

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2025/0907
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<b>Responsible Officer:</b>	Lachlan Rose
<b>Land to be developed (Address):</b>	Lot Y DP 344944, 219 Condamine Street BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Strata Subdivision of existing Dual Occupancy
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Lyndsay Barbara Steadman

<b>Application Lodged:</b>	14/07/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Subdivision only
<b>Notified:</b>	Not Notified
<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>	\$ 0.00
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### PROPOSED DEVELOPMENT IN DETAIL

The development is described as Strata Subdivision of existing Dual Occupancy.

The proposal includes:

- Strata subdivision of a Dual Occupancy
  - Including Lot 1 on the ground level with an area of 268sqm with private open space to the northern side of the dividing fence in the rear yard
  - Lot 2 with 266sqm with private open space to the southern side of the year yard
  - The carport and driveway are proposed to be common property allowing for vehicle and pedestrian access for each lot

There are no construction works associated with the proposal.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.1 Minimum subdivision lot size

Manly Development Control Plan - 4.1.1 Dwelling Density, Dwelling Size and Subdivision

Manly Development Control Plan - 4.1.1.1 Residential Density and Dwelling Size

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

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

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

Manly Development Control Plan - 4.1.5 Open Space and Landscaping

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

## SITE DESCRIPTION

<b>Property Description:</b>	Lot Y DP 344944 , 219 Condamine Street BALGOWLAH NSW 2093
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### Detailed Site Description:

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

The site is regular in shape with a frontage of 15.24m along Condamine Street and a depth of 32.005m. The site has a surveyed area of 487.7m<sup>2</sup>.

The site is located within the R1 General Residential zone and accommodates an existing two storey attached dual occupancy with a detached double carport.

The site has a gentle slope from the south-western corner at the rear to the north-eastern corner to the front of the site. The site has an estimate drop in gradient of 3m.

The site consists of landscaped areas including shrubs, trees and grass. There are no known threatened species on the subject site.

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mix of residential development including residential flat buildings, dual occupancies and dwelling houses. The site is located within walking distance of Balgowlah Village Shopping Centre.

Map:



### SITE HISTORY

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

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

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<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.
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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	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 was not notified.

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	No objections to approval. Planning to provide strata subdivision conditions.

Internal Referral Body	Comments
Strategic and Place Planning (Heritage Officer)	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	This proposal has been referred to Heritage as the subject site adjoins a heritage item, being; <b>111 - Residential Flat Building - 217 Condamine Street, Balgowlah.</b>
	Details of heritage items affected
	<u>Statement of Significance</u> The building represents is a fine example of Inter-War Art Deco style of flat. The flat is one of a group of flats: No's 217, 219, 221, 223, 225 Condamine Street.
	<u>Physical Description</u> A two storey Inter-War Art Deco brick flats with texture brick detail, Gothic arched central doorway and parapet over entry. Timber-framed double hung windows.
	Other relevant heritage listings
	SEPP (Biodiversity and Conservation) 2021
	Australian Heritage Register
	NSW State Heritage Register
	National Trust of Aust (NSW) Register
	RAIA Register of 20th Century Buildings of Significance
	Other
	Consideration of Application
	The proposal is for the strata subdivision of an existing dual occupancy dwelling from a single Lot to two strata lots, being Lot 1 and Lot 2. The proposal does not involve any physical works to the subject site. The subject site adjoins a heritage item to its south boundary, which is an Inter-war residential flat building. Heritage considers the proposal will have no impact on the heritage item. As such, Heritage raises no concerns and requires no conditions.  Consider against the provisions of CL5.10 of MLEP.  Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No

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

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council



Policies have been considered in the merit assessment of this application.

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

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

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

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

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

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

### **Manly Local Environmental Plan 2013**

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

#### **Principal Development Standards**

The proposed Strata Subdivision does not result in changes to the existing Principal Development Standards under Manly LEP

#### **Compliance Assessment**

<b>Clause</b>	<b>Compliance with Requirements</b>
2.6 Subdivision—consent requirements	Yes
4.1 Minimum subdivision lot size	N/A
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.12 Essential services	Yes

## Detailed Assessment

### 4.1 Minimum subdivision lot size

This clause states:

(4) *This clause does not apply in relation to the subdivision of any land—*

*(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*

*(b) by any kind of subdivision under the Community Land Development Act 2021.*

As such, this Clause does not apply to this application.

### Manly Development Control Plan

#### Built Form Controls

<b>Built Form Controls - Site Area: 487.7m<sup>2</sup></b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
4.1.1.1 Residential Density and Dwelling Size	300sqm of site area required per dwelling	2 dwellings on 487.7sqm of site area	18.7% (112.3sqm)	No

#### Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	No	Yes
4.1.1.1 Residential Density and Dwelling Size	No	Yes
4.1.1.2 Residential Land Subdivision	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	N/A	N/A
4.1.3 Floor Space Ratio (FSR)	N/A	N/A
4.1.4 Setbacks (front, side and rear) and Building Separation	N/A	N/A
4.1.5 Open Space and Landscaping	N/A	N/A
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	N/A	N/A



Clause	Compliance with Requirements	Consistency Aims/Objectives
4.4.8 Subdivision	Yes	Yes

#### Detailed Assessment

#### **4.1.1 Dwelling Density, Dwelling Size and Subdivision**

##### Description of non-compliance

The subject site requires 300sqm of site area per dwelling. The proposed development results in two dwellings (dual occupancy) on the site with a site area of 487.7sqm, representing a variation of 18.7%

##### Merit Consideration

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

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

##### Comment:

The Strata Subdivision will not change the existing use of the site and retains the allotment size.

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

##### Comment:

The subdivision will not impact the existing vegetation, waterways, riparian land and the topography.

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

##### Comment:

The existing housing type and density on the subject site will no change under this subdivision.

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

##### Comment:

The current built form will be maintained and compliment the locality and streetscape.

*Objective 5) To maximise the use of existing infrastructure.*

##### Comment:

The existing infrastructure will be retained.

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

#### **4.1.1.1 Residential Density and Dwelling Size**

The subject site requires 300sqm of site area per dwelling. The proposed development results in two dwellings (dual occupancy) on the site with a site area of 487.7sqm, representing a variation of 18.7%. It should be noted that there is no change to the use or number of dwellings on the current site.

See Clause 4.1.1 Dwelling Density, Dwelling Size and Subdivision for a merit assessment.

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

The development is for Strata Subdivision only and does not include any construction works. As such, Clause 4.1.2 *Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)* is not applicable.

#### **4.1.3 Floor Space Ratio (FSR)**

The development is for Strata Subdivision only and does not include any construction works. As such, there is no change to the existing FSR on the site and Clause 4.1.3 *Floor Space Ratio (FSR)* is not applicable.

#### **4.1.4 Setbacks (front, side and rear) and Building Separation**

The development is for Strata Subdivision only and does not include any construction works. As such, there is no change to the existing setbacks and Clause 4.1.4 *Setbacks (front, side and rear) and Building Separation* is not applicable.

#### **4.1.5 Open Space and Landscaping**

The development is for Strata Subdivision only and does not include any construction works. As such, there is no change to the existing landscaped or total open space and Clause 4.1.5 *Open Space and Landscaping* is not applicable.

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

The development is for Strata Subdivision only and does not include any construction works. There is no change to the existing carparking arrangement or use of the property, therefore, Clause 4.1.6 *Parking, Vehicular Access and Loading (Including Bicycle Facilities)* is not applicable.

### **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**

S7.12 levies are not applicable to this application as they were subject to the original development application relating to the whole site.

## **CONCLUSION**

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

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

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2025/0907 for Strata Subdivision of existing Dual Occupancy on land at Lot Y DP 344944, 219 Condamine Street, BALGOWLAH, 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
-	REV 0	DRAFT STRATA PLAN (LOCATION PLAN)	TOTAL SURVEYING SOLUTIONS	3/6/2025
-	REV 0	DRAFT STRATA PLAN (GROUND FLOOR)	TOTAL SURVEYING SOLUTIONS	3/6/2025
-	REV 0	DRAFT STRATA PLAN (FIRST FLOOR)	TOTAL SURVEYING SOLUTIONS	3/6/2025

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.

## BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

### 2. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

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

**Signed**



**Lachlan Rose, Planner**

The application is determined on 07/08/2025, under the delegated authority of:



**Daniel Milliken, Manager Development Assessments**