Integrated Development and requires General Terms of Approval (GTA) from the NSW Government's Department of Climate Change, Energy, the Environment and Water-Water Group (the Water Group) under the Water Management Act 2000, due to the site containing an identified riparian corridor along the eastern edge of the site. GTA have been issued by the Water Group.

The critical issues raised within the submissions relate to; flooding impacts, traffic impacts, biodiversity impacts, construction impacts, residential amenity impacts, concerns about on-going management of the stormwater infrastructure, an absence of pedestrian links through the site from Eungai Place to Nareen Parade and riparian corridor impacts. The concerns in relation to the flooding impacts have been found during the assessment process to be fundamental and fatal to the application, and form part of the recommended reasons for refusal.

The critical assessment issues associated with the proposal relate to; flooding impacts, biodiversity impacts, land contamination and remediation, Aboriginal heritage significance, traffic impacts, acid sulfate soils, earthworks, water quality, landscape design, geotechnical hazards and site layout and design.

During the assessment process, the applicant amended the application to address the concerns raised by Council in relation to biodiversity impacts, land contamination and remediation, Aboriginal heritage significance, landscape design, acid sulfate soils and earthworks. However, the critical issue of flooding and its consequences for adjoining properties, and the suitability of the site for the subdivision, has not been overcome by the amendments.

The assessment of the Flood Management Report (FMR) prepared by Taylor Consulting, which is based on TUFLOW modelling by Stellen Consultants, has revealed that the development will increase flood levels on surrounding properties by up to 200 millimetres and increase the peak velocity of floods during a Probable Maximum Flooding event by 11.76%. Additionally, the internal road within the subdivision experiences dangerous hazard levels during flooding, which has a risk for vehicles to be swept away and presents a danger to property and life.

Council's Flooding Team have carried out a detailed review of the flooding response, including the additional information, and have concluded that the issues with respect to flooding impacts will result in a development that is not compatible with the flood function and behaviour on the land, will adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties and will adversely impact upon the receiving natural and built environment.

In relation to other matters, including development control related planning issues, and other environmental planning issues, there are no additional matters that have arisen and/or remain unresolved, which would warrant the refusal of the application.

In this regard, it has been concluded that the site is not suitable for the development as currently proposed due to the significant flooding impacts. Approval of the development is also not in the public interest as it

would increase the risks to public safety and property.

It is therefore recommended that the NBLPP **refuse** the application for the reasons attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the Community Title subdivision of the site into 17 residential allotments and one community lot including earthworks, tree removal and the provision of associated infrastructure, services and vehicular access. Key components of the development are outlined below as follows:

Tree Removal and Land Clearing

- Removal of Bowling Greens.
- The development involves the removal of 0.09 hectares of native vegetation including:
    - 29 prescribed trees, and
    - 17 exempt species that do not require approval for removal.

Earthworks

- The development involves excavation to a depth of approximately 1.5 metres (m) and filling to a depth of approximately 1.5m.
- Retaining walls across Lots 6, 7 and 8 up to a height of 1.5m.

Civil Works

- Extension of Nareen Parade to provide vehicular access to the new private community road within the subdivision estate.
- Provision of a new footpath along Nareen Parade to provide pedestrian access to the subdivision estate.
- New internal driveway off the private road to provide vehicular access to Lots 13 - 18 including driveways to service these allotments.
- New internal footpaths within the subdivision estate.
- An internal stormwater system that conveys stormwater downslope into the existing concrete culvert located through Tatiana Reserve. This system requires:
    - the upgrade of existing stormwater infrastructure on the site,
    - conveyance of stormwater into a drainage system under the internal road to discharge stormwater into the existing concrete culvert located through Tatiana Reserve via a new culvert and rip rap dispenser, and
    - establishment of inter-allotment drainage easements within the subdivision estate to facilitate the stormwater infrastructure.

Subdivision

- Community Title subdivision of one allotment into 17 residential allotments (Lots 2-18) and one community allotment (Lot 1), comprising:
    - **Lot 1 (Community Title):** 8,051.88 square metres (sqm)

- **Lot 2:** 551.29sqm
- **Lot 3:** 556.62sqm
- **Lot 4:** 561.94sqm
- **Lot 5:** 567.28sqm
- **Lot 6:** 601.60sqm
- **Lot 7:** 601.60sqm
- **Lot 8:** 594.80sqm
- **Lot 9:** 731.33sqm
- **Lot 10:** 560.00sqm
- **Lot 11:** 560.00sqm
- **Lot 12:** 560.00sqm
- **Lot 13:** 746.68sqm
- **Lot 14:** 613.91sqm
- **Lot 15:** 550.35sqm
- **Lot 16:** 553.84sqm
- **Lot 17:** 659.76sqm (585.27sqm excluding right of carriageway that burdens Lot 17 and benefits Lot 18)
- **Lot 18:** 1,100.38sqm

- The proposed subdivision does not include any land uses or built form on the resulting allotments; however, they are intended for residential use. The subdivision plan includes 175sqm indicative building footprints and envelopes to demonstrate how the allotments could accommodate for future residential development in accordance with the requirements of the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Pittwater 21 Development Control Plan (P21DCP)

Landscape and Public Domain Works

- 31 new canopy trees 5m or greater in height are proposed to be planted within the new subdivision estate along with various shrubs.
- 222 trees are proposed for retention.
- New park for residents and visitors within the south-eastern corner of the site adjacent to Tatiana Reserve.
- Weed management and re-vegetation of the riparian corridor over a 5-year period as outlined within the Vegetation Management Plan (VMP) prepared by Solutions+.



Figure 1 - Proposed Subdivision, Indicative Future Building Footprint and Locality Plan

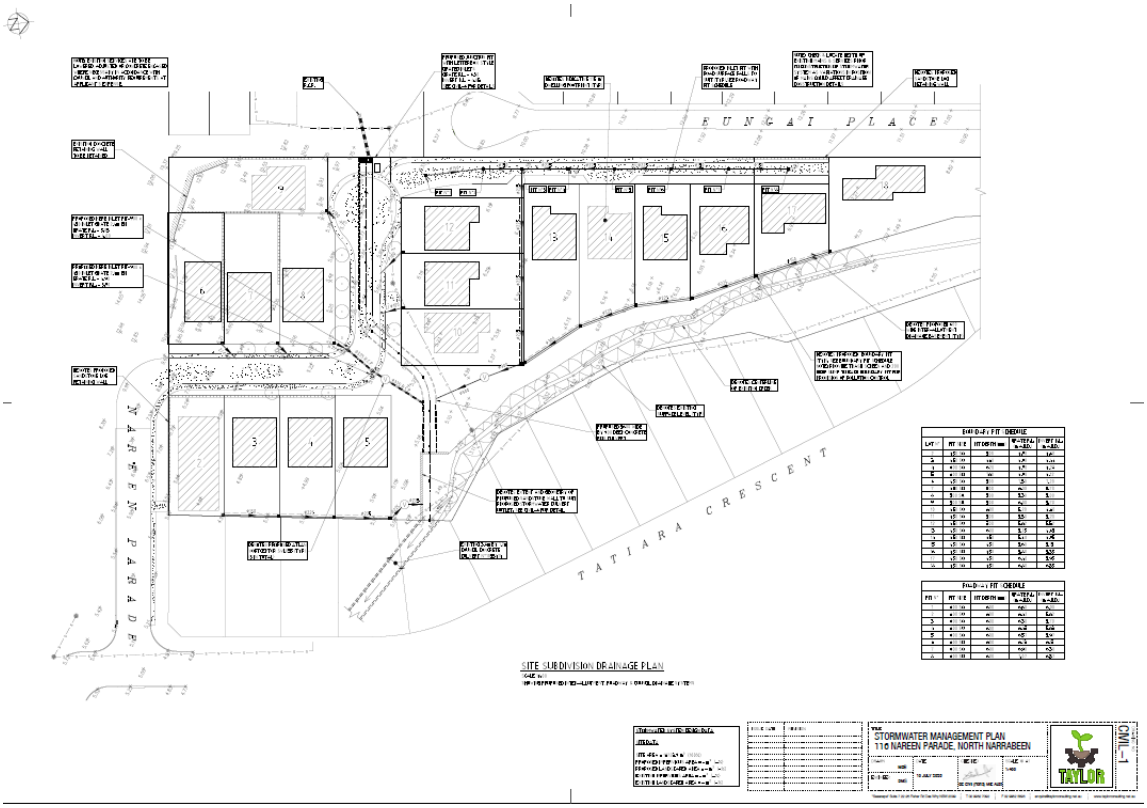


Figure 2 - Proposed Stormwater Management Scheme

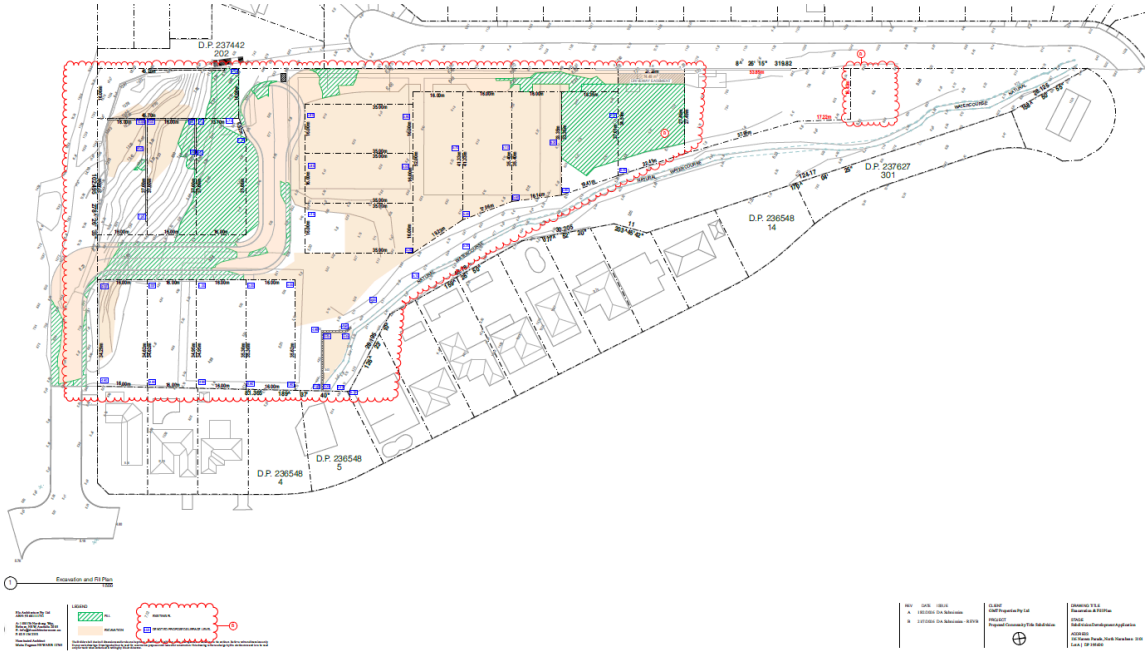


Figure 3 - Excavation and Fill Plan

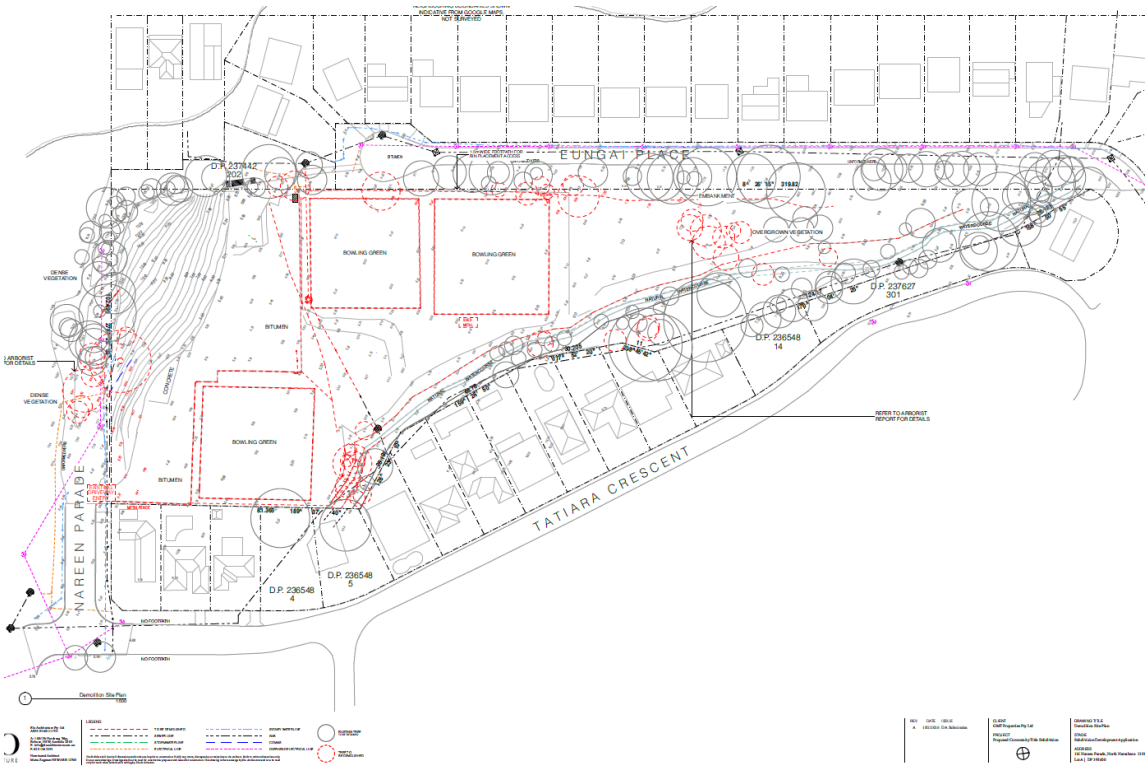


Figure 4 - Land Clearing and Tree Removal Plan

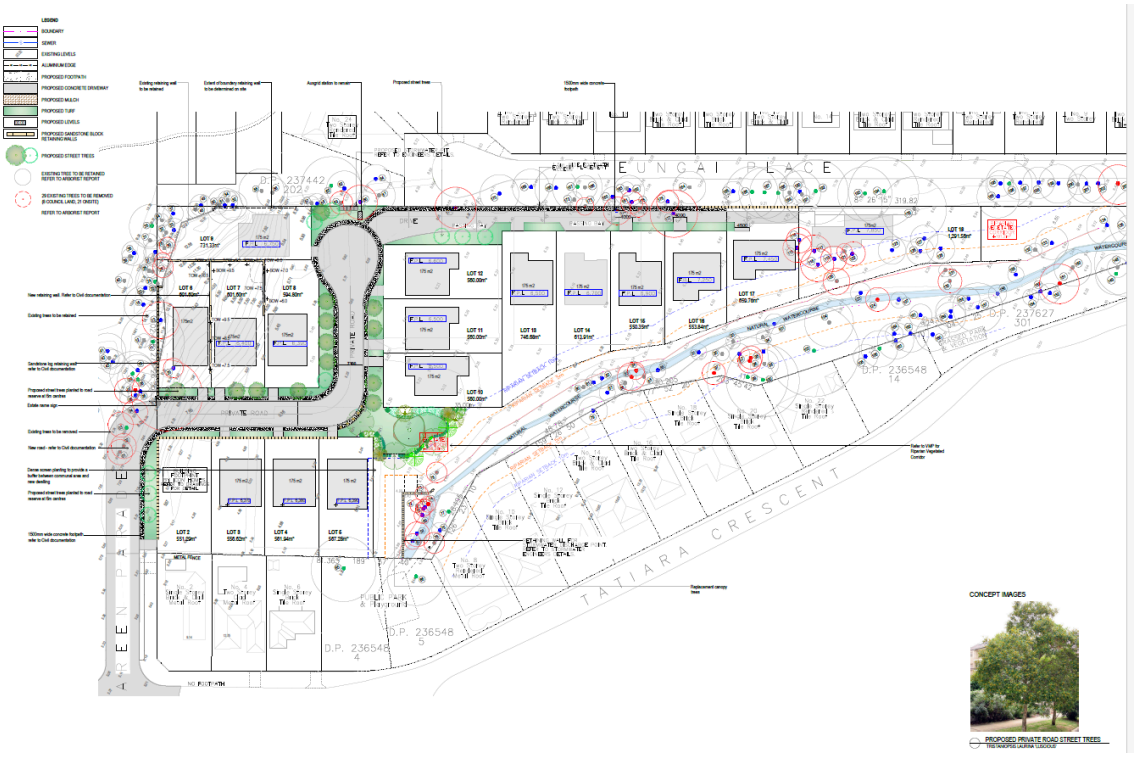


Figure 5 - Landscape and Public Domain Works

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 - 5.10 Heritage conservation

Pittwater Local Environmental Plan 2014 - 5.21 Flood planning
Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards
Pittwater Local Environmental Plan 2014 - 7.10 Essential services
Pittwater 21 Development Control Plan - B3.11 Flood Prone Land
Pittwater 21 Development Control Plan - C4.1 Subdivision - Protection from Hazards

SITE DESCRIPTION

Property Description:	Lot A DP 395600 , 116 Nareen Parade NORTH NARRABEEN NSW 2101 Lot PO 79/16 , 116 Nareen Parade NORTH NARRABEEN NSW 2101
Detailed Site Description:	The subject site consists of one allotment that can be accessed via the northern side of Nareen Parade within the North Narrabeen locality. The site also has a frontage to the eastern side of Eungai Place. The site is irregular in shape with a surveyed area of 1.872 hectares. The site is located within the C4 Environmental Living zone pursuant to the Pittwater Local Environmental Plan 2014 (PLEP 2014) and is currently vacant, with the site formerly accommodating the Narrabeen RSL Club which was recently demolished pursuant to Development Consent DA2025/0266. Remaining built features on the site consists of a large hardstand car parking area and bowling greens that were formerly used by the Narrabeen RSL Club. An Ausgrid electricity substation is located on the site adjacent to the western boundary. While there is vegetation around the perimeter of the site, the southern half of the site is largely cleared, while the northern half of the site is densely vegetated. A riparian corridor runs parallel to the eastern boundary of the site. Various Council stormwater pipelines intersect the site at different points. The site is also flood prone land. The surrounding built environment is largely characterised by detached low density residential development (i.e. dwelling houses) within landscaped settings. Tatiara Reserve (a public reserve) adjoins a portion of the eastern boundary of the site.

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant history:

Development Application No. 1992/159

This Development Application involved the subdivision of one allotment into nine allotments and was refused by the former Pittwater Council on 11 September 1995.

The reasons for refusal were as follows:

1. *The usable area of Proposed Lot 27 is insufficient for the erection of a dwelling house. This land should be incorporated within Lot 28 as Public Reserve. The usable areas of Lots 25, 26 and 27 would be inadequate if the watercourse is to remain in its natural state.*
2. *Replacement of the open natural watercourse with a piped drainage system would result in a loss of a significant fauna habitat.*
3. *Satisfactory information has not been provided to demonstrate that the proposed arrangements for a system of piped drainage would not cause downstream flooding and reduce public safety.*
4. *Trees likely to be affected by the location of the proposed access should be retained to maintain the privacy of existing dwelling houses overlooking the land and instigate the impact of development.*
5. *The proposal has not demonstrated that adequate arrangements have been made to accommodate traffic and parking generated by the development.*

Development Application DA2025/0266

This application involved the demolition of the registered club building (Narrabeen RSL) and associated structures. The application was approved by the Northern Beaches Local Planning Panel on 4 June 2025.

CURRENT DEVELOPMENT APPLICATION HISTORY

Following receipt of Council's Request for Further Information letter (RFI), which can be viewed on Council's website, the applicant amended the Development Application pursuant to Section 37 of the Environmental Planning and Assessment Regulation 2021 as follows:

- The Ausgrid substation was retained on the site on Lot 1, being the Community Lot.
- The heights of the retaining walls was shown on the plans.
- Various technical reports and plans pertaining to flooding, Aboriginal heritage, biodiversity, contamination and remediation, acid sulfate soils, water quality and landscaping were updated.

For the reasons outlined within the body of this report and the recommended reasons for refusal, the flooding issues captured on the RFI have not been resolved by the amended Development Application.

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. In summary, the development is inconsistent with Clause 5.21 of the Pittwater Local Environmental Plan 2014, which forms a recommended reason for refusal.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	See detailed assessment under “DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS” below.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal. In summary, the development is inconsistent with Section B3.11 of the Pittwater 21 Development Control Plan, which forms a recommended reason for refusal.
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)	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters could be addressed via a condition of consent. Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to revised plans and technical reporting as outlined on Council's Request for Further Information letter dated 12 June 2026. Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). These matters could be addressed via a condition of consent.

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	(i) **Environmental Impact** The environmental impacts of the proposed development on the natural and built environment are addressed under the Referral Bodies, Environmental Planning Instruments and Pittwater 21 Development Control Plan sections in this report. As detailed in the body of the report, the development will result in increased flooding depths on surrounding properties. Additionally, the internal road intersects a floodway and poses risks to pedestrians and vehicles being moved by flood waters in the events of certain flooding events. This represents a significant and unacceptable impact to life and property, which forms a recommended reason for refusal. (ii) **Social Impact** The proposed development will not have a detrimental social impact in the locality. (iii) **Economic Impact** The proposed development will not have a detrimental economic impact on the locality.
Section 4.15 (1) (c) – the suitability of the site for the development	The flooding constraints on the site have rendered the site unsuitable for the development as currently proposed due to the increased flooding impacts to surrounding properties that is caused by the proposed development. This matter forms a recommended reason for refusal.
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	The proposal is inconsistent with Clause 5.21 of the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Sections B3.11 and C4.1 of the Pittwater 21 Development Control Plan (P21DCP), which relate to flooding impacts. The inconsistencies with these flooding provisions means that the development is predicted to increase flooding depths on surrounding properties and predicted to increase flooding velocity by up to 11.76% in the PMF peak velocity. This results in a development that is contrary to the public interest as it increases the risks to public safety and property. This matter forms a recommended reason for refusal.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Northern Beaches Local Environmental Plan (Draft LEP)

Definition(s): Subdivision.

Land Use Zone: C4 Environmental Living.

Permissible or Prohibited: Permissible pursuant to Clause 2.6.

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable

A detailed assessment against the proposed numerical provisions and development standards has not been undertaken as part of this report. However, broad consideration has been given to the Draft LEP, and the proposal is inconsistent with its relevant aims and objectives as they relate to flooding impacts. However, as this is already captured by the reasons for refusal pertaining to the PLEP 2014, no additional reasons for refusal are required.

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 25/03/2026 to 22/04/2026 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 48 submission/s from:

Name:	Address:
Mr Stuart Denzil Don	1 A Coolabah Crescent FORESTVILLE NSW 2087
Mrs Barbara Jean Rowntree	60 Gondola Road NORTH NARRABEEN NSW 2101
Mr Daryl John Hawthorne	47 Gondola Road NORTH NARRABEEN NSW 2101
Withheld	ELANORA HEIGHTS NSW 2101
Mrs Louise Marie Pearce	20 Eungai Place NORTH NARRABEEN NSW 2101
Joseph Patrick Besser	36 The Crescent NORTH NARRABEEN NSW 2101
Withheld	NORTH NARRABEEN NSW 2101
Withheld	NORTH NARRABEEN NSW 2101
Mr David Emrys Gradon Ms Lee Ann Gradon	110 Pimble Valley Road CRABBES CREEK NSW 2483
Ms Emma Jean Just	159 Rickard Road NORTH NARRABEEN NSW 2101
Ms Joanne Moylan	19 Bellara Avenue NORTH NARRABEEN NSW 2101
Mr Jacob John Thomas Chapple	104 Nareen Parade NORTH NARRABEEN NSW 2101
Withheld	NORTH NARRABEEN NSW 2101

Name:	Address:
Mr Christopher Ara Avakian	3 Eungai Place NORTH NARRABEEN NSW 2101
Ms Dianne Elizabeth McFadden	92 A Nareen Parade NORTH NARRABEEN NSW 2101
Mrs Amanda Nicole Caunt	18 Tatiara Crescent NORTH NARRABEEN NSW 2101
Mr Daniel John Caunt	18 Tatiara Crescent NORTH NARRABEEN NSW 2101
Mr Michael David Page	24 Eungai Place NORTH NARRABEEN NSW 2101
Andrew Michael Bellamy	7 Eungai Place NORTH NARRABEEN NSW 2101
Mrs Katrina Louise Ackroyd	19 Eungai Place NORTH NARRABEEN NSW 2101
Mr Andrew James Meggitt	92 Nareen Parade NORTH NARRABEEN NSW 2101
Mr Matthew David Neece	1 / 8 Pine Street MANLY NSW 2095
Joanne Mcleod	9 Eungai Place NORTH NARRABEEN NSW 2101
Withheld	COLLAROY PLATEAU NSW 2097
Dr Olivia Catherine Andrews	8 Tatiara Crescent NORTH NARRABEEN NSW 2101
Mr Daniel John Clarke	8 Tatiara Crescent NORTH NARRABEEN NSW 2101
Mr Mehran Mozaffari	21 Eungai Place NORTH NARRABEEN NSW 2101
Mr Thomas Lester Pears	16 Eungai Place NORTH NARRABEEN NSW 2101
Withheld	DEE WHY NSW 2099
Mr Nicholas Paul Boon	39 A Cannes Drive AVALON BEACH NSW 2107
Kyle Bruce Channon	2 / 3 Vineyard Street MONA VALE NSW 2103
Ms Kristen Peta Wolthers	20 Alexander Road AVALON BEACH NSW 2107
Mr Timothy Jacob Van Rees	10 Delwood Close MONA VALE NSW 2103
Molitor Architects	1 Eungai Place NORTH NARRABEEN NSW 2101
Mrs Kirsty Samantha Muriel Pears	16 Eungai Place NORTH NARRABEEN NSW 2101
Samantha Jane Green	1 Tatiara Crescent NORTH NARRABEEN NSW 2101
Mrs Denielle Tressa Mcshane	148 Rickard Road NORTH NARRABEEN NSW 2101
Natalie Welsh	15 Foxall Street ELANORA HEIGHTS NSW 2101
Mrs Kay Eilynn Riley-Williams	10 Tatiara Crescent NORTH NARRABEEN NSW 2101
Mrs Dorothy Kennedy	5 Bellara Avenue NORTH NARRABEEN NSW 2101
Muska Ruzena Molitorova	26 Tatiara Crescent NORTH NARRABEEN NSW 2101
Hana Patrickova	6 Eungai Place NORTH NARRABEEN NSW 2101
Ms Dawn Elizabeth Karen Toynton	C/- Ats Awnings & Additions Pty Ltd Unit 7/11 Robertson Race JAMISONTOWN NSW 2750
Withheld	NORTH NARRABEEN NSW 2101
Hon. Jacqui Scruby MP NSW Government - Member For Pittwater	1725 Pittwater Road MONA VALE NSW 2103

Name:	Address:
Mrs Fiona Marie Guilfoyle	31 Tatiara Crescent NORTH NARRABEEN NSW 2101
Mr Philip James Guilfoyle	31 Tatiara Crescent NORTH NARRABEEN NSW 2101
Withheld	NORTH NARRABEEN NSW 2101

Forty-one (41) submissions objecting to the development and one (1) submission supporting the development were received during the public exhibition period.

It is noted that an additional seven (7) submissions were received after the public exhibition period and do not count as a submission pursuant to Schedule 1, Clause 15 of the EP&A Act; however, have been considered regardless.

The following issues were raised in the submissions objecting to the development:

- **Flooding Impacts**

  The submissions raised concerns that the off-site flooding impacts associated with the development would have unacceptable impacts on surrounding properties.

  Comment:

  As detailed in the Senior Floodplain Officer's referral response and the section of this report relating to Clause 5.21 of the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Sections B3.11 and C4.1 of the P21DCP, the development results in unacceptable changes to flooding behaviour and extent, which result in increases in flood velocity and increases in flood depths on adjoining properties. This matter forms a recommended reason for refusal.

- **Traffic Impacts**

  The submissions raised concerns that the development will result in unacceptable traffic generation that will adversely impact the operation of the surrounding road network.

  Comment:

  For the reasons detailed in the Traffic Engineering referral response, the level of traffic generated by the new residential allotments will not adversely impact upon the surrounding road network or pedestrian safety.

- **Biodiversity Impacts**

  The submissions raised concerns that the development will have an unacceptable impact on local biodiversity.

  Comment:

  As detailed within the Biodiversity Officer Referral Response and the sections of the report relating to State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the Biodiversity Conservation Act 2016, the development will not result in unacceptable impacts on local biodiversity.

- **Construction Impacts**

  The submissions raised concerns that the construction impacts associated with the development (i.e. noise, traffic, water management, dust mitigation etc.) would have unacceptable amenity impacts on surrounding properties.

  Comment:

  In the event the application was recommended for approval, suitable conditions would be recommended to mitigate the impacts of construction on the amenity of surrounding properties.

- **Noise Impacts from new Residential Allotments**

  The submissions raised concerns that the new residential allotments would adversely impact upon residential amenity from additional noise generation.

  Comment:

  While the application is not recommended for approval on the basis of flooding impacts, any future residential uses that are permissible in the C4 zone (i.e. dwelling houses and secondary dwellings) on the new allotments would unlikely cause adverse noise impacts due to the nature of the proposed land uses, which are not high-impact industrial or certain commercial uses that would generate excessive noise.

- **Visual Impacts from future Dwellings**

  The submissions raised concerns that the future buildings on the allotments would cause adverse visual impacts.

  Comment:

  There are no dwelling houses or other buildings proposed on the future allotments.

- **Unsuitable Allotment Designs**

  The submissions raised concerns that the allotments are unsuitable with respect to lot sizes, depths, orientation and widths.

  Comment:

  The allotments are compliant with the minimum lot size, width, gradient, orientation and depth requirements under Clause 4.1AA of the PLEP 2014 and Section B2.2 of the P21DCP and are suitable in this regard, noting that the application is recommended for refusal solely on flooding impacts.

- **Community Title Arrangement**

  The submissions raised concerns in relation to the proposed Community Title Arrangement and the on-going management of the stormwater management infrastructure being burdened by the Community Title rather than Council.

Comment:

The proposed Community Title subdivision arrangement is a legal planning pathway for this site. In the event the application was recommended for approval, suitable conditions would be recommended to ensure that the stormwater management infrastructure is appropriately managed in perpetuity.

- **No Pedestrian Link from Eungai Place through the Site to Nareen Parade**

The submissions raised concerns that there is no pedestrian link from Eungai Place through the site to Nareen Parade.

Comment:

While historically (i.e. prior to demolishing the RSL Building) residents walked through the site from Eungai Place to Nareen Parade, this was an unlawful egress path as the site has no right of carriageway for access through the site. Furthermore, there is no statutory or policy control that requires the applicant to provide a pedestrian link from Eungai Place to Nareen Parade which benefits the residents of both streets.

- **Inconsistent with Zone Objectives**

The submissions raised concerns that the development is inconsistent with the objectives of the C4 Environmental Living zone.

Comment:

For the reasons detailed in the section of this report relating to the C4 Environmental Living zone, the development is inconsistent with the objectives of the C4 zone.

- **Impacts on Riparian Corridor**

The submissions raised concerns that the development will have adverse impacts on the riparian corridor through the site.

Comment:

As detailed in the body of the report and within the Natural Environment Unit's referral responses and the NSW Government's Department of Climate Change, Energy, the Environment and Water-Water Group written response, suitable mitigation measures can be enforced to mitigate adverse impacts to the riparian corridor.

- **Site Suitability**

The submissions raised concerns that the site is not suitable for the development based on the environmental constraints.

Comment:

As detailed within the body of this report, the flooding constraints render the site unsuitable for

the development, as currently proposed. This matter forms a recommended reason for refusal.

The issues raised within the submissions have been addressed above and captured by the recommended reasons for refusal where relevant and appropriate.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	***CONDITIONS RECOMMENDED*** **Updated Comments - Additional Information** A new Acid Sulfate Soil Assessment & Management Report was provided by Crozier Geotechnical Consultants which concluded the following: *"Works remaining above the identified ASS/PASS depth range are unlikely to disturb ASS/PASS materials. However, excavations extending below approximately 1.5m depth within the interpreted ASS/PASS affected area, or encountering ASS/PASS field indicators, should be managed in accordance with the recommendations of this report".* **Recommendation** Conditions are recommended to ensure the development is carried out in accordance with the Acid Sulfate Soil Assessment & Management Report. **Original Comments** This application is seeking consent for a subdivision to create 17 residential lots and 1 community lot including associated infrastructure, services and access works. The site is located on land classed as Acid Sulfate Soils (ASS) Class 5. The Geotechnical Report prepared by Crozier Project No. 2024-215 dated January 2026 undertook sampling for ASS. The report concluded in relation to ASS, *Based on the investigation results, ASS was identified at a depth between about 2.0m to 3.5m within the front/southern side of the site, which appears below any bulk excavation for the proposed subdivision. Further locations of borehole drilling with sampling across the site may be required to identify the horizon of the ASS within specific locations once the details of the proposed earthworks, sub-division structures and the dwellings are provided. The proposed development has not been designed at this stage (proposed subdivision) and cannot be determined if ASS/PASS will be excavated or the water table is intersected or lowered in any specific future developments, though it is not anticipated in subdivision works. Therefore, an Acid Sulfate Soil Management Plan is not required at this stage. Further assessment is required once more details of the proposed developments are supplied.* The Statement of Environmental Effects has stated, *development does not involve works more than 2m below the natural ground surface or that are likely to lower the watertable by more than 2m.*

Internal Referral Body	Comments
	Although excavation is not expected to go beyond 2m BGL, ASS were identified between 2.0m and 3.5m. Environmental Health are of the opinion that Acid Sulfate Soils require further investigation on the site before providing further comments. BH3 location is adjacent to the proposed public park and Playground which Environmental Health would consider a sensitive use. The Geotechnical Report stated *Based on the laboratory results, the net acidity values of samples collected from BH1, BH3, BH4 and BH8 exceed the Action Criteria. Both ASS and Potential Acid Sulfate Soil (PASS) were identified according to the criteria from the National Acid Sulfate Soils Guidance.* An additional assessment for Acid Sulfate Soils is to be undertaken for the entire site in accordance with the Acid Sulfate Soils Manual 1998. If required, an Acid Sulfate Soils Management Plan is to be prepared by a suitable qualified person and provided to Council for assessment. A watercourse is within the property with a high potential for pollution during works.
Environmental Health (Contaminated Lands)	***CONDITIONS RECOMMENDED*** This application is seeking consent for a subdivision to create 17 residential lots and 1 community lot including associated infrastructure, services and access works. A Detailed Site Investigation has been provided and concluded "*It is the opinion of EBG that, with respect to the investigations carried out within this report, and after remediation (removal) of the limited asbestos impacted soil in the central 'carparking area', the site shall be suitable for residential use".* The report has provided recommendations into the safe removal of some asbestos fragments identified and waste removal. A RAP has been prepared by EBG Environmental Geoscience dated 3 June 2026. Environmental Health can provide conditions of consent.

Internal Referral Body	Comments
Environmental Health (General)	***CONDITIONS RECOMMENDED*** This application is seeking consent for a subdivision to create 17 residential lots and 1 community lot including associated infrastructure, services and access works. A Construction Noise and Vibration Management Plan has been provided with the proposal. The proposed works on the site will involve additions and alterations to the existing onsite structures, minor excavation, and subsequent construction of the new development. The construction phase will be undertaken using conventional building methods and standard construction practices. A condition will be applied to ensure the Management Plan is implemented throughout the development.

Internal Referral Body	Comments
Landscape Officer	***CONDITIONS RECOMMENDED*** **Amended Plans/Additional Information Comment 30/07/2026** Amended Plans and information are noted. Issues raised previously have been addressed. No objections are now raised regarding landscape issues subject to conditions as recommended. **Original Comments** The application seeks consent for: Community Title Subdivision of one 1 lot into seventeen 17 lots and one 1 Community Lot including associated civil works. The Arborist's Report prepared by Arborsaw and Landscape Plans prepared by Space are noted. The proposal includes construction of internal and public roads, stormwater works and private domain landscape works Clarification is sought regarding the extent of works proposed. Engineering Plans indicate construction of retaining walls at various locations associated with roadworks to address level changes between proposed Lots and the road works. The Cut and Fill Plans indicate cut and fill for road and drainage works only. This indicates that no levelling of the proposed Lots is proposed at this stage of the development. The Architectural Plans provide indicative building footprints and ground floor levels. A number of Lots will require excavation to achieve the proposed levels, with road levels higher, hence the need for retaining walls. It is apparent that excavation for the Lots with associated retaining walls will impact additional trees not indicated for removal in the Arborist's Report. Some of these trees are located on Council reserves. • Clarification is required regarding the need for retaining walls if the Lots are not to be excavated. Alternatively, clarification is required as to whether any Lots are to be levelled as part of this application, with more detailed Arboricultural assessment of the impacts of such works. • Landscape Plans are also to clearly indicate that replacement trees equivalent to the number of trees to be removed are

Internal Referral Body	Comments
	provided within the overall site. Any tree required to be removed on Council Land (if approved) will also need to be indicated for replacement within the reserve.

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	***CONDITIONS RECOMMENDED*** <u>Updated Comments</u> The applicant has submitted an amended Flora and Fauna Impact Assessment (Thrive Ecology 17/07/2026) and Vegetation Management Plan (Solutions + 17/07/2026). In addition a Microbat Management Plan has been submitted (Thrive Ecology 17/07/2026). Additional ecological surveys have been undertaken including a targeted microbat survey including ecologist review of remote video inspection of the stormwater pipe proposed for removal. No evidence of microbats within the stormwater pipe was observed in the remote video footage. Due to the presence of microbats in the area and suitable habitat the mitigation measures proposed now include the implementation of the Microbat Management Plan that aims to manage and avoid impacts on microbats through exclusion methods, preclearance surveys, clearing supervision and timing of works to avoid construction during torpor periods. The amended VMP has addressed the issues raised in the original biodiversity referral comments. <u>Original Comments 02/06/2026</u> The development proposal has been assessed against the aims and objectives of the following biodiversity related planning instrument and controls: • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Pittwater DCP – Clause B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land The Flora & Fauna Impact Assessment (Thrive Ecology 10 March 2026) has been reviewed. The report concludes that the subject site is highly degraded from previous land uses and weed incursion. The current proposal has also been subject to design changes in order to further avoid and minimise potential impacts on native trees and the adjoining waterway. While the development will impact 0.09 ha of native vegetation which has potential to provide habitat to threatened fauna, the report concludes that it is unlikely that threatened biodiversity would be significantly impacted by the proposal. Additional mitigation and management measures have been proposed to further reduce potential for additional impacts. One of the proposed mitigation measures relates to the habitat of threatened microbats. Three culverts currently occur on site and may provide potential roosting habitat for cave-associated species. While the ecologist found no evidence of roosting, access to all sections of the culverts was not possible due to safety constraints. The ecologist recommends that a targeted pre-clearing survey, including dusk emergence monitoring of the culverts immediately prior to works, is

Internal Referral Body	Comments
	conducted to confirm whether roosting is occurring and to inform appropriate management measures if required (microbat management plan). Management measures suggested include exclusion if bats are utilising the culvert and timing of works to avoid construction during torpor periods or potentially breeding periods. It is recommended that the ecologist conduct passive acoustic detection as per Section 2.8 of the NSW bat guidelines to determine presence or absence of species that may be roosting and potentially impacted by the proposal, assume presence and develop a microbat management plan, or consult a species expert in relation to the habitat suitability and potential significance of impacts. The Vegetation Management Plan (VMP) (Solutions +) is noted, which aims to guide the restoration and management of a recommended VRZ width of 10m. The adequacy of the proposed VRZ width is to be confirmed by Council's Catchments team. The implementation of the VMP over an initial five year period by the developer and/or Community Association will also provide flora and fauna habitat by active restoration, regeneration, and / or creation, and will satisfy the requirements of the P21 DCP control. The VMP management actions will also apply in perpetuity to the community title subdivision, with ongoing vegetation management actions required. The VMP is to be amended to address the following matters. • while the timeline is indicative, the gap between secondary weeding and maintenance is too long. As a minimum show the inclusion of one additional secondary weeding effort between proposed secondary weeding in July and start of maintenance, • there is potential for the growth of native plantings under the *Ficus benjamina* to be suppressed due to intense shade. Can options for crown reduction and staged removal of large ficus occur as part of the tree removal approved as part of the subdivision development. Removals would only occur once risk of erosion is reduced/controlled, • include a section that addresses the ongoing vegetation management actions and KPI's (beyond initial five year term) that will be the responsibility of the community association in perpetuity, and • update the VMP if the development plans and extent of the riparian zone is amended.

Internal Referral Body	Comments
NECC (Development Engineering)	***MATTERS RAISED FOR CONSIDERATION*** **Updated Comments 6/10/2026** The proposed community title subdivision that proposed 17 residential lots and a community title private access road has been reviewed and is not supported for the following reasons: 1) The Flood Teams referral response does not support the application for various reasons including increases that exceed the flood tolerance levels allowed which impact adjoining properties in Tatiara Crescent and 26 Eungai Place. Also directly referencing the Flooding Teams referral comments re the internal road state *"the section of internal road running east-west (just to the north of the existing building) experiences dangerous hazard levels during flooding. It has a hazard category of up to H5 in the 1% AEP and 1%+CC events and up to H6 in the PMF. Even in the 5% AEP (1 in 20 year) event, the hazard category is up to H5. The flooding in this location is due to flood waters from the creek entering the site at the western boundary. Siting the internal road in this location with such high hazard does not comply. There is a range of ways in which this could be addressed, for example by augmenting the drainage in this general location, redirecting some of the flood flows or relocating the road."* Also Councils Auspec One design document states below that velocity x depth ratio are not to exceed 0.4m2/s for pedestrian safety and 0.6m2/s for vehicle safety and the maximum water depth not exceeding 0.2m: *Velocity/depth criteria: Conform to ARR flood hazard curve and the following for the design of velocity depth product flow across the footpath and within the road reserve: - For safety of children and vehicles: Maximum depth of water: 0.2 m. Maximum velocity x depth product flow: 0.4 m2/s. - For safety of vehicles only: Maximum velocity x depth product flow: 0.6 m2/s.* The DRAINS catchment model submitted is simplistic and may have under or over estimate catchment flows. The model should be accompanied by Hyrdological /Hydraulic report detaining the upstream catchment boundaries and major upstream drainage system which is to be incorporated into the model. Also upstream catchment parameters together with DRAINS model assumptions are to be detailed . The DRAINS model details overland flow within the proposed private road far exceeding the ARR safe Velocity vrs Depth product flow ratios. The DRAINS model details the overland flow depth of 0.394m and Velocity vrs

Internal Referral Body	Comments
	Depth Ratio of 1.21m3/s which are totally unacceptable for a trafficable road design. Additionally stormwater flows that travel from upstream along the proposed private road will enter proposed Lots 4 and 5. These flows as detailed in the DRAINS model are very high being 8m3/s and will cause significant property damage. The concrete box culvert dimensions within the DRAINS model are 2.44 x 1.21m which do not match the Culvert dimensions detailed on the Taylor engineering plans (3.6x0.9m). The DRAINS model culvert has a slightly less capacity. Hydraulic calculations are also to be provided to demonstrate the upstream inlet structure can accept the proposed stormwater inlet flows. The design engineer is also to confirm that the Tu Flow model has incorporated the proposed concrete box culvert into the Tu Flow model. **Previous Comments** The proposed community title subdivision that proposed 17 residential lots and a community title private access road has been reviewed and is not supported for the following reasons: 1) The Flood Teams referral response does not support the application for various reasons including the non demonstration of upstream and downstream flooding impacts as a result of the development . It is not clear additionally whether the proposed new downstream box culvert has been accounted for in the Tu Flow modelling. 2) The design engineer is to provide details on how the upstream flows from the new box culvert (3.6m x 1.2m deep) and creek system flows transition to the existing downstream box culvert (3.8m x1.2m) without creating significant hydraulic losses and overtopping of the downstream culvert which would potentially increase flooding levels to Councils downstream reserve and adjoining private properties. 3) The engineering plans are also to detail the location and heights of any external boundary retaining and lot boundary retaining walls.

Internal Referral Body	Comments
NECC (Flooding)	***MATTERS RAISED FOR CONSIDERATION*** The proposed development has been assessed for flooding against Sections B3.11 and B3.12 of the Pittwater DCP, and Clause 5.21 of the Pittwater LEP. Consideration has been given to the amended Flood Management Report prepared by Taylor Consulting (Ref: TC-2026-0166, dated 20 July 2026), which is based on TUFLOW modelling by Stellen Consultants. **Adverse Impacts:** Control A1 of Section B3.11 of the DCP requires that: "Development shall not be approved unless it can be demonstrated in a Flood Management Report that it has been designed and can be constructed so that in all events up to the 1% AEP event: a) There are no adverse impacts on flood levels or flood velocities caused by alterations to the flood conveyance; and b) There are no adverse impacts on surrounding properties; and c) It is sited to minimise exposure to flood hazard. Major developments and developments likely to have a significant impact on the PMF flood regime will need to demonstrate that there are no adverse impacts in the Probable Maximum Flood". Section A1.9 of the DCP defines an adverse impact as occurring when a development results in: • an increase in flood levels greater than 20mm during the 1% AEP event; • an increase in flood levels greater than 50mm during the PMF event; • an increase of more than 10% in PMF peak velocity; or • loss of flood storage or floodway capacity during the 1% AEP event. Clause 5.21 (2b) of the LEP requires that the development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties. Clause 5.21 (2e) of the LEP requires that the development 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. The Flood Management Report concludes that the proposed development would not result in adverse flood impacts. The report

Internal Referral Body	Comments
	states that flood afflux at neighbouring properties would be less than 20 mm during the 1% AEP event and less than 40 mm in the PMF event. However, based on Council's analysis of the model result files provided subsequently by Taylor Consulting on 31 August 2026, the afflux is higher than what was stated in the report, and the proposed development results in non-compliant adverse impacts on neighbouring properties. Council's analysis involved independent raster calculations by subtracting existing flood levels from proposed flood levels. This showed that the increases exceed the tolerance levels allowed for within the definition of adverse impacts, making the proposed development non-compliant: • Flood levels within 26 Eungai Place are expected to increase by approximately 50 mm to 200 mm under the proposed development scenario during both the 1% AEP and PMF events. • Flood levels within 8, 10 and 12 Tatiara Crescent, North Narrabeen are expected to increase by approximately 60 mm to 80 mm during the PMF event. In addition, the Flood Management Report by Taylor Consulting does not demonstrate that there are no increases of more than 10% in the PMF peak velocity. The table on page 11 indicates an increase of 11.76% at location 6, (which is adverse), but the only locations where differences in velocity are provided are at the spot locations from the original Flood Information Report from Council. The velocity impact information needs to be provided in mapped format in order to be comprehensive. Figures 20 and 23 show the pre- and post-development PMF velocity , but the velocity ranges are not defined above 1.5m/s. As a minimum, the ranges of 1.5-2.0m/s and >2.0m/s should be provided on all figures showing velocity. In addition, the areas where velocity increases by more than 10% in the PMF event need to be identified on a figure. Outlining any areas where this occurs wherever the post-developed velocity is more than 2.0m/s would be acceptable. **Flood storage:** Control A2 of Section B3.11 of the DCP requires that: "Development shall not be approved unless it can be demonstrated in a Flood Management Report that in all events up to the 1% AEP event there is no net loss of flood storage. Consideration may be given for exempting the volume of standard piers from flood storage calculations".

Internal Referral Body	Comments
	The Flood Management Report concludes that there is a net gain of 563m^3 of flood storage. This complies, however it is noted that garages are modelled as being raised on piers, which is unusual. Such construction is acceptable and would be required for support of the development, unless further modelling demonstrates that this is not required. **Hazard:** Control A1 of Section B3.11 of the DCP requires that development is sited to minimise exposure to flood hazard. Clause 5.21 (2a, 2c, 2d) of the LEP require that the development is compatible with the flood function and behaviour on the land, 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 incorporates appropriate measures to manage risk to life in the event of a flood. The section of internal road running east-west (just to the north of the existing building) experiences dangerous hazard levels during flooding. It has a hazard category of up to H5 in the 1% AEP and 1%+CC events and up to H6 in the PMF. Even in the 5% AEP (1 in 20 year) event, the hazard category is up to H5. The flooding in this location is due to flood waters from the creek entering the site at the western boundary. Siting the internal road in this location with such high hazard does not comply. There is a range of ways in which this could be addressed, for example by augmenting the drainage in this general location, redirecting some of the flood flows or relocating the road. The proposed development cannot be supported, due to non-compliance with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.

Internal Referral Body	Comments
NECC (Riparian Lands and Creeks)	***CONDITIONS RECOMMENDED*** The amended plans have satisfactorily addressed the previously identified riparian corridor shortfall through the provision of additional riparian vegetated corridor areas within Community Lot 1 and amendments to the lot layout adjoining the watercourse. The revised design is considered consistent with GTA TC-G005 (IDAS-2026-10198) and no further riparian concerns are raised. The General Terms of Approval issued by the Department of Climate Change, Energy, the Environment and Water (IDAS-2026-10198) do not constitute approval under the Water Management Act 2000. A Controlled Activity Approval must be obtained prior to the commencement of any controlled activity on waterfront land.
NECC (Water Management)	***CONDITIONS RECOMMENDED*** The submitted stormwater management information indicates that runoff from the developed site will be treated prior to discharge through the proposed stormwater quality treatment measures. Subject to the installation and ongoing maintenance of these measures, the development is capable of achieving an acceptable stormwater quality outcome and is unlikely to have a significant impact on downstream waterways. Appropriate erosion and sediment controls must also be installed and maintained throughout the construction period to prevent sediment and other pollutants from entering the stormwater system and downstream waterways.

Internal Referral Body	Comments
Traffic Engineer	***CONDITIONS RECOMMENDED*** **Development Overview** The proposal is to redevelopment the site at 116 Nareen Parade North Narrabeen, which was formally the Narrabeen RSL Club. The proposed development will consist of 17 building lots and 1 Community Title lot containing the private road for access to the development and associated infrastructure and community open space. The private road will provide direct access to 11 lots and 6 lots will gain access via a shared driveway along the western boundary of the site. **Traffic Generation Assessment** The change of use from a registered club to 17 residential properties results in a reduction in the number of trips generated, noting that the Club had not operated for several years. The proposed development is likely to generate up to 13 vehicle trips in the PM peak hour compared to the potential generation of the previous use of 40 vehicle trips in the PM peak. The proposed development will have similar generation as the surround residential precinct and only add minimal additional traffic to the local road network. **Parking Provision** Parking will be provided on each residential lot in line with the requirements of the DCP as each future property will be conditioned under a subsequent Development Application. Provision is made for access to each property at this stage only. Due to the design of the private road and the need to maintain emergency vehicle access on-street parking will be limited to one side only. This will be conditioned and where it affects the public road network Council will need to refer the matter to the Local Transport Forum for consideration. **Access Road Design** The proposed access road is suitable for two way traffic servicing the proposed number of dwellings. The turning paths provided have been assessed, noting that the 6 lots that share the common access driveway along the western boundary are unlikely to generate an unacceptable level of transport conflict (with the exception of waste collection day). **Active Transport and Public Domain Works** It is noted that the proponent is installing footpath within the development and extending it to the corner of Nareen Parade and Tatiara Crescent, however this will need to be extended to connect to the existing walking network on the southwestern corner of Rickard Road and Nareen Parade. The existing pedestrian desire line from

Internal Referral Body	Comments
	Eungai Place through the site is to be maintained with the applicant to provide a suitable connection between the existing cul-de-sac and the new cul-de-sac in the private road. This will require an approval under Section 138 of the Roads Act.
Waste Officer	***CONDITIONS RECOMMENDED*** Subdivision into 17 lots with one community title private road. Bin presentation as shown on DA06 by elo architecture Rev A 18/02/2026. The subdivision plan satisfies the waste requirements with the bin presentation indicated on the plans and the swept path for the council waste vehicle supplied.

External Referral Body	Comments
External - Ausgrid - Section 4.31 of SEPP (Planning Systems) 2021 Development near electricity infrastructure - s4.31 (of SEPP) 2021	***CONDITIONS OF CONCURRENCE PROVIDED*** 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.

External Referral Body	Comments
Aboriginal Heritage Office	***CONDITIONS RECOMMENDED*** Reference is made to the proposed development at the above location and to Aboriginal cultural heritage. An Aboriginal Heritage Due Diligence was prepared by Everick Heritage in July 2026. The Aboriginal Heritage Office has reviewed the report and agrees with the recommendations made. The following recommendations are made: • In accordance with the Due Diligence Code of Practice, the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures required. • Unexpected Aboriginal objects remain protected by the NPW Act. If any such objects, or potential objects, are uncovered in the course of the activity, work in the vicinity must cease, and Heritage NSW, and Metropolitan LALC be contacted for advice. If suspected human remains are discovered and/or harmed in, on or under the land within the Project Area, the following actions must be undertaken: • The remains must not be harmed/further harmed. • Immediately cease all works at that particular location. • Secure the area so as to avoid further harm to the remains. • Notify the NSW Police and the Environment Line on 131 555 as soon as practicable and provide any details of the remains and their location. • Do not recommence any work at the particular location unless authorised in writing by Heritage NSW or the appropriate government body.
Nominated Integrated Development - DCCEEW - Water - Water Management Act 2000, s91 - Controlled Activity Approval for works within 40m of watercourse	***GENERAL TERMS OF APPROVAL ISSUED*** The letter received from the Water Group states as follows: "I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above located. Attached, please find Department of Climate Change, Energy, the Environment and Water-Group's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA."

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 Contribution Order (HPC) applies to the development as the site is located within the Greater Sydney area. Pursuant to the HPC, the applicant must pay $12,974.62 per new dwelling lot.

The community title subdivision contains 17 new residential allotments which are capable of accommodating future dwellings.

The HPC allows the applicant to be credited for the existing allotment.

As such, a condition could be recommended requiring the applicant to pay contributions based off 16 new dwelling lots in the event the application is approved.

SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP), which applied at the time of lodgment of the Development Application, requires the relevant electricity provider (i.e. Ausgrid) 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 of concurrence. The development satisfies the relevant provisions of the TI SEPP.

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 0.09ha of native vegetation is 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 Impact Assessment (FFA) prepared by Thrive Ecology, dated 17 July 2026. Section 2.6 of the FFA states that the site falls within the Central Coast Koala Management Area and that 10 tree species listed under Schedule 3 of the BC SEPP for the Central Coast Koala Management Area were recorded within the study area. The tree species are as follows:

- Allocasuarina torulosa (Forest Oak) – significant use species.
- Angophora costata (Sydney Red Gum) – significant use species.
- Casuarina glauca (Swamp Oak) – occasional use species.
- Corymbia gummifera (Red Bloodwood) – significant use species.
- Corymbia maculata (Spotted Gum) – occasional use species.
- Eucalyptus botryoides (Bangalay) – significant use species.
- Eucalyptus grandis (Flooded Gum) – high use species.
- Eucalyptus paniculata (Grey Ironbark) – occasional use species.
- Eucalyptus piperita (Sydney Peppermint) – occasional use species.
- Melaleuca quinquenervia (Broad-leaved Paperbark) – occasional use species.

The FFA states that the proposal will remove one Angophora costata (Sydney Red Gum), eleven Casuarina glauca (Swamp She-Oak), one Eucalyptus botryoides (Bangalay), four Eucalyptus grandis (Flooded Gum) and one Melaleuca quinquenervia (Broad-leaved Paperbark) trees.

Notwithstanding, the FFA states that the site inspections undertaken by the authors of the FFA revealed that the site is highly degraded and not well connected to areas known to support koala population as a result of the surrounding area being occupied by residential land uses. No koalas were identified on the site inspections. The FFA further notes that BioNet Atlas records (NSW DCCEEW 2026a) have not identified koalas in close proximity to the subject site since 1968.

Council's Biodiversity Officer has reviewed the application and not raised any concerns in relation to impacts on koalas or koala habitat.

As such, it is concluded that the proposal is consistent with Chapter 4 of the BC SEPP.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) applies to the site pursuant to Clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the RH SEPP requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.

The applicant submitted a Detailed Site Investigation (DSI) prepared by EBG Environmental Geoscience, dated 11 May 2026 in accordance with Chapter 4 of the RH SEPP. The DSI undertook soil sampling across various locations across the entirety of the site.

The soil testing concluded that the site is not currently suitable for the proposed development due to the detection of asbestos fragments in the soil under the car parking area. Based on these findings, the DSI recommended that a Remediation Action Plan (RAP) be submitted to provide a strategy to safely remove asbestos contaminated soils within the proposed development area of the subject site.

A RAP prepared by EBG Environmental Geoscience, dated 3 June 2026 was subsequently submitted with this application in accordance with the recommendations of the DSI. The RAP stipulates that the site can be made suitable for the proposed residential development, provided the following remediation works are undertaken:

- The area of contaminated soil under the car parking area where borehole BH5 (refer to **Figure 6**) is located be excavated by an appropriate contractor and disposed of offsite to a NSW EPA licensed facility.

- Following removal of the fill layer and waste debris, a program of soil validation will be implemented, which will involve soil sampling within the remediation area across seven different sampling locations. The soil samples will be transported to a laboratory for testing to determine whether the resulting soil is compliant with a Health Investigation Level (HIL) A for low density residential development.

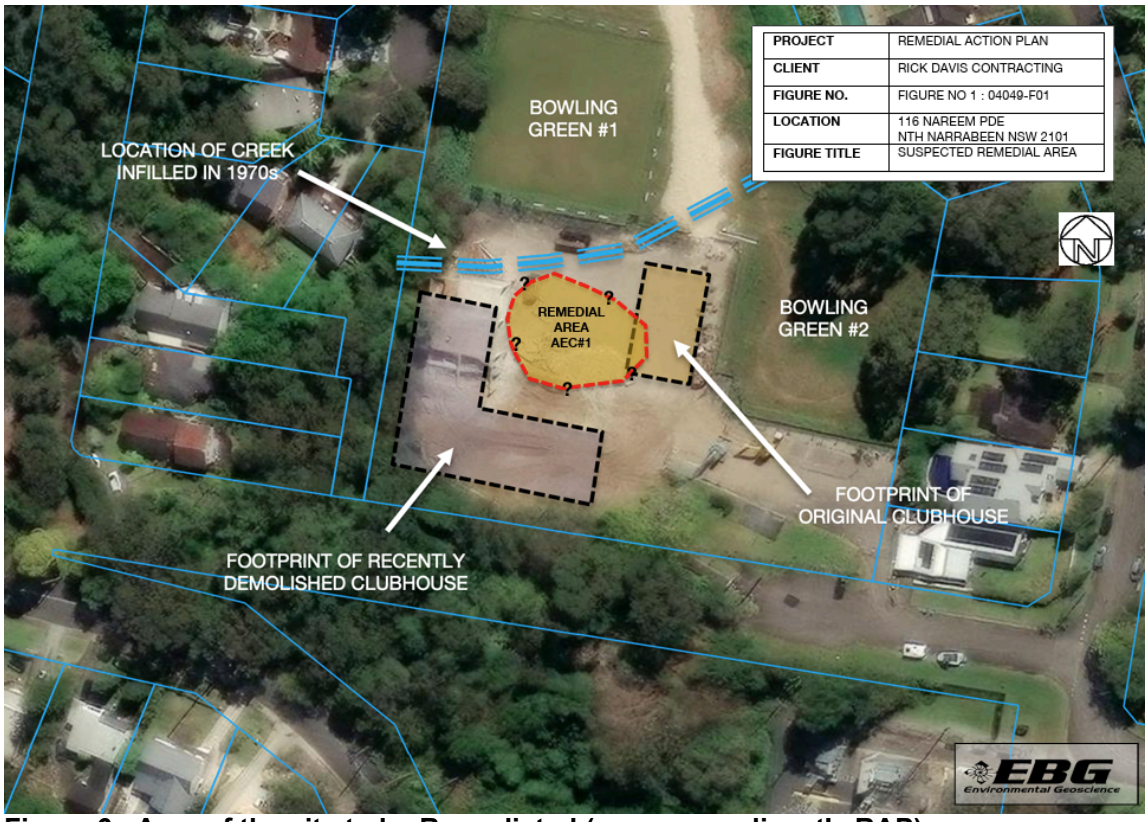


Figure 6 - Area of the site to be Remediated (source: applicant's RAP)

Council's Environmental Health Officer has reviewed the application and is satisfied that the DSI and RAP has appropriately assessed contamination and that the site can be made suitable for the intended land use, subject to the remediation works stipulated within the RAP being carried out prior to the commencement of construction. In the event the application was recommended for approval, a condition of consent would be recommended requiring a Remediation Site Validation Report (RSVR) to be carried out prior to the commencement of works.

The RSVR is to certify that the site has been satisfactorily remediated to the HIL A for low density residential development.

With this condition in place, Council is satisfied that the land will be remediated before the land is occupied by the development.

Therefore, the proposed development meets the relevant considerations under Chapter 4 of the RH SEPP, subject to conditions.

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?	No
zone objectives of the LEP?	No

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Clause 4.1AA - Minimum subdivision lot size for community title schemes	550sqm (minimum)	Lot 2: 551.29sqm Lot 3: 556.62sqm Lot 4: 561.94sqm Lot 5: 567.28sqm Lot 6: 601.60sqm Lot 7: 601.60sqm Lot 8: 594.80sqm Lot 9: 731.33sqm Lot 10: 560.00sqm Lot 11: 560.00sqm Lot 12: 560.00sqm Lot 13: 746.68sqm Lot 14: 613.91sqm Lot 15: 550.35sqm Lot 16: 553.84sqm Lot 17: 659.76sqm (585.27sqm excluding right of carriageway that burdens Lot 17 and benefits Lot 18) Lot 18: 1,100.38sqm	N/A	Yes for all lots

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision - consent requirements	Yes
4.1AA Minimum subdivision lot size for community title schemes	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	No
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The proposed subdivision is permitted to occur on the site pursuant to Clause 2.6 and Clause 4.1AA of the PLEP 2014.

An assessment against the objectives of the C4 Environmental Living zone has concluded that the development is inconsistent with the C4 zone objectives for the reasons outlined below as follows:

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

  Comment:

  As detailed within the Floodplain Officer's Referral Response, the proposal will increase flooding depths on surrounding properties during 1% AEP and PMF events. This results in unacceptable risk to property and life, thereby resulting in a development that does not constitute low-impact residential development.

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

  Comment:

  As demonstrated above, the proposal does not constitute low-impact residential development.

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

  Comment:

  This proposal is for subdivision of land that will provide 17 residential allotments under a Community Title Scheme. The allotments are all of a size, depth and width that meet the numerical requirements under the PLEP 2014 and Pittwater 21 Development Control Plan (P21DCP).

  Additionally, the applicant has submitted conceptual plans to demonstrate that dwelling houses can be accommodates on these allotments without adversely impacting the natural environment, the streetscape or the amenity of surrounding residential properties including residential properties within the subdivision estate.

  For the reasons outlined above, it is concluded that future residential development on the allotments could be of a low density and scale.

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

  Comment:

  The NSW Department of Climate Change, Energy, the Environment and Water-Water Group have issued general terms of approval for the works in close proximity to the riparian corridor and Council's Natural Environment Unit have provided several recommendations to mitigate impacts on the watercourse. Additionally, weed removal and re-vegetation of the riparian corridor will occur as per the requirements of the VMP.

  The proposal will also not adversely impact upon local biodiversity, as outlined above and within various sections of this report relating to the BC SEPP, the Biodiversity Conservation Act 2016 and Council's Biodiversity Officer Referral Response.

5.10 Heritage conservation

Clause 5.10 of the PLEP 2014 requires the consent authority to consider impacts on places of Aboriginal heritage significance. It is noted that there are no registered Aboriginal sites that are impacted by the proposal.

During the assessment process the applicant submitted an Aboriginal Heritage Due Diligence report (AHDD) prepared by Everick Heritage, dated 8 July 2026. The AHDD states that the project area contains two sensitive landscape features, being located within 200m of waters and 200m of a cliff face. The cliff face is located outside of the subject site and no exposed sandstone outcrops, or cliff surfaces are within the subject site.

The AHDD states that the site has been subjected to a moderate to high degree of historical ground disturbance that has considerably altered the sensitive landscape features on the site from their state before European contact. The ADHH states that the construction and subsequent partial demolition of the RSL Club structures, bowling greens and carpark has resulted in a high degree of disturbance across the southern half of the Project Area and it is unlikely that Aboriginal sites or objects will occur within this area.

The AHDD states that the northern portion of the site, including the unnamed creek line, has also been subjected to a moderate to high degree of disturbance, including earthworks to level the site, the construction of Eungai Place and a concrete culvert and associated hydrological infrastructure. These activities involved excavation, terracing and levelling works that have likely resulted in the removal or impact of the original soil profile. The AHDD concludes that the site is located within an area of low archaeological potential and that the proposed development may proceed with caution without further investigation.

The Aboriginal Heritage Office (AHO) have reviewed the application including the AHDD and not raised any concerns in relation to disturbance of items of Aboriginal heritage significance. The AHO have recommended conditions to account for any unexpected finds during earthworks. These conditions could be included if the application is approved.

Overall, the proposal is not likely to result in adverse impacts on items of Aboriginal heritage significance.

5.21 Flood planning

The subject site is affected by flooding during various flooding events, including 1% Annual Exceedance Probably (AEP) and Probably Maximum Flooding (PMF) events.

Therefore, Clause 5.21 of the PLEP 2014 is applicable to the proposal.

Clause 5.21(2) of the PLEP 2014 states that development consent must not be granted on flood prone land unless the consent authority is satisfied that 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.

The application has been accompanied by a Flood Management Report (FMR) prepared by Taylor Consulting, which is based on TUFLOW modelling by Stellen Consultants.

The FMR states that flood afflux at neighbouring properties would be less than 20 millimetres (mm) during the 1% AEP event and less than 40mm in the PMF event. However, Council's Senior Floodplain Officer has reviewed the TUFLOW modelling and states that the afflux is higher than what is stated in the FMR.

Council's Senior Floodplain Officer has undertaken an analysis which involved independent raster calculations by subtracting existing flood levels on the site from the proposed flood levels. This analysis has shown that the increased flood levels exceed the tolerance levels allowed for within the definition of 'adverse impacts', resulting in the following flood increases on adjoining properties:

- Flood levels within 26 Eungai Place (which is a Council reserve) are expected to increase by approximately 50mm to 200mm under the proposed development scenario during both the 1% AEP and PMF events.
- Flood levels within 8, 10 and 12 Tatiara Crescent (which are private residential properties) are expected to increase by approximately 60mm to 80mm during the PMF event.

Furthermore, Council's Senior Floodplain Officer states that the FMR does not demonstrate that there are no increases of more than 10% in the PMF peak velocity, noting that the table within page 11 of the FMR indicates an increase of up to 11.76%. Council's Senior Floodplain Officer states that this represents an adverse impact.

With respect to hazards, the section of the internal road within the subdivision running within an east-west direction experiences dangerous hazard levels during flooding, with flooding occurring in this location due to flood waters entering the site at the western boundary during 5% AEP events (1 in 20 year floods), 1% AEP events (1 in 100 year floods) and PMF events. This has a risk for vehicles to be swept away and presents a danger to property and life.

For these reasons, it cannot be concluded that the proposed development satisfies the following:

- is compatible with the flood function and behaviour on the land, and
- 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
- incorporates appropriate measures to manage risk to life in the event of a flood, and
- 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.

These issues render the proposal inconsistent with Clause 5.21 of the PLEP 2014, and so the inconsistency of the proposal with this provision forms a recommended reason for refusal.

7.1 Acid sulfate soils

Clause 7.1 of the PLEP 2014 applies to the proposal as the site is mapped as containing Class 5 acid sulfate soils on the PLEP 2014 Acid Sulfate Soils Map.

During the course of the assessment the applicant submitted an Acid Sulfate Soils Assessment & Management Report (ASSAMR) prepared by Crozier Geotechnical Consults, dated 22 June 2026. The ASSAMR conducted a subsurface investigation comprised the drilling of eight (8) boreholes (BH1 – BH8)

to investigate the subsurface geology and collect samples as per “AS1726: 2017 Geotechnical Site Investigation” & standard “Chain of Custody” protocols for acid sulfate soils testing as per the Acid Sulfate Soils Manual 1998. Two groundwater monitoring wells were installed within BH3 and BH6 to allow for potential future groundwater monitoring or sampling, if required. The testing locations are outlined in **Figure 7**.

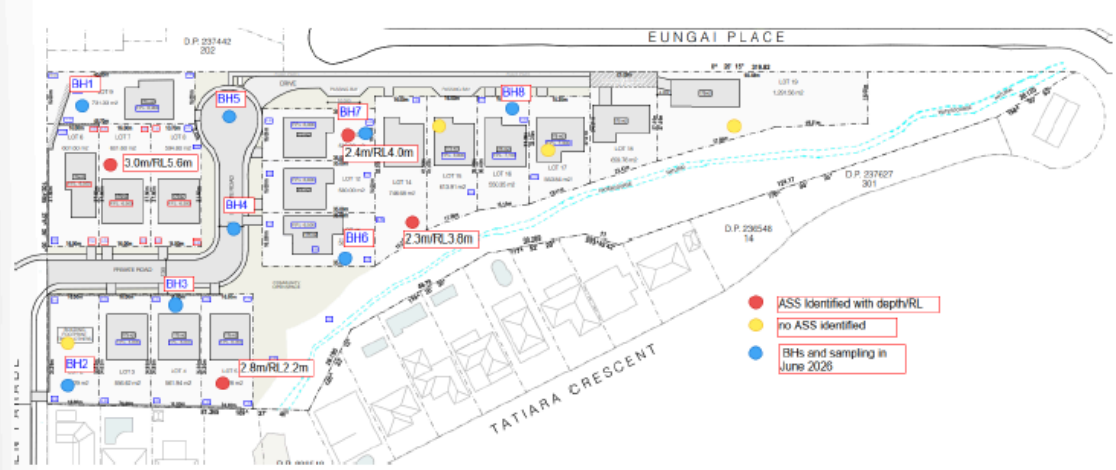


Figure 7 - Acid Sulfate Soils Testing Locations (source: ASSAMR)

The laboratory testing results indicated that the highest net acidity result was recorded in BH2 at 3.6m to 3.7m depth, within black alluvial silty sand. Elevated net acidity was also recorded in alluvial sands, clayey sands and clays encountered in BH3, BH5, BH6, BH7 and BH8. The ASSAMR states that these results indicate that acid sulfate soils and potential acid sulfate soils are present within these parts of the site.

Based on these findings, Section 5 of the ASSAMR provides several recommendations during earthworks to manage acid sulfate soils, which includes the following:

- Excavation within the interpreted acid sulfate soils (ASS) / potential acid sulfate soils (PASS) affected area should be managed where works extend below approximately 1.5m below existing ground level, or where field indicators of ASS/PASS materials are encountered. Field indicators may include grey, blue-grey, dark grey or black alluvial soils, organic-rich soils, sulfidic or rotten egg odour, shell fragments, jarosite staining, unusually acidic seepage or wet reducing soils. Prior to and during excavation below the interpreted ASS/PASS depth range, exposed soils should be inspected by a suitably qualified environmental professional to confirm whether ASS/PASS indicators are present and whether ASS management measures are required. Where field conditions differ from those anticipated, additional assessment and/or sampling may be required.

- Where ASS/PASS materials are excavated, they should be separated from non-ASS materials and stockpiled on an impermeable surface, within suitably lined soil waste bins, or in another suitably lined containment area. Stockpiles or bins should be managed to minimise rainfall infiltration, oxidation and runoff, including the use of bunding and covers where required. Stockpiles or bins should be located away from stormwater pits, drainage lines, the natural watercourse and riparian areas.

- Untreated ASS/PASS material should not be reused onsite, where it has been appropriately treated and validated, it may be used in certain locations/depths based on individual circumstances. Excavated ASS/PASS materials should not be left exposed for extended periods. Where practical, excavation and treatment should be staged to minimise the volume of exposed ASS/PASS material

at any time.

- Where ASS/PASS materials are to be reused onsite, treatment with fine agricultural lime or equivalent neutralising agent should be undertaken at a rate determined from laboratory testing and confirmed by a suitably qualified environmental/geotechnical consultant. The laboratory results indicate calculated liming rates ranging up to approximately 17kg CaCO3/t for the tested samples. Actual treatment rates should include an appropriate safety factor and should be confirmed based on the specific material excavated. Following treatment, validation testing should be undertaken to confirm that the treated material has been adequately neutralised prior to reuse or placement. Validation testing should include appropriate pH and acid sulfate soil assessment parameters suitable for the volume and nature of material treated.

- Surface water, seepage water or stormwater runoff that comes into contact with ASS/PASS materials should be controlled and prevented from discharging untreated to the natural watercourse, stormwater system or adjoining properties. Excavation areas and stockpiles should be managed to prevent acidic or sediment-laden runoff. Where dewatering is required from excavations within ASS/PASS affected materials, water quality should be tested and managed prior to discharge. Discharge should only occur in accordance with relevant authority requirements and should include appropriate treatment, monitoring and approval where required.

- Where ASS/PASS materials are to be removed from the site, the material should be classified and disposed of in accordance with NSW EPA Waste Classification Guidelines and the receiving facility requirements. Additional waste classification testing may be required prior to offsite disposal. ASS/PASS materials should only be transported to a facility licensed to receive such material.

- If unexpected ASS/PASS indicators are encountered during construction, works in the affected area should cease and the material should be isolated from stormwater pathways. A suitably qualified environmental/geotechnical consultant should inspect the material and advise whether additional testing, treatment, validation or disposal controls are required.

The ASSAMR concludes that the environmental impacts pertaining to acid sulfate soils can be appropriately managed subject to the aforementioned recommendations being carried out during works.

Council's Environmental Health Officer has reviewed the application including the ASSAMR and concluded that the impacts associated with the uncovering of acid sulfate soils can be appropriately mitigated by the recommendations of the ASSAMR. Council's Environmental Health Officer has recommended a condition to ensure that these recommendations are complied with during the construction period. These conditions could be included if the application is approved.

Overall, it is concluded that the proposal is consistent with Clause 7.1 of the PLEP 2014.

7.2 Earthworks

As indicated within **Figure 3** of this report, the proposal includes excavation and filling on the site. As such, Clause 7.2 of the PLEP 2014 is applicable to the assessment.

The proposed development is consistent with Clause 7.2 of the PLEP 2014 for the following reasons:

- The Geotechnical Investigation and Assessment (GIA) prepared by Crozier Geotechnical Consultants, dated 9 January 2026 submitted with this application has assessed the geotechnical risk associated with the development. The GIA has concluded that the development will not result

in unacceptable geotechnical risk to property and life. The GIA has provided engineering recommendations to mitigate geotechnical risk.

- Suitable conditions of consent could be recommended to mitigate temporary impacts associated with excavation and construction, namely in relation to noise mitigation, site remediation and validation, acid sulfate soils management, water management and sediment control.

- The GIA recommends that dilapidation reports all properties within 10m of the excavation zones be undertaken before and after the excavation. In this regard, this could be enforced by a recommended condition for two private properties. This will ensure that any structural damage to properties as a result of earthworks is accounted for, thereby enabling a due process for any rectification works if required.

- As detailed earlier within this report, the development including any earthworks will not have adverse impacts on items of Aboriginal heritage significance. Notwithstanding, conditions could be recommended to ensure that the appropriate authorities are notified in the event that any relicts or items are uncovered during earthworks.

- The earthworks do not disrupt any items of non-Aboriginal and environmental heritage as identified in the PLEP 2014, given the significant separation from any heritage items.

- The NSW Department of Climate Change, Energy, the Environment and Water-Water Group have issued general terms of approval for the works in close proximity to the riparian corridor and Council's Natural Environment Unit have provided several recommendations to mitigate impacts on the watercourse.

7.7 Geotechnical hazards

Parts of the site along the eastern, southern and north-eastern boundaries are identified in the Geotechnical Hazard H1 area under the PLEP 2014 Geotechnical Hazard Map. Accordingly, Clause 7.7 of the PLEP 2014 is applicable to the assessment.

The proposed development is consistent with Clause 7.7 of the PLEP 2014 for the following reasons:

- The GIA submitted with this application has assessed the geotechnical risk associated with the development. The GIA has concluded that the development will not result in unacceptable geotechnical risk to property and life. The GIA has provided engineering recommendations to mitigate geotechnical risk, which could be included as conditions of consent.

- The proposed allotments do not contain any geotechnical constraints that render them unsuitable for future residential development.

- Council's Development Engineering and Water Management Departments have reviewed the application with respect to stormwater management. These departments are satisfied that the proposed stormwater management scheme is consistent with Council's Water Management for Development Policy and that appropriate stormwater treatment devices are incorporated in the development.

- Suitable conditions of consent have been recommended to mitigate temporary impacts associated with excavation and construction, namely in relation to noise mitigation, site remediation and

validation, acid sulfate soils management, water management and sediment control.

- A condition could be recommended to require the applicant to obtain a Section 73 Compliance Certificate from Sydney Water, which will ensure that each site is appropriately connected to a reticulated sewage system for wastewater management.

7.10 Essential services

Each residential allotment upon completion of works will have water supply, electricity supply, sewage infrastructure, stormwater drainage and vehicular access. In this regard, the proposal is consistent with Clause 7.10 of the PLEP 2014.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Controls - Section B2.2	Requirement	Proposed	% Variation	Complies
Lot Depth	27m minimum at the building line	All residential allotments comply	-	Yes
Lot Width	16m minimum at the building line	All allotments are 16m or greater at the building line	-	Yes
Lot Gradient	All lots shall not have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points	All allotments have a slope less than 16.7 degrees	-	Yes
Building Footprint	The minimum building footprint is 175sqm	All allotments contain a 175sqm indicative building footprint and envelope	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B2.2 Subdivision - Low Density Residential Areas	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	No	No
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C4.1 Subdivision - Protection from Hazards	No	No
C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities	Yes	Yes
C4.3 Subdivision - Transport and Traffic Management	Yes	Yes
C4.4 Subdivision - Public Roads, Footpath and Streetscape	Yes	Yes
C4.5 Subdivision - Utility Services	Yes	Yes
C4.6 Service and delivery vehicle access in subdivisions	Yes	Yes
C4.7 Subdivision - Amenity and Design	Yes	Yes
C4.8 Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B3.11 Flood Prone Land

The proposed development is inconsistent with various parts of Section B3.11 of the Pittwater 21 Development Control Plan (P21DCP), as detailed in the below assessment:

Hazard

Control A1 of Section B3.11 of the P21DCP requires that development is sited to minimise exposure to flood hazard.

The section of internal road running east-west experiences dangerous hazard levels during flooding. It has a hazard category of up to H5 in the 1% AEP and 1% plus climate change events and up to H6 in the PMF. Even in the 5% AEP (1 in 20 year) event, the hazard category is up to H5.

The flooding in this location is due to flood waters from the creek entering the site at the western boundary. Siting the internal road in this location with such high hazard does not comply with Section B3.11 of the P21DCP.

The proposal also fails to satisfy the objectives of Section B3.11 of the P21DCP, which are as follows:

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

This forms a recommended reason for refusal.

C4.1 Subdivision - Protection from Hazards

For the reasons outlined within the sections of this report relating to Clause 5.21 of the PLEP 2014 and Section B3.11 of the P21DCP, the development is inconsistent with the following requirement of Section C4.1 of the P21DCP:

"All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards".

This matter forms a recommended reason for refusal.

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 $46,261 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of $4,626,148.

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.

The subject site is not identified on the Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017. The subject site is not considered an area of outstanding biodiversity value.

Moreover, the development will not exceed the extent of native vegetation clearing, being 0.5ha or more, identified in the BC Act.

In this regard, the development is not likely to 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, in this regard the application is not considered to be acceptable and is recommended for refusal.

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

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

PLANNING CONCLUSION

The proposed development involves the Community Title subdivision of the site into 17 residential allotments and one community lot including earthworks, tree removal and the provision of associated infrastructure, services and vehicular access and is reported to the NBLPP due to over 10 unique submissions being received (a total of 41 objections) during the public exhibition period.

The critical issues raised within the residents submissions relate to; flooding impacts, traffic impacts, biodiversity impacts, construction impacts, residential amenity impacts, concerns about on-going management of the stormwater infrastructure, an absence of pedestrian links through the site from Eungai Place to Nareen Parade and riparian corridor impacts. The concerns in relation to the flooding impacts are concurred with and should be given determining weight. Therefore, the flooding impacts form a recommended reasons for refusal.

As a result of a robust assessment process, which has considered revised flood modelling data and additional plans and supporting documentation, it is concluded that the applicant has not demonstrated that the site is suitable for the development as currently proposed, as the development will increase flood levels on surrounding properties by up to 200mm and increase the peak velocity of floods during a PMF event by 11.76%. Additionally, the internal road within the subdivision experiences dangerous hazard levels during flooding, which has a risk for vehicles to be swept away and presents a danger to property and life.

Approval of the development with these flooding impacts and consequences is not in the public interest, as it would involve serious risks to public safety and property.

In relation to other matters, including development control related planning issues, and other environmental planning issues, there are no additional matters that have arisen and/or remain unresolved, which would warrant the refusal of the application.

It is therefore recommended that the NBLPP **refuse** the application for the reasons related to flooding as attached to this report.

It is considered that the proposed development does not satisfy 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 REFUSE Development Consent to Development Application No DA2026/0264 for the Community Title Subdivision of one (1) allotment into seventeen (17) residential allotments and one (1) Community allotment including associated civil works and landscaping on land at Lot A DP 395600,116 Nareen Parade, NORTH NARRABEEN, Lot PO 79/16,116 Nareen Parade, NORTH NARRABEEN, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Pittwater Local Environmental Plan 2014.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of the C4 Environmental Living zone under the Pittwater Local Environmental Plan 2014.

   Particulars

   a) The proposal will increase flooding depths on surrounding residential properties during 1% AEP and PMF flooding events.

   b) The proposal increases PMF peak velocity by up to 11.76%.

   c) These issues present unacceptable risk to property and life, thereby resulting in a development that does not constitute low-impact residential development, contrary to the objectives of the C4 Environmental Living zone.

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 5.21 of the Pittwater Local Environmental Plan 2014.

   Particulars

   a) The proposal will increase flooding depths on surrounding residential properties during 1% AEP and PMF flooding events.

   b) The proposal increases PMF peak velocity by up to 11.76%.

   c) The proposed internal road within the subdivision with an east-west direction experiences dangerous hazard levels during flooding, with flooding occurring in this location due to flood waters entering the site at the western boundary during 5% AEP events (1 in 20 year floods), 1% AEP events (1 in 100 year floods) and PMF events. This has a risk for vehicles to be swept away and presents a danger to property and life.

   d) For these reasons, it cannot be concluded that the development:

   i) is compatible with the flood function and behaviour on the land, and
   ii) 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
   iii) incorporates appropriate measures to manage risk to life in the event of a flood, and

iv) 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.

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Section B3.11 Flood Prone Land of the Pittwater 21 Development Control Plan (P21DCP).

Particulars

a) The section of internal road running east-west experiences dangerous hazard levels during flooding. It has a hazard category of up to H5 in the 1% AEP and 1% plus climate change events and up to H6 in the PMF. Even in the 5% AEP (1 in 20 year) event, the hazard category is up to H5.

b) Siting the internal road in this location with such high hazard does not comply with Section B3.11 of the P21DCP.

c) This renders the development inconsistent with the outcomes of Section B3.11 of the P21DCP, which read as follows:

- Protection of people.
- Protection of the natural environment.
- Protection of private and public infrastructure and assets.

5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Section C4.1 Subdivision - Protection from Hazards of the Pittwater 21 Development Control Plan (P21DCP).

Particulars

a) Due to the flooding impacts caused at off-site properties and on the site the proposed development does not present low risk with respect to flooding.

b) In this regard, the development fails to satisfy the prescribed requirements of Section C4.1 of the P21DCP and the associated outcomes of the control, which read as follows:

- Protection of people.
- Protection of the natural environment.
- Protection of private and public infrastructure and assets.

6. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development will have a significant impact on the natural and built environment.

Particulars

a) The development will result in increased increased flooding depths on surrounding residential properties and public land.

b) The internal road within the subdivision intersects a floodway and poses risks to pedestrians and vehicles being moved by flood waters in the events of certain flooding events.

c) These issues represent a significant and unacceptable impact to the natural and built environment.

7. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the subject site is not suitable for the proposed development.

Particulars

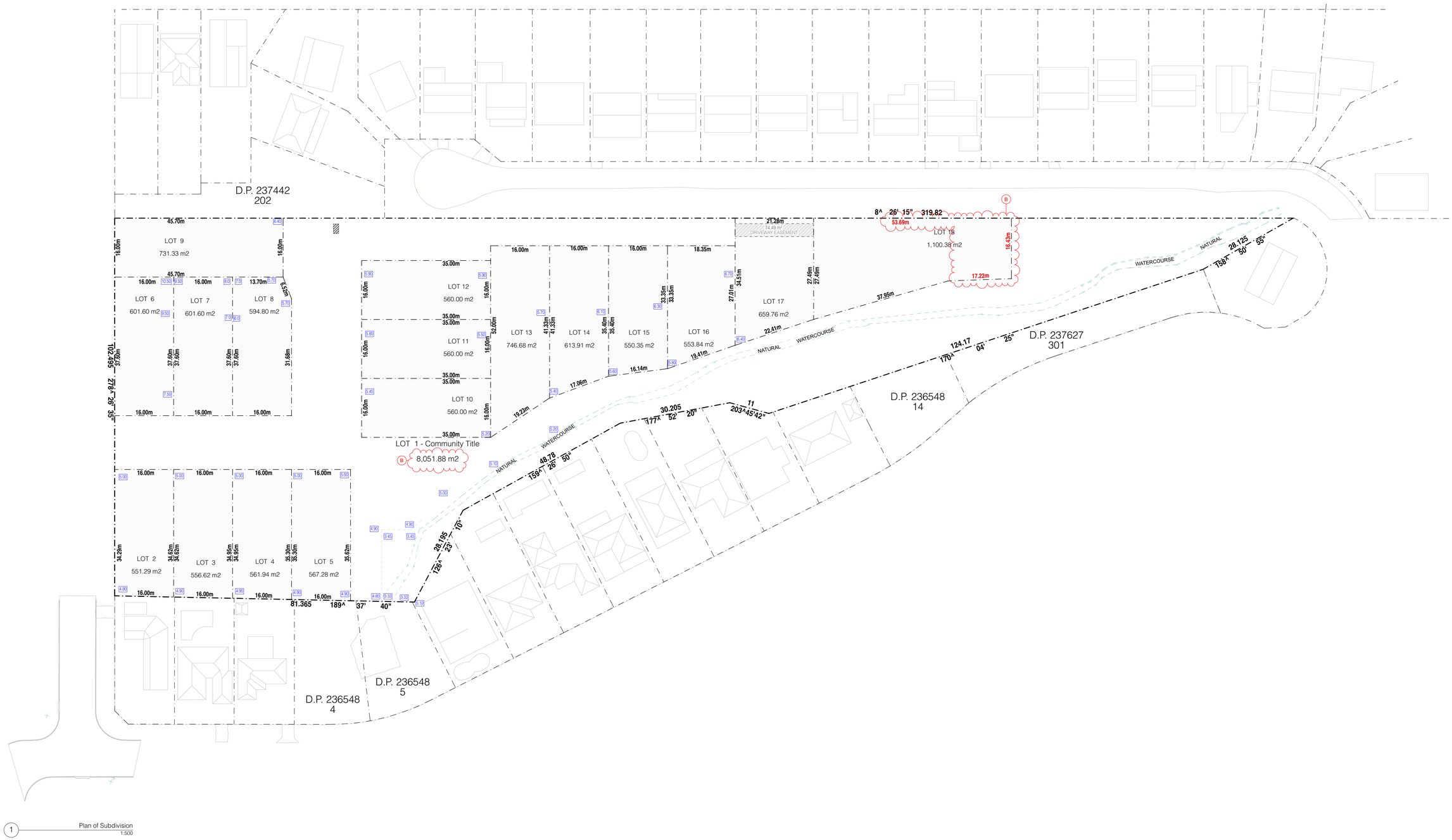
a) The flooding constraints on the site have rendered the site unsuitable for the development as currently proposed due to the increased flooding impacts to surrounding properties that is caused by the proposed development and due to the increased hazard risk from locating the internal road within a floodway.

8. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not in the public interest.

Particulars

a) The proposal is inconsistent with Clause 5.21 of the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Section B3.11 of the Pittwater 21 Development Control Plan (P21DCP), which relate to flooding impacts. The inconsistencies with these flooding provisions means that the development is predicted to increase flooding depths on surrounding properties and predicted to increase flooding velocity by up to 11.76% in the PMF peak velocity.

b) These issues result in a development that is contrary to the public interest as it increases the risks to public safety and property.



1 Plan of Subdivision
1:500

elo ARCHITECTURE

Elo Architecture Pty Ltd
ABN: 93681111731

A: 108/13b Narabang Way,
Belrose, NSW, Australia 2085
E: info@eloarchitecture.com.au
P: 02 9136 2353

Nominated Architect
Maira Zugman NSW ARB 12765

LEGEND

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by Elo Architecture and is to be used only for work when authorised in writing by Elo Architecture.

REV	DATE	ISSUE
A	18/2/2026	DA Submission
B	21/7/2026	DA Submission - REV B

CLIENT
GMT Properties Pty Ltd

PROJECT
Proposed Community Title Subdivision

DRAWING TITLE
Plan of Subdivision

STAGE
Subdivision Development Application

ADDRESS
116 Nareen Parade, North Narrabeen 2101
Lot A | DP 395600

DRAWN
G.C

CHECKED
N.S

SCALE
1:500
@ A1

DRAWING NO.
DA03

REVISION NO.
B

KUNDIBAH ROAD

CLIFF ROCK FACE

CLIFF ROCK FACE

NEIGHBOURING BOUNDARIES SHOWN INDICATIVE FROM GOOGLE MAPS. NOT SURVEYED

EUNGAI PLACE

No. 5 Two Storey Brick & Clad Tile Roof

No. 6 Single Storey Brick Tile Roof

No. 7 Single Storey Brick & Clad Tile Roof

No. 23 Two Storey Brick & Clad Tile Roof

No. 24 Two Storey Rendered Tile Roof

No. 22 Two Storey Brick & Clad

No. 21 Two Storey Brick & Clad Tile Roof

No. 20 Two Storey Rendered

No. 19 Two Storey Brick & Clad

No. 18

No. 17 Two Storey Brick & Clad Tile Roof

No. 16 Two Storey Brick Tile Roof

No. 15 Two Storey Brick & Clad

No. 14

No. 13 Two Storey Brick & Clad Tile Roof

No. 12 Two Storey Rendered Tile Roof

No. 11 Two Storey Rendered

No. 10 Two Storey Rendered

No. 9 Two Storey

No. 8 Two Storey Brick & Clad Tile Roof

No. 7 Two Storey Brick

No. 6 Two Storey Clad & Render

No. 5 3 Storey Brick Metal Roof

PUBLIC Dense Vegetation & Waterway

No. 3 Two Storey Clad

No. 24 Single Storey Stone Clad Tile Roof

PROPOSED STORMWATER PIT. REFER TO ENGINEERS DETAILS.

AUSGRID SUBSTATION TO REMAIN

1.5m WIDE FOOTPATH FOR BIN PLACEMENT ACCESS

D.P. 237442 202

D.P. 237627 301

D.P. 236548 14

D.P. 236548 4

D.P. 236548 5

LOT 9 731.33 m2

LOT 6 601.60 m2

LOT 7 601.60 m2

LOT 8 594.80 m2

LOT 12 560.00 m2

LOT 11 560.00 m2

LOT 10 560.00 m2

LOT 13 746.68 m2

LOT 14 613.91 m2

LOT 15 550.35 m2

LOT 16 553.84 m2

LOT 17 659.76 m2

LOT 18 1,100.38 m2

LOT 1 - Community Title 8,051.88 m2

LOT 2 551.29 m2

LOT 3 556.62 m2

LOT 4 561.94 m2

LOT 5 567.28 m2

DRIVE

PASSING BAY

PASSING BAY

FOOT PATH

FOOT PATH

PRIVATE ROAD

FOOT PATH

PRIVATE ROAD

FOOT PATH

RIPARIAN VEGETATED CORRIDOR +191.2m²

RIPARIAN VEGETATED CORRIDOR +429.03m²

NATURAL WATERCOURSE

RIPARIAN SETBACK 10m

RIPARIAN SETBACK 10m

RIPARIAN SETBACK 10m

GRASSED PARK & VEGETATION

INDICATIVE DRIVEWAY CROSSINGS SHOWN DASHED, TO FUTURE DETAIL AND APPROVAL

INDICATIVE BUILDING FOOTPRINTS IN GREY

BUILDING FOOTPRINT BY ICON HOMES. REFER TO DRAWINGS FOR DETAIL.

RETAINING WALL FOR STORMWATER DISCHARGE POINT. REFER TO STORMWATER ENGINEERS DETAILS.

METAL FENCE

PUBLIC PARK & Playground

NAREEN PARADE

TATIARA CRESCENT

NO FOOTPATH

NO FOOTPATH

No. 2 Single Storey Brick & Clad Metal Roof

No. 4 Two Storey Clad Metal Roof

No. 6 Single Storey Brick Tile Roof

No. 8 Two Storey Rendered Metal Roof

No. 10 Single Storey Brick Tile Roof

No. 12 Single Storey Brick Tile Roof

No. 14 Two Storey Brick & Clad Tile Roof

No. 16 Two Storey Brick & Clad Tile Roof

No. 18 Single Storey Brick Tile Roof

No. 20 Single Storey Brick Tile Roof

No. 22 Single Storey Rendered Tile Roof

102.496 278° 26' 35"

30.205 177° 52' 20"

11 203° 45' 42"

124.17 170° 04' 25"

48.79 159° 26' 50"

28.195 156° 23' 10"

81.365 189° 37' 40"

319.82 8° 26' 15"

68.125 158° 50' 55"

1 Site Plan 1:500

LEGEND

NATURAL WATERCOURSE

TOP OF BANK

10m RIPARIAN SETBACK

5m RIPARIAN SETBACK

EXISTING TREE TO BE RETAINED

TREE TO BE DEMOLISHED

FPL FLOOD PLANNING LEVEL

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by Elo Architecture and is to be used only for work when authorised in writing by Elo Architecture.

elo ARCHITECTURE

Elo Architecture Pty Ltd
ABN: 95681115731

A: 108/13b Narabang Way, Belrose, NSW, Australia 2085
E. info@eloarchitecture.com.au
P. 02 9136 2353

Nominated Architect
Maira Zagman NSW ARB 12765

REV	DATE	ISSUE
A	18/2/2026	DA Submission
B	21/7/2026	DA Submission - REV B

CLIENT
GMT Properties Pty Ltd

PROJECT
Proposed Community Title Subdivision

DRAWING TITLE
Site Plan

STAGE
Subdivision Development Application

ADDRESS
116 Narrcen Parade, North Narrabeen 2101
Lot A | DP 395600

DRAWN
G.C

CHECKED
N.S

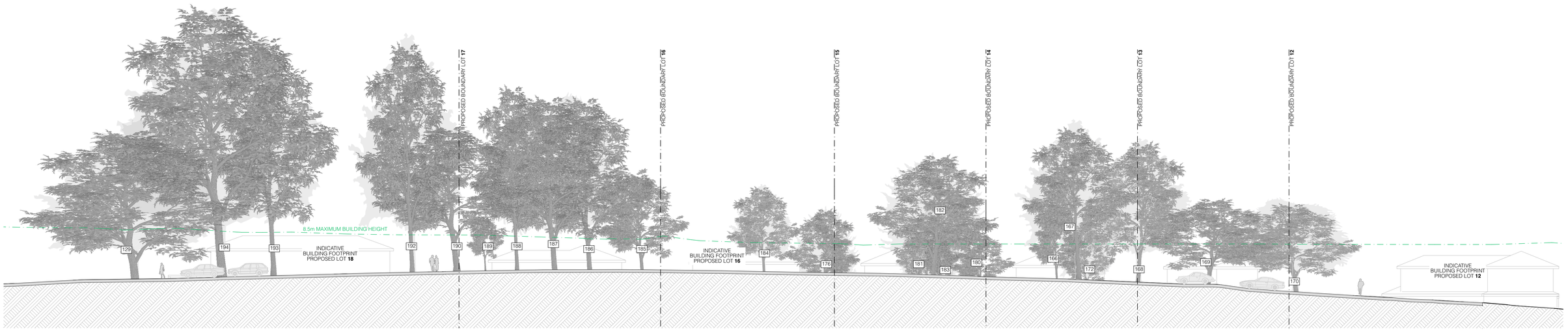
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1:500 @ A1

DRAWING NO.
DA04

REVISION NO.
B



1 Elevation South - Indicative Materials and Finishes
1:100



2 Eungai Place - View Corridor
1:200

elo ARCHITECTURE

Elo Architecture Pty Ltd
ABN: 93681111731

A: 108/13b Narabang Way,
Belrose, NSW, Australia 2085
E: info@eloarchitecture.com.au
P: 02 9136 2353

Nominated Architect
Maira Zugman NSW ARB 12765

LEGEND

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REV	DATE	ISSUE
A	18/2/2026	DA Submission
B	21/7/2026	DA Submission - REV B

CLIENT
GMT Properties Pty Ltd

PROJECT
Proposed Community Title Subdivision

DRAWING TITLE
Elevations

STAGE
Subdivision Development Application

ADDRESS
116 Narcen Parade, North Narrabeen 2101
Lot A | DP 395600

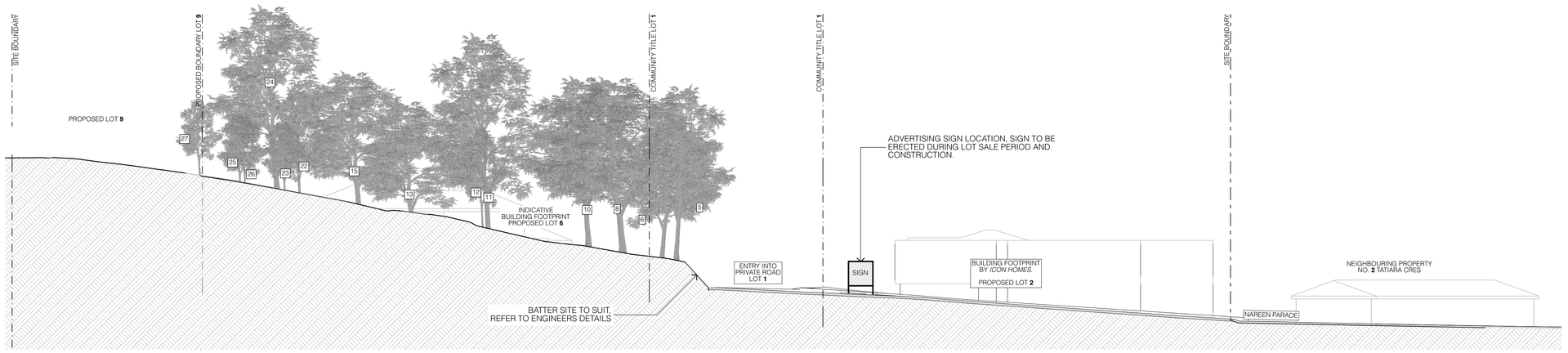
DRAWN
G.C

CHECKED
N.S

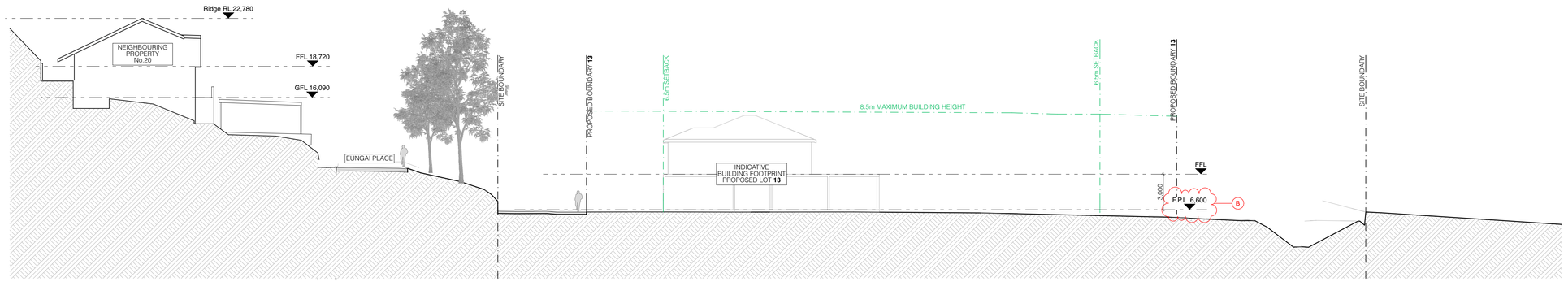
SCALE
1:100, 1:200 @ A1

DRAWING NO.
DA07

REVISION NO.
B



1 Elevation - Nareen Parade
1:200



2 Site Section
1:200

elo ARCHITECTURE

Elo Architecture Pty Ltd
ABN: 93681111731

A: 108/13b Narabang Way,
Belrose, NSW, Australia 2085
E: info@eloarchitecture.com.au
P: 02 9136 2353

Nominated Architect
Maira Zugman NSW ARB 12765

LEGEND

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REV	DATE	ISSUE
A	18/2/2026	DA Submission
B	21/7/2026	DA Submission - REV B

CLIENT
GMT Properties Pty Ltd

PROJECT
Proposed Community Title Subdivision

DRAWING TITLE
Elevations & Site Sections

STAGE
Subdivision Development Application

ADDRESS
116 Nareen Parade, North Narrabeen 2101
Lot A | DP 395600

DRAWN
G.C

CHECKED
N.S

SCALE
1:200
@ A1

DRAWING NO.
DA08

REVISION NO.
B

ITEM 4.4 MOD2026/0272 - LEASE KIMBRIKI ROAD INGLESIDE - MODIFICATION OF DA96/371 GRANTED FOR KIMBRIKI RECYCLING & WASTE CENTRE TO PERMIT ADDITIONAL EXCAVATION & LANDFILLING - CHANGE OF HOURS ON A TEMPORARY BASIS (MAX 40 DAYS PER CALENDER YEAR)

PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as the land owner is the council.

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2026/0272 for Modification of Development Consent DA96/371 granted for Kimbriki Recycling and Waste Centre to permit additional excavation and landfilling - Change of hours on a temporary basis (maximum 40 days per calendar year) for Council-related emergencies at Lot 301 DP 1254796, Kimbriki Road INGLESIDE NSW 2101 subject to the conditions set out in the Assessment Report.

Reporting manager:	Executive Manager Development Assessment
Attachments:	1. Assessment Report [**4.4.1** - 21 pages]

MODIFICATION OF DEVELOPMENT CONSENTASSESSMENT REPORT

Application Number:	Mod2026/0272

Responsible Officer:	Annabelle Ambrogio – Consultant Planner (CPS)
Land to be developed (Address):	Lot 301 DP 1254796, Kimbriki Road INGLESIDE NSW 2101
Proposed Development:	Section 4.56 Court Consent - Modification of Development Consent DA96/371 granted for Kimbriki Recycling and Waste Centre to permit - Change of hours on a temporary basis (maximum 40 days per calendar year) for Council-related emergencies.
Zoning:	WLEP 2011 – SP2 Infrastructure
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Kimbriki Environmental Enterprises Pty Ltd

Application Lodged:	21/05/2026
Integrated Development:	Yes – Protection of the Environment Operations Act 1997
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	03/06/2026 to 01/07/2026
Advertised:	No
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	$ 9,485,364

EXECUTIVE SUMMARY

This modification application (Mod2026/0272) seeks consent to modify Condition 1 and 74 of Development Consent DA96/371, which was granted for Kimbriki Recycling and Waste Centre to permit additional excavation and landfilling. The proposed modifications seek to permit the change of hours on a temporary basis (maximum of 40 days per calendar year) for Council-related emergencies at the Kimbriki Resource Recovery Centre (KRRC).

DA96/371 has been modified numerous times since its approval, with the most recent modification approved on 4 December 2024 to introduce signage and remove the requirement of safety fencing surrounding the Clean Water Diversion System (CWDS) due to the difficult topography of the area.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) as Northern Beaches Council is the landowner, the major shareholder/partner and customer of the KRRC. In accordance with the Council Related Development Application Policy and the Conflict of Interest Management Strategy dated

19 June 2026 prepared for this application, Mod2026/0272 has been assessed by an external consultant planner.

The subject modification application was notified for a period of 28 days and has attracted one submission from the community, which raises concerns regarding vehicle access and amenity impacts including noise and light spill. These concerns have been addressed within the report and impacts are managed accordingly through the Extended Operating Hours Procedure (EOHP) and the conditions of consent.

A Request for Further Information (RFI) letter was issued to the applicant on 12 August 2026 in relation to insufficient information regarding lighting, NSW Environmental Protection Authority (NSW EPA) licensing, and the triggers for the activation of the extended operating hours. The applicant provided an amended EOHP and a response letter which was deemed satisfactory in resolving these concerns. Upon receipt of the amended information, the application was supported by Council's referral departments.

This report concludes with the recommendation that the NBLPP as the consent authority grant approval to this modification application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks to modify Condition 1 and 74 of DA96/371 to permit extended hours of operation in response to additional waste generation during Council related emergencies and natural disasters.

The current operational hours are limited to 7:00am – 5:00pm on all days except Christmas Day and Good Friday.

The key aspects of the modification are below:

- Extend the approved hours of operation from 5:00pm to 12:00am (midnight) including public holidays on a temporary basis for a maximum of 40 days per calendar year (whether or not consecutive).
- The extended hours would only apply to Council related emergencies, including natural disasters, to service increased waste demand.
- A Council related emergency would be nominated in accordance with the requirements of Council's Emergency Waste Management Plan (EWMP). The EWMP requires authorisation by the Executive Manager Waste Management and Cleansing to enable activation of the EWMP and the KRRC extended operating hours.
- The extended hours would only apply to KRRC staff and associated waste vehicles. No access would be provided to the public during these periods.
- Physical sorting and management of additional waste would only occur during normal operating hours to mitigate environmental impacts (i.e. noise).
- Only waste drop-off would occur in designated areas during the extended hours. Refer to **Figure** 1 for location of drop off areas within the KRRC.

All details regarding these extended hours and operating details are provided within the EOHP, which supports Council's EWMP.

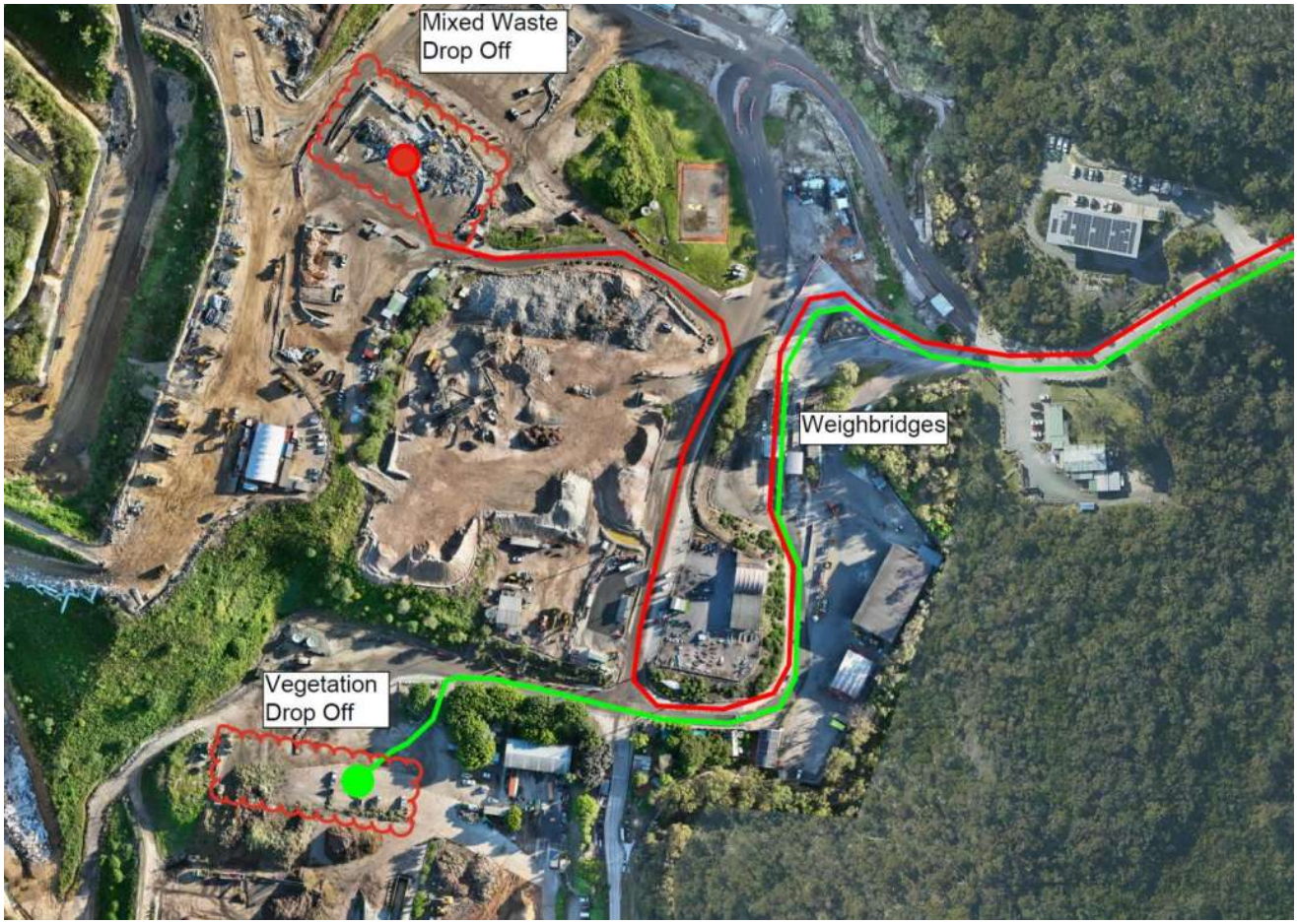


Figure 1 Drop off areas and drop off routes. Source: EOHP, dated 19.08.2026.

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 Development Control Plan 2011 – Clause D3 Noise

SITE DESCRIPTION

Property Description:	Lot 301 DP 1254796, Kimbriki Road INGLESIDE NSW 2101
Detailed Site Description:	The subject site consists of one (1) irregular shaped allotment located on the western side of Kimbriki Road. The site has an area of approximately 64.5 hectares. The site is located within the SP2 Infrastructure (Waste and Recovery Management Facility) zone under Warringah Local Environmental Plan 2011 (WLEP 2011). The site is known as the Kimbriki Resource Recovery Centre which is a regional waste and recycling facility servicing the local government areas of Northern Beaches and Mosman. **Detailed Description of Adjoining/Surrounding Development** Kimbriki Resource Recovery Centre adjoins Garigal National Park to the south and west and a small number of rural residential properties to the east.

Map:



Figure 2 Cadastral Map, subject site outlined in blue. Source: Northern Beaches Council mapping.



Figure 3 Entrance to the site (doors automatically close at 5pm).
Source: CPS site inspection, 08.09.2026.



Figure 4 Mixed waste drop-off area.
Source: CPS site inspection, 08.09.2026.



Figure 5 Overflow mixed waste drop off area.
Source: CPS site inspection, 08.09.2026.



Figure 6 Vegetation drop-off area.
Source: CPS site inspection, 08.09. 2026.

SITE HISTORY

The Kimbriki Resource Recovery Centre was established in 1974 initially as a landfill site for the disposal of waste collected by local councils, residents and commercial users. The facility now also provides disposal services for special wastes, resource recovery services, the sale of recycled and reclaimed products, and waste management educational activities. Various applications at the site have been approved as follows:

- On 10 July 1997, the Land and Environment Court issued Development Consent DA96/371 for the continued use of the non-putrescible land fill, the extension of the life of the landfill by increased recycling, expansion of the landfill volume through quarrying, the construction of water pollution control facilities, and the rehabilitation of the site to an appropriate end use.

- On 19 April 2012, the Minister for Planning and Infrastructure approved Application No. 10_0065 for a materials recovery facility (60,000 tonnes/year of dry recyclable materials) and a resource recovery facility (100,000 tonnes/year of food/garden waste and mixed residual waste). The facility is located to the east of the landfill site and adjoins Kimbriki Road.

- On 9 July 2014, DA2014/0308 was approved for demolition works and the construction of an administration building for a waste management facility with associated car parking and landscaping.

- On 27 August 2015, the Minister for Planning and Infrastructure approved a modification to the approval for Application No.10_0065. The modifications related to changes to the approved intersection upgrade concept plan, the use of Front End Loaders on the site, changed timing for completing of studies, amended clearing / biodiversity offset areas, and other minor administrative amendments.

- In 2016, a Part 5 Assessment was submitted to Northern Beaches Council for the construction and operation of a leachate treatment plant, sewer pumping station and rising main to sewer at the KRRC. The Part 5 Assessment was supported by Council on 19 June 2017.

- On 25 January 2017, Mod2017/0066 was lodged to modify Development Consent DA96/371 to delete a condition requiring a contribution towards the provision of traffic lights if they become necessary. The application was withdrawn on 20 April 2017.

- On 29 June 2017, Mod2017/0174 was lodged to modify Development Consent DA96/371 but was withdrawn on 26 September 2017.

- On 20 February 2019, Mod2018/0472 to modify Development Consent DA96/371 was approved in to permit additional excavation and landfilling of Area 4A.

- On 14 April 2020, a Pre-lodgement meeting (PLM2020/0062) was held with Council Officers to discuss Consent DA96/371 (as modified) regarding the installation of perimeter catch drains and associated modification to Condition 64 and 103. The key issue raised by Council officers in pre-lodgement was as follows:

  "No objection to the proposed condition changes is raised, subject to the advice in these notes, and subject to the Applicant ensuring the proposed condition changes do not affect the intention of other conditions. Any/all updated reports and plans required for the condition changes must relate to each other."

- On 16 December 2020, Mod2020/0349 to modify Development Consent DA96/371 was approved to alter the siting of the CWDS and associated access.

- On 18 June 2021, Mod2021/0248 to modify Development Consent DA96/371 was approved to change conditions relating to the staging of a Construction Certificate and Occupation Certificate to refer to Prior to Commencement of the Works, and Prior to the Operation of the Clean Water Diversion System. Several conditions were amended.

- On 18 May 2022, Mod2021/0904 to modify Development Consent DA96/371 was approved to further rationalise the approved CWDS through a decreased extent of excavation (4,600m^3 less fill and 1,860m^3 less cut) and proportional changes to the channel.

- On 4 December 2024, Mod2024/0450 to modify Development Consent DA96/371 was approved for changes to signage and fencing for the CWDS.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA96/371, 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:

Section 4.56 Modification by consent authorities of consents granted by the Court	Comments
(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 Court and subject to and in accordance with the regulations, modify the development consent if-	
(a) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	DA96/371 approved the continued use of KRRC as a non-putrescible landfill, extension of lifespan and landfill by increased recycling, expansion of landfill capacity, construction of water pollution control facilities including perimeter stormwater diversion drains. The proposed modifications seek to continue to utilise the landfill site of KRRC for its approved functions and within its existing approved areas. The proposal only seeks to extend the hours of operation to allow waste to be dropped off by KRRC's waste vehicles during specific emergency events in order to manage increased demand during such periods. The extended hours are to be utilised no more than 40 days per calendar year and are only permitted to be activated in accordance with the requirements of the EWMP and the EOHP. All sorting of waste is to continue to be carried out during normal operating hours only, and the use of the site during the extended hours is not permitted for members of the public. The approved land use, as a waste and resource management facility, is unchanged by the proposal. Given the above, the development, as proposed, has been found to be substantially the same as that already approved under DA96/371.
(b) it has notified the application in accordance with (i) the regulations, if the regulations so require, and (ii) the community participation plan, if the community participation plan requires the notification or advertising of applications for modification of a development consent, and	The subject 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 2019.
(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 DA96/371.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the community participation plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report. One (1) submission was received during the notification period.

Section 4.56 Modification by consent authorities of consents granted by the Court	Comments
(1A) In determining an application for a modification of a consent under this section, the consent authority must take the following into consideration—	
(a) the matters referred to in section 4.15(1), but only so far as the matters are of relevance to the application,	Refer to discussion provided below.
(b) the reasons given by the consent authority for the grant of the consent sought to be modified, but only so far as the reasons are of relevance to the application.	Refer to discussion provided below.

Section 4.15 Assessment

In accordance with Section 4.56 of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.56 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 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	See detailed assessment under “DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS” below.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 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 regulations	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. Clause 29 of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested on 12 August 2026 in relation to lighting and further

Section 4.15 'Matters for Consideration'	Comments
	amendments to the EOHP in relation to NSW EPA licensing and the triggers for the extended hours. Amended information was submitted by the applicant on 28 August 2026 which resolved these concerns. Clause 61 of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. Clauses 62 and/or 64 of the EP&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. Clause 69 of the EP&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. Clause 69 of the EP&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.
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	(i) **Environmental Impact** 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. (ii) **Social Impact** The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) **Economic Impact** The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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.

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

The Protection of the Environment Operations Act 1997 (PEO Act) is applicable to the waste and resource management facility, regulating noise, air and water pollution.

The original consent (as modified) contains conditions which ensure compliance with the PEO Act. The PEO Act also requires an Environmental Protection Licence (EPL) be held in respect to any "Scheduled Activities" carried out at the site. KRRC has two (2) existing EPLs in relation to the existing operations which are detailed within Section 2.2 of the submitted EOHP. Neither of the EPLs make any reference to hours of operation or restrictions on the timing of any approved activity.

Additionally, KRRC has advised that the NSW EPA has been notified of the proposed modifications and have not raised any concerns.

As such, the proposal remains consistent with the PEO Act and formal concurrence is not required in this circumstance.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Draft Northern Beaches Local Environmental Plan (Draft LEP)

Definition(s): Waste or Resource Management Facility

waste or resource management facility *means any of the following—*
(a) a resource recovery facility,
(b) a waste disposal facility,
(c) a waste or resource transfer station,
(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

Land Use Zone: The whole allotment is currently zoned SP2 Infrastructure under WLEP 2011. The site remains zoned SP2 Infrastructure under the Draft LEP.



Figure 7 Extract of Land Zoning Map from the Draft LEP.

Source: Northern Beaches Council, 2026.

Permissible or Prohibited: Permitted with consent for the purpose shown on the land zoning map, including any development that is ordinarily incidental or ancillary to development for that purpose (no change from existing WLEP 2011).

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable.

A detailed assessment against the proposed numerical provisions and development standards has not been undertaken as part of this report. However, broad consideration has been given to the Draft LEP, and the proposal is consistent with its relevant aims and objectives.

BUSHFIRE PRONE LAND

The site is located within bushfire prone land, the proposed modification is for a change of operating hours during emergency events and will not cause any increased bushfire risk. No further assessment in relation to bushfire is required.



Figure 8 Bushfire Hazard level with subject site delineated in yellow. Source: NSW Planning Portal Spatial Viewer.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject modification 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.

As a result of the public exhibition process council is in receipt of 1 submission from:

Name:	Address:
Mr Peter Arcuri	6 Kimbriki Road INGLESIDE NSW 2101

The following issues were raised in the submissions:

- Traffic Impacts on Kimbriki Road
- Unreasonable extended hours
- Noise
- Light Spill

The above issues are addressed as follows:

Traffic Impacts on Kimbriki Road

The submission raised concern that the proposed change to hours would impact vehicle movements along Kimbriki Road with increased waste vehicles, particularly within an emergency where waste vehicles and residential cars may need to queue.

Comment:
The subject site has a 120m length of access road between the public road and the entrance gate which is sufficient space for trucks to queue in the event of a natural disaster (noting the access road is over 500m from the weighbridges to the intersection with the public road). There is to be no public access to the site during the extended hours, meaning trips in and out of the site are limited to the available waste collection vehicles.

Northern Beaches Council only has 26 vehicles that are suitable for manual loading and would thus be used in the event of an emergency. Generally, each vehicle will only make one trip per evening, with vehicle movements in and out of the site being limited to approximately 5 per hour or 30 per evening. Additionally, during the extended hours, the vehicles would also likely be out of the site in different areas of the LGA collecting waste or be within the subject site delivering waste, meaning movements in and out of the site itself are relatively low.

It is also unlikely that all 26 of these vehicles would need to queue at the gate and result in traffic conflicts with the neighbouring residential sites or Mona Vale Road, due to the length of road between the gate and these surrounding areas, and that staff will have access passes which enable vehicles to efficiently move through the gate. The limited number of vehicle trips and the limited number of days that the site can utilise the extended hours (maximum of 40 calendar days) will have minimal impacts on surrounding traffic and a formal traffic impact assessment is not warranted in this circumstance.

The proposal has been supported by Council's Traffic Engineer, subject to conditions.

Unreasonable extended hours
The submission raised concern that the extension of hours till midnight is unreasonable, resulting in additionally amenity impacts on residents.

Comment:
The proposed extension of operating hours is to allow KRRC to be open in the case of a natural disaster. The extension will be triggered by the activation of Council's EWMP only, requiring authorisation by Council. The conditions of this consent include restrictions on the extension of operating hours to only be in the event of a natural disaster as triggered by the EWMP.

The applicant's Statement of Environmental Effects (SEE) provides that the Northern Beaches LGA has experienced eight (8) significant natural disaster events since 2018, and the extended hours are necessary to allow additional collections and drop offs during similar periods in the future. KRRC has stated that the maximum of 40 days is a conservative number, and the usage of these days is unlikely to reach this maximum. Regardless, the provision of 40 days is acceptable given that these can only be activated under the specific circumstances of the EWMP and with explicit direction from Council.

As such, the irregular activation of the EOHP and the limiting of hours till midnight is reasonable. Impacts on neighbouring amenity, such as noise and light spill are discussed below.

Noise
The submission raised concern that the proposal would cause unreasonable noise impacts on surrounding residents.

Comment:
Trucks will only drop off waste outside of operating hours, no physical sorting will occur to reduce any noise impacts. The location of the drop off spots is also a significant distance (approximately 270m) from neighbouring residences and has significant foliage and vegetation between them which may further mitigate noise travel. Additionally, the use of the extended hours is limited and can only be activated in

certain circumstances, any noise impacts are considered temporary and do not warrant a formal acoustic assessment. This has been confirmed and supported by Council's Environmental Health Officer.

Light Spill
The submission raised concern that the application has undertaken no assessment of light spill associated with the operation into the night.

Comment:
No changes are proposed to the lighting at the subject site. The two nominated waste drop off areas shown in **Figure** 1 have pre-existing security lighting which is automatic and remains on overnight, which is sufficient to illuminate these areas at night for the tipping of waste. Examples of these existing automatic lighting fixtures are visible in **Figure 9** and **Figure 10**. Section 9 of the EOHP details the lighting arrangement and lighting is to remain operational in accordance with this stamped document.

Any concerns regarding excess lighting will not change from the current approval and site operations.



Figure 9 Existing automatic lighting posts visible on the hill which provide sufficient lighting of drop off area.
Source: CPS site inspection, 08.09.2026.



Figure 10 Existing automatic lighting post which provides sufficient lighting of the drop off area.
Source: CPS site inspection, 08.09.2026.

REFERRALS

Internal Referral Body	Comments
Parks, Reserves and Foreshores	***No conditions required*** **Officer comments** The proposed modification seeks to extend the hours of operations of the Kimbriki Resource Recovery Centre in response to additional waste generation during Council related emergencies including natural disasters. Parks Reserves & Foreshores Referral raise no concerns.
Natural Environment Referral Response - Riparian	***Nono conditions required*** **Officer comments** An Extended Operating Hours Procedure has been prepared and includes an Environmental Management section that supplements IMS PLN 003 – Kimbriki Resource Recovery Centre Environmental Management Plan.

Internal Referral Body	Comments
	The Procedure outlines measures to minimise and manage potential environmental impacts associated with extended operating hours, including actions to prevent surface water and leachate from leaving the site. All environmental protection measures and management actions specified in IMS PLN 003 – Kimbriki Resource Recovery Centre Environmental Management Plan and the Extended Operating Hours Procedure are to be implemented and complied with in full. Subject to adherence to these management measures, no objection is raised on the grounds of Riparian Lands and Creeks.
Traffic Engineer	***Conditions provided*** **Officer comments** The modification application to allow up to 40 days of extended operations in the circumstances described in the Northern Beaches Emergency Waste Management Plan with access between the approved closure time of 6pm extended to midnight to allow drop off of waste material only. Prior to operating at night the applicant shall ensure that all road markings on the access road are fit for that purpose and any obstructions, gates, or barriers are suitably delineated. All matters have been considered and no additional concerns raised.
Environmental Health - industrial use	***Conditions provided*** **Officer comments** This application is seeking consent for extended hours of operation for Council related emergencies. The proposed modification seeks to extend the hours of operations of the Kimbriki Resource Recovery Centre (KRRC) in response to additional waste generation during Council related emergencies including natural disasters. The Modification Application requests the following through this mod: Extend the approved hours of operation from 5:00pm to 12:00am (midnight) on a temporary basis for a maximum of 40 days per calendar year (whether or not consecutive). — The extended hours apply to Council related emergencies including natural disasters to service increased waste demand. — A Council related emergency would be nominated in accordance with the requirements of Council's EWMP . — The extended hours would only apply to KRRC staff and associated waste vehicles. No access would be provided to the public. — Physical sorting and management of additional waste would only occur during normal operating hours to mitigate environmental impacts (i.e. noise). — As such, only waste drop -off would occur in designated areas during the extended hours. Refer to Figure 1 for location of drop -off areas within KRRC. Potential noise may arise from the unloading of the waste to the general waste site and the vegetation area during the nighttime period of 10:00 - Midnight. Given the proposal requires the extension of hours on a temporary basis for a maximum of 40 days per calendar year, Environmental Health would consider any potential increase in noise to be temporary. Any permanent request to

Internal Referral Body	Comments
	increase operating hours is to require an assessment into acoustics by a consultant. The Extended Operating Hours Procedure states; *No plant or other powered equipment will be used outside of normal working hours to minimise noise generation on site.* Lighting - The statement of Modification or Extended Operating Hours Procedure hasn't mentioned how the site is to be illuminated once evening/darkness sets in. What lighting will be used and how may this potentially impact nearby residential properties and what control measures are proposed? In addition, can the applicant please update the Extended Operating Hours Procedure to include the following: - Details on the discussion with the NSW Environmental Protection Authority (EPA) on any amendments to licencing requirements for extension to trading hours. This is given that KRRC is run under an Environmental Protection Licence as a scheduled waste disposal facility that is regulated by the NSW EPA and as a stakeholder, they should be given the opportunity to provide comment and amendments to their licence requirements. - Details on a definition that triggers temporary extension of hours and record keeping of this decision-making process. **UPDATED REFERRAL COMMENTS** Environmental Health can provide conditions as concerns have been satisfied with amended details.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4

Chapter 4 of the Resilience and Hazards SEPP requires the Consent Authority to consider whether land is contaminated.

The existing landfill site is contaminated, and the proposal will continue the use of the land for landfill and recycling – the site is considered to be suitable for this purpose in its contaminated state. No change of

use is sought so there is no requirement for a preliminary assessment pursuant to section 4.6 (2) the Resilience and Hazards SEPP.

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

The modifications sought do not alter the approved level of compliance achieved when measured against the applicable Principal Development Standards and therefore no further assessment on this matter is required.

Compliance Assessment

Clause	Compliance with Requirements
2.3 Zone objectives and Land Use Table	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan 2011

Built Form Controls

The modifications sought do not alter the approved level of compliance achieved when measured against the applicable Built Form Controls and therefore no further assessment on this matter is required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectiv
C2 Traffic, Access and Safety	Yes	Yes
D3 Noise	No	Yes
D12 Glare and Reflection	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
F4 SP2 Infrastructure Zone Kimbriki Recycling and Waste Disposal Centre (Waste or Resource Management Facility), Ingleside	Yes	Yes

Detailed Assessment

D3 Noise

Control 3 states the following:

> *Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.*

The proposed development includes the collection of waste within affected areas of the Northern Beaches LGA and its disposal at the KRRC site during emergency events between the hours of 5pm to 12am (midnight), which presents a 2-hour variation to this control.

This is considered acceptable as the collection of waste will only occur in the event of a natural disaster and under explicit authorisation from Council in accordance with the EWMP and EOHP. These extended hours are on a temporary basis only and are to not exceed 40 days per calendar year, only being triggered in emergency events.

Vehicle movements in and out of the KRRC site are limited, due to the number of trucks available, and it is anticipated that trucks will only undertake one trip each evening. Noise at the site is further limited, as operations are limited to the dropping off waste during these periods, with all sorting of waste to occur during regular operating hours (i.e. 7am to 5pm). This assists in limiting noise for surrounding residential sites and ensures amenity is not unduly impacted, consistent with the objectives of Part D3.

F4 SP2 Infrastructure Zone

The controls of this Part are as follows:

> *"This area will continue to provide the core business functions of a Waste or Resource Management Facility.*
>
> *The land will be managed appropriately to avoid adverse impacts on Deep Creek and its catchment."*

The modifications sought do not inhibit the ability for the KRRC to provide its core business function as a waste or resource management facility, and the extended hours will not result in adverse impacts on the catchment, ensuring consistency with the controls of Part F4.

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

Not applicable. Section 7.12 contributions were levied on the Development Application.

Housing and Productivity Contribution

Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component. 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 proposed modification is not subject to Housing and Productivity Contributions.

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 2011;
- Warringah Development Control Plan 2011; 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:

- 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 Modification Application seeks consent to modify Condition 1 and Condition 74 of DA96/371 to permit extended hours of operation in response to additional waste generated during Council-related emergencies and natural disasters. The application is referred to the NBLPP as Northern Beaches Council is the landowner and the application has been assessed by an external consultant planner.

The works remain permissible and the proposal remains substantially the same as the originally approved development, which approved the continued use of KRRC as a non-putrescible landfill, extension of lifespan of landfill by increasing recycling, expansion of landfill capacity, construction of water pollution control facilities including perimeter stormwater diversion drains. The subject modification application has attracted one (1) submission from the community which have been addressed in this report.

The proposal is supported by Council's referral departments as well as the relevant external agencies, subject to conditions. Overall, the development is consistent with all applicable environmental planning instruments and regulatory provisions. Therefore, the development is in the public interest.

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

Accordingly, it is recommended that the NBLPP approve the application, subject to the recommended conditions attached to this report.

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 Northern Beaches Local Planning Panel as the consent authority grant approval to Modification Application No. Mod2026/0272 for Modification of Development Consent DA96/371 granted for Kimbriki Recycling and Waste Centre to permit the Change of hours on a temporary basis (maximum 40 days per calendar year) for Council-related emergencies, 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.

A. Add Condition No. 1H - Modification of Consent – Reports and Documentation to read as follows:

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

a) Modification Approved Documents:

Approved Reports and Documentation			
Document Title	**Version**	**Prepared By**	**Date**
Extended Operating Hours Procedure IMS-PRO-060	2	Mark Winser	19/08/2026

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

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. 1I – Amendment to Extended Operating Hours Procedure to read as follows:

The Extended Operating Hours Procedure prepared 19.8.2026, version 2, is required to be amended to include the approved extended hours of operation. The document is to clearly state the approved temporary extended hours as follows:

The hours of operation are restricted to:

- Monday to Sunday (including public holidays except Good Friday and Christmas Day): 7:00am-5:00pm
- For a maximum of 40 days per calendar year (whether or not consecutive) in the event that the Council's Emergency Waste Management Plan (EWMP) is triggered: 7:00am-12:00am

Reason: To clarify the approved extended operating hours.

C. Modify Condition No. 74 – Amenity to read as follows:

The following conditions have been imposed to protect the amenity of the area:

a) Subject to (b), (c), (d), (e) and (f) below the gates of the Recycling and Waste Centre ("the Centre) will be open only between the hours of 7:00am and 5:00pm on any day except Christmas Day and Good Friday when the Centre will be closed with all members of the public, contractors, subcontractors and invitees leaving the site by 5:30pm.
b) Subject to (d), (e) and (f) below, landfilling operations are restricted to the hours of 7:00am - 5:00pm on any day except Christmas Day and Good Friday when the Centre will be closed.
c) Subject to (d), (e) and (f) below construction and vegetation recycling activities are restricted to the hours of Monday - Friday 7:00am - 5:00pm and Saturday 7:00am - 1:00pm with no construction or vegetation recycling activities being carried out after 1;00pm on Saturdays or on Sundays and public holidays.
d) Employees of the Centre are permitted to enter the site between 6:00am - 7:00am on any day that the Centre is open for the purposes of moving machinery to working sites (but not for the purpose of otherwise operating machinery) and carrying out routine activities which do not create offensive noise in preparation for the opening of the Centre.
e) Employees of the Centre are permitted to remain on the site between 5:00pm and 6:00pm on any day the Centre is open for the purposes of carrying out routine activities (including the movement of machinery away from working areas) associated with the closure of the Centre and the completion of landfilling activities at the end of each day the Centre is open but not for the purpose of otherwise operating machinery.
f) Administration, security and emergency / maintenance staff may access the site at any time for non-operational activities.

<u>Council related emergencies- extended hours of operation</u>

g) A Council related emergency will be nominated in accordance with the requirements of Council's Emergency Waste Management Plan (EWMP).
h) The hours of operation may be extended to a total of 40 days (whether or not consecutive) in any calendar year relative to increased waste demand associated with Council related emergencies including natural disasters.
i) The extended hours of operation are restricted to 5:00pm to 12:00am (midnight) 7 days a week including public holidays.
j) All operations are to be undertaken in accordance with the Extended Operating Hours Procedure as referenced in Condition 1H, as amended.
k) Physical sorting and management of additional waste is only permitted to occur during normal operating hours to mitigate environmental impacts.
l) There is to be no public access to the site during the extended emergency hours. Access is limited to Kimbriki staff who will be able to enter through use of an electronic swipe card. The main gate will be predominately closed to prevent unauthorised entry.
m) Sufficient lighting is to remain operational at waste drop off areas to ensure visibility at night. Lighting is to be directed into the site and managed in order to mitigate impacts on surrounding residential sites.

D. Add Condition No.105 – Extended Operating Hours Procedure to read as follows:

Compliance with the Extended Operating Hours Procedure prepared 19.8.2026, version 2, as amended.

Reason: To ensure compliance in an operational situation.

E. Add Condition No.106 – Access Road Suitable for Night Operations to read as follows:

The access road is to be assessed and any line marking required shall be upgraded to support nighttime operations. Any obstruction, gate or barrier shall be clearly delineated suitable for night operations.

Reason: Ensure safety of operations outside of daylight hours.

FINAL DECLARATION



Consultant Name: Annabelle Ambrogio (CPS)

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.

5 NON-PUBLIC MEETING ITEMS

ITEM 5.1 DA2026/1052 - 49 PITTWATER ROAD MANLY - ALTERATIONS AND ADDITIONS TO AN ATTACHED DWELLING

PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as it is development involving the demolition of a heritage item.

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2026/1052 for Alterations and additions to an attached dwelling at Lot 1 DP 233249, 49 Pittwater Road MANLY NSW 2095 subject to the conditions set out in the Assessment Report.

Reporting manager:	Executive Manager Development Assessment
Attachments:	1. Assessment Report [**5.1.1** - 39 pages] 2. Site Plans & Elevations [**5.1.2** - 4 pages]

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2026/1052

Responsible Officer:	Alice Rubenach
Land to be developed (Address):	Lot 1 DP 233249, 49 Pittwater Road MANLY NSW 2095
Proposed Development:	Alterations and additions to an attached dwelling
Zoning:	Manly LEP2013 - Land zoned E1 Local Centre
Development Permissible:	No
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Pouwel Wind

Application Lodged:	14/08/2026
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	01/09/2026 to 15/09/2026
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	$ 210,650.00

EXECUTIVE SUMMARY

This development application seeks consent for demolition works and alterations and additions to the existing dwelling house, including:

- Extension of the upper floor level to the rear (west) to increase the master bedroom, walk-in-robe and bathroom;
- Three new windows to the northern facing wall of the upper floor level; and,
- One new window to the northern facing wall of the lower floor level.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the proposed development involving demolition works associated with a heritage item.

The existing attached dwelling and its improvements on site is a prohibited land use within the E1 Local Centre zone under the provisions of the Manly Local Environmental Plan 2013. The proposed development relies upon existing use rights, which has been adequately demonstrated by the applicant, satisfying the requirements under Section 4.65 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Subject of the existing use rights provisions of the Act, the proposed development on merit is acceptable.

The submitted plans indicate works are not proposed to the Party Wall within the existing Easement burdening No. 47 Pittwater Road and No. 49 Pittwater Road. A condition of consent is recommended in relation to the Party Wall for lateral or vertical support prior to the issue of a Construction Certificate.

The development application was notified for a period of fourteen (14) days, as stated within Council's Community Participation Plan, with two (2) submissions received. Concerns raised in the objections predominantly relate to setbacks, privacy, overshadowing and adequacy of submitted documentation. These have been resolved via conditions or additional information, or do not warrant the refusal of the application.

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 is for alterations and additions to the existing dwelling house, including:

- Extension of the upper floor level to the rear (west) to increase the master bedroom, walk-in-robe and bathroom;
- Three new windows to the northern facing wall of the upper floor level; and,
- One new window to the northern facing wall of the lower floor level.

Amended Plans

Following Council's public notification period, amended plans were submitted in response to concerns raised by Council's Strategic and Place Planning (Heritage Officer) team. The following changes were made and are reflected in the abovementioned proposed development description:

- The roof to the proposed upper floor extension is lowered to a minimum of 300mm below the main roof ridge height.
- The plans are now annotated to confirm the retention of the original front house layout and any original fabric.
- The proposed northern side setback is consistent with the existing northern side setback of the upper floor.

It is noted that the upper floor extension is not setback a minimum of 200mm from the external face of the side gable wall, contrary to the Heritage Officer's recommendation. This is supportable and further commentary is provided in the Referrals section of this report.

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

Manly Local Environmental Plan 2013 - Zone E1 Local Centre
Manly Local Environmental Plan 2013 - 5.21 Flood planning
Manly Local Environmental Plan 2013 - 6.11 Active street frontages
Manly Local Environmental Plan 2013 - 6.13 Design excellence
Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing
Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation
Manly Development Control Plan - 4.2.3 Setbacks Controls in LEP Zones B1 and B2
Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor
Manly Development Control Plan - 4.2.5.4 Car Parking and Access
Manly Development Control Plan - 4.4.4.1 Awnings in LEP B1 and B2 Business Zones

SITE DESCRIPTION

Property Description:	Lot 1 DP 233249 , 49 Pittwater Road MANLY NSW 2095

Detailed Site Description:	The subject site consists of one (1) allotment located on the western side of Pittwater Road. The site is regular in shape with a frontage of 4.45 metres along Pittwater Road and a depth of 28.825 metres. The site has a surveyed area of 125.8m². The site is located within the E1 Local Centre zone from MLEP 2013 and accommodates a two storey semi-attached dwelling, and outbuilding currently on the site. The site is generally flat with no significant changes in levels. The site contains minimal vegetation. There are no details of any threatened species on the subject site. **Detailed Description of Adjoining/Surrounding** Development Adjoining and surrounding development is characterised by semi-detached dwellings, attached dwellings, residential flat buildings, and commercial premises.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- **DA2023/1458** for Demolition works and construction of a studio with associated landscaping was refused on 07/02/2024
- **DA487/2005** Development Application for Alterations & Additions to an existing terrace dwelling was approved on 21 February 2006

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	See detailed assessment under “DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS” below.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly 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)	Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to heritage and overshadowing impacts. Clause 61 of the EP&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. Clauses 62 and/or 64 of the EP&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. Clause 69 of the EP&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. Clause 69 of the EP&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.

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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Northern Beaches Local Environmental Plan (Draft LEP)

Definition(s): ***dwelling house*** *means a building containing only one dwelling.*

Land Use Zone: E1 Local Centre

Permissible or Prohibited: Prohibited (note, refer to the Existing Use Rights section of this report)

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable

A detailed assessment against the proposed numerical provisions and development standards has not been undertaken as part of this report. However, broad consideration has been given to the Draft LEP, and the proposal is consistent with its relevant aims and objectives.

EXISTING USE RIGHTS

- **Does the existing use satisfy the definition of "existing use" under the *Environmental Planning and Assessment Act 1979* (the ‘Act')?**

Section 4.65 of the Act defines an existing use as:

> *"(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
>
> *(b) the use of a building, work or land:*

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."

This necessarily requires the following questions to be answered:

1. Was the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use?

Comment:
The Applicant has not provided any evidence in the form of a planning approval to substantiate that the use of the land as a lawful purpose prior to the coming into force of Manly Local Environmental Plan 2013 on 19 April 2013. Notwithstanding, the applicant has provided an Existing Use Rights assessment, and a Heritage Impact Statement (prepared by John Oultram Heritage and Design dated June 2026). The Heritage Impact Statement details historical information surrounding the existing attached dwelling, and surrounding heritage items dating back to the early 1900s. Furthermore, Council's historical subdivision plan from 1967 depicts the existing attached dwelling house, and as such this is further evidence of the existence of the development and use of the site as a residential dwelling.

Whilst the application does not explicitly contain any planning approvals of the subject dwelling, the above-mentioned information confirms the dwelling's prolonged existence on the subject site prior to the coming in force of Manly Local Environmental Plan 2013 on 19 April 2013. Having regard to the prolonged existence of the dwelling, it can be reasonably assumed that a planning approval or some form of planning approval has been granted for the dwelling on the subject site between 1906 and the coming in force of Manly Local Environmental Plan on 19 April 2013. However, Council's records do not contain any historical approvals from the early 20th century for the site.

2. Was the use of the building granted development consent before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use?

Comment:
As noted above, the dwelling's prolonged existence leads Council to believe that a planning approval had been issued for the existing attached dwelling. However, such approval would pre-date Council's records. This is detailed within the Heritage Impact Statement as outlined below:

'The following statement of significance is taken from the State Heritage Inventory listing sheet for the property (SHI 2020512):

This item is a group of unusual early Twentieth Century terraced two storey residences with shops at each end. Listed due to its originality and uniqueness of concept, layout and mixture of materials. Significance in contribution to streetscape and in relationship to late 19th century development locally.'

As such, whilst a development consent is not evident, it is considered that due to the longstanding history of the site, that it can be assumed that the use of the land was lawfully approved by Council prior to coming in force of Manly Local Environmental Plan on 19 April 2013.

3. Has the use of the building been carried out within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse?

Comment:
Any planning approval issued for the attached dwelling likely pre-dates Council's records. As such, there is insufficient information to determine whether any approved works commenced within one year of the Development Consent..

- **What is "the land on which the existing use was carried out" for the purposes of cl 162-167 of the Environmental Planning and Assessment Regulation 2021 ("the Regulation")?**

Meagher JA in *Steedman v Baulkham Hills Shire Council [No. 1] (1991) 87 LGERA 26* stated (at 27) the rule to be applied as follows: *"if the land is rightly regarded as a unit and it is found that part of its area was physically used for the purpose in question it follows that the land was used for that purpose*".

Comment:
Having regard to the above case law, it is noted that the whole of the area of the land was physically used for the purpose in question and therefore, it is considered that the land was used for that purpose and that existing use rights apply to the whole of the subject site.

- **What are the planning principles that should be adopted in dealing with an application to alter enlarge or rebuild and existing use?**

The judgement in *Fodor Investments v Hornsby Shire Council (2005) NSWLEC 71*, sets out the planning principles that should be applied in dealing with development applications seeking to carry out development on the basis of existing use rights. The principles of Fodor Investments v Hornsby Shire Council (2005) NSWLEC 71 however have been varied by more recent judgements of the Court to the extent described in Saffioti v Kiama Municipal Council [2019] NSWLEC 57 and Made property Group Pty Ltd v North Sydney Council [2020] NSWLEC 1332 in that the planning controls apply to the existing use provided they do not derogate, due to the planning controls within an EPI being 'incorporated provisions' and therefore matters for consideration as described within Clause 4.67 of the Environmental Planning and Assessment Act, 1979.

The following four principles adopted by the NSW Land and Environment Court in this case will have general application in dealing with development applications that rely on existing use rights:

1. How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?

While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessments.

Comment:
The proposal includes demolition works, and construction of an extension to the rear of the upper level of the attached dwelling. The proposed development complies with the height of buildings, and floor space ratio development standards under Manly Local Environmental Plan 2013. The proposal is located at the rear of the site, and as such no changes will be prevalent to the streetscape. The proposal maintains the existing northern side boundary setback to the upper level and therefore will not be highly visible from Pittwater Road.

2. What is the relevance of the building in which the existing use takes place?

Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.

Comment:

There is no change of use proposed. The proposal includes partial demolition of the upper level, and construction of an extended upper floor level. The proposed development is of suitable bulk and scale.

3. What are the impacts on adjoining land?

The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.

Comment:

The proposal presents a suitable level of internal amenity, by providing compliance sunlight access, and private open space. The internal amenity of the site is acceptable, and generally consistent with the relevant planning controls for attached dwellings.

4. What is the internal amenity?

Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.

Comment:

The proposal presents a suitable level of internal amenity, by providing compliance sunlight access, and private open space. The internal amenity of the site is acceptable, and generally consistent with the relevant planning controls for attached dwellings.

Conclusion

The evidence provided in the Heritage Impact Statement, and Existing Use Rights assessment details the prolonged use of the site since the early 20th century. Therefore, the existing use rights are applicable, and it is assumed that the use of the attached dwelling was approved under a previous environmental planning instrument. As such, the use should be retained under the Manly Local Environmental Plan 2013.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 01/09/2026 to 15/09/2026 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 2 submission/s from:

Name:	Address:
Mr Simon John Badway	26 Denison Street MANLY NSW 2095
Withheld	MANLY NSW 2095

The following issues were raised in the submissions:

- Setbacks / Building Line
- Privacy / Overlooking
- Overshadowing / Solar Access
- Adequacy of Submitted Documentation

The above issues are addressed as follows:

- **Setbacks / Building Line**

  The submissions raised concerns that the proposed development may not be consistent with the established building line and setback pattern of adjoining properties and requested confirmation that the proposal complies with the prevailing streetscape character.

  Comment:
  The proposed development maintains setbacks that are consistent with the prevailing development pattern of the surrounding area and is compatible with the existing streetscape character. The proposal provides appropriate separation from adjoining properties and does not disrupt the established building line or result in an adverse impact on the visual character of the locality. Accordingly, the setback provisions are satisfactory.

- **Privacy / Overlooking**

  The submissions raised concerns that the proposed extension may result in overlooking of existing skylights and a rear room on the adjoining property and that privacy impacts have not been adequately assessed due to omissions in the survey information.

  Comment:
  The proposed extension has been assessed having regard to its relationship with adjoining properties and will not result in unreasonable privacy impacts. While views towards neighbouring skylights and rear-facing areas may be possible, these are not uncommon in an urban residential setting and will not result in a significant loss of privacy. The submitted plans provide sufficient information to assess the proposal, and the development is not expected to give rise to unacceptable overlooking impacts on adjoining properties. Accordingly, the privacy impacts are acceptable.

- **Overshadowing / Solar Access**

  The submissions raised concerns that the development may reduce solar access to adjoining skylights and potentially impact neighbouring solar panels, and questioned the accuracy of the shadow modelling relied upon in the application.

  Comment:
  The proposal will not result in unreasonable impacts on solar access to adjoining properties. While some additional shadowing may occur, this is consistent with what would reasonably be expected in an urban residential environment. The submitted shadow diagrams provide sufficient information to assess the proposal, and the resulting overshadowing impacts are acceptable. Refer to *Section 3.4.1 Sunlight Access and Overshadowing* of this assessment report for further details.

- **Adequacy of Submitted Documentation**

  The submissions raised concerns that existing site features, including skylights and a rear room on the adjoining property, were omitted from the survey and plans, potentially limiting a full assessment of privacy and solar access impacts.

  Comment:
  Following public notification period, amended shadow diagrams were submitted that indicate the locations of the skylights at No. 47 Pittwater Road. Accordingly, the submitted documentation is adequate for the purposes of determining the application. Refer to *Section 3.4.1 Sunlight Access and Overshadowing* of this assessment report for further details.

REFERRALS

Internal Referral Body	Comments
NECC (Flooding)	***Supported - subject to conditions*** This development is for Construction of additions and modifications to Level 1 of the existing building.The proposal is assessed against Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP The relevant flood characteriestis are as follow: Flood Planning Level: 6.54mAHD 1% AEP Maximum Water Level: 5.84mAHD 1% AEP Hydraulic Category: Flood Storage / Flood Fringe Probable Maximum Flood (PMF) Level: 6.1mAHD PMF Life Hazard Category: H3-H1 Subject to the following conditions, the proposal complies with Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	***Supported - subject to conditions*** HERITAGE COMMENTS Discussion of reason for referral This proposal has been referred to Heritage as the subject site is located within the **Pittwater Road Heritage Conservation Area**, contains a heritage item and adjoins a heritage item: **Item I199 - Group of Commercial and Residential Building** - 35–49 Pittwater Road, Manly **Item I134 - Row house -** 26 Denison Street, Manly Details of heritage items affected

Internal Referral Body	Comments
	Pittwater Road Heritage Conservation Area Statement of Significance The street pattern is distinctive and underpins the urban character of the area. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively. Physical description The streetscape of Pittwater Road is a winding vista of late 19th and early 20th century commercial and residential architecture of generally one or two floors - although there are exceptions. The streetscape provides 19th century atmosphere duo to it's scale, width and the number of extant Victorian structures. Within the streetscape there are a number of individually significant buildings which are listed separately. Adjacent streets generally comprise a consistent pattern of one and two storey residential cottages, with ocasional terrace. Some streets have intermittent street plantings and remnant stone kerbs. The flat topography is accentuated by the escarpment to the west which provides an important visual, vertical and vegetated backdrop. **Item I199 - Group of Commercial and Residential Building** Statement of Significance This item is a group of unusual early Twentieth Century terraced two storey residences with shops at each end. Listed due to its originality and uniqueness of concept, layout and mixture of materials. Significance in contribution to streetscape and in relationship to late 19th century development locally. Physical Description Group of 8 terraced buildings comprising 6 terraced two storey houses (rendered at ground floor level and timbered first floor) with rendered two storey (projecting as one storey shops) buildings at each end. Bullnose verandah roofs to residences have reversed bullnose up to sill level on first floor. Projecting 'gable end' of roof forms pediment over central pair. Other significant elements include; barge boards to end buildings, rendered pediments over shop fronts, window hoods over first floor windows, Italianate render decoration to ground floor or residences. **Item I134 - Row house** Statement of Significance A group of seven Victorian Rustic Gothic style terraces, aesthetically significant as representative of the style, and historically significant as early Manly terraces. Physical Description Victorian Gothic terraces of seven houses. Gabled corrugated iron roof, with three front facing gables, to No's.38, 32 and 26. Each gable featuring elaborate timber fretwork, and slightly curved triangular timber-louvred vent. Iron lace frieize work. Survives to No's. 34,32,30,28,26. Walls rendered at sides, painted brick at front. Corrugated iron skillion roofed verandahs elaborate drip moulds

Internal Referral Body	Comments
	over front doors and timber framed double hinge windows to each facade. High brick/concrete front fences detract.

Other relevant heritage listings		
SEPP (Biodiversity and Conservation) 2021	No	
Australian Heritage Register	No	
NSW State Heritage Register	No	
National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century Buildings of Significance	No	
Other	No	

Consideration of Application

Internal Referral Body	Comments
	The proposal seeks consent for alterations and additions to the existing property located within a row of heritage listed two storey terraces, with shops located at each end of the terrace group. While a single storey rear ground floor extension along the side boundary to No. 51 Pittwater Road was approved in 2005, that approval was supported on the basis that the extension had limited visibility from the public domain and did not adversely affect the significance of the heritage item or the streetscape. The current proposal for a first floor side extension is not supported from a heritage perspective. The proposed first-floor side extension removes the established side setback, resulting in increased visibility from Pittwater Road. Consequently, the addition would obscure an important end feature of the terrace group and diminish the visual prominence and integrity of the original northern gable wall. As proposed, the extension would have an unacceptable impact on the heritage significance of the building and its contribution to the streetscape. While the rear portion of the first-floor extension toward the rear-western boundary is considered acceptable, the side extension must be removed from the design. Furthermore, to ensure the continued protection of the original building form of the heritage item, the first floor rear extension should be setback a minimum of 200mm from the external face of side masonry gable wall. Heritage requires the following amendments to reduce the impact of the proposal upon the significance of the heritage item and the conservation area: • The roof to the proposed first floor extension is to be lowered to a minimum of 300mm below the main roof ridge height. • The plans are to be amended and annotated plans to confirm the retention of the original front house layout and any original fabric. • The proposed first-floor side extension is to be removed from the design. • The first-floor rear extension is to be set back a minimum of 200 mm from the external face of the side gable wall. **Revised comments - 07 October 2026** Amended drawings submitted on 30 September 2026 have addressed the main heritage concerns outlined above. However, one outstanding concern remains regarding the expression and legibility of the existing side gable. Although Heritage requested that the side setback be increased by 200mm, the applicant has retained the proposed setback which

Internal Referral Body	Comments
	aligns with the external face of the existing side gable wall. It is considered that the existing gable remains visually legible form as this will assist in interpreting the original roof form and distinguishing the new work from the existing building. Therefore, at minimum 100mm recess from the external face of the existing side gable wall will be required by condition. This is considered an appropriate compromise that will provide sufficient articulation between the existing gable and the proposed addition while maintaining the overall design. Given that the proposed works are mainly confined to the rear of the dwelling and incorporate a neutral materials and colours schedule, the proposal is considered to have a negligible impact upon the heritage significance of the item. Therefore, no objections are raised on heritage grounds subject to one condition. <u>Consider against the provisions of CL5.10 of MLEP.</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes **Planner's Comment:** The Heritage Officer has provided revised comments recommending that the proposed extension be setback a minimum of 100mm from the external face of the existing side gable wall facing the northern boundary. Notwithstanding this advice, the additional 100mm setback is not necessary in this instance. The proposed extension would have limited visibility from Pittwater Road, and the current design will appropriately maintain the established development pattern of the locality while remaining compatible with the character and appearance of the existing streetscape.

External Referral Body	Comments
External - Ausgrid - Section 4.31 of SEPP (Planning Systems) 2021 Development near electricity infrastructure - s4.31 (of SEPP) 2021	***Supported - subject to conditions*** In accordance with Clause 4.31 of SEPP (Planning Systems) 2021, 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. A1847545_02, dated 29 September 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 (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.

Manly Local Environmental Plan 2013

Is the development permissible?	No
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:	15m	6.9m - Proposed works 7.1m - Existing dwelling	N/A	Yes
Floor Space Ratio	2:1	0.97:1	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.13 Design excellence	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

Zone E1 Local Centre

The existing attached dwelling is not permissible in Zone E1 Local Centre of Manly Local Environmental Plan 2013. It is important to note, the site was previously located in B2 Local Centre Zone of Manly Local Environmental 2013, however this zoning was amended on 26 April 2023.

A detailed existing use rights assessment has been conducted within this report. In summary, the subject site benefits from existing use rights.

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:
The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (e).

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:
The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (d).

6.11 Active street frontages

Under this clause, development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

Comment:
The proposed development is related to the rear of the subject site, and as such there are no changes to the street frontage. Therefore, the existing street frontage is to be retained.

6.13 Design excellence

Under this clause, development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development—

(a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and
(b) is likely to protect and enhance the streetscape and quality of the public realm, and
(c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and
(d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and
(e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and
(f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and
(g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and
(h) promotes vistas from public places to prominent natural and built landmarks, and
(i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and
(j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and
(k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.

Comment:
The proposed development is located at the rear of the site, and as such is not visible from the street frontage. The proposed development will not detract from the existing residential development on site,

and the proposal will retain the existing design excellence of the subject site.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 125.8m²	**Requirement**	**Proposed**	**% Variation***	**Complies**
4.1.1.1 Residential Density and Dwelling Size	Dwelling Size: 95m² (based on 3 bed, 2 bath)	121.7m²	N/A	Yes
4.1.2.1 Wall Height	N: 6.5m (based on flat land)	5.9m	N/A	Yes
	S: 6.5m (based on flat land)	5.9m	N/A	Yes
4.1.2.2 Number of Storeys	2	2	N/A	Yes
4.1.2.3 Roof Height	Pitch: maximum 35 degrees	22.56 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	Consistent with prevailing setback (unaltered)	N/A	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	N: 1.97m (based on wall height)	Ground Level: 0m - 0.5m First Floor: 0m - 0.5m	100% 100%	**No** - unchanged **No**
	S: 1.97m (based on wall height)	Ground Level: 0m First Floor: 0m	100% 100%	**No** - unchanged
	Windows: 3m	0.3m	90%	**No**
	Secondary street frontage: Prevailing setback / 0m	Ground Level: 0m First Floor: 12.5m	N/A	Yes
4.1.5.3 Private Open Space	18m²	18m²	N/A	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	0m	N/A	Yes

Schedule 3 Parking and Access	In Manly Town Centre Business Zone (LEP Zone B2- Local Centre): 0.6 resident parking space for each Studio or one bedroom dwelling, plus 1 resident parking space for each 2 bedroom dwelling, plus 2 resident parking spaces for each 3 or more bedroom dwelling, and plus 0.16 visitor parking space for each dwelling (irrespective of number of bedrooms).	0 spaces	100%	**No -** unchanged

*Note: The application proposes works to an existing attached dwelling within the E1 Local Centre zone. As such, the application has been assessed against the relevant requirements of both Section 4.1 Residential Development Controls and Section 4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres) of the Manly Development Control Plan 2013.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3 General Principles of Development	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4 Development Controls and Development Types	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	No	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	No	Yes
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.4 Car Parking and Access	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes
4.4.4 Awnings	No	Yes
4.4.4.1 Awnings in LEP B1 and B2 Business Zones	No	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.2 Pittwater Road Conservation Area	Yes	Yes

Detailed Assessment

3.4.1 Sunlight Access and Overshadowing

Section 3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties of MDCP states:

'In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:
(a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June).'

There are no existing windows or glazed doors to living rooms of adjacent properties that will be impacted by the proposed development. However, the submitted shadow diagrams indicate the Living Room skylights of No. 47 Pittwater Road will receive full sun between approximately 11.45am and 2.15pm on 21 June which is consistent with the minimum 2 hour requirement detailed above. The proposed development therefore complies with the abovementioned control and is acceptable.

4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

Side boundary setbacks:

The proposed extension maintains the existing nil setback along the southern side boundary and the existing 0.5m northern side boundary setback. The proposed side boundary setbacks are:

North:
- Ground Level: 0m - 0.5m
- First Floor: 0m - 0.5m

South:
- Ground Level: 0m
- First Floor: 0m

Section 4.1.4.2 of Manly Development Control Plan 2013 (MDCP) requires that setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building. The required side boundary setbacks are:

North: 1.97m (based on wall height)
South: 1.97m (based on wall height)

Windows:

A total of four new windows are proposed along the northern elevation within 3m of the northern side boundary.

Section 4.1.4.2 of MDCP requires that all new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries.

Comment:

The objectives of the control are:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.
Objective 2) To ensure and enhance local amenity by:
- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Objective 3) To promote flexibility in the siting of buildings.
Objective 4) To enhance and maintain natural features by:
- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Objective 5) To assist in appropriate bush fire asset protection zones.

The proposed development maintains the existing northern and southern side boundary setbacks and therefore will not result in any discernible changes to the existing streetscape.

The proposed windows on the northern elevation adjoin the built-to-boundary wall of the neighbouring residential flat building. As such, the proposed windows have no unreasonable adverse privacy impact on neighbouring properties.

The proposed shadow diagrams submitted with the development application have been assessed and are consistent with the requirements of *Section 3.4.4 Sunlight Access and Overshadowing* of MDCP. The proposal will provide equitable access to sunlight and air movement.

There will be no impact on views and vistas from private and public spaces.

The proposed development will have no adverse impact on areas that maintain and enhance planting and deep soil zones and vegetation.

The site is not within a bushfire protection zone.

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

4.2.3 Setbacks Controls in LEP Zones B1 and B2

Under *Section 4.2.3 Setbacks Controls in LEP Zones B1 and B2* the following applies:

All buildings must be constructed to the public road and side boundaries of the allotment except where:
a) an alternative setback is identified on the townscape and opportunities maps or having regard to established building lines and whether they contribute positively to the streetscape; or

Comment:

A detailed assessment has been conducted under *Section 4.1.4 Setbacks (Front, side and rear) and building separation*. The proposal presents a nil setback to the southern side boundary and a 0.5m setback to the northern side boundary which is supportable.

4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

Description of non-compliance

Schedule 3 of the Manly Development Control Plan 2013 stipulates that attached dwelling houses within the B2 Local Centre zone are to provide the following parking spaces:

In Manly Town Centre Business Zone (LEP Zone B2- Local Centre)

- *0.6 resident parking space for each Studio or one bedroom dwelling, plus*
- *1 resident parking space for each 2 bedroom dwelling, plus*
- *2 resident parking spaces for each 3 or more bedroom dwelling, and plus*
- *0.16 visitor parking space for each dwelling (irrespective of number of bedrooms).*

The site does not contain any off-street parking facilities, nor does the application propose any offstreet parking. As a consequence, the proposed development fails to comply with the Control.

Comment:

The objectives of the control are:

- *To ensure there is adequate provisions for car parking access and loading in future development and redevelopment in all business zones.*
- *To minimise conflicts between pedestrian and vehicular movement systems within the business areas.*

Whilst no off-street parking is proposed, the subject site is located within the Manly Town Centre and is well service by public transport. Given the adjoining properties are devoid of off-street parking facilities, the non-compliance is considered acceptable in this regard.

The proposed development will not generate conflicts between pedestrians and vehicles within the locality.

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

4.2.5.4 Car Parking and Access

Under *Section 4.2.5.4 Car Parking and Access* the following exceptions can be made:

Exceptions to parking rates/ requirements in Manly Town Centre
a) In exceptional circumstances and having regard to the merits of the application, Council may be prepared to allow a reduction in the any parking rate/ requirements in Manly Town Centre (including residential and commercial) where the applicant has demonstrated that:
(i) in the case of all uses other than dwellings, the dimensions or topography of the site would physically prevent the provision of some or all of the required spaces;
(ii) the required access interferes with the continuity of retail frontage or interrupts the frontage of the property in other ways such that there would be a conflict with any other provisions of this DCP in particular the townscape objectives; or
(iii) the movement of vehicles to and from the site would cause unacceptable conflict with pedestrian movements, special servicing arrangements for pedestrianised areas or contribute to congestion at key intersections.

Comment:

A detailed assessment has been conducted under *Section 4.2.4* of Manly Development Control Plan contained within this report. Notwithstanding, the existing attached dwelling and building footprint does not allow for any opportunities for parking facilities on the subject site. Any parking facilities would result in unacceptable interference with the frontage of the property, and result in conflicts with pedestrian movements in a largely pedestrianised area.

4.4.4.1 Awnings in LEP B1 and B2 Business Zones

Description of non-compliance

The proposed development does not provide an awning over the footpath on Pittwater Road.

Section 4.4.4.1 Awnings in LEP B1 and B2 Business Zones of Manly Development Control Plan 2013, states continuous footpath awnings must be provided on all street frontages generally consistent with the streetscape.

Comment:

The portion of Pittwater Road which adjoins the heritage listed group of commercial and residential buildings does not contain any street awnings, with the existing development generally set back from the street frontage.

As the proposed development involves alterations and additions to an existing attached dwelling, which benefits from existing use rights, and does not include any commercial use, the inclusion of an awning is not required in this circumstance.

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 $2,107 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of $210,650.

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;
- Manly Local Environment Plan;
- Manly 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 alterations and additions to the existing dwelling house has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to the proposed development involving the demolition of a heritage item.

The concerns raised in the objections have been addressed and resolved by recommended conditions if the application were to be approved.

The critical assessment issues related to the proposed impacts on privacy and overshadowing which are reasonable in the context of the site and heritage considerations.

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 DA2026/1052 for Alterations and additions to an attached dwelling on land at Lot 1 DP 233249, 49 Pittwater Road, 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.

Approved Plans				
Plan Number	**Revision Number**	**Plan Title**	**Drawn By**	**Date of Plan**
DA.01-F	F	Roof & Site Plan Existing	Wind Architects	6 October 2026
DA.02-F	F	Floor Plans Existing	Wind Architects	6 October 2026
DA.03-F	F	North Elevation Existing	Wind Architects	6 October 2026
DA.04-F	F	South Elevation Existing	Wind Architects	6 October 2026
DA.05-F	F	East & West Elevations Existing	Wind Architects	6 October 2026
DA.06-F	F	Section AA Existing	Wind Architects	6 October 2026
DA.07-F	F	Section B Existing	Wind Architects	6 October 2026
DA.08-F	F	Roof & Site Plan Proposed	Wind Architects	6 October 2026
DA.09-F	F	Floor Plans & Stormwater Plan Proposed	Wind Architects	6 October 2026
DA.10-F	F	North Elevation Proposed	Wind Architects	6 October 2026
DA.11-F	F	South Elevation Proposed	Wind Architects	6 October 2026
DA.12-F	F	East & West Elevation Proposed	Wind Architects	6 October 2026
DA.13-F	F	Section Proposed	Wind Architects	6 October 2026

DA.14-F	F	Section Proposed	Wind Architects	6 October 2026

Approved Reports and Documentation			
Document Title	**Version Number**	**Prepared By**	**Date of Document**
BASIX Certificate No. A1847545_02	-	Mr Pouwel Wind	29 September 2026
Waste Management Plan	-	Applicant	7 August 2026
Heritage Impact Statement	-	John Oultram Heritage & Design	June 2026
Drainage Statement	-	ACE – Civil & Hydraulic Engineers	7 August 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.

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	25 August 2026

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

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

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) If proposing to undertake works on Council property, a "Road Opening Permit" will need to be applied for from Council, and all applicable charges paid, prior to the commencement of any work. 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. Please contact Road Restorations Team at Council if unsure whether a Road Opening Permit is required.

(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 $2,106.50 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 $210,650.00.

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 $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).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. **Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 6.54m AHD shall be designed and constructed from flood compatible materials.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 6.54m 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.

8. **Storage of Goods**

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 6.54m AHD unless adequately protected from floodwaters in accordance with industry standards.

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.

9. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development, **including any required On-site detention system**, are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy (available on Council website).

The applicant shall submit a Stormwater Drainage Application (using form No. 4022 available on Council website) under the provisions of Section 68A of the Local Government Act 1993 including detailed stormwater plans and certification 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.

Council approval must be provided to the Certifier prior to the issue of any Construction Certificate.

Compliance with this condition must not result in variations to the approved development, reduction in landscaped open space or additional tree removal.

OR

For Class 1 and 10 buildings on properties that are NOT low-lying properties and can drain to the street:

The stormwater drainage systems for the development, **including any required On-site detention system**, are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil or Hydraulic Engineer, and where relevant, a Geotechnical Engineer, must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the owner/developer must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development, reduction in landscaped open space or additional tree removal.
This condition does not apply where there is no increase to impervious area unless existing drainage is amended

Reason: To ensure satisfactory management of stormwater.

10. **Party Wall for lateral or vertical support**
Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Certifying Authority. The certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that the additions are independently supported, unless consent is obtained from the all owners of the party wall and a structure engineer's certification has been provided. A copy of the certificate and plans must be provided to the consent authority and all owners of the party wall/s.

Reason: To ensure the support of the adjoining property.

11. **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.

12. **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 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. **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.

Property: 47 Pittwater Road, Manly NSW 2095 (Lot 2 DP 233249)

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.

DURING BUILDING WORK

14. **Handling of asbestos during demolition**
While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

15. **Demolition Works - Asbestos**
Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

16. **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
3. There has been no filling on the land other than what has been approved

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.

17. **Building Components and Structural Soundness**
B2 - A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Flood Planning Level of 6.54m 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 6.54m 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.

18. **Stormwater Drainage Disposal Certification**
Certification from an appropriately qualified and practising Civil or Hydraulic Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy, and where relevant, a Geotechnical Engineer, shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

If any on site stormwater detention system is installed, a Legal Documents Authorisation Application must be lodged with Council.
The application is to include the 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), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website.

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 must be created on title.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the owner's/developer'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 authority 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.

OR

For Class 1 and 10 buildings on properties that are NOT low-lying properties and can drain to the street:

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

Certification from an appropriately qualified and practising Civil or Hydraulic Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy, and where relevant, a Geotechnical Engineer, shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

If any on site stormwater detention system is installed, a Legal Documents Authorisation Application must be lodged with Council.
The application is to include the 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), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website.

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 must be created on title.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the owner's/developer'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 authority 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.
This condition does not apply where there is no increase to impervious area unless existing drainage is amended.

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

Reason: To ensure satisfactory management of stormwater.

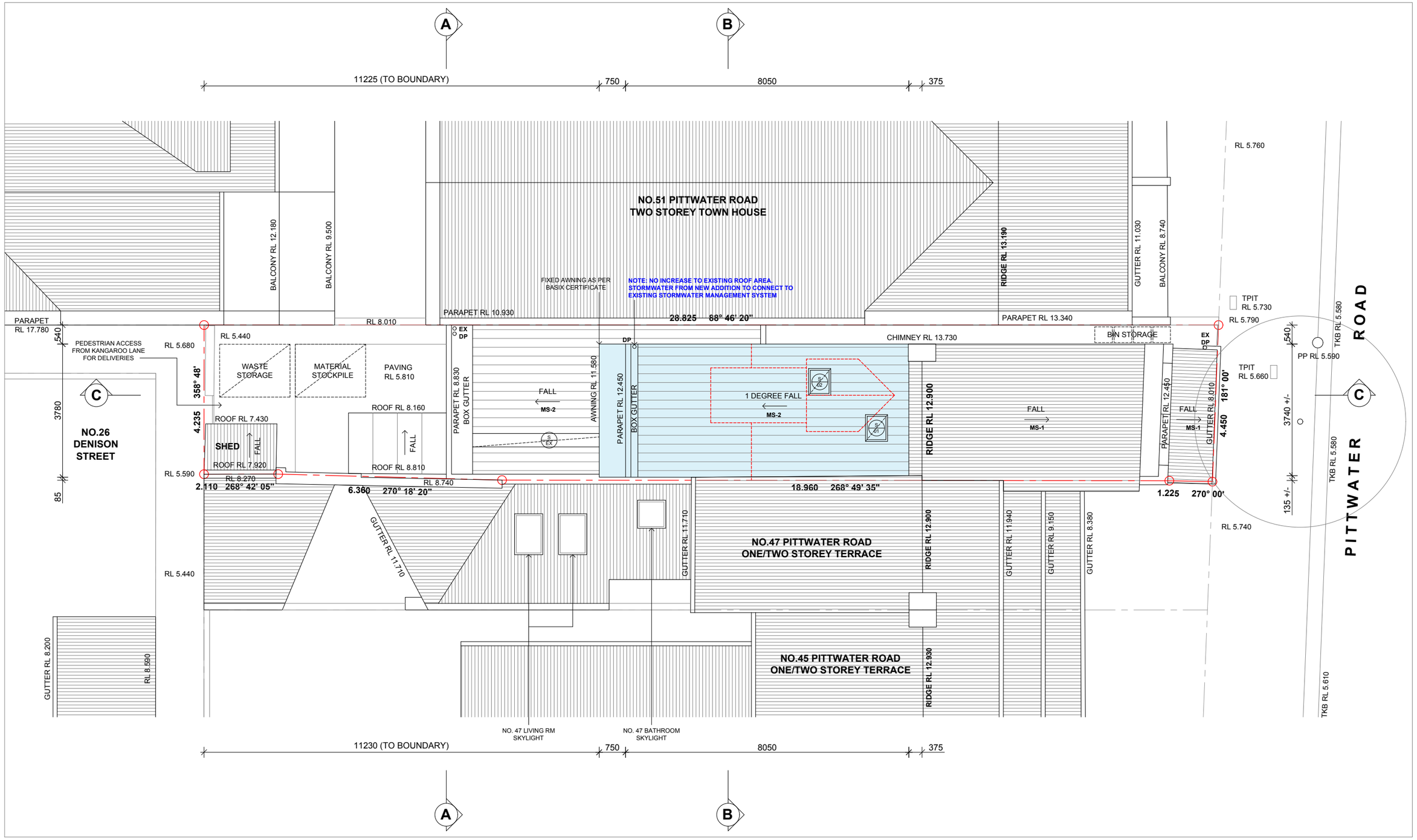
19. **Post-Construction Dilapidation Report**
Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- 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.



NOT FOR CONSTRUCTION

ALL BUILDING WORK TO COMPLY WITH BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS AND RELEVANT AUTHORITIES REGULATIONS.

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE FROM DRAWINGS.

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MATERIALS

GZ-1	CLEAR GLASS
GZ-2	OBSCURE GLASS
MS-1	METAL SHEETING (CUSTOM-ORB)
MS-2	METAL SHEETING (KLIP-LOK)
REN-1	RENDER - SMOOTH
REN-2	RENDER - TEXTURED

LEGEND

EXISTING

PROPOSED

DEMOLISHED

N

REVISIONS

A	22.05.26	DEVELOPMENT APPLICATION
B	15.06.26	DEVELOPMENT APPLICATION
C	04.08.26	DEVELOPMENT APPLICATION
D	29.09.26	DEVELOPMENT APPLICATION
E	06.10.26	DEVELOPMENT APPLICATION
F	06.10.26	DEVELOPMENT APPLICATION

WIND ARCHITECTS
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CONTACT
M 0433253979
E info@windarchitects.com.au

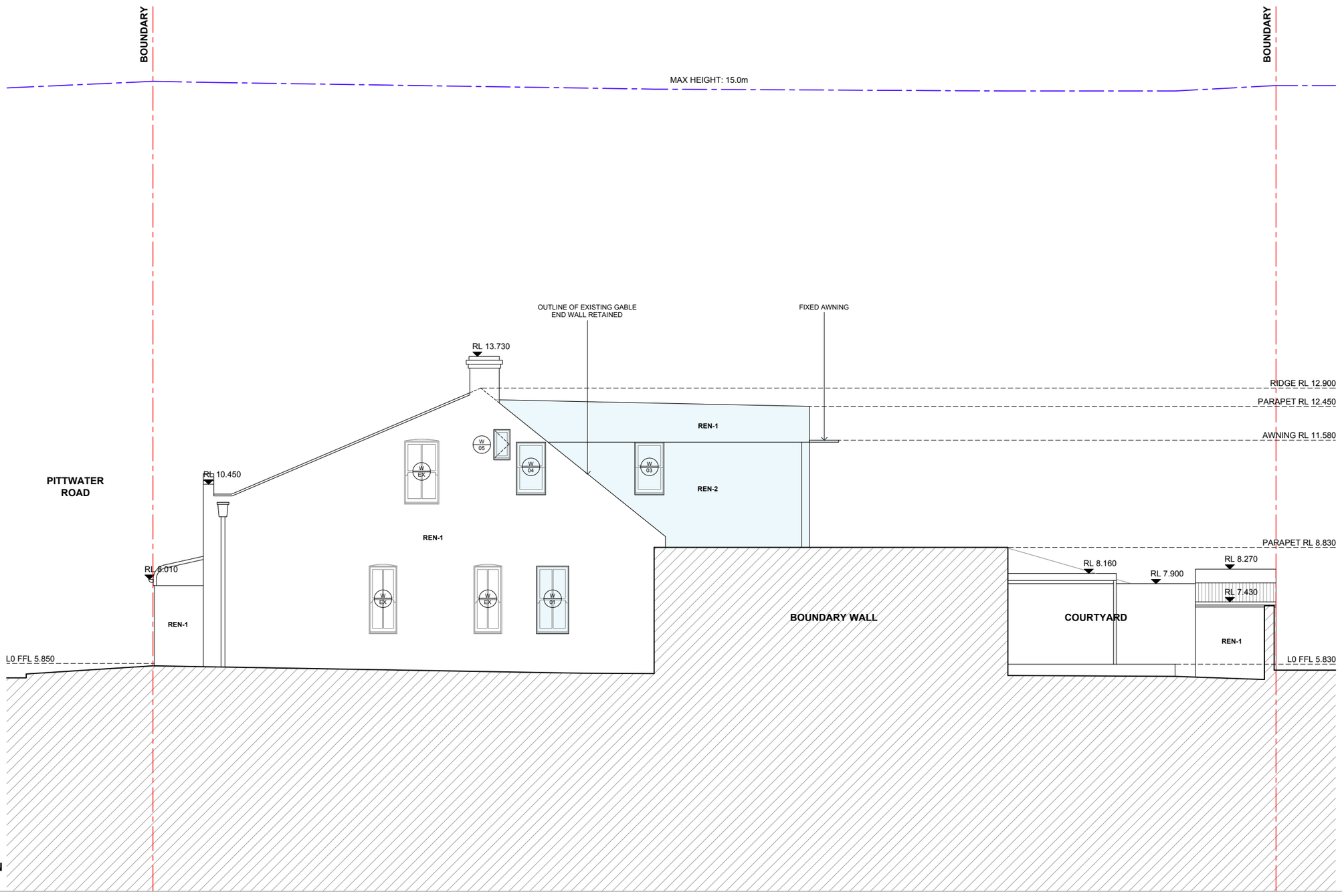
PROJECT
49 PITTWATER RD
MANLY NSW 2095

TITLE

ROOF & SITE PLAN PROPOSED

SCALE 1:100 (A3)
PROJECT 2502

DA.08-F



NORTH ELEVATION
PROPOSED

NOT FOR CONSTRUCTION

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LEGEND

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DEMOLISHED

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WIND ARCHITECTS
NSW REG 11041

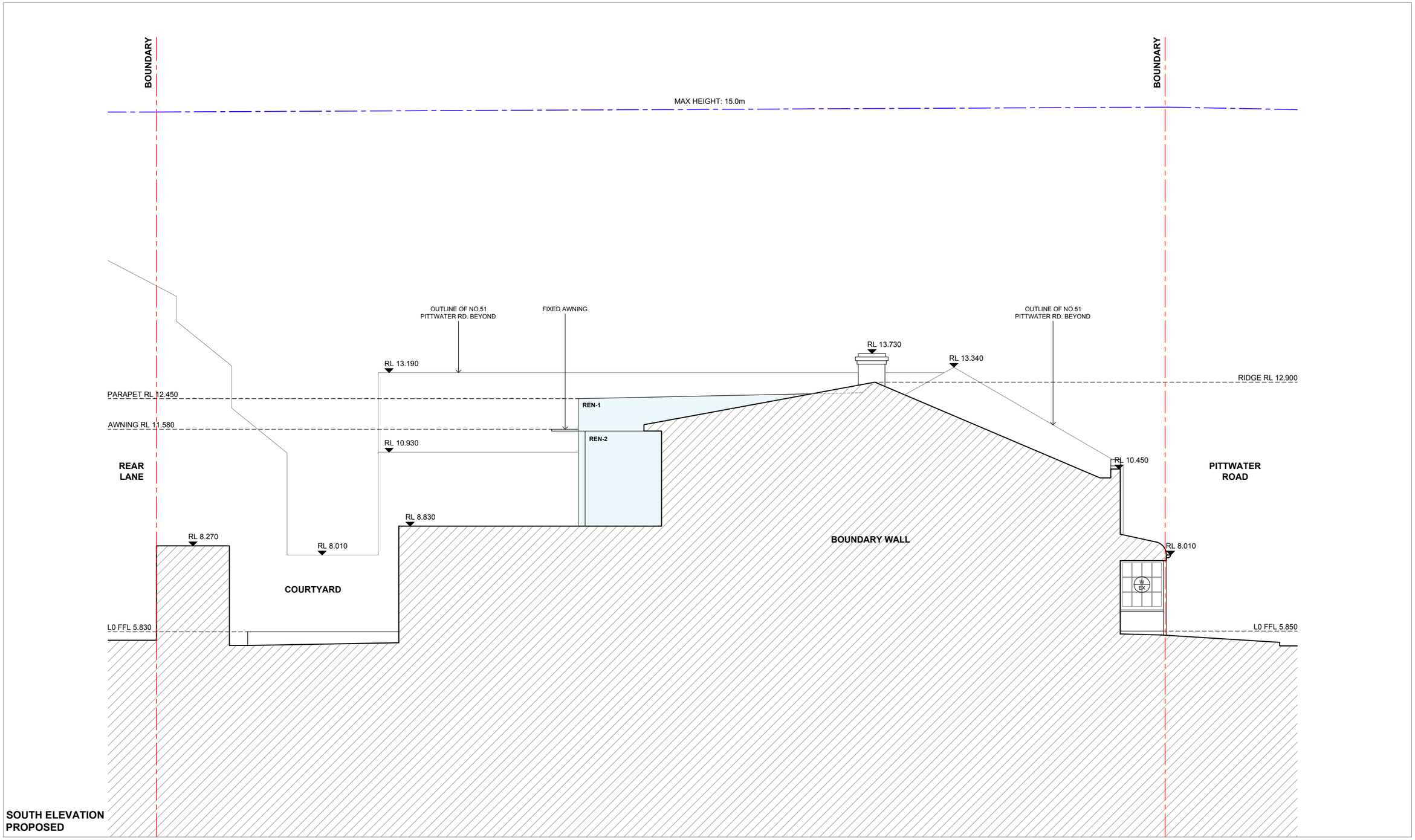
CONTACT
M 0433253979
E info@windarchitects.com.au

PROJECT
49 PITTWATER RD
MANLY NSW 2095

TITLE
NORTH ELEVATION PROPOSED

SCALE 1:100 (A3)
PROJECT 2502

DA.10-F



SOUTH ELEVATION PROPOSED

NOT FOR CONSTRUCTION

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MS-2	METAL SHEETING (KLIP-LOK)
REN-1	RENDER - SMOOTH
REN-2	RENDER - TEXTURED

LEGEND

EXISTING
PROPOSED
DEMOLISHED

N

REVISIONS

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WIND ARCHITECTS
NSW REG 11041

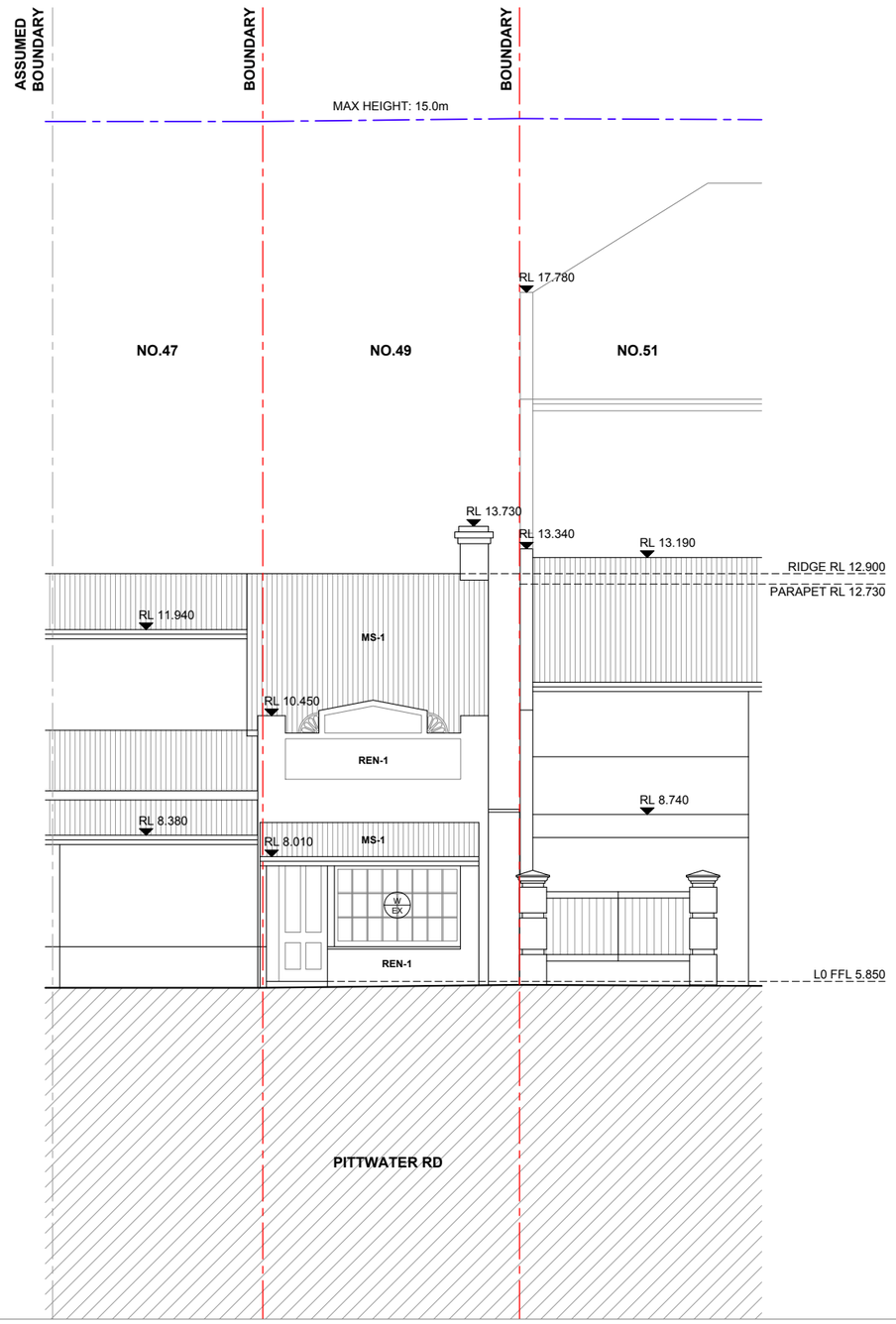
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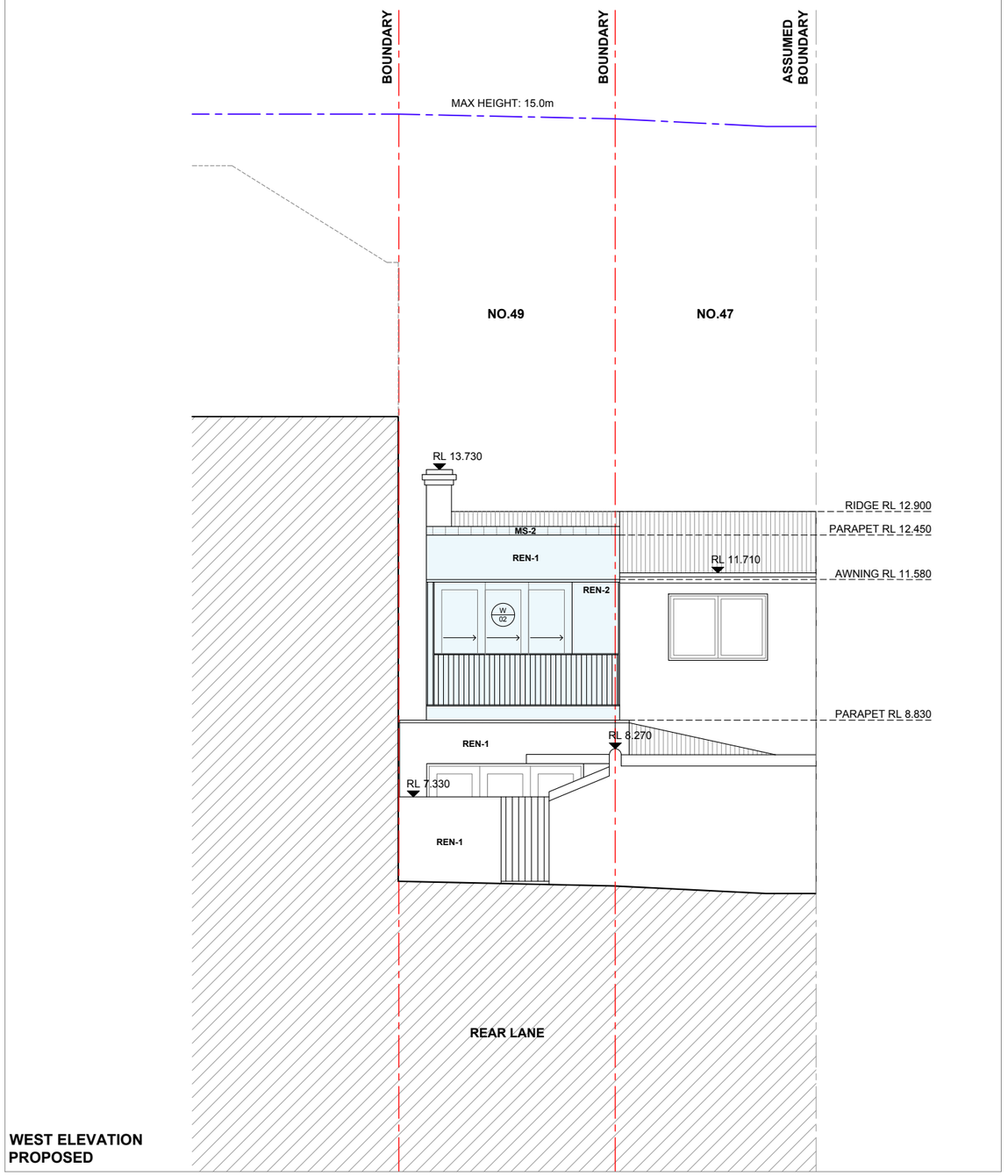
TITLE
SOUTH ELEVATION PROPOSED

SCALE 1:100 (A3)
PROJECT 2502

DA.11-F



EAST ELEVATION
PROPOSED



WEST ELEVATION
PROPOSED

NOT FOR CONSTRUCTION

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LEGEND

EXISTING
PROPOSED
DEMOLISHED

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WIND ARCHITECTS
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M 0433253979
E info@windarchitects.com.au

PROJECT
49 PITTWATER RD
MANLY NSW 2095

TITLE
EAST & WEST ELEVATIONS PROPOSED

SCALE 1:100 (A3)
PROJECT 2502

DA.12-F

6 MEETING CLOSURE