

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/1841
<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 35 DP 25446, 8 Coronation Street MONA VALE NSW 2103 Lot 34 DP 25446, 7 Coronation Street MONA VALE NSW 2103
<b>Proposed Development:</b>	Demolition works and construction of a seniors housing development
<b>Zoning:</b>	R2 Low Density Residential
<b>Development Permissible:</b>	Yes, under SEPP (Seniors or Persons with a Disability) 2004
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	Yes
<b>Owner:</b>	Rosina Josephine Schraner
<b>Applicant:</b>	Gartner Trovato Architects
<b>Application Lodged:</b>	08/10/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Seniors Living
<b>Notified:</b>	12/05/2022 to 26/05/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	31
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 4,632,564.00

### EXECUTIVE SUMMARY

This application seeks consent for the demolition of two existing dwellings and pool and the construction of eight (8) independent living apartments with a single level of basement car parking for sixteen (16) cars. The proposed development is defined as Seniors Housing, which is permissible by virtue of the now repealed State Environmental Planning Policy (SEPP) Housing for Seniors or Persons with a Disability (HSPD) 2004, however the new "SEPP Housing" 2021 contained a relevant savings provision which affects this application.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) as more than ten (10) submissions have been received.

The application was referred to the Design and Sustainability Advisory Panel (DSAP) on 16 December 2021, who advised that they supported the proposal subject to a number of specific recommendations. The application has been amended to address the DSAP recommendations, including; the deletion of the projecting balcony from the established building line along Coronation Street and the introduction of a break in the centre of the front facade to modulate the development into two separate pavilions to ensure the building is compatible with the low-density character of the locality which comprises detached dwellings in single lots. The proposal exceeds the 30% landscape area requirement under SEPP (HSPD) and the development is well articulated and setback between 10m and 16.8m from the street frontage in a landscape setting comparable with the surrounding residential area.

The height, density, bulk and scale of the proposal generally meets the PLEP 2014 and P21DCP built form controls and the proposal is considered to be compatible with the character of the Mona Vale locality. As such, the design appropriately responds to the built form and landscape character despite the FSR of 0.63:1, which exceeds the 0.5:1 SEPP (HSPD) standard. The SEPP (HSPD) FSR standard is not a development standard which must be complied with and the development, as amended, demonstrates that adequate regard has been given to the design principles set out in Clause 31 of SEPP (HSPD).

The internal amenity of the apartments comply with the relevant provision of SEPP (HSPD) and P21 DCP with good levels of sunlight access, natural ventilation and large usable areas of private open space. Conditions are recommended to require external privacy screens to habitable windows on the side elevations to ensure that there are no unreasonable impacts on neighbouring amenity by way of overlooking or cross-viewing. The height of the development has been reduced 700mm at the rear of the site to minimise impacts on views and a condition requires the solar panels on the roof to Units 07 and 08 to be re-located to the lower roof. The proposal complies with the solar access provisions of SEPP (HSPD) and the P21 DCP and will not result in unreasonable overshadowing to neighbouring properties.

The development provides compliant car parking and, subject to conditions, a safe accessible pedestrian footpath and crossing is provided to the bus stops on both sides of Coronation Street.

The public exhibition of the application resulted in twenty-eight (28) unique submissions being received to the original notification, all of which raised issues and concerns in relation to; overdevelopment of the site (excessive height, FSR and excavation), out of character with the locality due to density, bulk and scale issues, amenity impacts (overshadowing, view loss and visual and acoustic privacy), transport (parking, road safety and not accessible), excavation and construction impacts.

The amended plans were re-notified, resulting in an additional six (6) submissions which are from those that made a submission to the original notification, plus one (1) new submission. The matters raised in the submissions are detailed in this report, and in summary, it is found that the matters raised are not of such severity or consequence that would warrant further amendments or the refusal of the application.

On balance, the assessment of the proposed development against the applicable planning controls and related legislation concludes with a recommendation that the NBLPP should grant approval to the development application, subject to the set of conditions provided.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks consent for demolition works and construction of a two (2) storey building over a

single level of basement car parking, accommodating sixteen (16) car parking spaces and eight (8) self-containing x three (3) bedroom apartments pursuant to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

In detail the application seeks consent for:

#### Basement RL21.67

- excavation to a depth of 6.7m
- new driveway
- sixteen (16) car parking spaces with EV charge stations
- bike store
- bulky goods store
- gas and electrical metre store
- OSD tank
- lobby and lift access
- fire stair

#### Lower Ground Floor RL24.6

- two (2) x three (3) bedroom apartments
- lobby and lift access
- six (6) storage rooms (below ground)
- water storage tank

#### Ground Floor RL27.7

- four (4) x three (3) bedroom apartments
- lobby and lift access

#### First Floor RL30.8

- two (2) x three (3) bedroom apartments with 23sqm west facing terrace
- lobby and lift access

#### Roof RL27.67 - RL33.8

- solar panels
- skylights
- lift shaft RL34.35

#### External

- pedestrian footpath within the western boundary
- covered bin-store
- covered letterboxes
- landscaping - including the removal of two (2) protected trees and planting of four (4) new canopy trees
- materials - weatherboard cladding (dark and mid grey), stone cladding, painted render (warm dark grey, light grey and off white), roof - standing seam metal roof (basalt), off form concrete

and pebble roof balast (river pebble), metalwork - fences and pergolas (monument) and timber screens.

#### Other

- pedestrian footpath to the northern street frontage
- re-located existing bus stop along eastern side of Coronation Street from the frontage of No. 11 to the frontage of No. 9 Coronation Street
- new pedestrian refuge along Coronation Street

### **ASSESSMENT INTRODUCTION**

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

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

### **SUMMARY OF ASSESSMENT ISSUES**

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater 21 Development Control Plan - A4.9 Mona Vale Locality

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D9.3 Building colours and materials

Pittwater 21 Development Control Plan - D9.9 Building envelope

Pittwater 21 Development Control Plan - D9.12 Fences - General

### **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 35 DP 25446, 8 Coronation Street MONA VALE NSW 2103 Lot 34 DP 25446, 7 Coronation Street MONA VALE NSW 2103
<b>Detailed Site Description:</b>	The subject site consists of two (2) allotments located on the south-western side of Coronation Street, Mona Vale.

The consolidated site is regular in shape with a frontage of 33.5m along Coronation Street and a depth of 45.8m. The site has a surveyed area of 1,533m<sup>2</sup>.

The site is located within the R2 Low Density Residential zone from Pittwater Local Environmental Plan 2014. Each lot accommodates a detached part two storey brick and tiled roofed dwelling with a garage below. A swimming pool is located in the rear yard of No. 7 Coronation Street. There is no significant vegetation on the site and there is a fall approximately 3.5m across the site in a northerly direction.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by detached one and two storey detached dwellings in single lots set back from the road in landscape settings. Mona Vale Hospital is located directly across the road to the north-east which has range of buildings which vary in height from two (2) storey to six (6) storey. South Mona Vale Headland Park is located approximately 180m to the east and Pittwater Road is located approximately 190m to the west.

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:

#### **DA2021/1841 (Current Application)**



On 5 October 2021, the subject application was lodged.

### **Design and Sustainability Advisory Panel (DSAP)**

On 16 December 2021, the application was presented to the Design and Sustainability Advisory Panel (DSAP). DSAP advised that they are generally supportive of the proposal subject to a number of specific recommendations. Refer to the detailed discussion of DSAP recommendations in the Referral section of this report.

On 10 January 2022, a letter was sent to the applicant raising issues with respect to the density, scale and character / streetscape impacts, amenity impacts, including view sharing and privacy and issues raised by DSAP and others Council Departments including Transport, Engineering and Waste Management.

On 21 February 2022, amended plans were received in response to the issues raised. The amended plans were assessed as not satisfying the concerns.

On 25 March 2022, a further set of amended plans were received, which were also assessed as not satisfying the concerns.

On 22 April 2022, a final set of amended plans were received, which were uploaded on the NSW Planning Portal on 28 April 2022. The amended plans included the following:

- increased building setback to the street boundary
- relocate decks from within the 12.2m front setback
- revised internal layout, re-orient lift and reduce foyer size
- revised layout to lift lobby and bulky goods store in basement
- increase in bin store and extension of roof over entry pavilion to cover bin storage area
- revised materials and finishes
- reduction in the rear roof by 700mm over units 07 and 08
- relocation of solar panels from the lower roof to the upper roof
- redesign of the street frontage to provide a break in the building 4m wide and 6.5m deep
- increased windows to the rear setback and reduced windows to the side setback
- amendments to the accessible path and pedestrian refuge to the southbound bus service crossing Coronation Street and amended Traffic report
- amended stormwater drainage plan

On 9 May 2022, the application was re-notified in accordance with the Northern Beaches Community Participation Plan (NBCPP) for fourteen (14) days to all those that were originally notified and all those that made a submission to the original notification.

On 6 June 2022, a revised Site Analysis plan was submitted to Council detailing some minor changes to the infrastructure works relating to pedestrian paths and crossing to the bus stops on Coronation Street. The revised plan was uploaded on the NSW Planning Portal on 21 June 2022.

This Assessment Report is based on an assessment of the final set of amended plans and supporting information uploaded on the NSW Planning Portal on 28 April and 21 June 2022.

### **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	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested to address issues with the design (scale and character /font setback), accessibility requirements and amenity impacts (privacy and view loss sharing).</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 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 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 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> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</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 (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 development application has been publicly exhibited from 12/05/2022 to 26/05/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 31 submission/s from:

Name:	Address:
Ms Joanne Lesley Louder	12 Coronation Street MONA VALE NSW 2103
Mr Andrew Peter Prentice	46 Cook Terrace MONA VALE NSW 2103
Mr Graham Gordon Taylor	5 Coronation Street MONA VALE NSW 2103
Dr Andrew John Black	12 Coronation Street MONA VALE NSW 2103
Ms Sally Anne Hunt	16 Cook Terrace MONA VALE NSW 2103
Mrs Roslyn Annette Black	34 Cook Terrace MONA VALE NSW 2103



<b>Name:</b>	<b>Address:</b>
Mr Mark James Williams	170 Narrabeen Park Parade MONA VALE NSW 2103
Mr Christopher Mark Logan	123 Narrabeen Park Parade MONA VALE NSW 2103
Mr Christopher Raymond Anscomb	30 Cook Terrace MONA VALE NSW 2103
Mrs Susan Gale Miller	13 Cook Terrace MONA VALE NSW 2103
Ms Hilary Anne Doling	188 Narrabeen Park Parade MONA VALE NSW 2103
Mr Mark Klass Wysman	PO Box 870 NARRABEEN NSW 2101
Mr Kevin Francis Shanahan	162 Narrabeen Park Parade MONA VALE NSW 2103
Mr Darrel Leonard Hannam	32 Cook Terrace MONA VALE NSW 2103
Mrs Caroline Diane Hare	26 Cook Terrace MONA VALE NSW 2103
Mr Robert Donald Davis Mrs Carole Ann Davis	140 Narrabeen Park Parade MONA VALE NSW 2103
Ms Joanne Frances Trevitt Mr R Trevitt	39 Cook Terrace MONA VALE NSW 2103
Mrs Marja-Leena Keeping	44 Cook Terrace MONA VALE NSW 2103
Mrs Julie Claire Loud	10 Coronation Street MONA VALE NSW 2103
Michael Wall	176 Narrabeen Park Parade MONA VALE NSW 2103
Mr Philip Thomas Gough	4 Coronation Street MONA VALE NSW 2103
Ms Dimity Jane Sawyer	156 Narrabeen Park Parade MONA VALE NSW 2103
Mr Howard Fraser McIntosh	3 Coronation Street MONA VALE NSW 2103
Mr Dieter Stoecker	37 Cook Terrace MONA VALE NSW 2103
Martin Kuskis	2 / 178 Narrabeen Park Parade MONA VALE NSW 2103
Mr Jeffrey David Raubal Mrs Gayleen Raubal	158 Narrabeen Park Parade MONA VALE NSW 2103
Mrs Suzanne Margaret Taylor	5 Coronation Street MONA VALE NSW 2103
Mr David William Couldwell	9 Coronation Street MONA VALE NSW 2103
Mr Tristian Loud	10 Coronation Street MONA VALE NSW 2103
Mr Mark Hendrik Einspinner	48 Elimatta Road MONA VALE NSW 2103
Northern Beaches Designs	PO Box 870 NARRABEEN NSW 2101

It is noted that multiple submissions have been received from the same address, which in accordance with the Northern Beaches Community Consultation Plan (NBCPP) are counted as one (1) unique submission. Therefore, it is calculated that twenty-eight (28) submissions have been received. In addition, it is noted that a number of submissions are pro-forma letters.

The following issues were raised in the submissions and are addressed as follows:

- **Land Use - Does not comply with the R2 Low Density Zone and is inconsistent with the Northern Beaches Housing Strategy and SEPP (Housing) 2021.**

Comment:

Seniors Housing developments are prohibited in the R2 Low Density Residential zone under the PLEP 2014, however, the development is made permissible under the provisions of SEPP

(HSPD) 2004 which overrides the PLEP. The superseding SEPP (Housing) 2021 contains a general savings provision (Schedule 7(2)) for development applications made, but not yet determined, prior to the Policy's commencement (1 March 2022). As the subject application was lodged in October 2021, SEPP (HSPD) 2004 still applies. It is also noted that the Northern Beaches Housing Strategy is not a relevant matter in assessment of this application.

The proposal has been assessed under the applicable planning controls relating to the development application at the time of lodgement.

- **FSR - Exceeds the SEPP (HSPD) 0.5:1 FSR control. The density, bulk and scale is inappropriate and the development represents over-development.**

Comment:

The proposed development, as amended, has an FSR of 0.63:1. As discussed within the SEPP (HSPD) section of this report, the 0.5:1 FSR is not a development standard, but a standard that cannot be used to refuse a Development Application should it not exceed that standard. The development has adequate regard to the design principles set out in Clause 31 of the SEPP (HSPD). Refer to detailed discussion in the SEPP (HSPD) section of this report.

Furthermore, the application was considered by the DSAP who confirmed that, subject to minor design changes in respect of the front setback and materials, there will be no unreasonable impact on neighbouring amenity or the built form or landscape character of the locality. It is noted that the development complies with the maximum height limit and exceeds the minimum P21 DCP requirements for side and rear setback and the SEPP (HSPD) landscape open provisions, as such, the density of the development has been assessed as appropriate.

- **Height - Exceeds the SEPP (HSPD) 2 storey limit (clause 40), the proposal is for a 4 storey building.**

Comment:

No part of the development exceeds two storeys in height.

- **Development within rear 25% - Part of the building is located within the rear 25% area of the site contrary to Clause 40 of the SEPP (HSPD).**

Comment:

The only portion of the building within the 25% rear area is an ancillary pergola above the ground level rear terraces to Units 05 and 06. As such, the proposal complies with this standard.

- **Character - the proposal is in-consistent with desired character of area which presents low density one (1) dwelling per lot. The proposal breaches the established front building line and represents a medium density apartment block rather than a detached dwelling contrary to SEPP (HSPD).**

**The proposal is out of character with the Mona Vale locality and streetscape and will have a negative visual impact on the public domain street and when viewed from neighbouring properties. Medium density housing should be located within and around commercial centres consistent with the Mona Vale Locality statement.**

Comment:

SEPP (HSPD) allows for a greater density of development in the R2 Low Density Residential zone. Despite this, the proposal has been amended to remove the elevated front balconies from the established building line and the development, as amended, is setback from the street in a landscape setting to respect the landscape character of the area. In addition, the amended design introduces a significant break in the front elevation to ensure that the building is modulated into two separate pavilions to respond to the character of the area which comprises detached dwellings in single lots.

The front facade is articulated with balconies and a varied materials palette to reduce the perceived bulk of the development in the streetscape and the landscaping softens the built form. In addition, the bulk and scale of the development, as observed from the neighbouring properties has also been reduced with the amended plan lowering the height over Unit 07 and Unit 08. In summary, the proposal has been assessed as being compliant with Clause 31 of SEPP (HSPD) and is consistent with the desired future character of the Mona Vale locality.

- **Parking and road safety - Insufficient on-site car parking (including visitors) and impacts on availability of on street parking. Road safety issues, particular concern expressed in respect of impacts on access to the urgent care centre at Mona Vale hospital.**

Comment:

The proposal provides compliant car parking and will not result in a loss of on-street public parking. Subject to conditions, the proposal as amended, will not result in road safety issues. Please refer to the comments from Council's Transport in the referral section of this report.

- **Accessible - more than 400m from Mona Vale shops, no suitable footpath or pedestrian crossing.**

Comment:

Bus stops are located along Coronation Street within a distance of less than 400m of the site which will provide access to the services in Mona Vale. The amended plan includes details of a safe pedestrian footpath and crossing to the bus services. Council's Transport Engineer has confirmed that the proposal is acceptable subject to conditions.

- **Amenity impacts:**

***Visual privacy impacts with windows to habitable rooms overlooking windows and area of private open space to neighbouring dwellings.***

***Acoustic privacy impacts, including noise mechanical plant and air conditioning.***

***View loss to properties in Cook Terrace, height poles are required to be installed and a view analysis should be prepared.***

***Overshadowing impacts to southern neighbours.***

Comment:

*Visual Privacy* - the proposal includes details of external privacy screens to some of the habitable windows on the south elevation. Conditions are recommended to require privacy

screens to other upper floor habitable windows to ensure that there is no unreasonable overlooking or cross-viewing, refer to detailed discussion under Clause C1.5 of the P21 DCP.

*Acoustic Privacy* - Council's Environmental Health Section have confirmed that an exhaust output is located near the centre of the roof and would be unlikely to cause noise nuisance for surrounding residents.

Any air conditioning plant installed after the development has been completed according to current plans is legislated to comply with Exempt and Complying Development Code and Protection of Environment Operations (Noise Control) Regulation 2017, thus general consent conditions of this nature (background +5 dB(A)) would be superfluous.

*View loss* - the proposal reduces the height of the development by 700mm to the rear. A condition requires the solar panels on the roof of Units 07 and 08 to be relocated to the lower roof to ensure there is no unreasonable view loss, refer to detailed discussion under Clause C1.3 of the P21 DCP.

*Overshadowing* - shadow diagrams have been submitted which confirm that the proposal complies with the solar access provisions of SEPP (HSPD) and Clause C1.4 of the P21DCP.

- **Excavation - Impacts of excessive 7m deep excavation on neighbouring properties are not addressed in the SEE in accordance with Clause 7.2 of PLEP. Conditions are required to be imposed to ensure there are no impacts to neighbours including dilapidation reports.**

Comment:

The application is supported with a Geotechnical Report prepared by White Geotechnical Group, which refers to a maximum depth of excavation of 6.7m. The report confirms that the proposed development, including excavation, is suitable for the site and that subject to compliance with the recommendations in the report, that no geotechnical hazards will be created. Conditions are included in the recommendation requiring compliance with the Geotechnical Report, which are required to be incorporated into the construction plans and certified at all stages of the development. In addition, conditions are recommended requiring a Dilapidation Report to be prepared addressing all adjoining properties.

- **Landscaping is undesirable some of the proposed trees will grow to 25m in height and further impacts views and access to sunlight.**

Comment:

Council's Landscape Officer has no objections to the landscape plan submitted and provided advice that; the adjoining rear properties at No. 30 and 32 Cooks Terrace have existing tree planting along the rear boundary ranging in height from 5m to 8m and some species are likely to reach 10m - 12m in maturity. The rear of property at 8 Coronation Street has existing trees along the rear of the property that are between 5m -7m in height and are capable of attaining up to 10m in height if retained. The existing landscaping, including vegetation on other adjoining sites, currently impacts on solar access.

The tree planting to the rear of the proposed development comprises one (1) eucalyptus haemastoma (Scribbly Gum) which is a small sized open canopy tree at best seen to a mature height of 8m -12m, and two (2) x eucalyptus capitellata which is a medium sized open canopy tree at best seen to a mature height of 10m-15m. The open canopy of both trees is unlikely to

represent overshadowing over and above the presence of the existing trees on adjoining properties. Likewise, the proposed planting is unlikely to result in any additional view loss issues.

The proposed landscape planting is consistent with the provisions of SEPP (HSPD) and the P21DCP. The planting will help reduce the visual bulk of the development and will help enhance visual and acoustic privacy between the future residents of the development and neighbouring residents.

- **Roof materials - there is a conflict with the details on the plans and sections. Clarification is sought.**

Comment:

It is noted that the amended plans included a change in the location of the solar panels from the lower roof above Units 03 and 04 to the higher roof above Units 07 and 08 which in turn has resulted in a change in the material of the lower roof to pebbles on concrete roof. In order to ensure that view sharing is maintained, a condition requires the solar panels to be re-located back to the original position on the lower roof. The higher roof is proposed to be metal and a condition requires the material to be non-reflective to avoid glare nuisance.

- **Precedent - approval will allow other medium density developments to be constructed in the area.**

Comment:

It is not expected that the proposal will result in a precedent for other Senior Developments in the surrounding area, particularly in light of the new SEPP (Housing) 2021 which prohibits such development in R2 Low Density Residential zones.

- **Construction impacts - noise, dust and traffic.**

Comment:

Conditions are recommended to manage construction impacts, including but not limited to conditions that restrict the construction hours, the requirement for an approved Construction Traffic Management Plan (CTMP) and a Demolition Traffic Management Plan and a condition requiring dust to be managed. Conditions require respite periods to be provided to ensure breaks from noise generating activities during excavation.

- **Utility and service impacts.**

Comment:

Conditions are recommended to ensure that utility services are not impacted.

- **Devalue property.**

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Comment:

This is not a material planning consideration under S4.5 of the EPA Act, 1979.



## Amended Plans

On 9 May 2022, the application was re-notified in accordance with the Northern Beaches Community Participation Plan (NBCPP) and the amended plans were placed on exhibition for fourteen (14) days to all those that were originally notified and all those that made a submission to the original scheme. An additional six (6) letters of objections were received from persons that lodged a submission in response to the original notification, plus one (1) new submission. The letters re-iterated the above issues and also raised the following new issues:

- **The amended plans reduce the roof height by 700mm, however, the reduction in height has been replaced with solar panels which result in the same net effect of view loss. No RLs have been provided for the solar panels.**

### Comment:

As discussed above, a condition is recommended requiring the solar panels to be re-located back to the lower roof to ensure that view sharing is maintained. While no RL's have been included for the solar panels the architectural plans are to scale which enable the height of the angled solar panels to be calculated at a maximum height of 400mm.

- **The re-location of the bus stop in front of the neighbouring dwelling is not supported as it will add to acoustic impacts with buses stopping and people gathering to use the bus service and road safety issues. The proposed paths and re-located bus stops will result in a loss of on street parking. The public domain infrastructure works will impact on road safety particularly with respect of view lines.**

### Comment:

Council's Transport Engineer has confirmed that the proposed infrastructure works relating to pedestrian paths, crossing and the re-located bus stops will not have unreasonable impacts on road safety. In addition, the proposal will result in no net loss of on street car parking spaces.

Buses will only stop briefly when passengers board or alight at the new bus stop. Buses will not idle for long periods of time as the bus stop is not at the start or end of the route. It is not expected that the re-location of the bus stop will result in unreasonable acoustic impacts to No. 9 Coronation Street, given that it is setback 13m from the frontage of the dwelling. The new restrictions near the relocated bus stop will improve visibility for vehicles exiting the driveway at No. 9 as currently parked vehicles can obstruct sightlines. The proposed pedestrian refuge will also have traffic calming effects by narrowing the road for approaching traffic.

## REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<b>Supported (Subject to Specific Recommendations)</b>  The application was presented to the DSAP on 16 December 2021. The Panel generally indicated support for the proposal, subject to the following specific recommendations:

Internal Referral Body	Comments
	<p><b>Scale, built form and articulation</b></p> <p><i>1. Consideration should be given to setting the front of the building further back into the site. Ideally it should be brought in line with the established building line of neighbouring properties. Failing that, the balconies could be made lighter weight.</i></p> <p><u>Response:</u></p> <p>The proposal has been amended to delete the projecting elevated front balconies from the ground floor to respond to the established building setback in the street to comply with Recommendation No. 1.</p> <p><b>Access, vehicular movement and car parking</b></p> <p><i>2. Consideration should be given to moving the basement entry further to the north-east along the street frontage and relocating parking bays for units 01 &amp; 08 perpendicular to the western side boundary. Any reduction in the overall width of the basement would be beneficial.</i></p> <p><u>Response:</u></p> <p>The applicant has confirmed that options have been considered to address the recommendation, however, have not been considered feasible due to the topography of the site. The applicant notes that the alternative design will not result in any further reduction to the basement size and would require a relocation of the lift shaft / increase the height of the lift shaft, increase in the building footprint and require a steeper decent into the garage.</p> <p>The applicant's justification is supported, and Councils Transport Engineer has no objections, subject to conditions, to the basement design, access and car parking which is compliant. The basement is setbacks from all boundaries in compliance with the P21DCP setback controls and the geotechnical report includes recommendations to ensure there are no unreasonable impacts on the excavation to neighbouring properties.</p> <p><b>Landscape</b></p> <p><i>3. The proponent could consider a light-weight non-habitable green roof above units 07 &amp; 08 in order to minimise heat gain and potentially mitigate potential residents to the South of the site from Cooks Terrace looking over metal roof expanses.</i></p> <p><u>Response:</u></p> <p>The amended plans re-locate the solar panels to the roof above Units 07 and 08, which sit at a higher level than the roof above Units 03 and 04. A condition requires the solar panels to be re-located back to the lower roof to minimise view loss and visual impacts to the properties</p>

Internal Referral Body	Comments
	<p>along Cooks Terrace to the rear. It is not considered necessary to have a green roof above Units 07 and 08 which may add extra depth to the roof slab and as a consequence extra height to the overall development. It is noted that the BASIX certificates confirms that the proposal exceeds the energy rating. In terms of view impacts to the neighbouring properties to the rear of the metal roof view loss inspections confirm that the views over the roof will be filtered with the with existing and proposed planting.</p> <p><b>Amenity</b></p> <p><i>4. Consideration should be given to enlarging some of the living rooms in several apartments.</i></p> <p><i>5. Consideration should be given to relocating the projecting balconies to apartments 03 &amp; 04 into the recess at the centre of the building on either side of gridline B.</i></p> <p><u>Response:</u></p> <p>The lobby to all levels has been reduced and the internal layout of the units has been amended with the generous living areas. All units have good access to natural light and ventilation in compliance with the relevant SEPP (HSPD) standards. The projecting front balconies have been removed to respond to the established building line and in turn the perceived bulk and massing of the development has been reduced. In addition, a break in the building has been introduced to the frontage to ensure that the development reads as two separate well articulated modules / pavilions which also breaks up the bulk and scale of the development. The amended plans adequately address the requirement of Recommendations 4 and 5.</p> <p><b>Facade treatment / aesthetics</b></p> <p><i>6. Consideration should be given to simplifying the façades and reducing the number of materials and colours;</i></p> <p><i>7. Consideration should be given to making elements on the front façade, like the balconies, less dominant.</i></p> <p><u>Response:</u></p> <p>The materiality of the facades has been simplified with the relocation of the projecting balconies and an appropriate varied palette of materials using dark natural colours is proposed which helps articulate the building to reduce the perceived visual bulk. The amended plans address the requirements of Recommendations 6 and 7.</p> <p><b>Sustainability</b></p> <p><i>8. Target electrification by changing to heat pump hot water;</i></p> <p><i>9. Create a natural ventilation path in the common lobby areas from the ground floor through to the windows in the top floor;</i></p> <p><i>10. Consideration should be given to linking the photovoltaics direct to</i></p>

Internal Referral Body	Comments
	<p><i>some of the apartments to maximize use of the produced energy</i></p> <p><u>Response:</u></p> <p>The BASIX certificate confirms that the proposal achieves an energy rating of 93 which surpasses the target of 50 and a condition requires compliance with the BASIX certificate. The proposal includes sustainability measures including solar panels on the roof and EV charging points for the car parking spaces in the basement.</p>
Building Assessment - Fire and Disability upgrades	<p><b>Supported, subject to conditions</b></p> <p>No objections to proposed demolition of existing site structures and construction of 8 x 3 bedroom seniors house dwellings with associated basement parking a pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 subject to conditions.</p>
Environmental Health (Acid Sulphate)	<p><b>Supported, subject without conditions</b></p> <p>Acid sulfate soils unlikely in this location, we agree with the conclusions in section 4.2.2 of the SEE. Geotech report photos of soil samples also clearly demonstrate orange clay and dark top-soil, no yellow sulfuric colouration. The proposal is supported without further investigation.</p>
Environmental Health (Industrial)	<p><b>Supported, subject without conditions</b></p> <p>We have no objection to the proposal. Of concern are acoustic amenity impacts, but there is no air conditioning or mechanical plant identified in the documentation. An exhaust output is located near the centre of the roof and would be unlikely to cause noise nuisance for surrounding residents.</p> <p>Any air conditioning plant installed after the development has been completed according to current plans is legislated to comply with Exempt and Complying Development Code and Protection of Environment Operations (Noise Control) Regulation 2017, thus general consent conditions of this nature (background +5 dB(A)) would be superfluous.</p>
Landscape Officer	<p><b>Supported, subject to conditions</b></p> <p>The development application is for the demolition of the existing site structures, and the construction of 8 x 3 bedroom seniors house dwellings with basement parking, and associated external works.</p> <p>Council's Landscape Referral section have assessed the application against the following relevant landscape controls and policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: clause 33 Neighbourhood amenity and streetscape, and clause 34 Visual and acoustic privacy.</li> <li>• Seniors Living Policy: clause 2. Site Planning and Design; and clause 3. Impacts on Streetscape.</li> </ul>

Internal Referral Body	Comments
	<p>• Pittwater 21 DCP including: B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; C1.21 Seniors Housing; C1.24 Public Road Reserve - Landscaping and Infrastructure, and D9 Mona Vale Locality.</p> <p>Under clause 33 of Housing for Seniors or People with a Disability, development should - (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) retain, wherever reasonable, major existing trees, and (g) be designed so that no building is constructed in a riparian zone.</p> <p>Under clause 34 of Housing for Seniors or People with a Disability, development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping.</p> <p>The application documents note that the total landscaped area of 794m<sup>2</sup> or 51.8% of the site exceeds the minimum requirement, and the total deep soil landscaped area exceeds the required 15%, under the Seniors Living Policy controls.</p> <p>A Landscape Plan and a Arboricultural Impact Assessment is submitted with the application. The existing site contains many exempt species as listed in the DCP that do not require Council consent for management or removal, and the site also supports five prescribed trees protected under the DCP that requiring consent if proposed for removal. The proposal requires the removal two prescribed trees and proposes to retain three. All exempt species are recommended for removal in the Arboricultural Impact Assessment and in this instance, Council raise no concerns, including the removal of the two nominated prescribed trees, subject to tree replacement throughout the site.</p> <p>All existing street trees including within the road verge frontage of the site, and all existing trees and vegetation within adjoining properties shall be protected, and conditions of consent shall be imposed.</p> <p>The submitted Landscape Plan is generally acceptable subject to conditions including: appropriate location of trees away from the proposed basement, building structures and from other trees; selection of alternative tree planting species; addition of small trees along boundaries in areas, and density of landscape planting.</p>
NECC (Development Engineering)	<p><b>Supported, subject to conditions</b></p> <p><u>Updated Comments dated 17 June 2022</u></p> <p>The proposed stormwater plan with the proposed extension of the Council pipeline along the southern side of Coronation Street is satisfactory. No objections to approval subject to conditions as recommended.</p>



Internal Referral Body	Comments
	<p><u>Original Comments</u></p> <p><i>Stormwater</i> The stormwater plan proposing to discharge to the council system across Coronation Street is not satisfactory as there is no pipeline on the northern side in the location shown. The pipe connection across Coronation Street is not supported. The site discharge shall be connected to the Council system on the southern side of Coronation Street. This will require extending the council pipeline up to the subject site on the southern side. Details of the extension of the Council system shall be provided including conflicts with other services in the road reserve.</p> <p>The OSD design is satisfactory subject to conditions.</p> <p><i>Driveway Access</i> The proposed width and internal driveway gradients are satisfactory.</p> <p><i>Footpath Access to Bus Stops</i> Traffic engineer has raised concerns regarding the footpath access to the bus stops which are to be resolved before Development Engineering can provide conditions.</p> <p>The proposed application cannot be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> <li>• <i>Stormwater drainage for the development in accordance with clause B5.15 Stormwater</i></li> </ul>
NECC (Water Management)	<p><b>Supported, subject to conditions</b></p> <p>The application meets the minimum requirements of the relevant Environmental Planning Instruments and policies.</p> <p>Stormwater harvesting (rainwater tanks) and reuse for irrigation of the landscape area is highly recommended.</p>
Road Reserve	<p><b>Supported, subject to conditions</b></p> <p>There is limited impact on existing road infrastructure assets.</p> <p>The construction of new footpath to provide connectivity to public transport is supported subject to a s138 Road Act application. The footpath alignment may need modification to ensure excessive crossfalls at driveway intersections are avoided.</p>

Internal Referral Body	Comments
	<p>Transport Network Team to give consideration to providing a pedestrian refuge island for the crossing of Coronation Street at a suitable location given the width of the carriageway.</p> <p>Given the development is for housing for Seniors or People with a Disability, the outbound bus stop shall be reconstructed to comply with Disability Standards for Accessible Public Transport and a standard Council bus shelter provided for the protection of the elderly and/or disabled whilst waiting for bus services. Development Engineering Team to provide condition regarding same as part of S138 application.</p>
Traffic Engineer	<p><b>Supported, subject to conditions</b></p> <p><u>Updated Comments 16/6/22</u></p> <p>The Applicant has considered Council's comments and has modified the proposal to further address safe pedestrian access to the bus stop and minimise the impacts to the existing parking. The additional information provided and amended proposal satisfactorily addresses the concerns raised with respect to traffic and parking. The proposal is considered acceptable, subject to the recommended conditions.</p> <p><u>Previous Comments 4/3/22</u></p> <p>The Applicant's traffic consultant has provided a number of Options for the pedestrian crossing treatment, to facilitate access between the Development and the bus stop on the northern side of Coronation Street. Council has reviewed each of the Options with the following comments:</p> <p>Option 1 - Kerb Extension in front of site</p> <p>- This is indicated in the Traffic Assessment as the preferred Option, as the proposed kerb extensions narrows the roadway to approximately 7m and does not require lengthy 'No Stopping' restrictions on the southern side of the road.</p> <p>Coronation Street is a collector road which carries higher traffic volumes and the roadway is too wide for pedestrians, especially more vulnerable users. A pedestrian refuge which enables pedestrians to cross the road in two stages, is considered safer for seniors or people with a disability than the proposed kerb extensions that only reduces the roadway to 7m. The location of the crossing point is also of concern as it is near one of the main entrances to the Hospital, where there is additional conflict with vehicles turning in and out of the access driveway. The proposal will also result in the loss of 2 on-</p>

Internal Referral Body	Comments
	<p>street parking spaces on the southern side between the new driveway and the driveway to No.9.</p> <p><i>Option 2 - Pedestrian Refuge in front of site</i></p> <p>- This Option incorporates a pedestrian refuge and 'No Stopping' restrictions (103m) along the southern side of the road. It is noted that the proposal would affect parking on both sides of the road but in particular the southern side.</p> <p>Council notes that the proposed pedestrian refuge island would also impact driveway access to the development, and agrees that this location is not suitable for a pedestrian refuge.</p> <p><i>Option 3 - Pedestrian Refuge and Kerb Extension near northern Bus Stop</i></p> <p>- This Option incorporates a pedestrian refuge, kerb extensions and relocation of the bus stop on the southern side of the road. The Traffic Assessment mentions that the proposal impacts access to No.9 Coronation Street, however the proposed location of the pedestrian refuge islands will actually affect the driveway access to No.10. Parking is affected on both sides of the road.</p> <p>Council believes that Option 3 could be modified to address some of the deficiencies highlighted and minimise impacts to parking. The crossing point for the pedestrian refuge islands could be situated approximately 5m east of the driveway to No.10 to maintain access to the property, along with a new kerb extension to reduce the crossing points to 3.7m from each side to the pedestrian refuge.</p> <p>The existing angled parking on the northern side of Coronation Street is currently 90 degree angled parking. The parking between the Bus Stop ID: 210381 and the driveway at Gate No.3 to the Hospital, should be changed from 90 to 60 degree angled parking to assist entry and exit into the parking area, especially the spaces closest to the pedestrian refuge. The changes would result in the loss of 2 car park spaces, however it may be possible to create an additional parking space in the parking area located immediately west of the driveway at Gate No.2, by modifying the existing kerb extension and converting the last three spaces from 90 to 60 degree angled parking. A swept path analysis using a 12.5m bus is required to check that the suggested changes can maintain access to the Bus Stop ID: 210381.</p>

Internal Referral Body	Comments
	<p data-bbox="520 461 1430 770">Bus Stop ID: 210386 on the southern side of the road should be located immediately east of the driveway to No.9, so that the bus can stand between the driveways of No.9 and 10 to pickup/dropoff passengers. The 'No Stopping' restrictions will need to be installed from the new 'Bus Zone' to the property boundary of No.11 and 12. The relocation of the bus stop and new restrictions will result in the loss of only 1 on-street parking space compared to the existing restrictions. The bus stop locations would also need to be upgraded to meet the Disability Standards for Accessible Transport.</p> <p data-bbox="520 887 1430 1442">Council notes that the Applicant's preferred proposal is Option 1 with kerb extensions in front of the site, however does not consider that the use of kerb extensions is adequate to provide safe pedestrian access to public transport for seniors or people with a disability, due to the road width and proposed location between the driveway to the Development and the driveway at Gate No.2 to the Hospital. The original Site Analysis Plan shows the crossing point located further east near the northern Bus Stop ID: 210381. This is considered a better location closer to both bus stops and midway between Gates No.2 and 3. Council believes that a pedestrian refuge would be more appropriate for a collector road and would accept the provision of a pedestrian refuge as a suitable treatment. The Applicant should therefore consider the suggested changes to Option 3 - Pedestrian Refuge and Kerb Extension near northern Bus Stop, and provide an updated plan with a swept path analysis so that it can be reviewed for further consideration.</p> <p data-bbox="520 1559 1315 1588">Design constraints for pedestrian refuge in Coronation Street</p> <p data-bbox="520 1630 1019 1659">Traffic lane (adjacent to refuge) - 3.7m</p> <p data-bbox="520 1702 842 1731">Refuge island width - 2m</p> <p data-bbox="520 1774 879 1803">Refuge island length - 3.5m</p> <p data-bbox="520 1845 1334 1912">Spacing between refuge islands - 3m (located 20m west of the property boundary of No.11 and 12)</p> <p data-bbox="520 1955 1123 1984">Relocated Bus Stop - East of driveway to No.9</p> <p data-bbox="520 2101 892 2130"><u>Original Comments 10/12/21</u></p>

Internal Referral Body	Comments
	<p>The proposal is not acceptable in its current form as there are no convenient pedestrian facilities to assist seniors to safely cross the road to access the bus stop on the northern side of Coronation Street. However, the proposal may be acceptable with the provision of a suitably located pedestrian refuge to enable pedestrians to cross the road in two stages when there is a gap in traffic.</p> <p>Parking space numbers comply with SEPP 2004 requirements as well as the Pittwater 21 DCP with respect to 2 spaces provided for each dwelling with 2 or more bedrooms.</p> <p>The traffic generation from the proposal is considered to be of low impact. The proposal will generate 3 vehicle trips during the peak hours, which is an increase of 1 vehicle compared to the existing situation.</p> <p><u>SEPP 2004 Requirements</u></p> <p>The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, requires that the proposed development should have obvious and safe pedestrian links that provide access to public transport services or local facilities. The proposed walking route to access the bus stop on the northern side of the road is located 80m from the site and requires pedestrians to cross the Coronation Street where the new kerb ramps are located. The 15m wide crossing point is not considered to be a suitable or safe access pathway for seniors.</p> <p>There is a signalised pedestrian crossing at the intersection of Pittwater Road and Coronation Street, however in order to use this facility a senior resident would be required to walk more than 200m on the southern side of the road, where there is no constructed footpath east of Melbourne Avenue and also no pedestrian refuge to assist crossing Melbourne Avenue.</p> <p>The existing pedestrian volumes (along with any future increase from the development) at the proposed crossing point are unlikely to meet the pedestrian numbers required by TfNSW guidelines for the approval of a marked pedestrian crossing and therefore the provision of a pedestrian refuge can only be considered.</p>



Internal Referral Body	Comments
	<p><i>Design constraints for pedestrian refuge in Coronation Street</i></p> <p>Traffic lane (adjacent to refuge) - 3.7m (maximum)</p> <p>Refuge island width - 2m (minimum)</p> <p>Spacing between refuge islands - 3m (minimum)</p> <p>Bus Stop relocation - permitted within 30m of existing location</p> <p>The provision of the required traffic and pedestrian facilities will impact the existing on-street parking, and hence the location and design of all facilities must be considered to minimise any overall loss of parking.</p> <p>A swept path analysis is required to demonstrate that a bus (minimum 12.5m in length) can safely access the bus stop and pass the new pedestrian refuge. Bus stops which are not currently DDA compliant would also need to be upgraded accordingly.</p> <p>It is also noted that Road Assets have also commented that the outbound bus stop should be reconstructed to be DDA compliant and that consideration be given for a pedestrian refuge due to the width of the carriageway.</p> <p>It is therefore requested that the Applicant consider the above comments regarding the required traffic and pedestrian facilities and provide an updated plan so that it can be reviewed for further consideration.</p>
Waste Officer	<p><b>Supported, subject to condition</b></p> <p><u>Updated Comments February 2022</u></p> <p><i>Recommendation - Approval</i></p> <p><i>Information to be passed to applicant:</i></p>

Internal Referral Body	Comments
	<p>Doors are not required on the bin enclosure as the bins cannot be viewed from the street.</p> <p><u>Original comments</u></p> <p><i>Recommendation – Refusal</i></p> <p>As this is a multiple occupancy proposal, Council will be providing a “wheel out / wheel in” service from Coronation Street. The owners corporation / building occupants are not to place the bins at the kerbside for collection.</p> <p>The bin storage facility is to be provided in accordance with Councils design guidelines.</p> <p>Specifically:</p> <p><i>Residential waste storage room design and access</i></p> <p>Service access for Council waste collection staff must be via a pathway that is separate to the vehicular driveway. Waste collection staff should not have to walk on the driveway to service the bins, nor should residents/visitors accessing the building. This will be resolved if the pathway to the building entrance leads directly to the property boundary.</p> <p>The gate providing access the waste storage area must be:</p> <ul style="list-style-type: none"> <li>a) Able to be latched in an open position to the wall for servicing without obstructing access and maneuvering of bins</li> <li>b) Unobstructed by any locks and security devices</li> <li>c) Minimum 1.2 metres wide</li> </ul> <p>It is not clear if there is a roof covering all of the bins in the Waste Storage Area. An external Waste Storage Area must: a) Have a minimum wall height of 1600mm. b) Be roofed with a minimum ceiling height of 2100mm throughout and clear of any obstructions. Please provide Council with detailed plan and section showing the roof on the</p>

Internal Referral Body	Comments
	<p>Waste Storage Area.</p> <p><i>Bin allocation</i></p> <p>The residential waste storage area must be able to accommodate 9 x 240 litre residential bins: 3 x garbage, 2 x paper recycling, 2 container recycling bins, 2 x vegetation bin. The dimensions for each bin are: · Depth: 750mm · Width: 600mm · Height: 1080mm</p> <p><i>Bin room facilities</i></p> <p>A tap for washing out the waste storage room is to be provided. The tap must not obstruct access ways and placement of bins. Wash water to be drained to the garden or sewer. The Waste storage area must not be used to store any other items including bulky goods and can't be used for any other infrastructure including gas meters, water meters, air con plant, etc.</p> <p><u>Waste Management requires clarification of the following:</u></p> <ul style="list-style-type: none"> <li>· Is the bin storage area level with the pedestrian pathway to the building <u>or</u> is there a kerb above which the bins are stored? (To comply with Council requirements access to the bin storage area must have no steps or gradients steeper than 1 in 8).</li> </ul>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

## SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

## SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.124461M dated 30 September 2021 prepared by Gartner Trovato Architects)

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

Commitment	Required Target	Proposed
Water	40	44
Thermal Comfort	Pass	Pass
Energy	50	93

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

## SEPP (Housing for Seniors or People with a Disability) 2004

The development application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) as the development is for in-fill self care housing.

## Chapter 1 – Preliminary

The aims of the Policy are set out in Clause 2 and are as follows;

This Policy aims to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (b) make efficient use of existing infrastructure and services, and
- (c) be of good design.

### Comment:

The proposed development will increase the supply and diversity of residences that meet the needs of seniors or people with a disability. The proposal has been amended to include revised pedestrian access to bus stops to address the concerns from Council's Transport Officer.

When considering the development against the aims of achieving good design, the development must be considered in context with the other provisions of the SEPP.

In order to ensure that the development exhibits good design, the application was referred to the

Design and Sustainability Advisory Panel (DSAP). The Panel generally supports the proposal subject to minor design amendments to address the established building line / character of the locality which are referenced in the discussion below.

## Chapter 2 – Key Concepts

### Comment:

The proposed development is for the redevelopment of the site to accommodate "*infill self-care housing*" which is defined as "seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care". Accordingly, the proposed development is considered to be consistent with the provisions outlined in Chapter 2 of the SEPP.

## Chapter 3 – Development for Seniors Housing

Chapter 3 of SEPP HSPD contains a number of development standards applicable to development applications made pursuant to SEPP HSPD. Clause 18 of SEPP HSPD outlines the restrictions on the occupation of seniors housing and requires a condition to be included in the consent if the application is approved to restrict the kinds of people which can occupy the development. If the application is approved the required condition would need to be included in the consent. The following is an assessment of the proposal against the requirements of Chapter 3 of SEPP (HSPD).

Development Criteria			
Clause	Requirement	Proposal	Complies
<b>PART 2 - Site Related Requirements</b>			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	The proposal has been amended to revise the pedestrian access path to bus stops that provided safe access to these services. Council's Transport Officer supports the amended design subject to conditions.	Yes
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	Bus stops are located within a distance of less than 400m of the site and the amended design includes details of pedestrian paths to access the bus stops to the satisfaction of Council's Transport Engineer.	Yes
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not Bush Fire prone land.	N/A
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and	Given the existing residential use of the site, there is suitable access to water and sewerage infrastructure.	Yes



Development Criteria			
Clause	Requirement	Proposal	Complies
	sewerage infrastructure.		
29	<p>Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b) (i), 25(5)(b)(iii), and 25(5)(b) (v):</p> <p>i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development</p> <p>iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision,</p> <p>v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p>	<p>The proposed development is compatible with the surrounding residential use and was not subject to the requirements of Clause 25 for the attainment of a Site Compatibility Certificate.</p> <p>i) The DSAP note that there are sufficient areas of deep soil for canopy trees and significant trees are retained on the site which add to the character of the streetscape.</p> <p>iii) The site is serviced by existing infrastructure (electricity, water and sewerage).</p> <p>v) the proposal, as amended, reduces the bulk and scale of the development to respond to the character of the Locality. Subject to conditions relating to privacy the density, bulk and scale of the proposal will not have unreasonable impacts on the amenity of future occupants and neighbouring residents.</p>	Yes
<b>PART 3 - Design Requirements – Division 1</b>			
30	A site analysis is provided.	A detailed site analysis plan has been provided and further details in the SEE which satisfactorily address this requirement.	Yes

### Clause 31 Design of in-fill Self-Care Housing

Pursuant to Clause 31, in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the former NSW Department of Infrastructure, Planning and Natural Resources dated March 2004.

The provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* have been taken into consideration in the assessment of the application against the design principles set out in Division 2, Part 3 of SEPP HSPD. A detailed assessment of the proposal's inconsistencies with regards to the requirements of SLP is undertaken hereunder.

Section	Requirements	Comment
1. Responding to	Built Environment – New	The established built form in the

Section	Requirements	Comment
context	<p>development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p>Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.</p>	<p>neighbourhood is characterised by low density detached one and two storey dwellings on single lots set back from the street frontage within a landscape setting. It is noted that Mona Vale Hospital is also located directly across the road to the north which is a development which varies in height from two (2) to six (6) storeys.</p> <p>The proposed development has been amended to increase the front setback of the development so as to respond to the established building line in the street, which is noted to be a desirable element of the location's character.</p> <p>In addition, a significant break (4.0m wide 6.5m deep) has been introduced in the centre of the front facade. The revised design separates the building into two modules/pavilions fronting the street, in order to ensure that the proposal responds to the low density character of the locality with detached dwellings on single lots.</p> <p>The front facade is articulated through the use of balconies, windows and a varied and appropriate palette of materials and finishes. The proposal, as amended, breaks up the mass of the building and the deep soil zones and landscape planting will help to soften the visual bulk of the development to ensure the development responds to the landscape and streetscape character of the locality.</p>
2. Site Planning and design	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> <li>-Minimise the impact of new development on neighbourhood character</li> <li>-Minimise the physical and visual dominance of car parking, garaging and vehicular circulation.</li> </ul>	<p>As discussed above, the proposal as amended, minimises the impact of the development on the neighbourhood character. The proposed two storey development is setback from the street to respect the established building line within a landscape setting designed to minimise the visual impact on the neighbourhood character.</p>

Section	Requirements	Comment
		<p>The bulk and scale of the development has been broken up with a break in the front facade to help modulate the built form and the front elevation is articulated through the use of balconies and a varied materials palette. As discussed elsewhere in this report, DSAP supported the built form subject to a change in the front setback to reflect the established pattern.</p> <p>Car parking is provided within the basement which will have no visual impact on the surrounding area.</p>
3. Impacts on streetscape	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> <li>-Minimise impacts on the existing streetscape and enhance its desirable characteristics</li> <li>-Minimise dominance of driveways and car park entries in streetscape.</li> </ul>	<p>The desirable characteristics of the existing streetscape include the established building line of approximately 11.0m and the low density residential character to Coronation Street, with one and two storey dwellings well setback in landscaped settings in larger single lots.</p> <p>As discussed under clause 2 above, the development, as amended, is setback from the street in a landscape setting to respond to the established front building line. A break has been introduced into the front elevation which ensures that the building reads as two separate articulated pavilions to break up the bulk and mass of the building.</p>
4. Impacts on neighbours	The proposal is generally in accordance with the requirements of this section.	<p><b>Solar</b> - Shadow diagrams have been submitted which confirm that the proposal complies with Clause 35 of the SEPP (HSPD) and Clause C1.4 of the P21DCP. The proposal will not result in unreasonable impacts of additional shadow on the private open space / windows to the neighbouring dwellings.</p> <p><b>Privacy</b> - Conditions are included in the recommendation to ensure privacy screens are incorporated into the design of the upper floor windows on the north and south</p>

Section	Requirements	Comment
		<p>elevation to protect visual privacy to neighbouring residents. Refer to detailed discussion under Clause C1.5 of the P21 DCP.</p> <p><b>View loss</b> - The height of the development to the rear and southern side has been reduced to allow for view sharing and reduce bulk. The proposal, as amended, will not result in any unreasonable view loss impacts. Refer to detailed discussion under Clause C1.3 of the P21 DCP.</p>
5. Internal site amenity	<p>Objectives of this section are to:</p> <p>-Provide safe and distinct pedestrian routes to all dwellings and communal facilities.</p>	Subject to conditions, the proposal provides a safe distinct pedestrian access to the bus stops which are located on Coronation Street to the immediate north of the site.

Clause 32 Design of residential development In accordance with Clause 32 of SEPP HSPD a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 2.

The following table outlines compliance with the principles set out in Division 2, Part 3 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	<p>The site is located within a R2 Low Density Residential area. The desirable elements of the locations current character is the distinct pattern of detached low scale one and two storey dwelling dwellings set back approximately 11.0m from the frontage on single lots within a landscape setting. Mona Vale Hospital is located directly across the street which has a higher density and scale.</p> <p>The development, as amended, recognises the desirable elements of the locality. The setback to the frontage has been increased to respect the established building line and a break has been introduced to the frontage to respond to the low density character.</p>	Yes

Control	Requirement	Proposed	Compliance
		The DSAP considers that the development responds appropriately to the locality subject to an increase setback to the frontage which has been adopted in the revised proposal as discussed above.	
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.	The subject site is not located in close proximity to any heritage items or a heritage conservation area.	N/A
	c. Maintain reasonable neighbour amenity and appropriate residential character by; (i) providing building setbacks to reduce bulk and overshadowing (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, (iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbors.	<p><b>(i) Setbacks</b> - A 10m - 13.2m setback is provided to the frontage to respond to the established building line. The building has a staggered setback to the side boundaries and a 11.7m - 13.8m rear setback all in excess of the minimum P21DCP requirement. The proposal, as amended, reduces the bulk and scale of the development to the sides and will not result in unreasonable overshadowing in compliance with the solar access SEPP (HSPD) and P21DCP provisions.</p> <p><b>(ii) Built Form</b> - As discussed above, the built form has been assessed by DSAP to be contextually appropriate subject to recommendations which have been addressed in the amended plans.</p> <p><b>(iii) Heights</b> - The development adopts a two storey built form that is consistent with the height of surrounding dwellings and compliant with the maximum</p>	Yes

Control	Requirement	Proposed	Compliance
		height limit prescribed in the SEPP(HSPD) and the PLEP.	
	d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,	(iv) <b>Siting</b> - As discussed above, the siting of the development responds to the establish front building line and exceeds the minimum side and rear setbacks. Subject to conditions, there are no unreasonable impacts on neighbouring amenity. As discussed above, the development has been amended to respond to the existing building line.	Yes
	e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	The proposal retains significant canopy trees which will be enhanced with additional planting. Subject to conditions Council's Landscape Officer has no objections and the proposal adequately responds to the landscape character of the locality.	Yes
	f. retain , wherever reasonable, major existing trees, and	As noted above, the proposal retains major existing canopy trees.	Yes
	g. be designed so that no building is constructed in a riparian zone.	The site is not mapped as being in a riparian zone.	N/A
CL 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in	The proposal includes privacy screens to some habitable room windows and conditions are recommended requiring privacy screens to other habitable windows located in the east and west elevations.  The proposal is unlikely to result in unreasonable acoustic privacy impacts. The elevated terrace to Units 07 and 08 are set back from the side boundaries and the planter bed proposed around	Yes, subject to conditions.



Control	Requirement	Proposed	Compliance
	bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	the edge will help minimise acoustic and visual privacy impacts.	
CL35 Solar access and design for climate	The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	The proposal achieves compliant daylight access to the main living areas of the proposed units.  As discussed above, the proposal complies with the solar access provisions of clause 35 and Clause C1.4 of the P21DCP.  The site planning, design and landscaping reduces energy use with adequate natural ventilation and the use of solar panels on the roof. The BASIX certificate confirms that the proposal achieves an energy rate of 93 (target is 50).	Yes
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	Council's Development Engineer has confirmed that the drainage and stormwater plans are acceptable.	Yes
CL 37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins	The proposed development has been designed to meet the requirements of CPTED. The units to the front will overlook the public domain allowing for passive surveillance. The shared entries provide access to a maximum of four (4) units.	Yes

Control	Requirement	Proposed	Compliance
	any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.		
CL 38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	<p>The proposed development has been amended to provide a safe pedestrian link from the site to the bus stops located along Coronation Street.</p> <p>The proposal provides a safe attractive environment for pedestrians and motorists with convenient access and parking for residents.</p>	Yes
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposal has been amended to provide sufficient waste facilities to the satisfaction of Council's Waste Officer.	Yes

#### Part 4 - Development standards to be complied with

##### Clause 40 – Development standards – minimum sizes and building height

Pursuant to Clause 40(1) of SEPP HSPD a consent authority must not consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in the Clause. The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Required	Proposed	Compliance
Site Size	1,000 sqm	1,533sqm	Yes
Site Frontage	20 metres	33.5m	Yes

Control	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	7.1m 7.8m to the top of the solar panel	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	The building does not exceed two storeys in height	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15.51 metres of the rear boundary).	No portion of the building is located within the rear 25% portion of the site.	Yes

#### Clause 41 Standards for hostels and self contained dwellings

In accordance with Clause 41 a consent authority must not consent to a development application made pursuant to Chapter 3 unless the development complies with the standards specified in Schedule 3 for such development. The following table outlines compliance with the principles set out in Schedule 3 of SEPP HSPD.

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater.	The development is capable of complying with this requirement.	Yes, subject to conditions.
Security	Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings,	The development is capable of complying with this requirement.	

Control	Required	Proposed	Compliance
	and (b) Must provide at least 20 lux at ground level		
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.	Letterboxes are shown adjacent to the pedestrian path at the entrance to the development.	Yes
Private car accommodation	(a) Carparking space must comply with AS2890 (b) One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	The parking space numbers comply with the SEPP (HSPD requirements with two (2) car parking spaces provided for each three (3) bedroom dwellings requiring a total of sixteen (16) spaces. Sixteen (16) car parking spaces are provided in the basement.	Yes
Accessible entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299	The development is capable of complying with this requirement.	Yes
Interior general	Widths of internal corridors and circulation at internal doorways must comply with AS1428.1.	The development is capable of complying with this requirement.	Yes
Bedroom	At least one bedroom within each dwelling must have: (a) An area sufficient to accommodate a wardrobe and a queen size bed (b) A clear area for the bed of at least 1200	The development is capable of complying with this requirement.	Yes

Control	Required	Proposed	Compliance
	mm wide at the foot of the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction. (c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.		
Bathroom	The bathroom is to comply with the requirements described in Clause 9 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	The development is capable of complying with this requirement.	Yes
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	The development is capable of complying with this requirement.	Yes
Ancillary items	Switches and power points must be provided in accordance with AS4299.	The development is capable of complying with this requirement.	Yes
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	The development is capable of complying with this requirement.	Yes
Kitchen	The kitchen must comply with the requirements of Clause 16 of Schedule 3	The development is capable of complying with this requirement.	Yes
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry	The development is capable of complying with this requirement.	Yes

Control	Required	Proposed	Compliance
	level.		
Laundry	The laundry must comply with the requirements of Clause 19 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299	The development is capable of complying with this requirement.	Yes
Garbage	A garbage storage area must be provided in an accessible location.	A suitable garage storage area is located at the frontage of the development in an accessible location.	Yes

## Part 5 Development on land adjoining land zoned primarily for urban purposes

This part is not applicable to the subject site.

## Part 6 Development for vertical villages

This part is not applicable to the proposed development.

## Part 7 Development standards that cannot be used as grounds to refuse consent

Clause 46 Inter relationship of Part with design principles in Part 3. Clause 46 states that nothing in Part 7 permits the granting of consent pursuant to the Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

## Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

In accordance with Clause 50 of SEPP HSPD a consent authority must not refuse consent to a development application made pursuant to Chapter 3 for the carrying out of development for the purpose of a self contained dwelling on any of the grounds listed in Clause 50.

The following table outlines compliance with standards specified in Clause 50 of SEPP HSPD.

Control	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	7.1m to the ceiling of the topmost floor 7.8m to the top of the solar panels	Yes
Density and Scale	0.5:1 (766.5sqm)	0.63:1 (970.2sqm) breach 0.12:1 (203.7sqm) the amended proposal	Satisfactory on merit *Refer to detailed discussion below



Control	Required	Proposed	Compliance
		reduces the breach by 33.8sqm as compared to the original scheme	
Landscaped Area	30% of the site area is to be landscaped	50.5% (775.08sqm)	Yes
Deep Soil Zone	15% of the site area Two thirds of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3 metres.	44.5%	Yes
Solar Access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	75% of units achieve solar access the remaining units (05 and 06) receive approximately 2 hours solar access through the north facing windows of the living area.	Yes
Private Open Space (POS)	(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and  (ii) in the case of any other dwelling, there is a balcony with an	All areas of POS exceed the minimum requirement and the dimensions are compliant.	Yes

Control	Required	Proposed	Compliance
	area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area		
Parking	(10 bedrooms proposed – 5 carparking spaces required)	Eight (8) x three (3) bedroom units are proposed and eighteen (18) compliant car parking spaces are provided within the basement.	Yes
Visitor Parking	None required if less than 8 dwellings	Visitor parking is not provide which has been assessed by Council's Transport Engineer as acceptable.	Yes

### **Density and Scale**

The Density and Scale standard is not a "*Development Standard*" for the purpose of Clause 4.6 and does not require a written request to vary this control. It is also noted that the PLEP 2014 does not have an FSR control.

Part 7, Clause 78 states: "*nothing in Part 7 permits the granting of consent pursuant to the Chapter if the Consent Authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.*"

In considering the inter-relationship between FSR and the design requirements set out in Part 3 Clause 31, the DSAP did not raise any issues in respect of impacts on neighbouring amenity. Despite this, conditions are recommended requiring external privacy screens to be attached to some windows to ensure that there are no unreasonable impacts in terms of overlooking. As discussed above, the proposal complies with the solar access provisions of SEPP (HSPD) and the P21DCP.

In terms of character, subject to front setback being amended to respond to the established building line, the DSAP did not have any issue with the density of the development in respect of it being contextually appropriate to the built form and landscape character of the locality. The proposal has been amended to incorporate the changes to the front setback as recommended by the DSAP. In addition, a break in the building has been introduced in order to ensure that an adequately articulated and modulated built form is presented to the street, to respond to the low density character of the area, with detached dwellings on single lots. The amended proposal results in a 33.9sqm reduction in the floorspace of the building.

The setback of the building exceeds the minimum side and rear setbacks and 50.5% of the site is retained as landscaped open space, which exceeds the 30% required under SEPP (HSPD). On balance, despite the proposed FSR of 0.63:1, the proposal complies with the design requirements set out in Clause 31 of the SEPP and the density and scale will not result in unreasonable impacts on

neighbouring amenity.

## **SEPP (Infrastructure) 2007**

### Ausgrid

Clause 45 of the SEPP 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. No response was received and therefore, it is assumed that no objections are raised, and no conditions are recommended.

## **Pittwater Local Environmental Plan 2014**

Is the development permissible?	No (permissible via SEPP)
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	8.5m	7.6m *7.8m to the top of the solar panels	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

## Detailed Assessment

### 7.2 Earthworks

Clause 7.2 (3) requires the consent authority to consider the following matters in deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks)

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
- (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*

#### Comment:

The Geotechnical Report confirms that subject to compliance with the recommended conditions that the site is suitable for the development and will not result in any geotechnical hazards, impacts on drainage or soil stability or the amenity of adjoining properties. Conditions are included requiring compliance with the recommendations of the Geotechnical Report. In addition, conditions have been imposed requiring pre and post construction / excavation dilapidation reports to be prepared for adjoining properties.

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front Building Line	6.5m or established building line which ever is greater  Established building line approx 11.0m	Basement = 8.0m	N/A	Yes
		Lower Ground and Ground Level = 10.1m - 13.2m	N/A	Yes
		First Floor = 16.3 to terrace and 20.2m - 22.3m to external wall	N/A	Yes
		*Bin store 1.5m		Minor ancillary structure assessed as acceptable
Rear Building Line	6.5m	Ground level terrace 9.3m	N/A	Yes
		External wall 11.7m - 13.8m	N/A	Yes
Side Building Line	North 2.5m	Min 3.0m	N/A	Yes
	South 1.0m	Min 3.0m	N/A	Yes
Building	North 3.5m	Outside envelope	Refer to	<b>No</b>

Envelope		Breach 0.2m - 1.1m in height for a length of 7.3m	detailed discussion	
	South 3.5m	Outside envelope Breach 0.9m - 2.1m in height for a length of 7.3m	Refer to detailed discussion	<b>No</b>
Landscaped Area	60%	775.08sqm (inclusive of 6% variation) = 50.5%	9.5%	<b>No</b> *Complies with SEPP (HSPD) which overrides P21 DCP

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.10 Building Facades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.20 Undergrounding of Utility Services	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.21 Seniors Housing	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	No	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	No	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **A4.9 Mona Vale Locality**

The Desired Character of the Mona Vale Locality requires:

*Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.*

*Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment.*

As discussed under the heading "SEPP (HSPD)", the proposal, as amended, adequately responds to the built form and landscape character of the Mona Vale Locality. The development is setback in a landscape setting to respond to the established building line and the mass and bulk of the development is reduced with a "cut-out" in the centre of the front facade to ensure the design responds favourably to the low density pattern of detached low density dwellings on single lots.

The proposal generally complies with the built form controls and maintains a building height limit below the tree canopy. The facade is modulated and articulated through the use of balconies and use of the materials and detailing and the existing and proposed landscaping will help reduce soften the bulk and scale of the development.

#### **C1.3 View Sharing**

#### Merit Consideration

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



- *A reasonable sharing of views amongst dwellings.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

**1. Nature of the views affected**

*"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".*

Comment to Principle 1:

View loss issues have been raised in submissions from neighbouring properties to the rear of the site at No. 28, 30, 32 and 39 Cook Terrace and height poles have been installed to assess the impacts. View loss inspections were offered to all neighbours that raised view loss concerns, however, access for inspections was only made available to No. 28 and 32 Cook Terrace.

The inspections confirms that the views that will potentially be affected from the proposal are views enjoyed from the rear windows and area of private open space at No. 28 and 32 Cook Terrace. The views are distant district views across Mona Vale golf course to the Mona Vale valley. Submissions also note that views towards the headland and foreshore to the north-west, north and north-east will also be affected, although this was not observed as being an issue at the time of the view loss inspection.

Whilst it was not possible to do a view loss inspection from No. 30 Cook Terrace, it is anticipated that the view impact will be similar to that from No. 28 and 32 Cook Terrace. No. 39 Cook Terrace (also known as 186 Narrabeen Park Parade) is located 115m to the east of the site and an external inspection from the street confirmed that there will no view loss impacts as a result of the proposal to this property given its location.

- **2. What part of the affected property are the views obtained**

*"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".*

Comment to Principle 2:

As discussed above, views are enjoyed from the windows in the rear elevation of No. 28 and 32 Cook Terrace and the area of private open space (balconies). Views are enjoyed from both a standing and sitting position and are obtained across the rear and side boundary of the subject site as detailed below:

No. 28 Cook Terrace

District northern views are enjoyed towards Mona Vale golf course and Mona Vale valley on the diagonal across the rear and side of the site from the ground level open plan living, dining room and kitchen, the adjoining deck and a secondary living room, refer to photos below.

A secondary dwelling is located within the rear yard of No. 28 Cook Terrace. Mature vegetation is provided as boundary treatment along the rear boundary and the site inspection confirmed that there will be no views loss impacts from the secondary dwelling.



*View from ground level open plan living room, dining room and kitchen*



*Siting view from rear deck looking diagonally across the site to the north-east*



*Siting view from secondary living room*



*View from secondary dwelling*

### No. 32 Cook Terrace

Significant mature vegetation is provided along the rear boundary of No. 28 Cook Terrace, which generally screens the proposed development from the ground floor window to the open plan living room and the rear deck and garden. In this regard, there is no view loss from the ground floor, refer to photos below.



*View from ground level living room*

Distant district views are enjoyed looking towards Mona Vale golf course and Mona Vale Valley from the upper floor bedroom, office and balcony, refer to photos below.





*View from first floor office*



*View from first floor master-bedroom / balcony*

- **3. Extent of impact**

*“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.*

Comment to Principle 3:

No. 28 Cook Terrace

It is agreed that the original design had the potential to result in some view loss from the open plan living / dining room adjoining deck and secondary living room.

While the original proposal generally complied with the built form controls, including maximum building height and minimum setbacks, the 3.4m high floor to ceiling height to the living area of Unit 08 was assessed as being excessive and contributed to view loss and unreasonable bulk and scale as viewed from neighbouring properties. In order to address this issue, the application has been amended to reduce the floor to ceiling height of Unit 08 to a 2.7m which results in a 700mm reduction to the overall height of the development to the rear.

However, the amended development also included the relocation of the solar panels from the lower roof above Units 03 and 04 to the higher roof above Units 07 and 08. The panels sit at an angle with a maximum height of 400mm above the roof level. The re-located solar panels will result in a similar net effect on view loss in addition to creating new issues with respect to visual clutter of the roof impacting the properties to the rear. In order to address this new issue, a condition is included in the recommendation requiring the solar panels to be re-located back onto the lower roof. Subject to this condition the view loss impact from No. 28 Cook Terrace has been assessed as **minor**.

#### No. 30 Cook Terrace

The established landscape screening along the rear boundary helps reduce the visual impact of the development to the ground floor and no likely view loss impacts were observed at the time of the inspection. Views from the upper floor bedroom, office and balcony will generally be retained over the roof of the proposed development, subject to a condition requiring the re-location of the solar panels to the lower roof, refer above.

#### **4. Reasonableness of the proposal that is causing the impact**

*“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”*

#### Comment to Principle 4:

As discussed above, the proposal is generally compliant with the built form controls with the exception of a minor breach in the building envelope which will not in itself contribute to view loss impacts. The original proposal including a 3.4m high floor to ceiling height to the living area of Unit 08, was assessed as being excessive and contributed to view loss impacts as viewed from neighbouring properties to the rear. The application has been amended to reduce the height of the development by 700mm to the rear and subject to a condition requiring the re-location of the solar panels to the lower level roof the design of the development is assessed as acceptable in terms of addressing principle 4. It is not considered that a more skilful design would produce a superior outcome as the view loss impacts are assessed as **minor**.

- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.*

Comment:

The proposal will not result in any unreasonable impacts on views from roads, water, the headland or beach.

- *Canopy trees take priority over views.*

Comment:

Canopy trees are retained where possible and re-planting included the planting of four (4) new canopy trees which take priority over views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP 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.

### **C1.5 Visual Privacy**

Clause C1.5 requires:

*Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).*

*Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.*

*Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.*

Comment:

The following windows and elevated balconies are sited less than 9.0m from the existing windows in the neighbouring dwellings:

#### **North Elevation**

##### ***Level 1 (Unit 07)***

- Dining room window 6.8m and balcony 7.8m to the northern boundary - assessed as acceptable as it overlooks the roof of No. 9 Coronation Street
- Bedroom windows 4.7m to the northern boundary - assessed as acceptable as this is small secondary window which will overlook part of the rear garden to No. 9 Coronation Street

##### ***Ground Level (Unit 04)***

- Bedroom window 3.6m to northern boundary - assessed as acceptable as this is small secondary window which will overlook part of the rear garden to No. 9 Coronation Street
- Bedroom windows 3.6m to the northern boundary - privacy screens are required to this window as it is the only window to the bedroom



### ***Ground Level (Unit 05)***

- Bedroom windows 6.7m to the northern boundary - privacy screens are required to this window as it is the only window to the bedroom

### **Southern Elevation**

#### ***Level 1 (Unit 08)***

- Dining room window 6.2m to the southern boundary - assessed as acceptable as it includes an external privacy screen.
- Balcony - 7.2m to the southern boundary - assessed as acceptable as it will over look the roof of No. 6 Coronation Street.
- Bedroom window 4.2m to the southern boundary - assessed as acceptable as this is small secondary window which will over look the neighbouring rear garden to No. 6 Coronation Street.

### ***Ground Level (Unit 03)***

- Bedroom window 3.6m to the southern boundary - assessed as acceptable as this is small secondary window

### ***Ground Level (Unit 06)***

- Bedroom window 6.2m to the southern boundary - privacy screens are required to this window
- Dining room window 4.2m to the southern boundary - privacy screens are required to this window

In summary, the location of the windows and elevated terraces are generally satisfactory and are orientated to the front and rear of the units. Where necessary, conditions are recommended requiring privacy screens to windows on the side elevations, which combined with the proposed landscaping planting, will ensure that there are no unreasonable impacts on neighbouring amenity in terms of overlooking consistent with the following outcomes of the control:

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*

*A sense of territory and safety is provided for residents.*

### **D9.3 Building colours and materials**

The proposed external palette of materials includes a combination of natural stone and timber in dark and earthy tones in compliance with the control.

### **D9.9 Building envelope**

Clause D9.9 requires buildings to be sited within an envelope that measures vertically 3.5m on the boundary and a 45 degree angle.

Comment:

The proposal breach of the building envelope on the north and south elevation as detailed below:

**North Elevation** - breach (0.2m - 1.1m in height for a length of 7.3m) refer to image below:



*North Elevation envelope breach (source Gartner Trovato)*

**South Elevation** - breach (0.9m - 2.1m in height for a length of 7.3m) refer to image below:



*South Elevation envelope breach (source Gartner Trovato)*

A merit assessment of the development against the outcomes of the control is provided below:

***To achieve the desired future character of the Locality.***

Comment

As discussed throughout this report the proposal, as amended, responds to the desired future character of the locality.

***To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.***

Comment:

The elements that breach the building envelope are located to the side and rear of the building and will not be visible from the street.

The proposal has been amended to delete the projecting elevated balconies from the established

building line and introduce a break in the front facade, so that the building is modulated into two separate pavilions to reduce the density of the development having regard to the character of the locality. The proposal, as amended, presents an appropriate scale and density to the streetscape that sits below the height of the canopy trees and will have no adverse impacts on the visual quality of the streetscape.

***To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.***

Comment:

The proposal will have no unreasonable impact on the characteristics of the natural environment.

***The bulk and scale of the built form is minimised.***

Comment:

The bulk and scale has been assessed as acceptable noting that it generally complies with all other built form PLEP and P21DCP controls. The amended design presents an articulated and modulated facade and the built form is softened / minimised with landscaping planting.

***Equitable preservation of views and vistas to and/or from public/private places.***

Comment:

The height of the development has been reduced to the rear and subject to a condition requiring the re-location of the solar panels from the upper roof level the proposal, as amended, will not result in unreasonable view loss impacts.

***To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.***

Comment:

Subject to conditions requiring privacy screens to some of the habitable windows in the side elevation, the proposal will not result in unreasonable impacts on visual privacy. The proposal is consistent with the solar access provisions of the SEPP(HSPD) and P21DCP.

***Vegetation is retained and enhanced to visually reduce the built form.***

The proposal retains the significant canopy trees where possible and includes replacement planting for the trees that are required to be removed. The existing and proposed landscape planting will help reduce any perceived visual impact of the built form.

Comment:

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions, is consistent with the relevant outcomes of clause D9.9 of the P21DCP.

## **D9.12 Fences - General**

Clause D9.12 requires:

*a. Front fences and side fences (within the front building setback)*

*Front and side fences (within the front building setback) shall:*

*not exceed a maximum height of 1 metre above existing ground level,  
be compatible with the streetscape character, and  
not obstruct views available from the road.*

*Fences are to be constructed of open, see-through, dark-coloured materials.*

*Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.*

*Original stone fences or stone fence posts shall be conserved.*

*b. Rear fences and side fences (to the front building line)*

*Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.*

Comment:

The proposed boundary treatment to Coronation Street comprises a combination of low brick and sandstone walls and a dark coloured open see-through vertical metal fence. The combined height of the fence and wall vary between 1.1m and 1.9m in height. Despite the minor breach in the recommended 1.0m maximum height of the fence, the materials are acceptable and landscaping planting is proposed to the front of the fence which will reduce any perceived visual impact. The boundary treatment is generally consistent with the streetscape character which comprises low walls and screen planting.

The side fences along the northern boundary are compliant with the control being less than 1.0m in height. The southern boundary treatment comprises a combination of low brick and stone walls with dark coloured open / see-through vertical metal fences. In response to the changes in level, the fence and wall varies in height to between 600mm to 1.2m. Despite the minor 200mm breach in height, the design, materiality and location of the side fence is assessed as acceptable and is softened with landscape planting along the side boundary of the site.

A retaining wall is retained and new retaining walls are proposed to the rear of the site to create level gardens with a diving walls proposed between the ground floor gardens to Units 05 and 06.

## **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 2022**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$46,326 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$4,632,564.

## **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 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, 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
- Inconsistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

## **Overall Planning Conclusions**

### **Height, Bulk, Scale and Character**

The proposal generally complies with the built form controls of the SEPP (HSPD), PLEP 2014 and the P21 DCP, with the exception of the FSR and building envelope. The application was presented to the DSAP who supported the proposal, subject to a number of recommendations, and raised no issues with the height, bulk and scale of the development, despite the higher FSR. It is noted that the envelope breach will not result in any visual impacts to the street or unreasonable impacts on neighbouring amenity.

The DSAP recommendations have generally been incorporated into the amended plans, which included the removal of the projecting elevated balcony from the established building line and introduction of a physical break in the front facade to ensure that the development is modulated into two pavilions to respond to the desired characteristics of the Coronation Street streetscape and the Mona Vale Locality. The development is adequately articulated and a generous landscape setback is provided to ensure that the proposal is compatible with the built form and landscaped character of the locality.

### **Amenity**

The internal amenity of the apartments is of a standard that complies with the relevant SEPP (HSPD) and P21DCP provisions and access to natural ventilation and solar access is provided to the apartments. The amended plans include privacy screens to upper floor habitable rooms on the southern elevation. Conditions require screens to be applied to other upper floor habitable windows on the north and south elevation, which together with landscape planting, will ensure that there is no unreasonable impact on neighbouring amenity in relation to privacy.

The proposal complies with the solar access provisions of SEPP (HSPD) and P21DCP. The height of the development has been reduced by 700mm to the rear and is subject to a condition to relocate the solar panels to the lower roof, so there will be no unreasonable impacts on view sharing to the properties to the rear in Cook Terrace.

### **Traffic, Parking and Road Safety**

The amended proposal provides for a safe pedestrian access (footpath and crossing) to the bus stops located on Coronation Street in compliance with the accessibility requirements of SEPP (HSPD). The proposal provides compliant carparking and there will be no net loss of on-street parking as a result of the infrastructure works to the public domain.

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/1841 for Demolition works and Construction of a seniors housing development on land at Lot 35 DP 25446, 8 Coronation Street, MONA VALE, Lot 34 DP 25446, 7 Coronation Street, MONA VALE, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A00 Rev C Cover Page	April 2022	Gartner Trovato Architecture
A01 Rev D Site Analysis Plan	June 2022	Gartner Trovato Architecture
A02 Rev C Site Plan	April 2022	Gartner Trovato Architecture
A03 Rev C Basement Plan	April 2022	Gartner Trovato Architecture
A04 Rev C Lower Ground Floor Plan April 2022	April 2022	Gartner Trovato Architecture
A05 Rev C Ground Floor Plan	April 2022	Gartner Trovato Architecture
A06 Rev C First Floor Plan	April 2022	Gartner Trovato Architecture
A07 Rev C Elevations - North and South	April 2022	Gartner Trovato Architecture
A08 Rev C Elevations - East and West	April 2022	Gartner Trovato Architecture
A09 Rev C Sections	April 2022	Gartner Trovato Architecture

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SW1 Stormwater Management Plan	12.01.2022	Barrenjoey Consulting Engineers
SW2 Basement Drainage Plan	12.01.2022	Barrenjoey Consulting Engineers
SW3 Stormwater Management Detailing 1	12.01.2022	Barrenjoey Consulting Engineers



SW4 Stormwater Management Detailing 2	12.01.2022	Barrenjoey Consulting Engineers
SW5 Stormwater Management Detailing 3	12.01.2022	Barrenjoey Consulting Engineers
CIV1 Sediment and Erosion Control Plan and Detailing	27.09.2019	Barrenjoey Consulting Engineers

**Reports / Documentation – All recommendations and requirements contained within:**

<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Report Ref J3726	29.09.2021	White Geotechnical Group
Arboricultural Report	30.09.2021	Jacksons Nature Works
Transport Report Ref: 21063	28.09.2021	Terraffic Pty Ltd
Transport Report Ref 21063 Pedestrian Crossing Treatment*	29.01.2022	Terraffic Pty Ltd
Transport Letter Ref 21063	29.04.2022	Terraffic Pty Ltd
Accessibility Report Ref 21416	22.09.2021	ABE Consulting
BCA Assessment Report Ref 114700-BCA-r2	28.09.2021	BCA Logic

\*Note: Option 3, as modified by Site Analysis Plan, Rev D, prepared by Gartner Trovato Architects dated June 2022 is approved

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
LA 01 Rev B Landscape Plan	19.04.2021	Gartner Trovato Architecture
LA 02 Rev B Landscape Plan	19.04.2021	Gartner Trovato Architecture

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	30.09.2021	Sean Gartner

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a Seniors Housing development.

Seniors Housing is defined as:

a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.

\*Note. Seniors housing is a type of residential accommodation—see the definition of that term in this Dictionary.

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

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

3. **Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority 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 Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(c) 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.

Reason: Legislative Requirement.

#### 4. **Telecommunications in New Developments**

Prior to the issue of the Construction Certificate in connection with the development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

and

- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Reason: To ensure that telecommunications infrastructure is considered early in the planning process.

#### 5. **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 Certifying Authority 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 Certifying Authority 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 Certifying Authority 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.

**6. General requirements (Demolition):**

(a) Unless authorised by Council:

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) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) 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.

(d) 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.

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

## 7. 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.  
\*In accordance with the requirements of the CTMP (condition 18) respite periods shall be provided to ensure breaks from noise generating activities during excavation.

(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) 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.
- (c) At all times after the submission 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 a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (d) 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.
- (e) 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.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) 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.
- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

Reason: To ensure that works do not interfere with reasonable amenity expectations of



residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 8. **Policy Controls**

#### Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$46,325.64 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 2021. The monetary contribution is based on a development cost of \$4,632,564.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

### 9. **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 Certifying Authority 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.

10. **Construction, Excavation and Associated Works Security Bond (Road works)**

The applicant is to lodge a bond with Council of \$50 000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction, footpath, driveway crossing, relocation of bus stops, line markings and kerb and gutter works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

11. **Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$35 000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

12. **Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a maintenance bond of \$20 000 for the construction of civil works in the road reserve. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

13. **Tree Protection Plan**

a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees as identified in the Arboricultural Impact Assessment:

i) tree numbers 1, 2, 5, 6, 7, 7A, 8, 9, 10, 11, 23, 24, and 25.

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

i) layout of the development, including existing and proposed underground services,

ii) location of all trees identified for retention, including extent of canopy,

iii) access routes throughout the site for construction activity,

iv) location of tree protection fencing / barriers,

v) root protection in the form of mulching or boards proposed within the tree protection zone,

vi) trunk and branch protection within the tree protection zone,

vii) location of stockpile areas and materials storage,

viii) inspection hold points,

ix) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on

Development Sites.

Reason: Tree protection

14. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group dated 29/9/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

15. **Erosion and Sediment Control Plan**

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

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

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

Reason: Protection of the receiving environment.

16. **Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the DA plans and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

17. **Car Parking Standards**

The driveway/access ramp grades, access and car parking facilities must comply with the

Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

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

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

**18. Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- Respite periods shall be detailed to ensure breaks from noise generating activities during excavation
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and

consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site

- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

19. **Vehicle Access & Parking**

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

With respect to this, the following revision(s) must be undertaken;

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL’s and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

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

20. **On-Street Work Zone**

The applicant shall lodge an application for a work zone for the frontage of the site to Council for consideration and approval. The provision of a work zone will require approval from Northern Beaches Local Traffic Committee. Application forms for work zones are available on Council’s website or at the Customer Service section at Council’s administration building. Applications

shall be lodged at least 4 weeks prior to work commencing.

An application must be lodged with Council for consideration and approval for a work zone for the frontage of the site.

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

21. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

22. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- (a) Fixed and angled external privacy screens shall be installed to the north facing bedroom window to unit 04 and unit 05 and the south facing bedroom and dining room window to unit 6
- (b) The solar panels on the roof of unit 07 and 08 shall be re-located to the lower level roof above units 03 and 04.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

23. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

24. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

25. **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 Barrenjoey Consulting Engineers, job number 210903, drawing number SW1 to SW5, dated 12/1/2022. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) 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.

26. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for Infrastructure Works in the Public Road Reserve, for Council approval.

Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans, generally in accordance with the Site Analysis Plan - Drawing No.A01 Revision D; for the design of the footpaths, angle parking, bus stop, kerb extension, pram ramps, and pedestrian refuge and concept drainage plans prepared by Barrenjoey Consulting Engineers, job number 210903, drawing number SW1 to SW5, dated 12/1/2022 for the extension of the Council pipeline.

The Plans are to be updated in accordance with Council's Standards and specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.

The design must include the following information

- (a) Construct a pedestrian refuge in Coronation Street, with islands 2m wide and 3m spacing in accordance with Council standard drawings.
- (b) Construct a new kerb extension, west of Bus Stop (ID: 210381) on the northern side of the road.
- (c) New pram ramps are to be provide at the road crossing points with footpath connections in accordance with Council standard drawings.
- (d) Construct a 1.5 m wide concrete footpath connecting the development with the new pedestrian facilities.
- (e) Provide 8 parking spaces east of the new kerb extension, by converting 90 to 60 degree angled parking.
- (f) Provide 1 new parking space in the 90 degree angled parking area located west of Gate No.2 to Mona Vale Hospital.
- (g) Relocate Bus Stop (ID: 210386) on the southern side of the road, immediately east of the driveway to No.9 Coronation Street, with new 'Bus Zone' between the driveways of No.9 and 10



Coronation Street. 'No Stopping' restrictions are to be installed from the new 'Bus Zone' to the property boundary of No.11 and 12. All bus stops must be upgraded to meet the Disability Standards for Accessible Transport.

(h) Relocate existing signage and make adjustments to linemarking, where required, to accommodate the changes.

(i) The installation of traffic control devices and facilities requires the approval of Council and the Northern Beaches Local Traffic Committee prior to commencement of installation. A plan providing details of the proposed signage, line marking, and dimensions of the traffic facility must be lodged for consideration at least twelve (12) weeks prior to work commencing.

(i) A 6.0 meter wide vehicular crossing in accordance with Northern Beaches Council Drawing No A4-3330/ 1N

(ii) 1.5m wide concrete footpath along the entire Coronation Street frontage to the new pedestrian facilities.

(iii) 1.8 metre lintel and grate kerb inlet pit in front of the subject site with a Ø 375mm RRJ RCP extension to the existing council pit in front of No 1 Coronation Street.

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

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

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

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

## 27. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer.

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

Reason: To provide public and private safety.

## 28. **Sub-Soil Seepage**

The Applicant is to submit plans demonstrating that all sub-soil seepage drainage is discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the proposed kerb inlet pit in Coronation Street and is to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.



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

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

29. **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 Certifying Authority 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.

30. **External finishes of roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03).

31. **Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation.

32. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with the Northern Beaches Waste Management

Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 33. **Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- Tree number 15 - Eucalyptus leucoxylon 'Rosea', and Tree number 17 - Thuja arborvitae.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal, and within this site these include the following identified tree numbers as reported in the Arboricultural Impact Assessment: Tree numbers 3, 4, 12, 13, 14, 16, 18, 19, 20, 21, and 22.

Reason: To enable authorised development works.

### 34. **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 Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

### 35. **Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by a suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- No heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.

- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

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

### 36. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

6 Coronation Street, Mona Vale  
 9 Coronation Street, Mona Vale  
 28 Cook Terrace, Mona Vale  
 32 Cook Terrace, Mona Vale  
 34 Cook Terrace, Mona Vale

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage

rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

**37. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**38. Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street tree fronting the development site identified as Tree number 10 - Eucalyptus robusta, shall be protected in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

The street tree protection measures shall satisfy the Arboricultural Impact Assessment requirements under section 4 Recommendations, items h) and i), requiring temporary fencing and trunk protection.

All tree protection measures shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

**39. Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 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 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 to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 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 Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

i) section 4 Recommendations.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.

e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection

#### 40. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

41. **Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

42. **Dewatering Management**

Tailwater (surface water and rainwater): Please contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

43. **Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

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



44. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

45. **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.

46. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

47. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

48. **Demolition Works - Asbestos**

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

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

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

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

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

49. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

50. **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 Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

51. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

52. **Footpath Construction**

The applicant shall 1.5 metre concrete footpath along the Coronation Street frontage to the new pedestrian facilities. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Section 138 Road Act approval
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in

accordance with Section 138 Road Act approval for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works.

53. **Notification of Inspections (infrastructure works to be handed over to Council)**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater pits
- (d) Prior to pouring of kerb and gutter, driveway crossing
- (e) Subgrade level / basecourse level / subbase
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

54. **Dust**

Measures shall be documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: To prevent air pollution from dust and comply with legislation.

55. **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.

56. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan dated 30/9/2021.

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

57. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

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

## OCCUPATION CERTIFICATE

### 58. **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) the proposed *Eucalyptus piperita* (shown on the Landscape Plan as symbol Ep), located within proximity of the eastern basement is to be planted within in front of the property, and shall be replaced with *Eucalyptus gummifera* (Red Bloodwood),
- ii) the proposed *Eucalyptus haemastoma* (shown on the Landscape Plan as symbol Eh), located within proximity of the basement at the rear of property, shall be located in rear garden or lawn area, and at least 2 metres from the rear boundary,
- iii) the proposed *Banksia integrifolia* (shown on the Landscape Plan as symbol Bi) are to be spaced at a regular distance apart, and at least 4 metres from each other,
- iv) three (3) *Syzygium leuhmannii* (Cherry Alder Lillypilly) small trees shall be provided along both side boundaries and the rear boundary, planted at least 3 metres from each other and from other trees,
- v) the proposed *Livistona australis* shall be planted with clear 2 metre tall trunks,
- vi) all tree planting shall be a minimum planting size of 75 litres or larger, and shall meet the requirements of Natspec - Specifying Trees,
- vii) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for accent and groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

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

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative.  
<https://5milliontrees.nsw.gov.au/>

### 59. **Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

### 60. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the DA stormwater plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

61. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

62. **Stormwater Treatment Measures Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:

- a) Work as executed drawings
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates
- c) Site detail showing catchment for each device
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure
- e) Impervious area restrictions to maintain the water balance for the site
- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements
- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

63. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

64. **Strata Management Statement**

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

65. **Signage and Linemarking – Implementation**

The applicant is to install all signage and linemarking, as per any Roads Act approval. These works are to be completed prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with the Road Act.

66. **Allocation of parking spaces (strata title)**

All carparking spaces are to be assigned to individual units. All residential units must be assigned a minimum of one parking space. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability for residents in accordance with section C3 of Warringah Council's Development Control Plan.

67. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of



inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

68. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

69. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

70. **Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

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), hydraulic engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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 Certifying Authority prior to the issue of final Occupation Certificate.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

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

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate.

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

**72. Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**73. Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines

for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

**74. Certification of Civil Works and Works as Executed Data on Council Land**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Section 138 plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

Reason: To ensure compliance of works with Council's specification for engineering works.

**75. Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- (a) Geotechnical Report Ref J3726, dated 29.09.2021, prepared by White Geotechnical Group
- (b) Arboricultural Report, dated 30.09.2021, prepared by Jacksons Nature Works
- (c) Transport Report Ref: 21063, dated 28.09.2021, prepared by Terraffic Pty Ltd
- (d) Accessibility Report Ref 21416, dated 22.09.2021, prepared by ABE Consulting
- (e) BCA Assessment Report Ref 114700-BCA-r2, dated 28.09.2021, prepared by BCA Logic

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure compliance with standards.

**76. Garbage and Recycling Facilities**

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the

floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

**77. 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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings.

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

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

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

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

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

Reason: To ensure consistent numbering for emergency services access.

**79. Undergrounding of Telecommunications Services**

Arrangements are to be made for the provision of underground telecommunications services to the building.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

**80. Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

#### 81. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate (or where applicable, relating to the part of the building, being the subject of this Consent).

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

#### 82. **Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider. AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Occupation Certificate.

Reason: Statutory requirements.

**83. Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

**84. Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

**85. Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of an Interim/Final Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

**86. Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

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

**87. Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be



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

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

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

**88. Maintenance of Stormwater Treatment Measures - Major**

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

**89. 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.

**90. Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

**91. Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.