

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2025/0257
----------------------------	-------------

<b>Responsible Officer:</b>	Adriana Bramley
<b>Land to be developed (Address):</b>	Lot 7 DP 26523, 5 Adina Road CURL CURL NSW 2096
<b>Proposed Development:</b>	Alterations and additions and change of use to dual occupancy (attached) including strata subdivision
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes, under State Environmental Planning Policy (Housing) 2021
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Anthony Brooks

<b>Application Lodged:</b>	17/04/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	28/04/2025 to 12/05/2025
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 151,800.00
---------------------------------	---------------

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks development consent for alterations and additions to a detached dwelling house to convert it to a Dual Occupancy as follows:

- Basement: shared basement carparking (2 cars tandem) and storage
- Ground Floor: Proposed Dwelling 1 (2 bed / 2 bath)
- First Floor: Proposed Dwelling 2 (2 bed / 2 bath)

Mature trees in the rear yard are proposed to be retained via the application.

### ASSESSMENT INTRODUCTION

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

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

## **SUMMARY OF ASSESSMENT ISSUES**

Warringah Development Control Plan - B7 Front Boundary Setbacks

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

Warringah Development Control Plan - D2 Private Open Space

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

## **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 7 DP 26523 , 5 Adina Road CURL CURL NSW 2096
------------------------------	--

### Detailed Site Description:

The subject site consists of one (1) allotment located on the southern side of Adina Street.

The site is regular in shape with a frontage of m along 15.240 and a depth of 37.685m. The site has a surveyed area of 574.3m<sup>2</sup>.

The site is located within the Low Density Residential R2 zone from WLEP 2011 and accommodates a single detached two storey dwelling on the site

The site generally slopes up from 8.28m AHD at the driveway towards the rear boundary at 11.42m AHD in the rear yard - a gradient of 1:12.

The site contains 4 large trees in the rear of the yard, these are not proposed to be impacted by development. No evidence of threatened species or habitat is evident.

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by large detached dwellings of 2 stories.

Map:



### SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's

records has revealed the following relevant history:

4 July 2001

Development consent was granted for a New Dwelling by Warringah Council for a (2000/4247). The dwelling approved is two-storey with a basement carpark consistent to what exists on site.

23 December 2002

Modified Development Consent was issued. No documents available (MOD2000/4247/1).

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>Part 4, Division 2 of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clauses 36 and 94 of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to private open space, site facilities and carparking.</p> <p>Clause 61 of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 62 and/or 64 of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p>Clause 69 of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 28/04/2025 to 12/05/2025 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 Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience &amp; Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><b>Coastal Management Act 2016</b> The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><b>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</b> The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience &amp; Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 of the SEPP apply for this DA.</p> <p><b>Comment:</b> On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by James Lovell and Associates Pty Ltd dated 21 January 2025 the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&amp;H. As such, it is considered that the application is generally consistent with the requirements of the State Environmental Planning Policy (Resilience &amp; Hazards) 2021.</p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b>  No other coastal related issues identified.</p> <p>As such, it is considered that the application is generally consistent with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	The proposed development is in Region 2. Vehicle crossing construction is not proposed. Development engineering raises no objections to the proposed development, subject to conditions.
Traffic Engineer	<p><b>SUPPORTED - subject to conditions</b></p> <p><b>Additional comments - 20/10/25</b></p> <p>The applicant has submitted revised plans and provided swept path plots to demonstrate how vehicles will enter and exit each parking space in a forwards direction. The amended plans now have two pairs of tandem parking spaces and, vehicles exiting spaces 3 &amp; 4 will need to do so with a 4 point turn. The parking area is however for residents, who will be familiar with the constraints and with the required manoeuvring, and the parking arrangement is considered acceptable.</p> <p>Each tandem space pair will need to be allocated to the unit with the dual occupancy to ensure each space is always accessible.</p> <p><b>Original comments - 4/8/25</b></p> <p>The proposal is for alterations and additions to convert an existing dwelling house into a dual occupancy comprised of 2 x 2 bedroom dwellings. The development is proposed to be served by 4 offstreet parking spaces, 2 per dwelling. For dual occupancy the Warringah DCP requires each dwelling to have 2 parking spaces. The development proposal is therefore compliant in terms of the quantum of parking however clause C3 of the Warringah DCP also requires that carparking is to be provided which enables vehicles to enter and leave the site in a forwards direction. It is unclear how vehicles will access spaces 1 &amp; 2 and it is unclear how vehicles will turn around within the site to egress in a forwards direction from all parking spaces when other spaces are occupied. Swept path plots are to be provided to demonstrate how a B85 vehicle will enter and exit each space in a forwards direction without encroachment into other parking spaces consistent with DCP requirements and as per AS/NZS 2890.1</p>

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

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

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

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

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

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

### Housing and Productivity Contribution

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

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

The indexed base component amounts as of 1 October 2025



Greater Sydney	Residential subdivision	new dwelling lot	\$12,974.62
	Medium or high-density residential development	new dwelling	\$10,812.18
	Commercial development	square metre of new GFA	\$32.44
	Industrial development	square metre of new GFA	\$16.22

#### Comment:

The subject site is sited within the Greater Sydney region. The proposed development is for the conversion of a Detached Dwelling House to a Dual occupancy (attached). As such, the contribution is \$10,812.18 for the additional dwelling.

### SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1783789 dated 17 February 2025).

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

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

### SEPP (Housing) 2021

#### Chapter 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 (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 development proposal to create a dual occupancy is contained within an existing building and is not likely to cause any adverse impacts on the coastal values and processes listed in Clause 2.10.

- 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 development proposal to create a dual occupancy is contained within an existing building and the siting of that building is already existing is not likely to cause any adverse impacts on the coastal values and processes listed in Clause 2.10.

**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 development proposal to create a dual occupancy is contained within an existing building and the siting of that building is already existing is not likely to cause any adverse impacts on access, amenity or cultural heritage values listed in Clause 2.11.

**Division 5 General**

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

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

Comment:

The development proposal to create a dual occupancy is contained within an existing building and is unlikely to cause any increase risk or coastal hazards.

### 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:

Not applicable. No coastal Management Program applies to this land.

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

### **Chapter 4 – Remediation of Land**

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

### **Warringah Local Environmental Plan 2011**

Is the development permissible?	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	Complies
Minimum subdivision lot size:	450m <sup>2</sup>	574.3m <sup>2</sup> (existing - strata subdivision only - no change)	Yes
Height of Buildings:	8.5m	8.5m (existing - no change)	Yes

### Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Schedule 3 Complying development	Yes

### Detailed Assessment

### **Warringah Development Control Plan**

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7m max (existing - no change)	N/A	Yes
B2 Number of storeys	N/A	N/A	N/A	N/A
B3 Side Boundary Envelope	5m	complies - no change	N/A	Yes
	5m	complies - no change	N/A	Yes
B5 Side Boundary Setbacks	0.9m	1.2m (existing - no change)	N/A	Yes
	0.9m	1.2m (existing - no change)	N/A	Yes
B7 Front Boundary Setbacks	6.5m	5.0m (existing - no change)	23.08% existing	No
B9 Rear Boundary Setbacks	6m	7.4m (existing - no change)	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	36.69% (existing - no change)	8.28% existing	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	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	No	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
G10.1 Dual Occupancies and Semi-Detached Dwellings	No	Yes

#### Detailed Assessment

#### **B7 Front Boundary Setbacks**

##### Description of non-compliance

Front boundary setback is 5metres to the building face (existing). No changes are proposed.

##### Merit consideration:

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

- *To create a sense of openness.*

##### Comment:

Front setback is existing and contains a balance of built form and structured gardens creating an openness forward of the building.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

Complies. No changes are proposed to the existing pattern of buildings.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

Complies. No changes are proposed to the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

Complies. No changes are proposed and no views are disrupted due to internal changes.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

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

### Description of non-compliance

Clause D1 Landscaped Open Space and Bushland requires 40% of the site to contain Landscape Open space. The existing Landscaped Open Space totals 167m<sup>2</sup> of the site (29.07%) that meets the minimum dimensions of the controls. No changes to the existing landscaping is proposed.

### 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:

Complies. Landscaping is existing and will maintain the streetscape as an established garden with mature trees.

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

Comment:



Complies. Landscaping is existing and will retain two mature paperbarks in the rear setback.

- *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:

Complies.

- *To enhance privacy between buildings.*

Comment:

Complies. Proposal contains leafy established gardens that provide privacy between private open spaces and buildings.

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

Comment:

Complies. The proposal contains a mix of recreational needs to suit the occupants

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

Comment:

Complies. The proposal contains sufficient space for service functions.

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

Comment:

Complies. Existing landscaping provides sufficient space for on-site detention and infiltration of stormwater.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

## **D2 Private Open Space**

### Description of non-compliance

*Clause D2 Private Open Space requires a total of 35m<sup>2</sup> with minimum dimensions of 3 metres for a Dual occupancy.*

Non-compliance:

The proposed Private Open Space for Dwelling Two (First Floor) is 19.4m<sup>2</sup> (with min dimensions of 3m)

(variation of 44.6%).

#### Merit consideration

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

- *To ensure that all residential development is provided with functional, well located areas of private open space.*

#### Comment:

The proposed Dwelling 2 private open space is functional, being large enough to accommodate the needs of a small 2-bedroom residence and is located on the north-east facing aspect of the building resulting in good solar access and access to views.

- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*

#### Comment:

The proposed dwelling 2 private open space is directly accessible from the living area and is integrated with large doors available to combine the indoor and outdoor spaces.

- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*

#### Comment:

The proposed dwelling 2 Private Open Spaces is existing and has adequate separation in distance and design with adjacent private balcony of 3 Adina Road, Curl Curl.

- *To ensure that private open space receives sufficient solar access and privacy.*

#### Comment:

The proposed dwelling 2 Private Open Space is located on the north-east corner of the building and receives good solar access while maintaining the privacy of occupants and adjacent dwellings.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / 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.

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

Requirement	Proposed	Compliant
-------------	----------	-----------

<b>Site Layout</b>	R1	Semi-detached dwellings and Dual occupancy (attached) – Both dwellings are to be oriented towards the street frontage.	Proposal is contained in existing building and oriented to the street.	Yes
	R2	Dwellings with a street frontage to have a front door directly visible from the street.	Proposal has front door visible from the street.	Yes
<b>Setbacks and Height</b>	R4	The minimum setback for all buildings and structures to side boundaries is 1m on one side and 2.5m on the other. This may be averaged across each boundary, provided the minimum setback width is 1m and the total combined width of both setbacks is at least 3.5m.	Proposal is in an existing building with setbacks of 1.2 metres on either side a total combined side boundary of 2.4 metres (31.4% variation).	No - see discussion below.
	R6	The maximum number of storeys is 2.	Proposal is 2 storeys.	Yes.



<b>Building and Landscape Design</b>	R7	Windows to the principal living area of the proposal and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 (that is, to at least 50% of the glazed area of those windows).	Proposal has both living areas oriented to the north and will comply with sunlight requirements.	Yes.
	R8	Each dwelling is to have a storage area of at least 8 cubic metres.	Proposal contains storage adequate areas in basement.	Yes.
	R9	Minimum tree planting rates are to be in accordance with Table 1 of G10.1. Existing prescribed trees may be counted towards the total number of required trees.	Landscaping is established and contains mature trees in front and rear setback.	Yes.
		At least one tree is to be provided within the front yard of each dwelling.	Landscaping is established and contains mature trees in front and rear setback.	Yes.
		At least one tree is to be provided within the rear yard of each dwelling.	Landscaping contains at least one existing native tree in the rear yard.	Yes.
		Each tree shall be a locally native species.	Landscaping is native.	Yes.
	R10	The deep soil percentage as identified in Table 2 of G10.1 is to be demonstrated.	Site requires 20% deep soil. Proposal contains rear and front yard containing deep soil areas in excess of 114m <sup>2</sup> .	Yes.



	R11	Dwellings are to be designed to step with the topography.	Proposal is within an existing building that steps into a mild slope.	Yes.
		The ground floor should not be more than 1.3 metres above ground level (existing) and no more than 1 metre below ground level (existing), except where a higher finished floor level is required to meet the applicable Flood Planning Level.	Proposal is contained in an existing building that is less than 1m above ground level existing.	Yes.
		Basements, including for car parking, should be avoided unless no other practical alternative exists, and are not to be provided within required building setbacks.	Proposal contains an existing basement car parking arrangement that will be utilised for the Dual Occupancy.	Yes.



Parking Design and Vehicle Access	R12	The total width of all garages, carports or hardstand areas, for both dwellings combined, facing a street frontage is not to exceed 50% of the lot frontage or 7 metres, whichever is the lesser.	Total width of garage is 5.9metres (existing).	Yes.
	Unless an alternative layout or design clearly satisfies the objectives and/or principles of Council's current policies and guidelines relating to driveways and vehicle crossovers, driveway crossovers should be shared by each dwelling to minimise hard surfaces in the front setback, maximise on-street parking, minimise impacts on street trees, and reduce interactions between pedestrians and road users, by:			
	i.	limiting the shared driveway to a maximum width of 6 metres;	Driveway width is 4.7 metres.	Yes.
	ii.	ensuring the layback (vehicle crossing) is no wider than 3 metres at the kerb; and	Layback is existing at 3 metres.	Yes.
	iii.	positioning the proposed driveway to maximise the retention of on-street car parking spaces.	No reduction of on street car parking will occur.	Yes.
		One uncovered parking space (not within a garage, carport or other structure) in a tandem arrangement, between the primary street frontage and the front building line, may be supported, provided:	Not applicable. All carparking is within the basement.	Yes.



	i.	Tree planting, landscaped area and deep soil requirements are met;	N/A	Yes.
	ii.	There are clear sight lines between the parking space and the road kerb for pedestrian safety.	N/A	Yes.

Description of non-compliance

*Clause G10.1 Dual Occupancies and Semi-Detached Dwellings* requires the following:

- R4 The minimum setback for all buildings and structures to side boundaries is 1m on one side and 2.5m on the other. This may be averaged across each boundary, provided the minimum setback width is 1m and the total combined width of both setbacks is at least 3.5m. Side setbacks are 1.2 metres on either side comprising a total combined side boundary of 2.4 metres (31.4% variation).

Requirement 4:

The proposal is setback 1.2 metres on each boundary - a total of 2.4 metres combined within an existing building. It is noted that this is consistent with the side boundary requirements under *Clause B3 Side Boundary Envelope* and *Clause B5 Side Boundary Setbacks*.

Assessment against the objectives of the clause is detailed below:

Merit consideration

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

- *O1 To control the bulk and scale of new development consistent with the desired future character of the locality through building articulation, modulation, stepping of the built form and limitations on the number of storeys.*

Comment:

The proposal is within an existing building that has long been established as part of the current character of the area. The building contains articulation, modulation and is limited to 2 storeys in height that assists control the existing bulk and scale. The non-compliance of the side boundaries however do not strictly align with the desired future character for this type of development as intended by the amended WDCP controls.

- *O2 To ensure sufficient tree planting and deep soil areas are provided to maintain and improve landscape setting, biodiversity, and canopy cover, and reduce the visual impact of buildings.*

Comment:

The proposal contains sufficient established landscaping areas to reduce the visual impact of the building and maintain the landscape setting.

- *O3 To ensure development provides a clear sense of address to the street and is compatible with the existing streetscape.*

Comment:

The proposal addresses the street with car and pedestrian entry to the street and large windows and balconies addressing the streetscape.

- *O4 To minimise the amenity impacts of development on adjoining and neighbouring properties.*

Comment:

The proposal contains adequate private open space, privacy solutions and landscaping to minimise impacts on adjoining properties.

- *O5 To ensure that car parking is not visually dominant on the site or in the streetscape.*

Comment:

Proposal contains car parking in an established basement screened and softened by existing landscaping that is not visually dominant in the street.

The identified non-compliances do not strictly align with the desired future character for this type of development as intended by the amended DCP controls. However, it is important to note that this application was lodged on 12 May 2025, prior to the commencement of these new DCP provisions, and the dual occupancy is within an existing dwelling with no changes proposed to the current side setbacks.

Having regard to the above, it is considered reasonable to exercise discretion in supporting the minor variations.

Having regard to the above assessment, it is concluded that the proposed development is reasonably consistent with the relevant objectives of WDCP and the objectives specified in section 1.3 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 \$ 759 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 151,800.

## **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 DA2025/0257 for Alterations and additions and change of use to dual occupancy (attached) including strata subdivision on land at Lot 7 DP 26523, 5 Adina Road, CURL CURL, 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
01B	B	Roof Plan & Site Plan	Garcia Negrette Architecture	10/2025
02B	B	Existing Floor Plans	Garcia Negrette Architecture	10/2025
03B	B	Proposed Floor Plans	Garcia Negrette Architecture	10/2025
04B	B	Proposed Section A-A & Elevations	Garcia Negrette Architecture	10/2025
9502	C	Plan of Subdivision of Lot 7 in D.P.26523	Gary John Skow	11/02/2025
9502	C	Plan of Subdivision of Lot 7 in D.P.26523 - First Floor, Ground Floor, Basement	Gary John Skow	11/02/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Swept Path Analysis	25055	Terraffic Pty Ltd	16/10/2025
Waste Management Plan	-	Prepared for 5 Adina Rd CURL CURL	26/03/2025 (registered by NBC)

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	30/04/2025 (registered by NBC)

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

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

### 3. **Approved Land Use**

Nothing in this consent shall authorise the use of tenancies as detailed on the approved plans for any land use of the site beyond the definition of a Dual Occupancy, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

***dual occupancy (attached)*** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

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

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

### 4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:

- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

## 5. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.



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

- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## **FEES / CHARGES / CONTRIBUTIONS**

### **6. Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$759.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$151,800.00.

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

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

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

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

### **7. Security Bond**

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

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

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

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

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

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

### **8. Building Code of Australia Upgrade requirements and Fire Safety Upgrade**

The Building Code of Australia works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Assessment Report prepared by

Credwell, dated 17/12/2024, Report Ref No. 241027\_BCA\_r1 are to be carried out in full to the building.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

9. **Laundry Facilities (Class 2 Buildings)**

The existing building that is proposed to be converted to a Class 2 Building is required to comply with Part F4D2 of the Building Code of Australia –‘Facilities in residential buildings’.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for building occupant health and amenity

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.

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

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

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

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

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

12. **Utilities Services**

Prior to the commencement of demolition works, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of demolition works.

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

**13. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Guidance Scheme for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work Zones are monitored and installed correctly.

**14. Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

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

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

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

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

The ESCP must include the following as a minimum:

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

- Type of erosion control measures to divert and slow run-off around and within the site.

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

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

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

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

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

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

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

## DURING BUILDING WORK

### 15. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

### 16. **Maintenance of Sediment and Erosion Controls**

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

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



Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

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

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

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

#### 17. **Staff and Contractor Parking**

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

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

### **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

#### 18. **House / Building Number**

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

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

Reason: Proper identification of buildings.

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

#### 19. **Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1,140mm

Reason: To maintain unobstructed sight distance for motorists.

#### 20. **Stacked Parking Spaces (Residential)**

Each tandem/stacked parking space pair is to assigned to the same residential unit within the dual occupancy.

Reason: To minimise conflicts regarding parking areas.

#### 21. **Parking Enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

### **BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**

**22. Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

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

Reason: To ensure that utility services have been provided to the newly created lots.

**23. Sydney Water Compliance Certification**

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

**24. Title Encumbrances**

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land.

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

**Signed**



**Adriana Bramley, Principal Planner**

The application is determined on 04/11/2025, under the delegated authority of:



**Daniel Milliken, Manager Development Assessments**