

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0751
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot A DP 342163, 1 Fairlight Crescent FAIRLIGHT NSW 2094
Proposed Development:	Change of use from dual occupancy to residential flat building and strata title subdivision of building into three (3) lots
Zoning:	Manly LEP2013 - Land zoned R1 General Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Silvana Vescio

Application Lodged:	19/06/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	02/07/2025 to 16/07/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	4.3 Height of buildings: % 4.4 Floor space ratio: %
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises of the following works:

- Conversion of Unit 2, currently over two levels, to two (2) residential units with one on each floor;
- Conversion of an existing wet bar area into a full kitchen in proposed Unit 3;
- Addition of one (1) car space in location of existing terrace area of Unit 1;
- Change of use from an attached dual occupancy to a residential flat building with one unit on each floor; and
- Strata title subdivision of the building into three (3) lots.

There is no external height change to the building and no structural building changes. In summary, the building was constructed as capable of being converted to 3 residences over 3 storeys by the internal staircase connection and co-located entry arrangements. There are no new windows or new building enclosures. The parking areas are already constructed as shown as building suitable for vehicle access.

Unit 1 (RL14.35) (1 bedroom) entry is via the allocated car space (formerly terrace thought the laundry room or the living / games room from the POS (outdoor area 67.4sqm)
(Carspace x 2, laundry/bath, family room, bedroom, storeroom, bathroom, games room, living room, kitchen/dining room)

Unit 2 (RL17.33) (2 bedroom) entry is via the front steps or lift. (Note this floor has a 'sun room' with access to the hallway entry and is connected by bedroom ensuite and "hallway"
(Carspace x 1, terrace 39sqm, lift access, kitchen / dining room, 2 x bedroom, 2 x bathroom, laundry, sun room, stair entry and hallway_

Unit 3 (RL19.93) (3 bedroom) entry is via the front steps or lift whereby the stairway has a fire-door at the middle landing area.
(Carspace x 1, terrace 39sqm, lift access, kitchen living room, lift access, laundry, 3 x bedroom, 2 x bathroom, study nook, storage, stair access from front hall entry.

Complying Development Certificate No. 18/186 issued by Paul Aramini Consulting P/L on 11.10.2018 was used to enlarge the previous 'wet bar' to a regular kitchen sized area and re arrange the POS and master bedroom space (bathroom and storage). This has been previously addressed in the assessment and approval of DA2023/0899.

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 R1 General Residential
Manly Local Environmental Plan 2013 - 4.1 Minimum subdivision lot size

Manly Local Environmental Plan 2013 - 4.3 Height of buildings

Manly Local Environmental Plan 2013 - 4.4 Floor space ratio

Manly Development Control Plan - 4.1.1.1 Residential Density and Dwelling Size

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Manly Development Control Plan - 4.1.3 Floor Space Ratio (FSR)

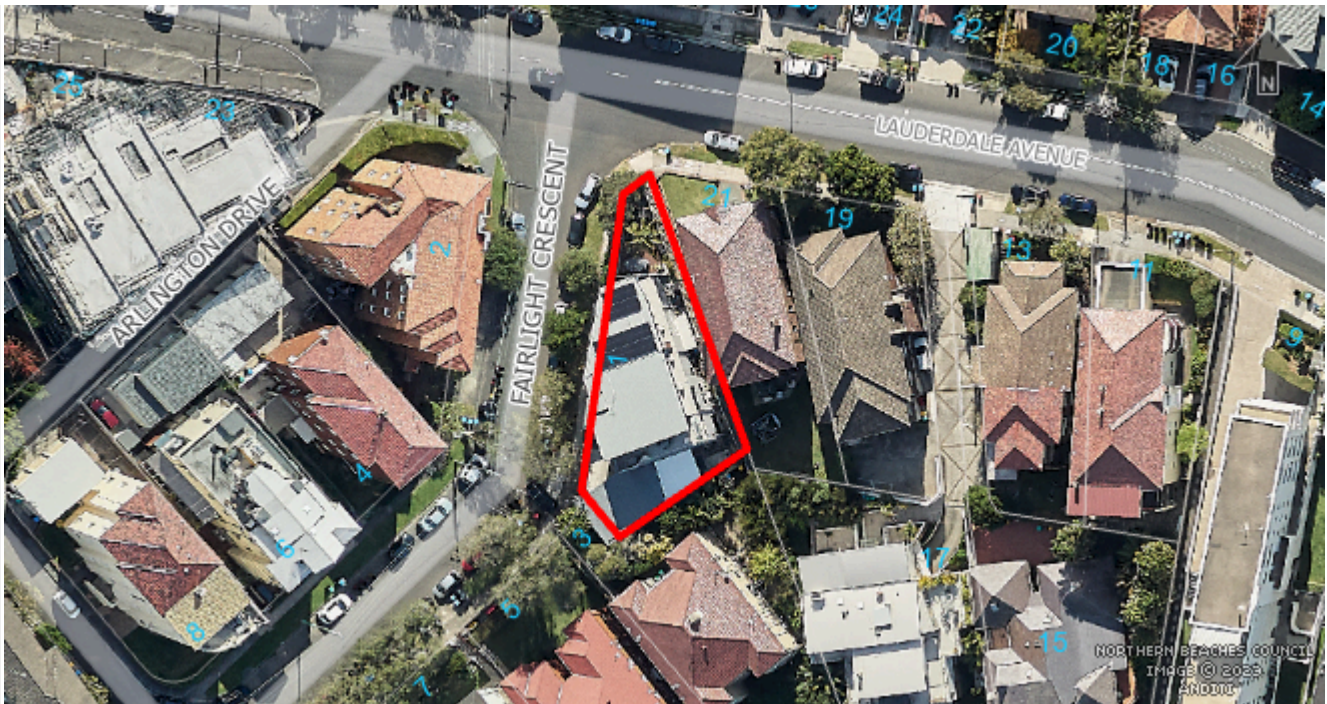
Manly Development Control Plan - 4.1.5 Open Space and Landscaping

Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

SITE DESCRIPTION

Property Description:	Lot A DP 342163 , 1 Fairlight Crescent FAIRLIGHT NSW 2094
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Fairlight Crescent.</p> <p>The site is irregular in shape with a frontage of 36.51m along Fairlight Crescent and a depth of 19.2m. The site has a surveyed area of 496.6m².</p> <p>The site is located within the R1 General Residential zone from MLEP 2013 and accommodates a three-storey attached dual occupancy development, and carport currently on the site. This was converted from an existing hipped-roof building of 2 post-war flats that have been substantially modernised.</p> <p>The site is generally flat with no significant changes in levels.</p> <p>The site contains gardens, palms, and plantings. There are no details of any threatened species on the subject site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential flat buildings, dual occupancy developments, and dwelling houses.</p>

Map:



SITE HISTORY

The current building configuration was approved by way of **DA0129/2016** for "alterations and additions to an existing Residential Flat Building including demolition of the two (2) existing sets of access stairs, construction of new access stairs, addition of two (2) new terraces on the north and south of each unit and new pergola to Unit 2" and following a number of modifications to the consent construction was completed in 2020.

A previous approval for alterations and additions had been granted with **DA095/2014** on 27.8.2014 for for alterations and additions to an existing Dual Occupancy including demolition of the two (2) existing sets of access stairs, construction of new access stairs, addition of two (2) new terraces on the north and south of each unit and new pergola to Unit 2 - involving alterations to the approved terraces, balustrades and barbecue area; conversion of the family room to a bedroom and modifications to and extension of the existing laundry/bath room at Unit 1. The current DA is for USE ONLY and is essentially a renewal of DA2023/0899.

Development Application No.DA2023/0899 for "change of use from dual occupancy to residential flat building and strata title subdivision of existing building into three (3) lots" was approved on 13.9.2023. (To facilitate the completion of works the owner requires a "fresh" approval (dated less than 6 months old) since the subdivision and minor works were not activated in 2023.)

Summary of Site History:

Development Consent No.95/2014 Development Application for Alterations and additions to an existing Dual Occupancy including demolition of the two (2) existing sets of access stairs, construction of new access stairs, addition of two (2) new terraces on the north and south of each unit and new pergola to Unit 2. Approved on 27 August 2014.

This consent was subject to a Modification Application for Alterations and additions to an existing Dual Occupancy including demolition of the two (2) existing sets of access stairs, construction of new access stairs, addition of two (2) new terraces on the north and south of each unit and new pergola to Unit 2. Approved on 26 November 2014.

Development Consent No.142/2014

Development Application for New front fence and new carport with bin storage area to an existing dual occupancy. Approved on 14 January 2015.

Development Consent No.49/2015

Development Application for Alterations and additions to an existing dual occupancy including additions to the first floor with roof over the existing terraces, new lift, internal alterations, changes to windows and doors. Approved on 29 July 2015.

Development Consent No.129/2016

Development Application for Alterations and addition to existing dual occupancy (attached) including a new third level addition with terrace, second level extension, a new enclosed stairwell Proposed Development and lift, changes to windows and doors, internal alterations, demolition of existing carport, construction of a double garage with four car stacker and removal of trees. Approved on 15 December 2016.

This consent was subject to a Modification Application for Section 96(2) application to modify approved alterations and addition to existing dual occupancy (attached) – Part 2. Approved on 13 September 2017.

This consent was subject to a Modification Application for Section 96 to modify approved alterations and additions to the dual occupancy – Part 3. Approved on 26 February 2018.

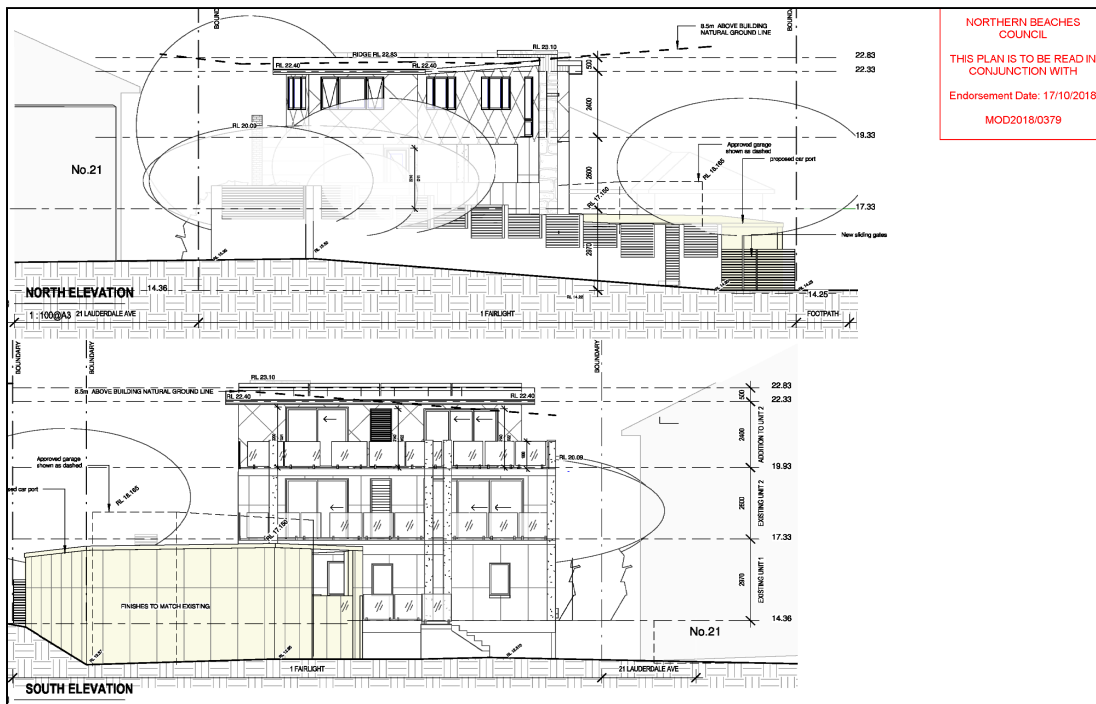
Development Consent No. 272/2016 Development Application for Two (2) lot Strata subdivision of an existing Dual Occupancy. Approved on 12 December 2016.

Modification of Consent No. Mod2018/0379 Modification Application for Modification of Development Consent **DA0129/2016** granted for alterations and additions to an attached dual occupancy. Approved on 17 October 2018.

Modification of Consent No.Mod2018/0505 Modification Application for Modification of Development Consent **DA129/2016** granted for alterations and additions to an attached dual occupancy. Approved on 7 November 2018. This consent extended the lightweight awning over the front entry area.

Complying Development Certificate No.CDC2018/0994 Complying Development Certificate for Alterations and additions to internal layout within Unit 2. Approved on 11 October 2018 by external Certifier.

Tree Application No.TA2020/0668 Tree Application for Tree Removal (1 tree). Approved on 20 September 2020.



MOD2018/379 approved the change from car stacker to a 3 car garage and shows the approved building elevations. The current proposal for DA2025/0751 does not seek any external changes to the approved height of 9.8m originally approved by MIAP with DA0129/2016.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.

Section 4.15 Matters for Consideration	Comments
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)</p>	<p>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.</p> <p>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.</p> <p>Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p>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.</p> <p>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. The applicant has provide a Fire Safety Statement with recent inspections dated 21.2.2024</p> <p>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.</p> <p>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 and the applicant has provided a National Construction Code / Building Code of Australia Report to address compliance including fire, egress, safety, noise, services, structural, deemed to comply and performance requirements and standards. The applicant has provided details that:</p> <p><i>"This report (BCA/NCC Regulatory Compliance Report dated 11.6.2025) has been prepared to assess the project against the Building Code of Australia to assess whether upgrading is required as part of the approvals process.</i></p> <p><i>The assessment including inspections and investigations by passive fire consultants and acoustic engineers confirms compliance and that no upgrade works are required. It is noted that a a non compliance exists with the DTS provisions of the NCC C4D5 for the windows located within 3m of the south-eastern boundary. These relate to the existing building at ground floor only. These were approved in situ as part of the previous approval and deemed acceptable as they related to the existing building and were minor infringements and are not impacted by the proposal."</i></p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(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.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 02/07/2025 to 16/07/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building and Fire Safety Department. There are no concerns with the application subject to included attached conditions of approval and consideration of the notes below.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BC Premises Standards. Issues such as this however may be determined at Construction Stage.</i></p>
NECC (Development Engineering)	<p>The application includes the alteration of the existing dual occupancy development into a flat building and strata subdivision. Strata subdivision applications are assessed and approved by Council's Building Control Team. Conditions for the subdivision certificate are to be provided by either Building Control or Planning.</p> <p>Development Engineering support the proposal with no conditions of consent recommended.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid with no response received with the 21 day statutory period.

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 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
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

Comment:

The subject site is a strata subdivision and is sited within the Greater Sydney region. As such, the contribution is \$10,000 for one additional unit (being created by splitting the existing room allocation and floor configuration.)

SEPP (Housing) 2021

Chapter 4 Design of residential apartment development

144 Application of chapter

"(1) In this policy, development to which this chapter applies is referred to as residential apartment

development.

(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."

Comment:

Pursuant to clause 144 (3)(ii) the works and associated use change from 2 to 3 units are not a substantial redevelopment or a substantial refurbishment of the existing building. Therefore no further detailed assessment under *SEPP (Housing) 2021* or the *Apartment Design Guide* is required. In summary the works and change of use (conversion from 2 to 3 units) are primarily internal to the building footprint and do not adversely affect landscaping, views, privacy and general amenity considerations.

The proposed conversion from a dual occupancy to an RFB containing 3 Units remains consistent with the *Design Principles* of Schedule 9.

SEPP (Transport and Infrastructure) 2021

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

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

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

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

Comment:

The subject site is located within land identified as "coastal environment area". The proposed development is not likely to cause adverse impact to items listed under Clause 2.10(1)(a-g) inclusive.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposed development has been designed, sited, and managed to avoid an adverse impact to items listed under Clause 2.10(1)(a-g) inclusive.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

Comment:

The proposed development is not likely to cause an adverse impact to items listed under Clause 2.11(1)(a)(i-v) inclusive. The proposal has been designed, sited, and managed to avoid any adverse impacts as detailed under Clause 2.11(1)(a)(i-v) inclusive. The proposed development is largely unchanged under this application, and as such has taken into account the surrounding coastal and built environment, the bulk, scale, and size of the proposed development.

Division 5 General

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

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

Comment:

The proposed development is not likely to cause an increased risk of coastal hazards on the land or other land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

There is no certified coastal management program applicable to the land.

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

Chapter 4 – Remediation of Land

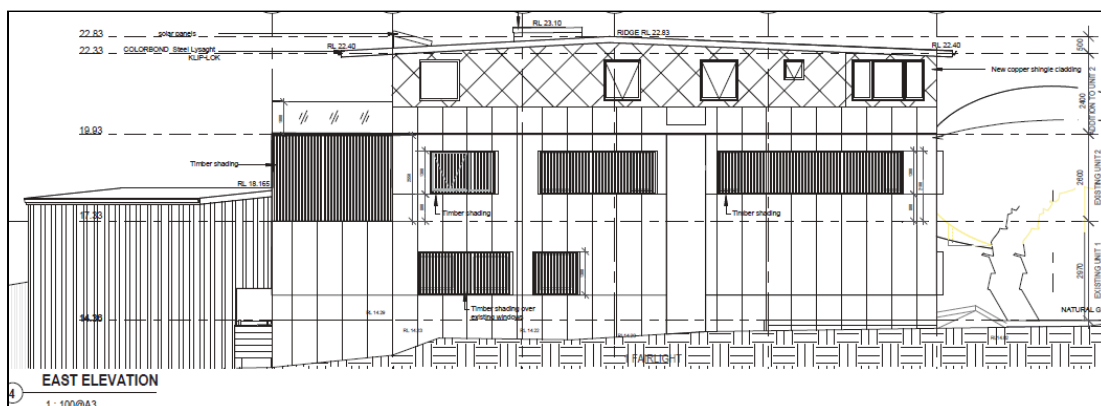
Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses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

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	No change (9.8m existing 15.2%)	No change
Floor Space Ratio	FSR: 0.6:1	No change (280 sqm existing 0.56:1)	No change



Existing building height and elevations are unchanged.

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision—consent requirements	Yes
4.1 Minimum subdivision lot size	Yes
4.3 Height of buildings	No
4.4 Floor space ratio	No
4.5 Calculation of floor space ratio and site area	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.10 Limited development on foreshore area	Yes
6.12 Essential services	Yes

Detailed Assessment

Zone R1 General Residential

Permissibility

The proposal seeks a change of use from an *dual occupancy (attached)* to a *residential flat building*. Both of these uses are permissible in the R1 General Residential zone.

4.1 Minimum subdivision lot size

This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.3 Height of buildings

No additional height is being added for the change from the approved two Units to re-configure as three Units.

4.4 Floor space ratio

No additional floor space is being added for the change from the approved two Units to re-configure as three Units.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 496.6m ²	Requirement	Proposed	% Variation*	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 1 dwelling per 250m ² of site area	1 dwelling per 165.53m ² of site area	33.79% (84.47m ² per dwelling)	No

4.1.2.1 Wall Height	E: 6.5m (based on no gradient)	No change	-	No change
	W: 6.5m (based on no gradient)	No change	-	No change
4.1.2.2 Number of Storeys	2	No change	-	No change
4.1.2.3 Roof Height	Height: 2.5m	No change	-	No change
	Pitch: maximum 35 degrees	No change	-	No change
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	No change	-	No change
4.1.4.2 Side Setbacks and Secondary Street Frontages	Windows: 3m	No change	-	No change
4.1.4.4 Rear Setbacks	8m	No change	-	No change
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% of site area (273.13m ²)	40.19% (199.6m ²)	26.92% (73.53m ²)	No change
	Open space above ground 25% of total open space (49.9m ²)	39.07% (78m ² - unaltered)	-	No change
4.1.5.2 Landscaped Area	Landscaped area 35% of open space	No change	-	No change
	1 native tree	No change	-	No change
4.1.5.3 Private Open Space	12sqm per dwelling	Unit 1: 67.4m ² Unit 2: 39m ² Unit 3: 39m ²	-	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	No change	-	No change

Schedule 3 Parking and Access	<p>1 resident parking space for each dwelling (irrespective of number of bedrooms),</p> <p>plus 0.2 resident parking spaces for each 2 bedroom dwelling, plus 0.5 resident parking space for each 3 (or more) bedroom dwelling, and</p> <p>plus 0.25 visitor parking space for each dwelling (irrespective of number of bedrooms)</p> <p>= 1 (Unit 1) + 1.2 (Unit 2) + 1.5 (Unit 3) + 0.75 (Visitor Parking)</p> <p>= 4.45 car spaces (rounded to 5 car spaces)</p>	4 spaces	20% (1 space)	No
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Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	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
3.5.1 Solar Access	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	No	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes
4.1.5 Open Space and Landscaping	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	No	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.8 Subdivision	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

4.1.1.1 Residential Density and Dwelling Size

Description of non-compliance

The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A of Manly Development Control Plan 2013.

The land is identified as being in Residential Density Area D3, which requires 250m² of site area per dwelling.

The proposed development is for the change of use from a attached dual occupancy consisting of two (2) dwellings to a residential flat building presenting three (3) dwellings. The site area is 496.6m², and as such the proposal presents one (1) dwelling per 165.53m² of the site area presenting a variation of 33.79% (84.47m² per dwelling).

It is important to note that, the proposal does not alter the existing Floor Space Ratio development standard pursuant to MLEP 2013. It is considered that the strata subdivision will not result in any changes to the existing building, with no changes proposed that would alter the visual appearance or character of the development. It is considered the existing scale and bulk of the development on site is consistent with surrounding residential flat buildings.

Notwithstanding, the proposal has been assessed the against Clause 4.1.1 of Manly Development Control Plan that relates to Dwelling Density, Dwelling Size and Subdivision (and is concurred with the previous assessment for the same site proposal made under DA2023/0899):.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To promote a variety of dwelling types, allotment sizes and residential environments in Manly.

Comment:

The proposal will provide for an additional unit that promotes a variety of dwelling types, allotment sizes, and residential environments.

Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.

Comment:

As the proposal does not include any significant physical works, it is not anticipated that the residential development will result in any adverse impacts to existing vegetation, waterways, riparian land, or topography.

Objective 3) To promote housing diversity and a variety of dwelling sizes to provide an acceptable level of internal amenity for new dwellings.

Comment:

The proposal is compliant with the control for minimum internal areas under Clause 4.1.1.1(d) of Manly Development Control Plan 2013. This ensures there would be an acceptable level of internal amenity.

Objective 4) To maintain the character of the locality and streetscape.

Comment:

The proposal will not result in any changes to the character of the locality, and streetscape.

Objective 5) To maximise the use of existing infrastructure.

Comment:

The proposal will adapt the existing 2 level attached dual occupancy to be a separate unit that will maximise the use of existing infrastructure on site.

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

The built form for height and wall height has been approved by the previous consent (including DA2023/0899) and the current proposal does not seek any material change to prior assessment made. Overall the proposal remains consistent with prior approvals.

4.1.3 Floor Space Ratio (FSR)

The building configuration and FSR has been approved by the previous consent (including DA2023/0899) and the current proposal does not seek any material change to the prior assessment made. Overall the proposal remains consistent with prior approvals.

4.1.5 Open Space and Landscaping

Description of non-compliance

The subject site is located within Residential Open Space Area 3. As such, at least 55% of the site is to be open space and at least 35% of the open space to be landscaped area.

The proposal presents a total of 40.19% (199.6m²) of open space, presenting a variation of 26.92% (73.53m²). The proposal reduces the existing total open space, as a result of the additional car space proposed in the existing terrace area of Unit 1.

The proposal is numerically non-compliant with the total open space requirements, presenting a variation of 40.35% (79.66m²). It is important to note that the proposal does not alter the existing landscaped area on site.

In this instance, the variation to the total open space is considered to be supportable as the objectives of the control have been met as outlined below (and is concurred with the previous assessment for the same site proposal made under DA2023/0899):.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Comment:

The proposal does not result the removal of any important landscape features, or vegetation including any significant native flora and fauna.

Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

Comment:

There are no changes to the existing landscaped area at ground level on site.

Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Comment:

The proposal does not result in any unreasonable impacts to amenity including sunlight, privacy, and views as the existing development is largely unchanged.

Objective 4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.

Comment:

The proposed development provides soft open spaces for the purpose of onsite water infiltration to minimise stormwater runoff. Furthermore, Council's Development Engineer has reviewed the proposal, and is supportable.

Objective 5) To minimise the spread of weeds and the degradation of private and public open space.

Comment:

The proposed development is not likely to lead to the significant spread of weeds, or degradation of private open space.

Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.

Comment:

The proposed development is not likely to affect any existing wildlife habitat, or wildlife corridors.

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

Description of non-compliance

Under Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles require the following number of parking spaces for residential flat buildings:

In LEP Residential Zones and all other Zones except LEP Business Zones

- 1 resident parking space for each dwelling (irrespective of number of bedrooms), plus
- 0.2 resident parking spaces for each 2 bedroom dwelling, plus
- 0.5 resident parking space for each 3 (or more) bedroom dwelling, and plus
- 0.25 visitor parking space for each dwelling (irrespective of number of bedrooms).

The proposal requires a total of 4 resident parking spaces, and 1 visitor parking space. The proposal presents a total of 4 car parking spaces, presenting a variation of 20% (1 car parking space). The existing site contains 3 car parking spaces under the previously approved triple carport (Mod2018/0379). The proposal includes the addition of 1 car parking space in the location of the existing terrace of Unit 1, presenting a total of 4 parking spaces. As detailed on the draft Strata Plan the proposal has allocated 1 car parking space to each of the proposed strata allotments, therefore presenting 3 resident parking spaces, and 1 visitor space.

In this instance, the proposal has been assessed against the objectives of the control, and it is considered that the proposal is supportable despite the deficient car parking space.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows (and is concurred with the previous assessment for the same site proposal made under DA2023/0899):

Objective 1) To provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).

Comment:

The proposal provides an additional car parking space than the existing site conditions that include 3 car parking spaces. It is considered that the additional parking space will provide accessible and adequate parking on site to the residents of the development.

Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.

Comment:

It is considered that the absence of a resident parking space is acceptable, as the proposal provides for a visitor parking space. Furthermore, it is considered that there is available on-street parking along Fairlight Street to accommodate additional parking as required.

Objective 3) To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.

Comment:

The location, and design of driveways, parking spaces are considered to be efficient, safe and convenient. The proposed design is integrated with the existing development, and as such will not result in any unacceptable visual impact on the streetscape.

Objective 4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

Comment:

There is no site excavation required for the addition of the parking space on site. Therefore, there are no changes to the site stability or ground water flows.

Objective 5) To ensure the width and number of footpath crossings is minimised.

Comment:

The width and number of footpath crossings will be maintained as per the existing site conditions.

Objective 6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.

Comment:

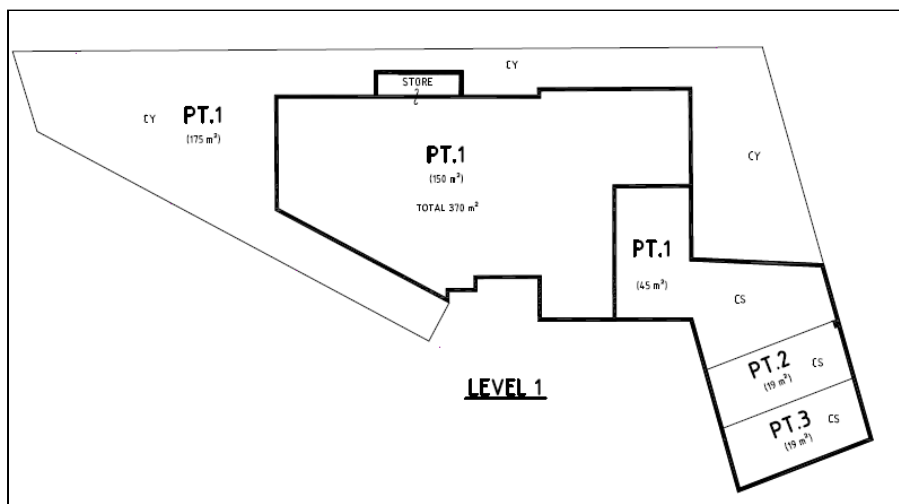
The proposal does not alter the existing impervious surfaces as a result of the additional car space. The parking is screened by the existing fence, and sliding gate.

Objective 7) To encourage the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.

Comment:

The site is located nearby to readily available public transport to reduce the demand for onsite parking requirements.

The site is not within the LMR but has footpath connections to Manly Wharf and the Manly bus interchange. Two car spaces (CS) are allocated to Unit 1 and then 1 CS for Unit 2 and 1 CS for Unit 3 (as per draft ground floor strata layout below).



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

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 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

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

RECOMMENDATION

Accordingly Council as the consent authority grant Development Consent to DA2025/0751 for Change of use from dual occupancy to residential flat building and strata title subdivision of building into three (3) lots on land at Lot A DP 342163, 1 Fairlight Crescent, FAIRLIGHT, 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
AS-01	-	Site Plan	Woodhouse & Danks Architects	5 Jun 2023
AS-10	-	Ground Floor Plan	Woodhouse & Danks Architects	5 Jun 2023
AS-11	-	First Floor Plan	Woodhouse & Danks Architects	5 Jun 2023
AS-12	-	Second Floor Level	Woodhouse & Danks Architects	5 Jun 2023
1 of 3	-	Draft Plan of Subdivision of Lot A in DP34216 - Location Plan	JV Urban Pty Ltd	Undated
2 of 3	-	Draft Plan of Subdivision of Lot A in DP342163 - Level 1	JV Urban Pty Ltd	Undated
3 of 3	-	Draft Plan of Subdivision of Lot A in DP342163 - Level 2 & Level 3	JV Urban Pty Ltd	Undated

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document

BCA / NCC Report	-	JV Urban Pty Ltd	11 Jun 2025
Survey Report 8663/14	-	Stuchbury Jaques Pty Ltd	3 Apr 2023
Fire Safety Statement	4	P Konza	1 Sep 2022

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.

2. Prescribed Conditions

- (a) Where applicable, all building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) Where applicable, 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) Where applicable, 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) Where applicable, 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.

3. 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 or Strata Subdivision registration, 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 and must comply with any requirements incurred by Ausgrid as applicable.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Where applicable, 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

4. Housing and productivity contribution - Development consents

- a. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with sub-condition 'b', is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$10,000
Total:	\$10,000

- b. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted.

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- c. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

- d. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- e. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
- f. Despite sub-condition 'a', a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

5. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

6. **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 or Occupation Certificate as appropriate.

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

7. **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.

DURING BUILDING WORK

8. Waste Management During Development

Where trade-work is required for the building / site as part of any ancillary works then reuse, recycling or disposal of waste during works must be done generally in accordance with a Waste Management Plan prepared for this development, as applicable.

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.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

9. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

10. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with *NSW Address Policy and User Manual*.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all signage is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

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

11. **Allocation of Spaces**

A total of four (4) car spaces are to be provided on the subject land, with at least one (1) space provided for the use of each allotment.

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

12. **Compliance with Relevant Legislation - Strata Subdivision**

Prior to the issue of the Strata Plan of Subdivision (including any Stratum), all relevant matters pertaining to this Plan, are to be satisfied to the satisfaction of the Certifier, and evidence provided that the Plan complies with clause 17 Strata Schemes Development Regulation 2016 and the relevant parts of Section 58 Strata Schemes Development Act 2015.

In this regard where a Strata Certificate for subdivision is sought in relation to the strata plan of subdivision Council / Certifier will be required to review the relevant fire safety provisions of the Building Code of Australia. The applicant is to ensure all services including water, electricity, telephone and gas are appropriately allocated and connected for each Strata lot.

Reason: To ensure compliance with the Consent issued, compliance with relevant legislation, and to ensure adequate provision is made, where required for fire safety, occupant safety, egress, access and appropriate facilities in the premises for building occupants.

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

Signed



Alex Keller, Principal Planner

The application is determined on 23/07/2025, under the delegated authority of:



Daniel Milliken, Manager Development Assessments