

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0876
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 10 DP 19139, 25 Amourin Street NORTH MANLY NSW 2100
Proposed Development:	Demolition works and construction of a dual occupancy with strata subdivision and swimming pools
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
Land and Environment Court Action:	No
Applicant:	Zac Homes Pty Ltd

Application Lodged:	09/07/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	21/07/2025 to 04/08/2025
Advertised:	21/07/2025
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,903,501.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for demolition works and construction of a dual occupancy with strata title.

Details include:

- Demolition, tree removal and site preparation works
- Construction of dual occupancy (attached by central dividing wall).
(Each dwelling contains a single car garage, living, dining, kitchen area, laundry, 4 x bedrooms, rumpus area, stair access, 3 x bathrooms and storage, outdoor alfresco area.)
- Two swimming pools with landscaping works

- Driveway and minor works within the road reserve
- Landscaping and tree planting
- Drainage and ancillary site works
- Strata Title subdivision.
- Hip and valley roof apex is RL25.809 and ground floor RL17.75 and first floor RL20.86.

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 Development Control Plan - C1 Subdivision

Warringah Development Control Plan - C3 Parking Facilities

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

Warringah Development Control Plan - D6 Access to Sunlight

Warringah Development Control Plan - D8 Privacy

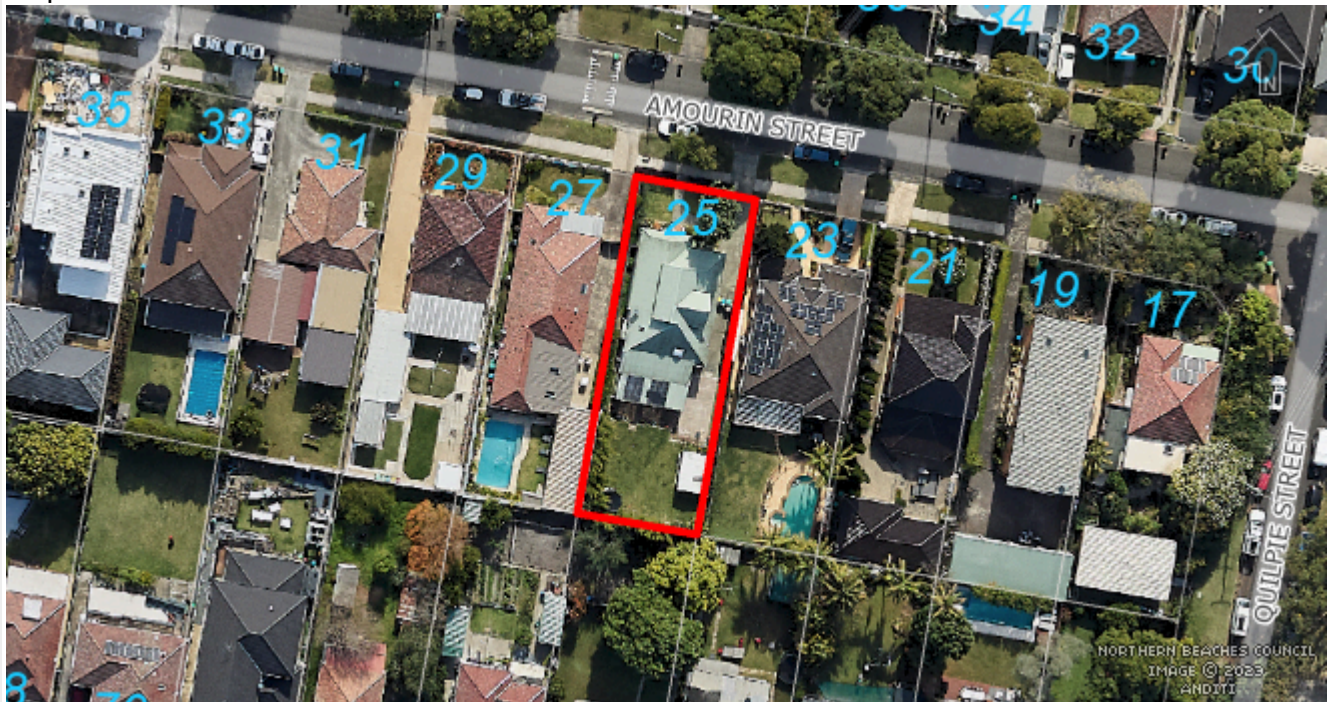
Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 10 DP 19139 , 25 Amourin Street NORTH MANLY NSW 2100
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<p>Detailed Site Description:</p>	<p>The subject site consists of a single residential allotment located on the southern side of Amourin Street.</p> <p>The site is rectangular in shape with a frontage of 14.7 metres (m) along Amourin Street and a depth of 41.59m. The site has a surveyed area of 607sqm.</p> <p>The site is located within the R2 Low Density Residential zone of Warringah LEP 2011 and has a single dwelling house with driveway area, garden areas and minor outbuildings</p> <p>The site has a gentle slope toward the street and a low retaining wall (0.8m) at the rear of the house to the elevated rear yard.</p> <p>The site does not contain any rock outcrops and has a single native mature banksia tree in the front yard. There are no LEP heritage listed items in the vicinity.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached dwellings in landscaped setting, predominantly 2 storey, with hip and valley roof forms.</p>
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Map:



SITE HISTORY

Building Application No. C1041/70 for an awning structure was approved by Council in 1970.

Building Application No.BA5001/6868 for alterations and additions was approved by Council on 18.9.1991.

Development Application No.1998/0224 for alteration and additions to a single residence was approved by Council on 11.9.1998.

Development Application No.DA2022/1491 for demolition works and construction of a dwelling house and secondary dwelling was withdrawn.

Prelodgment meeting PLM2025/0058 for a proposed dual occupancy on the site (pursuant to SEPP (Housing) 2021) was held on 25.5.2025. The applicant has followed the PLM advice provided.

The subject development application proposes demolition of all existing structures on site.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> 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><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> 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.</p> <p><u>Clauses 62 and/or 64</u> 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.</p> <p><u>Clause 69</u> 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><u>Clause 69</u> 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.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) 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. The site and street setting was inspected during the assessment period.</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 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development as the land is gently sloping with the existing building footprint already partly excavated. The rear setback of >6m remains landscaped.
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. (Notification included advertising since dual occupancy is prohibited by WLEP 2000 in R2 but permissible by SEPP Housing that prevails over the LEP.

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.

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 21/07/2025 to 04/08/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Michael Berkley Withers	23 Amourin Street NORTH MANLY NSW 2100

The following issues were raised in the submissions:

- Overshadowing of adjacent land including private open space (POS) and living areas

The above issues are addressed as follows:

- *Concern that the position of the proposal being two storey and setback toward the rear will increase shadowing over adjacent rear pergola and outdoor clothes drying including POS living areas for No.23 Amourin Street.*

The submissions raised concerns that

Comment:

This issue has been considered in detail under the heading 'Part D6 Access to Sunlight' within this report. In summary potential rear yard of adjacent land was observed during site inspection of the subject DA site and detailed overshadowing diagrams were submitted. The potential of overshadowing was raised with the applicant at the PLM and side elevation diagrams were also provided in consideration of this issue. The pergola area is south facing and partly in self shadow (and is common arrangement for south facing yards). The solar access is taken as per June 21 and the DCP does not allow for consideration of ancillary issues such as existing clothes drying or mould treatment as part of the DCP, however it is considered that will compliant height, setback, building envelope and wall height suitable spacing is provided for natural ventilation and ensuring than the solar access impact comply

with the Warringah DCP. This has been demonstrated by the applicant.

The proposal complies with the WDCP and therefore this issue does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal is supported with regard to landscape issues.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan (WLEP) 2011 and the following Warringah Development Control Plan (WDCP) 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation <p>The Arboricultural Impact Assessment (AIA) identified two trees. Both trees will require removal to facilitate a single driveway. The street tree (tree 1) fronting the property isn't consistent with the species used along Amourin St and is low significance. A replacement street tree will be required as shown on the landscape plans; however, the species shall be <i>Lophostemon confertus</i>. The canopy loss from the removal of tree 2 will be adequately offset by the tree planting shown on the landscape plans.</p> <p>The landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent.</p>
NECC (Development Engineering)	<p>The proposal is for the construction of a dual occupancy and strata subdivision. The submitted stormwater plans are acceptable subject to conditions. Conditions for the strata subdivision are to be provided by Planning Team. No objections to the proposal subject to conditions as recommended..</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>The proposal was referred to Ausgrid who provided a response on 16.7.2025 stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

Housing and Productivity Contribution

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

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

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

Comment:

The subject site is sited within the Greater Sydney region. The proposed development is for one additional dwelling. As such, the contribution is \$10,000.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No 1796741M_02 for two dwelling units, dated 27.7.2025). Nathers has also been provided.

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	72

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 6 - Part 2 - Dual occupancies and semi-detached dwellings on R2 zoned land

Clause 166 of the SEPP provides that development for the purposes of dual occupancies and semi-detached dwellings is permitted with development consent in Zone R2 Low Density Residential, on land to which this part applies.

Comment:

The proposed development is for the purpose of a dual occupancy in the R2 Low Density Residential Zone of the WLEP 2011. As such, clause 166 above applies.

It is noted that this land use is prohibited within the R2 zone per the Land Use Table of the WLEP 2011. Clause 8(1) of the SEPP provides that, if there is an inconsistency between the SEPP and another environmental planning instrument (such as the WLEP 2011 in this case), the SEPP prevails.

As such, the development is permissible via clause 166 of the SEPP. An assessment of the proposed development against the Aims of the WLEP 2011 and the objectives of the R2 Low Density Residential zone is provided in the relevant sections of this report.

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 and provided referral response requirements to be included with any consent conditions.

Other Service Infrastructure Authorities

The preproposal was not required to be referred to Transport for NSW (TfNSW) and no other service infrastructure referral issues are raised. Requirements for *Sydney Water* assets are managed and administered by separate processes directly with the Sydney Water Authority. As per conditions, Council's Engineers manage future works, in the public road reserve by separate approval processes pursuant to the *Roads Act*.

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. The safe handling of any asbestos, lead paint and other materials (where identified during works) is subject to standard OHS requirements, *Aust. Standards* and NSW law.

Warringah Local Environmental Plan 2011

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
Minimum subdivision lot size:	600sqm	Strata subdivision*	-	Yes
Height of Buildings:	8.5 metres (m)	8.5m	-	Yes

Strata subdivision does not alter the parent land area so that the dual occupancy remain as a dual occupancy on the one Torrens Lot.

*Dwelling Unit 1 Strata with land area 292sqm

*Dwelling Unit 2 Strata with land area 289sqm

Built form controls of LOS, envelope setback and the like are measured against the parent land holding boundaries of Lot 10.

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
2.7 Demolition requires consent	Yes
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

Land use definition: WLEP 2011	Permitted or Prohibited
Dual occupancy attached	Prohibited

The underlying objectives of the R2 Low Density Residential zone:

- To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal seeks to provide housing within a low density residential environment by the form of a dual occupancy on the site. This increases density of housing on the land but maintains a landscaped setting to the front and rear setbacks.

It is considered that the development satisfies this objective.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The development proposal does not seek to provide any other facilities or services, other business uses on the land.

It is considered that this objective is not relevant to the proposal.

- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The proposal has demonstrated that comprehensive landscaping will be returned to the site including appropriate trees, shrubs and ground covers to restore and landscaped setting to the street and rear yard. Replacement street tree will be provided and a central shared driveway to minimise concrete crossover space along the sidewalk area.

It is considered that the development satisfies this objective.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	East side wall 7.2m	East side wall 5.8m	N/A	Yes
	West side wall 7.2	West side wall 6.0m		Yes

B3 Side Boundary Envelope (Eaves permitted to encroach)	East 5m at 45	Within side boundary envelope (Eaves permitted to encroach)	N/A	Yes
	West 5m at 45	Within side boundary envelope (Eaves permitted to encroach)	N/A	Yes
B5 Side Boundary Setbacks (Pipes, flues, ground structures, steps, A/C, r/w tanks etc permitted to encroach)	East 0.9m	Ground L 1.1m dwelling wall Upper Level 1.1m to 1.7m 0.9m Pool	N/A	Yes Yes Yes
	West 0.9m	Ground L: 1.1m dwelling wall Upper Level 1.1m to 1.7m 0.9m Pool	N/A	Yes Yes
B7 Front Boundary Setbacks	6.5m	6.5m to 7.7m	N/A	Yes
B9 Rear Boundary Setbacks 50% pools and outbuilding structures	6.0m	12.2m to alfresco area 15.3m to dwelling wall 8.8m to both pool areas (No structures in rear setback)	- - -	Yes Yes Yes
D1 Landscaped Open Space (LOS) and Bushland Setting 607sqm site area	40% 242sqm	38.6% 234.4sqm	3.1%	No

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
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C1 Subdivision

For the purposes of this clause 'subdivision' does not include a Strata plan or a stratum plan of subdivision within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.

The proposal is not for Torrens Title and therefore no further consideration of this clause is required.

C3 Parking Facilities

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance given that the provisions of SEPP (Housing) 2021 prevail over the WDCP and LEP. In this regard, the site is at the outer edge of the SEPP designated 'LMR' for Brookvale and Amourin Street has footpath access to bus stops in Harbord Road and Pittwater Road (Warringah Mall bus interchange).

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The DA documents estimate 40% landscaping however this did not include the later "add-ins" with pool coping and pool pump building and other minor incursions. The resultant final LOS is non-compliant by 3.1% (8sqm) as shown in the built form table.

Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

Replacement tree planting is proposed for the street frontage and road reserve area to provide new planting and maintain and enhance the streetscape. The front setback is compliant to enable medium sized trees.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The planting schedule includes native trees that are appropriate for the local area. Council's landscape assessor has reviewed the plans and recommended a street tree to match existing planting and general conditions. The mix of plants are suitable for native birds and fauna.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The landscape plans show a range of small and medium sized trees, including shrubs up to 4m to provide and landscape setting and screen the new dual occupancy.

- *To enhance privacy between buildings.*

Comment:

Perimeter planting is provided at the front and rear with some small trees to enhance privacy. The surrounding land is generally flat or gently sloping with occasional canopy trees in the surrounding urban landscape. The non-compliance with enable trees to be planted and privacy between dwellings and POS that is consistent with the low density residential environment.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The rear yard includes a small pool for both dwellings, lawn POS and covered terrace space that is satisfactory for outdoor recreational space to occupants for each dwelling.

- *To provide space for service functions, including clothes drying.*

Comment:

The dual occupancy plans show outdoor clothes lines and covered space including adequate side setback access and OSD to ensure service functions to each dwelling.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The property drains to the street and council's engineers have reviewed the OSD and parking arrangements and are satisfied with the water management arrangements proposed.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D6 Access to Sunlight

Merit consideration

- *Development should avoid unreasonable overshadowing any public open space.*
- *At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*
- *The planning principle established in the Benevolent Society v Waverley Council (2010) NSWLEC 1082 will be used in the assessment of sunlight.*

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

- *To ensure that reasonable access to sunlight is maintained.*

Comment:

The planning principle established in the Benevolent Society v Waverley Council (2010) NSWLEC 1082 has been considered in context of the proposal. Overall the building is compliant in height, setbacks and building envelope. The orientation of the surrounding subdivision pattern results in south facing rear yards and thus shadowing is increased by two storey buildings (which are common in the street) as well as morning or afternoon sun across the rear yard. North facing rear yards will always achieve superior solar access in an urban environment where lot sizes are at, or less than, the minimum and seek to accommodate a medium to large family size dwelling house. Detached dwellings dominate the streetscape with some exceptions for dual occupancy (No.35) and a residential flat building (No.19) as

past development.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The applicant has provided certified shadow diagrams to validate overshadowing impacts, including side wall views of adjacent dwelling elevation's. Overall the dwelling complies with wall height, roof height, envelope and setback requirements. The POS of No.23 Amourin Street (to the east) is affected between 12pm and 3pm with shadow increased per hour up to 95sqm of yard area at ground level. As this is in the afternoon period the proposal will still comply with the DCP between 10am and 2pm for less than 50% loss of sunlight.

The POS of No.27 Amourin Street (to the west) is affected between 9am to 11:30am with shadow decreasing per hour approaching midday. The adjacent property loses approximately 30sqm of direct sun at ground level along a triangular section in the rear yard and along the side setback. As this impact is in the morning period the proposal will still comply with the DCP between 12am and 3pm for less than 50% loss of sunlight.

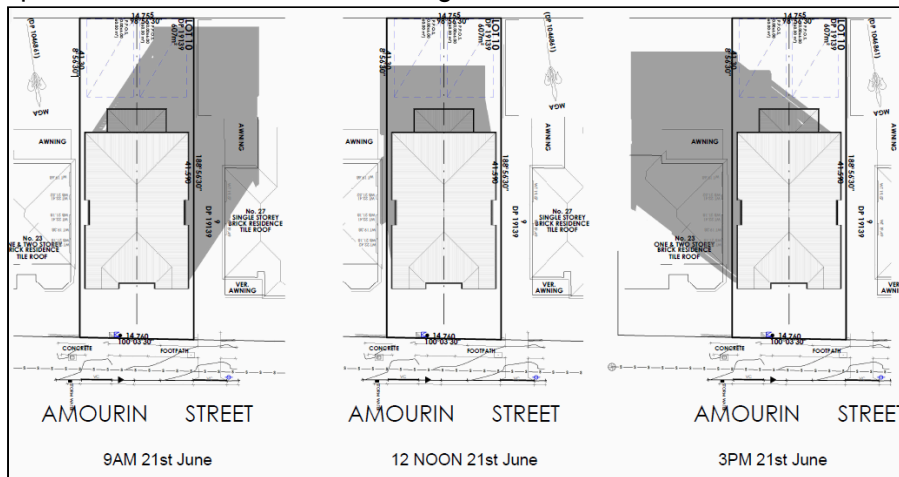


Figure: Overshadowing profile of proposed 2 storey dual occupancy.

- *To promote passive solar design and the use of solar energy.*

Comment:

The building does not create unreasonable overshadowing of adjacent solar panels. Midday solar access impacts are minimal to adjacent land due to self shadowing of each adjacent dwelling and solar angles. Solar access to POS for each proposed dwelling within the site is achieved between the 10am to 2pm period but due to south facing position the direct sunlight is toward the grassed yard area and not into the rear facing living areas.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D8 Privacy

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The primary windows for the upper storey face toward the front and rear setbacks that have compliant space (setbacks) and landscaping to ensure visual and acoustic privacy appropriate to the urban residential surroundings. Translucent glass has been included for selected windows at the upper level to maintain privacy to adjacent POS.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

Side windows to the rumpus and bed 1 have high side window sills to prevent cross-viewing and side windows to bedroom 2 and 3 for both windows are standard minimum size for light and ventilation only. Bedrooms are generally low use rooms during the day and for sleeping at night which therefore minimises privacy impact. Primary living areas are on the ground floor and face the rear yard with 1.8m side fencing to ensure privacy. Landscaping is also provided to ensure a landscape setting to the front and rear setbacks.

- *To provide personal and property security for occupants and visitors.*

Comment:

The proposal includes boundary landscaping at the front and rear with a central fence for the strata arrangement to ensure privacy. The pool spaces are small plunge style pools and are off set from the boundary to allow for screen planting.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9 Building Bulk

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The DA was subject to a PLM and design change recommendations were made with the PLM that the applicant has adopted to provide a design that provided a better "fit" to the streetscape. Dual occupancy on the site requires a 2 storey configuration given parking, LOS, DCP setbacks, and likely family occupancy use. The design is similar to the dominant form of hip-valley pitched roof with eaves and fenestration.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposed design maintains landscape elements to the front and rear with minor articulation along the side walls but complies with the wall height, building height and envelope DCP requirements. Primary windows face front and rear with landscaping toward the outer edge of the yard areas that is consistent with the DCP.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular 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 \$19,035 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,903,501.

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2025/0876 for Demolition works and construction of a dual occupancy with strata subdivision and swimming pools on land at Lot 10 DP 19139, 25 Amourin Street, NORTH MANLY, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans (Stamped)				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
01.0	H	Site Plan	ZAC Homes	23.6.2025
01.I	H	Demolition	ZAC Homes	23.6.2025
01.J	H	Pool Details	ZAC Homes	23.6.2025
02.0	H	Ground Floor Plan	ZAC Homes	23.6.2025
02.1	H	First Floor Plan	ZAC Homes	23.6.2025
03.1	H	Elevation	ZAC Homes	23.6.2025
03.1	H	Elevation	ZAC Homes	23.6.2025
04.0	H	Section Details	ZAC Homes	23.6.2025
04.02	H	Party Wall Details	ZAC Homes	23.6.2025
221111.1	-	External material schedule	ZAC Homes	23.6.2025
A	H	Preliminary Strata Subdivision Plan	ZAC Homes	23.6.2025

Approved Site, Landscape and Engineering Drawings				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
L/01	A	Landscape Plan	Sculpt and Spade Design	23.6.2025
L/02	A	Planting Plan	Sculpt and Spade Design	23.6.2025
L/03	A	Landscape Details	Sculpt and Spade Design	23.6.2025
L/04	A	Landscape Specification	Sculpt and Spade Design	23.6.2025
1	A-02	Title Page and General Details	Broadcrest Engineering	25.6.2025
2	A-02	Site Drainage Plan	Broadcrest Engineering	25.6.2025
3	A-02	Roof Drainage and Catchment	Broadcrest Engineering	25.6.2025
4	A-02	OSD.1 Details	Broadcrest Engineering	25.6.2025
5	A-02	OSD.1 Details	Broadcrest Engineering	25.6.2025
01.A	H	Driveway Gradient	ZAC Homes	23.6.2025
01.C	H	Site and Waste Management Plan	ZAC Homes	23.6.2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Report	3.0	Vertical Tree Management	24.5.2022
BASIX Certificate	1796741M_02	BH Homes Pty Ltd	27.7.2025
Basix Sheet	04.1	ZAC Homes	23.6.2025
Site classification & Salinity	AWT 70721	Nastasi & Associates	5.5.2022
Hydraulic Compliance Certificate	4496-SW-HCC-D	Broadcrest Engineering	26.6.2025
Waste Management Report - 25 Amourin Street	-	Zac Homes	9.7.2025

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

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

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	16.7.2025

(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. Existing site levels within 8.0m of the rear boundary line are to be maintained consistent with existing site levels as per the approved site plan.

- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$19,035.01 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 \$1,903,501.00.

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

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

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

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

6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

7. **Housing and productivity contribution - Development consents**

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

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

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

highest PPI number

consent PPI number

where—

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

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

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

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

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

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate

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

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

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. On-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 Broadcrest Engineering Consultants, project number 4496-SW, sheet number 1 to 5, dated 25/6/2025. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

9. Vehicle Crossings Application

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.0 metres wide at the kerb, located a minimum of 5.5m from the existing driveway of No 27 Amourin Street, in accordance with Northern Beaches Council Standard Drawing Normal in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

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

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

Reason: To facilitate suitable vehicular access to private property.

10. 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.

11. 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 and may require 'Section 73' for strata subdivision.

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

12. Tree Removal Within the Property

a) This consent approves the removal of existing prescribed trees on the subject site as identified in the approved Arboricultural Impact Assessment.

Reason: To enable authorised development works.

13. Tree Removal Within the Road Reserve

a) This consent approves the removal of existing trees within the road reserve as listed below:
i) tree 1 - *Callistemon viminalis*.

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

removal.

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

Reason: Public liability.

DURING BUILDING WORK

14. **Tree and Vegetation Protection**

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development

sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

15. 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.

16. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

17. 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.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

18. Street Tree Planting

a) Street tree planting shall be installed in accordance with the following:

i) 1 x *Lophostemon confertus*.

b) All street trees shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of AS2303 – Tree Stock for Landscape Use. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways, and shall generally be centralised within the road verge.

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

Reason: to maintain environmental and streetscape amenity.

19. Landscape Completion

a) Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawing L/02 revision A by Sculpt and Spade dated 23/06/25), and inclusive of the following conditions:

i) landscape works are to be contained within the legal property boundaries,

- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- vi) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

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

Reason: Environmental amenity.

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

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures 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 for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

21. House / Building Number

House/building number is to be affixed to the front fence / letterbox's to be readily visible from the public domain.

(Note: Addressing to be in accordance with Council requirements / addressing standards)

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

Reason: Proper identification of buildings.

22. Strata Subdivision Certificate

The Subdivision Certificate (SC) to enable the lodgement of the linen plan at NSW Land Registry Services, must not be issued until an Occupation Certificate has been issued in relation to the development.

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.

23. 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.

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

24. Landscape Maintenance

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

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

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

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

Reason: To maintain local environmental amenity.

25. Pool Pump / Air conditioner Motor Noise

The swimming pool / spa motors and air conditioner motors shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

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 //, under the delegated authority of:



Daniel Milliken, Manager Development Assessments