Statement of Environmental Effects

Development Application

351-353 Barrenjoey Road, Newport 2106

19 December 2020

PREPARED BY

HAMPTONS PROPERTY SERVICES Pty Ltd

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Project No.	2019054
Client	DevelopmentLink Pty Ltd

Date	Document Name	Authorisation	
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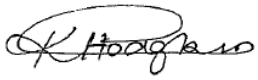
19 December 2020	Report_002	Kristy Hodgkinson *Director*	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.

CONTENTS

TABLES

FIGURES

PHOTOGRAPHS

1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Development Link Pty Ltd (the Proponent) in relation to the site known as 351-353 Barrenjoey Road, Newport (the site). This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application to Northern Beaches Council (the Council) on behalf of the Applicant.

The proposed development seeks consent for the following:

> *Demolition of the existing structures on the site and lot consolidation; removal of trees and excavation for the purpose of two levels of basement with 54 car parking spaces; construction of a three storey shop top housing development comprising of 9 ground floor retail units and 14 residential apartments and roof terrace; streetscape improvements and landscaping, and extension of services and infrastructure; strata subdivision of the site.*

This SEE is based on the Architectural Drawings prepared by Crawford Architects and other supporting documents accompanying this application. A detailed description of the proposal is provided in Section 4 of this report.

The Site

The site is located at 351-353 Barrenjoey Road, Newport, on the corner of Barrenjoey Road and Robertson Road. The legal description of the land is Lot 64 in Deposited Plan 1090224 and Lot 65 and 66, Section 5 in Deposited Plan 6248.

The site is a corner shaped allotment with a total site area of 1,313m^2. The primary frontage to Barrenjoey Road is 26.44m in length, with the secondary street frontage, to Robertson Road 45.975m.

The site is located within the core commercial area of Newport in the B2 Local Centre zone pursuant to the Pittwater Local Environmental Plan 2014 (LEP).

The site is opportune for its purpose, that is well serviced by public transport, particularly bus services, directly proximate to the site, as well as local facilities and services. It is therefore ideally positioned to provide a mixed-use development in an appropriate and suitable location.

Project Vision

The proposed development provides a unique opportunity for the holistic redevelopment of the site located in a prominent commercial area. The site is opportune for its purpose, being located in a highly accessible area to public transport facilities with multiple bus stops located in direct proximity to the site providing services to Wynyard, Manly and Avalon.

The proposal will reinvigorate this section of the urban block within which the site is located. In relation to the built form context of the site, the proposed building is of a suitable scale and form within the streetscape

and therefore in harmony with the desired character of the locality. The proposed development utilises the economic opportunity of the site that is afforded by the relevant environmental planning controls, while demonstrating design excellence and having adequate regard for adjoining land uses, including their form and layout.

Planning Controls

The proposed development, which comprises the uses defined in the Dictionary to the LEP as *retail premises* and *shop-top housing,* are all uses that are permissible with development consent from the Council (Clause 1.6).

No FSR applies to the site. In terms of the building height, part of No. 351 is subject to a maximum building height of 8.5m above flood planning level and the remainder of the site is subject to a maximum building height of 11.5m above the maximum height

A maximum building height of 10m, above that portion of the site affected by the 8.5m development standard is proposed, towards the western end of the site. The remainder of the proposed development complies with the maximum permitted height limit of 11.5m above the flood planning level, but for a minor section the roof slab design to provide additional weather protection. Therefore, the proposal seeks to vary the development standard for height, in accordance with Clause 4.6 of the LEP. Notwithstanding the non-compliance, the proposal provides a better design outcome for the site, consistent with character of the locality and without any impacts to the adjoining properties.

The site is not a heritage item, nor in a heritage conservation area. It, however, adjoins a heritage item located at the rear of No. 353.

Project Team

This report has been prepared with the assistance of the following technical and design documents, prepared by specialist disciplines, as set out below and is to be read in conjunction with the following supporting documents:

Table 1: Consultant Team

Discipline	Consultant
Surveyor	Adam Clerke Surveyors Pty Ltd
Architecture	Crawford Architects
Landscape	Site Image
Stormwater & Flooding	Demlakian Consulting Engineers
Traffic & Parking	Transport & Traffic Planning Associates

Discipline	Consultant
Construction Management	SBMG Pty Ltd
Accessibility	Accessible Building Solutions
Geotechnical & Site Investigation	Asset Geotechnical
BASIX	Damien OToole Town Planning Pty Ltd
Photomontage & Modelling	Architectural Images Pty Ltd
BCA Report	Dix Gardiner
Waste Management	Crawford Architects Pty Ltd
Arborist	Damian Green

Conclusion

The SEE has been prepared pursuant to Section 4.12 of the EP & A Act and Clause 50 of the EP & A Regulation and provides the following:

- Section 1 – provides introduction of the proposed development
- Section 2 - provides a description of the site context, including identification of the site, existing and surrounding development.
- Section 3 – provides a history and background to the application
- Section 4 – provides a detailed description of the proposed development.
- Section 5 – provides an assessment of planning considerations
- Section 6 – provides environmental impact assessment
- Section 7 – provides conclusions on the proposal.

2. THE SITE & ITS LOCALITY

The site is located at 351-353 Barrenjoey Road, Newport in the Local Government Area (LGA) of Northern Beaches. The subject site comprises a total area of 1,313m² and is an irregular shaped allotment with dual street frontages. The site's south eastern boundary fronts Barrenjoey Road (primary frontage) and is approximately 26.44m in length and the north western boundary fronts Robertson Road (secondary frontage) and is 45.975m in length. The site has a cross fall of approximately 2m from east to west, across the site at the Robertson Road boundary.

The subject site contains an existing two and three storey building fronting Barrenjoey Road, which is used for retail purposes at the ground floor and residential uses on the upper levels. Existing planting is located on the western property boundary, with a mature eucalyptus and there is also an existing tree within Lot 66. All other planting is located along the Barrenjoey Road street frontage, adjacent the site boundary, but not contained therein. Photos of the site are provided below.

Table 2, below, provides the key information relating to the site.

Table 2: Site Details

Description	Details	
Property Address	**No. 351-353 Barrenjoey Road, Newport**	
Legal Description	Lot 64 in Deposited Plan 1090224 (No.351) Lot 65 and 66 Section 5 in Deposited Plan 6248 (No.353)	
Site Area	1,313 m² (approx.)	
Site Boundaries	North	31.015 m
	East	45.475 m
	South	26.44 m
	West	45.975 m
Slope Direction	North to south North-west to north-east	
Fall of Land (M)	1.5 m – 2 m	
Existing Use	Retail and residential	
Critical Habitat	No	
Conservation Area	No	
Coastal Protection	No	
Mine Subsidence	No	

Description	Details
Road Widening or Realignment	No
Hazard Risk Restriction	No
Flood Planning	Yes, Development on the land or part of the land is subject to flood related development controls.
Acquisition	No
Contribution Plans	Yes, Pittwater Section 94 Plan for residential development applies to the land.
Biodiversity Certified Land	No
Native Vegetation Clearing	No
Bushfire Prone Land	No
Property Vegetation Plan	No
Contamination	

Note. The above information was obtained from the Section 10.7 Certificate (No: 2019/1158) dated 1March 2019 and 2019/1052 dated 25 February 2019.

Photograph 1: Site viewed from Barrenjoey Road

Figure 1: Site Location

Source: Near maps

Figure 2: Aerial Location

Source: Near maps

Photograph 2: View of subject site (southern facade) fronting Barrenjoey Road.

Photograph 3: View of existing site, looking west, showing the existing three storey form thereon, with ground floor retail

Photograph 4: View of existing site, taken from western boundary, looking south, towards existing two storey structures with vacant land area to the rear, accessible from Robertson Road

Photograph 5: View of garage and single storey building, adjacent the property driveway, located at the northern end of the site

Photograph 6: View looking west, of subject site, facing Barrenjoey Road

Photograph 7: View of subject site, looking north-west towards the site, from the middle of Barrenjoey Road, showing existing three storey form

Photograph 8: Australia Post Office, abutting the northern boundary of the site with frontage to Foamcrest Avenue

Photograph 9: View looking south along Robertson Road, towards Barrenjoey Road, demonstrating character of street, including localised street tree planting

Photograph 10: View further north, looking south along Robertson Road, showing frontage of Australia Post Office to Foamcrest Avenue

Photograph 11: Intersection of Robertson Road and Foamcrest Avenue, to the north of the site

Photograph 12: View of Newport Anglican Church, located to the north of the site at the boundary interface

Photograph 13: View of existing building, directly adjoining the eastern boundary of the subject site, forming part of SP 21521

Photograph 14: Localised retailing to the west of the site, fronting Barrenjoey Road

Photograph 15: View of retailing over a two and three storey form, on the southern side of Barrenjoey Road, proximate to the site

Photograph 16: View of southern side of Barrenjoey Road, with third storey of developments recessed from the principal street frontage

Photograph 17: Pedestrian access from northern to southern side of Barrenjoey Road, via controlled intersection arrangements (pedestrian only)

Photograph 18: View looking east along Barrenjoey Road

Photograph 19: View looking east along Barrenjoey Road

Physical Site Conditions

Soil Conditions

The site is located on Newport soil landscape, which is characterised by undulating plains and rolling rises of Holocene sands that mantle other soil materials or bedrock.

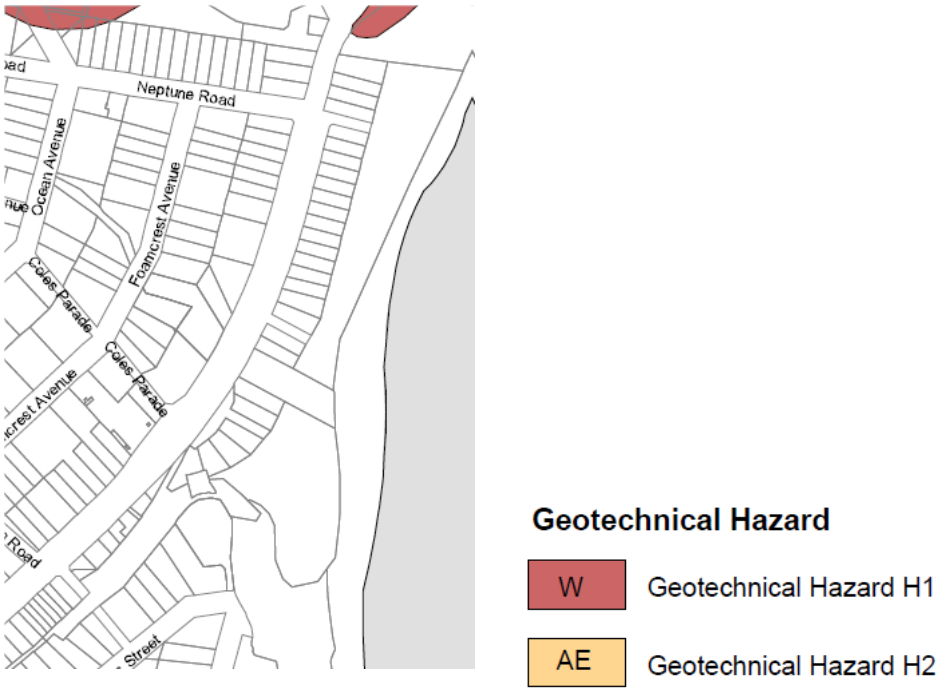
Geology

The geology comprising the site is generally of alluvial soils comprising silty to peaty quartz sand, silt and clay. Subject to further site investigations, it is however, likely that elsewhere across the site there will be some sandy topsoils and fill, with residual clay overlying bedrock, anticipated to be mudstone, sandstone and shale.

Slope of the Land

The overall ground slope is identified as between 10 and 20. The site is not identified as being subject to any geotechnical risk or hazard.

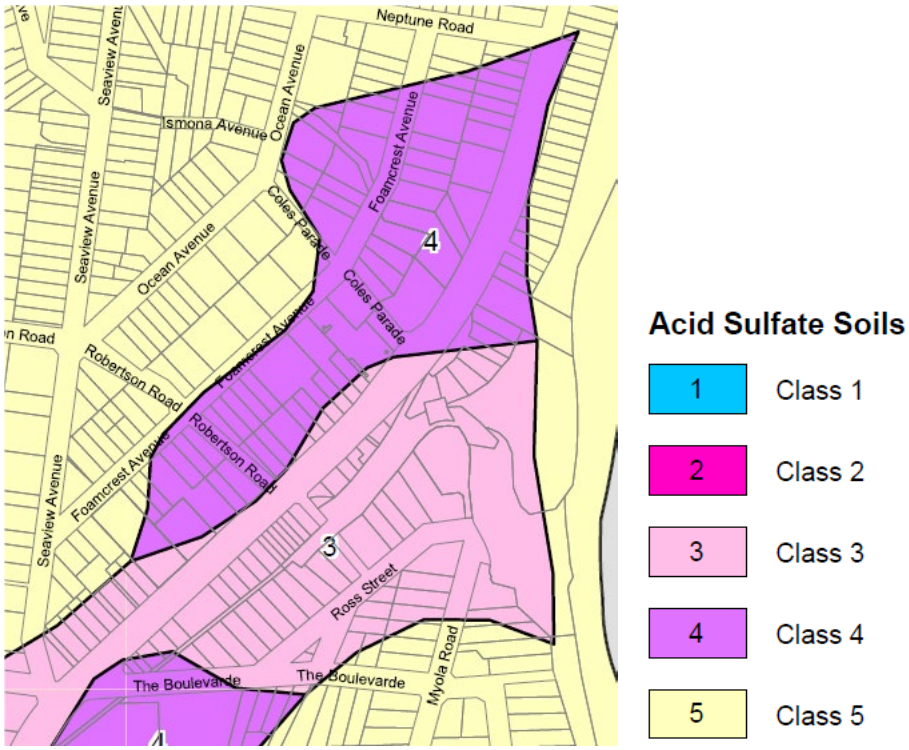
Figure 3: Geotechnical Hazard Map



Acid Sulphate Soils (ASS)

The subject site is identified as containing Class 3 and 4 ASS.

Figure 4: Acid Sulfate Soils



Water Courses & Groundwater

The watercourse and groundwater conditions are described in the geotechnical report as follows:

> *Based on the previous boreholes drilled nearby the site, groundwater was observed in those boreholes at depths of 1.1m to 7.9m bgl. Continuity with the seawater level is anticipated, with fluctuations in level likely to be buffered below tidal fluctuations by the intervening soils. It is highly likely to be saline.*

Vegetation

There are no threatened flora or fauna species located on the site. Six native and exotic tree species were identified on the site, as evidenced in the Figure below.

Figure 5: Native and exotic trees identified on the subject site (as per accompanying Arboriculture Impact Assessment Report, Damien Green, Page 4)

Of the trees identified on the site, Trees 2-6 are less than five (5) metres in height and are not covered by Northern Beaches Council tree presevation requirements**.** Tree 1 is the gum tree located on the Council's reserve along Robertson Road and is proposed to be removed. The trees within Barrenjoey Road reserve are proposed to be retained.

Road Network Conditions & Access

The site is accessible from Robertson Road, which is located on the western boundary of the site. Access is not available to the site from Barrenjoey Road.

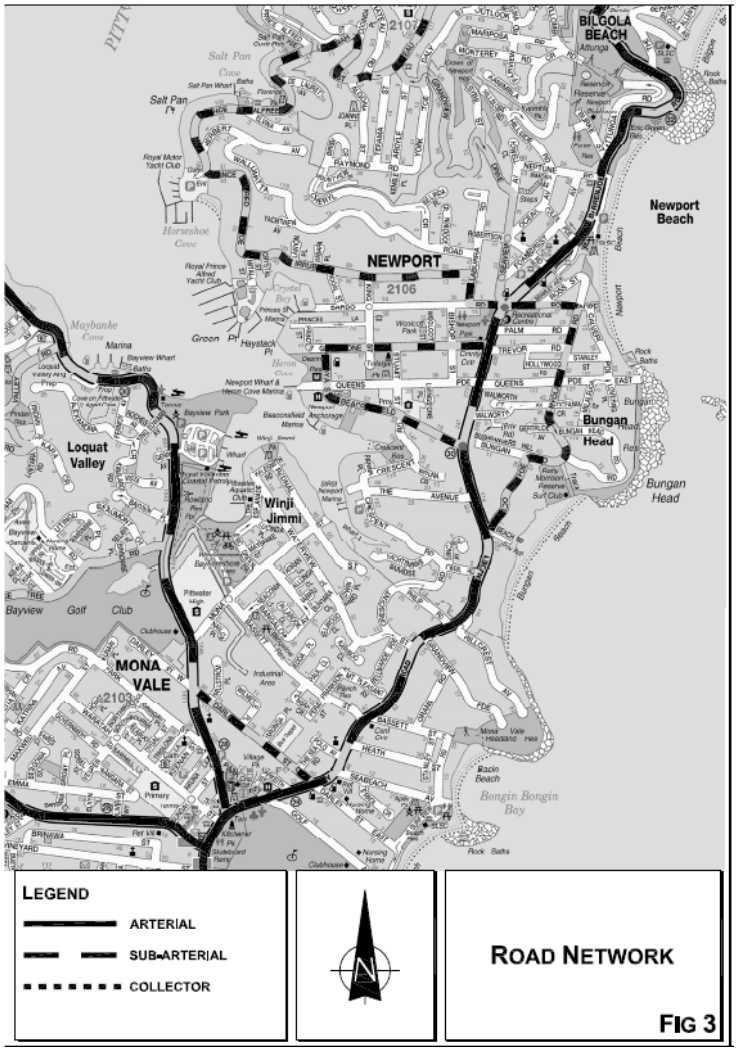
In terms of the road network surrounding the site, the report prepared by Transport and Traffic Planning Associates (TTPA Pty Ltd) provides the following:

The road network serving the site (Figure 3) comprises:

- *Barrenjoey Road – a State Road and arterial route providing the major link between Palm Beach and Mona Vale then to the City*
- *The Boulevarde, Seaview Avenue and Bardo Road etc – a system of minor collector routes serving the Newport area*
- *Foamcrest Avenue – a local road running parallel and to the west of Barrenjoey Road providing access to the western side of the Newport shopping strip*
- *Coles Parade – a local access road connecting between Barrenjoey Road and Foamcrest Avenue*
- *Robertson Road – a local access road connecting between Barrenjoey Road and Formcrest Avenue*

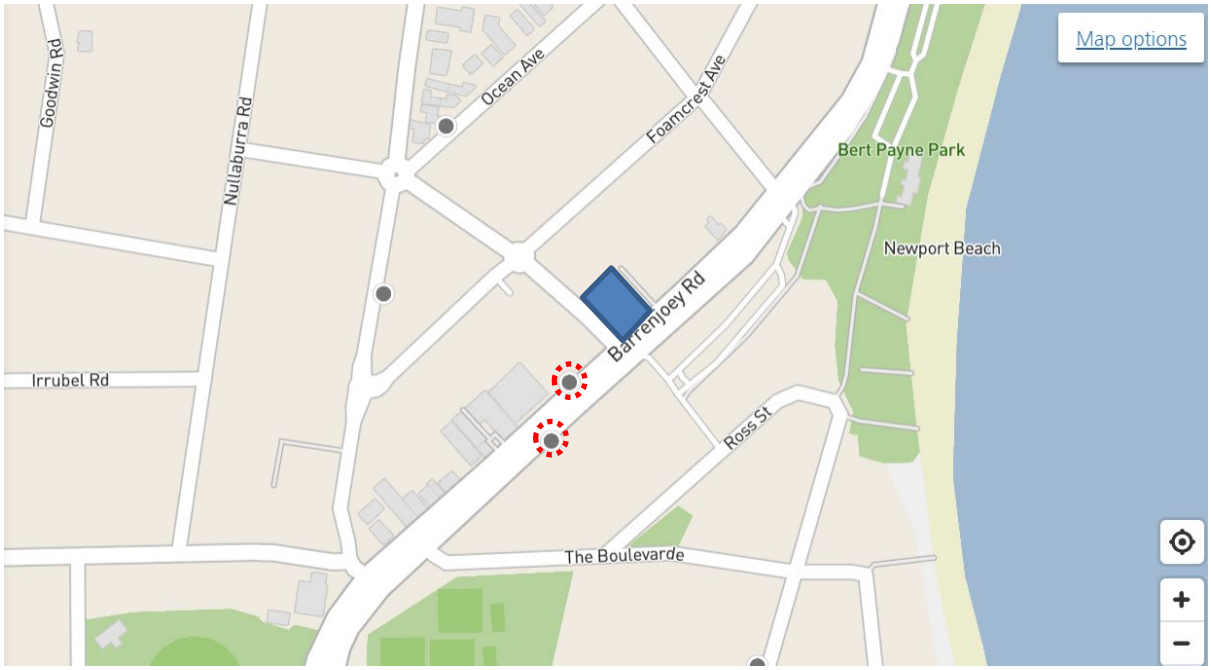
In terms of road hierarchy, which surrounds the site is summarised in the figure below.

Figure 6: Road Hierarchy in the vicinity of the subject site (Source: TTPA Pty Ltd)



The site is highly accessible in terms of public transport, with a bus stop located within 200 m walking distance of the site, on both the northern and southern sides of Barrenjoey Road. This provides services heading both east and west, to Avalon, Palm Beach and Manly (#199), Narrabeen (#713N) and Wynyard (L90).

Figure 7: Public transport routes within the vicinity of the site



Character of the Locality & Developments Surrounding the Site

In terms of the site context, the locality is characterised by a mixture of residential and commercial uses, the latter of which are found predominately aligning Barrenjoey Road, as well as a smaller degree of activity along Robertson Street, which directly aligns the western boundary of the site. Built form, as evidenced previously, comprises single, through to three storey buildings, generally with the upper levels of higher buildings set back from the street frontage.

The block within which the site is located comprises of rectangular shaped allotments and is predominantly characterised by single and two storey commercial buildings that are of dated architectural design. In terms of surrounding developments, a two storey commercial building built to boundary is located to the north of the site at No.355. 10 Robertson Road, located directly west of the site, comprises of a single storey commercial building. St Michael's Anglican Church is located to the north-west site at 33 Foamcrest Avenue and is identified as a heritage item in the LEP.

On the opposite side of Robertson Road, to the south of the site, is 349 Barrenjoey Road which is currently subject to a development application with the Council for a two and three storey shop top housing development (Council Ref: DA2020/1042).

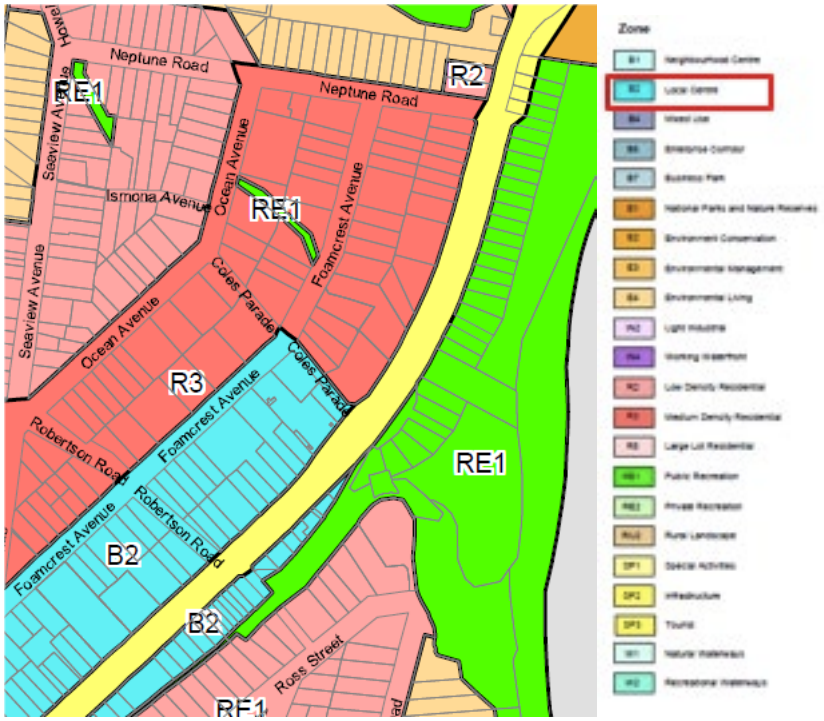
There are a range of facilities and services within walking distance to the site that cater for the residential population. These are further integrated with a number of public and private recreational facilities located in close proximity to the site. The site is highly accessible in terms of public transport, with a bus stop located within 200m walking distance of the site, on both the northern and southern sides of Barrenjoey Road. This provides services heading both east and west, to Avalon, Palm Beach and Manly (#199), Narrabeen (#713N) and Wynyard (L90). This provides a significant opportunity for the proposal to provide medium density residential accommodation within walking distance of public transportation infrastructure.

Key Planning Considerations

The key planning considerations that affect the site are detailed below.

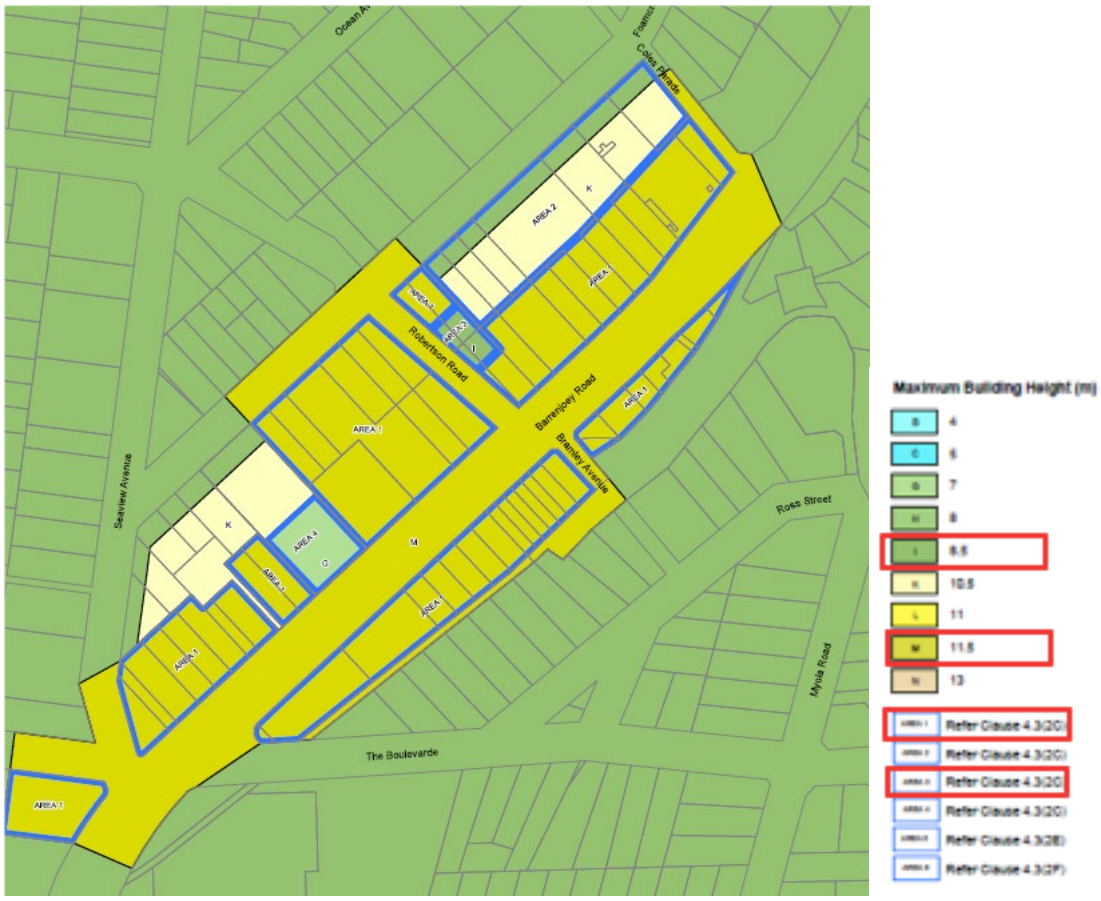
The subject site is located in the B2 Local Centre zone.

Figure 8: Zoning Map (Source: Pittwater LEP 2011)



The site is subject to a height limit of 11.5m and 8.5m, above flood planning level.

Figure 9: Building Height Map (Source: Pittwater LEP 2011)



The subject site is not a listed heritage item, nor is it located in a heritage conservation area.

As outlined previously, the site is located adjacent a heritage item, known as St Michael's Anglican Church, identified as an item of local significance.

3. BACKGROUND

Previous Development Application

A development application (Council Ref: DA 2019/1157) was lodged with the Council on 22 October 2019 seeking consent for demolition works and construction of a shop-top housing development.

Council advised that the application could not be supported and, as a result, the application was withdrawn. The Council requested the applicant to modify to the design to provide enhanced amenity to the residential units.

Subsequently, the proposal was redesigned to address Council's concern and a pre-lodgement application (Council Ref: PLM2020/0269) was lodged to seek initial feedback from Council. This application was referred to the Design and Sustainability Advisory Panel (DSAP) for comments. The minutes of the meeting dated 26 November 2020 provided a series of comments and recommendations, relevant to each discipline.

The comments and recommendations have been incorporated into the design of the development. The application acknowledges the issues raised in relation to the height and these matters are addressed in detail in the Clause 4.6 Report and are deemed acceptable, given that compliance with the objectives of the development standard is achieved.

4. THE PROPOSED DEVLEOMENT

The proposal is for demolition of the existing structures on the site (including tree removal) and construction of a mixed use development, comprising of retail premises on ground floor level and shop-top housing above.

Demolition of the existing structures on the site and lot consolidation; removal of trees and excavation for the purpose of two levels of basement with 54 car parking spaces; construction of a three storey shop top housing development comprising of 9 ground floor retail units and 14 residential apartments and roof terrace; streetscape improvements and landscaping, and extension of services and infrastructure; strata subdivision of the site.

The proposed development seeks consent for the following works:

- Demolition of the existing structures on site and lot consolidation
- removal of six trees and site preparation works
- excavation for the purpose of two levels of basement structure comprising the following:
    - Basement Level 1 comprising of 22 retail car parking spaces including 2 accessible parking spaces, storage spaces, a loading/wash bay, one motorcycle spaces and toilet facilities. This level also includes a solar battery room and retail waste storage areas.
    - Basement Level 2 comprising of 32 residential car parking spaces including 2 accessible parking spaces, one motorcycle parking and storage spaces. Stacked parking is provided for eight car parking spaces and a turning bay is also provided.
    - Vehicular access to the basement for off-street parking will be *via* a ramp located on the secondary street frontage from Robertson Road, along the western boundary of the site.
- Construction of three storey shop-top housing comprising the following:
    - The ground floor comprises of five retail tenancies on Barrenjoey Road and four retail tenancies fronting Robertson Road. The retail tenancies are provided with split floor levels due to flooding constraints, but a sufficient proportion of the floor level is located to ensure that accessibility is achieved.
    - A separate entrance to the residential lobby is provided from Robertson Road to access the residential units located on the levels above. Separate waste storage areas for the residential component are located behind the fire stair with access provided from the secondary street.
    - The first floor level comprises eight, two bedroom residential apartments. All apartments are dual aspect and receive adequate cross ventilation, except for Unit 2, which is a direct consequence of the configuration of the allotment. The area of the apartments ranges from 87.1 m^2, through to 109.2m^2, with terraces ranging in size from 9m^2 to 72.4m^2. Access to the residential units on the Robertson Street frontage from the lift lobby is through a walkway located at the north-western portion of the site and is integrated with landscaping, providing a terrace style entrance.

- The second floor comprises of five, two bedroom apartments and a single bedroom apartment. The one-bedroom apartment is 57.6m^2 and the two bedroom apartments range from 82m^2 to 96.4m^2, with terraces ranging in size from 25.1m^2 to 102.2m m^2. All the apartments are designed to receive direct sunlight and cross through ventilation. Access to the residential units on the Robertson Street frontage is from the lift lobby through a corridor adjacent to the private open spaces of the apartments.
- The roof level comprises of the lift overrun and the carpark exhaust integrated in the lift core. Solar panels are installed on the roof. These are set in from the building edges to reduce their visibility from neighbouring properties and the streetscape.
- All levels of the building will be serviced by one lift, located at the central section of the site.

- Communal areas to include the following:
  - Provision of a communal roof top area on Level 2 for the exclusive use of the residents.
  - Landscaping to optimise usability and privacy, as well as provide opportunities for social interaction.
- Public domain works which includes streetscape improvements and landscaping, including planting new trees.
- Stormwater and drainage works will be undertaken in accordance with the drawings prepared by Demlakian Consulting Engineers.
- The site contains adequate facilities which will be retained and upgraded where required, to cater for the proposed development. Additional services required are inferred to be located on Council's land and can be extended into the site as required. All services will be integrated in the proposed development and augmented or amplified (if required) in accordance with and relevant conditions of consent.

The Proposed Use

The proposed use is defined as a 'shop top housing' development and is permissible with consent in the B2 Local Centre zone. The use is defined in the LEP as:

> ***shop top housing*** *means one or more dwellings located above ground floor retail premises or business premises.*
>
> ***Note. Shop top housing*** *is a type of residential accommodation*[1]

[1] ***residential accommodation*** *means a building or place used predominantly as a place of residence, and includes any of the following: ...*

(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

The use and fit out of the retail tenancies will be the subject of separate development applications.

Apart from this, the application also seeks consent for building identification signage, which are proposed to be integrated into the brick cladding on the Robertson Road frontage. Building identification signage is permissible with development consent and defined in the Dictionary to the LEP as follows:

> ***building identification sign*** *means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.*
>
> *Note— Building identification signs are a type of signage.*

In terms of satisfying the B2 zone objectives, the proposed development will achieve these as set out in the Table below.

Table 3: Assessment of the Proposal having regard to the B2 Objectives

Zone Objective	Comment
○ To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. ○ To provide for residential uses above street level where they are compatible with the characteristics and uses of the site and its surroundings.	The proposed development will provide for a range of retail and businesses uses that will serve the needs of the local area. Nine separate tenancies are offered of varying sizes, to accommodate a diversified combination of business interests. The residential component of the site will be able to utilise those facilities and services which are available and further enhance their economic viability. The proposed residential use, above street level, will be compatible with the characteristics surrounding the site. The proposed number of dwellings is moderate and designed and orientated such that interference with ground floor uses will not result, particularly given the intended setback distances from the street frontages, as well as materials treatment that will ensure adequate acoustic provision. The intention of the zone is to combine living and working environments and this site provides a suitable opportunity to achieve this.
To encourage employment opportunities in accessible locations.	The *in-situ* population will support the creation of new jobs in the locality, driven by additional demand for goods and services in the immediately surrounding vicinity.
To maximise public transport patronage and encourage walking and cycling.	As outlined previously, the proposal is near public transport facilities. The development encourages alternative transport modes and avoids private car use.

Zone Objective	Comment
	Given the proximity to the general commercial and retail facilities, the opportunity for walking and/or cycling is easily maximised in association with this development.
To provide healthy, attractive, vibrant and safe local centres.	The proposed development will provide a significant outcome in terms of attractive, vibrant and safe communities. The architectural design will provide a contemporary response and, in particular, the ground floor level provides a good urban design response with the provision of retail tenancies and public domain improvements to ensure a degree of vibrancy is promoted and the extensive openings of the retail tenancies that allow for an understanding of activity therein. The proposal maximises opportunities for passive surveillance over the surrounding street frontages, which is a substantial improvement over the existing situation.
To strengthen the role of centres as places of employment.	The proposed retail tenancies will provide new employment opportunities within the commercial centre.
To provide an active day and evening economy.	The introduction of tenancies that will be attractive to food and drink premise operators will assist to provide an active day and evening economy.

5. KEY PLANNING ISSUES

The key planning considerations associated with the proposal are addressed below.

Key Built Form

The proposed development has been designed after an in-depth analysis in response to the spatial and urban context of the site. The built form parameters for the proposed development are largely determined by the DCP controls which provide the desired development outcomes for the Newport Commercial Centre. In addition, the proposed development has been designed to provide an integrated response to adjoining properties in relation to building separation, amenity and compatibility with the design, bulk and scale of the developments to create a holistic mixed-use development in this location. The proposal involves a design that has identified, on balance, the most appropriate development response across the site and generally complies with all the controls pertaining to design requirements such as building form, building envelopes and setbacks.

Most importantly, the built form of the proposed development has been designed to reduce impact on the proposed plaza located to the south of Robertson Road, at No.349 Barrenjoey Road. The accompanying shadow diagrams demonstrate that the proposed plaza receives adequate solar access and remains unaffected between 11:00am – 3:00pm. This is a good design outcome despite the orientation of the site.

From an urban design perspective, the proposal has provided a suitable response by defining the street edge and public domain, whilst also engaging with the ground floor interface. The ground floor plane has been designed to ensure that the site provides a strong and vibrant relationship with the public domain which will assist to achieve a safe, local environment and create a sense of place. The provision of retail tenancies on the street frontages ensure that the degree of vibrancy is promoted and the extensive openings of the retail tenancies that allow for an understanding of activity therein. This is further reinforced with the introduction of balconies on the facades fronting the street to provide visual modulation of the building and ensure passive surveillance.

The proposal maximises opportunities for passive surveillance over the surrounding street frontages, which is a substantial improvement over the existing situation. The proposal will thus provide a long-term asset to the neighbourhood through an active streetscape and improved public domain outcomes.

The proposed landscaping on the ground floor improves the interface of the building with the public domain, and private open spaces are provided for the apartments to address both street frontages.

All servicing for the development will be located on the Robertson Road frontage. A service loading area/turning bay is located at Basement Level 1 of the site and is not visible from the public domain. Separate waste storage areas are provided for the proposed uses and are located such that they are not visible from the street. Vehicular access to the site is provided from Robertson Road as indicated in the DCP; albeit in an

alternative location closer to the western boundary to ensure the retail tenancies are arranged continuously as well as to minimise pedestrian vehicular conflicts.

Façade Design

The facades are designed as an integral part of the overall development and have a human scale and appearance. Each facade incorporates patterns in relation to the proportion of the building, along with a balanced approach to solid-to-void ratios, and materiality that is appropriate to the locality. The proposed façade design represents a well-articulated and modulated design with appropriate materials and finishes.

The proposed façade incorporates a variety of materials and textures which relate sympathetically to existing buildings in the vicinity, particularly with the use of brick cladding which characterises the area and provides contemporary materials such as off form concrete, timber-look aluminium cladding and glazed tiling. Windows will be constructed of aluminium framing and awnings will be constructed of concrete. The balconies will cast shadows and provide depth and texture to the façade composition. The building entries are clearly defined and visible from the public domain areas.

The basement structures are integrated into the facade and landscape design, so these do not visually dominate the streetscape nor pedestrian areas adjoining the site.

The car park exhaust is integrated into the lift core and the building service elements, such as drainage pipes, grilles and screens are not visible from the streetscape.

Landscaping and Communal Open Spaces

The communal areas of the proposed development are extensively landscaped. The general landscaping strategy for the site and the selection of planting palette are appropriate for the site and designed to play an important role by integrating with the built form, which greatly increases the amenity for neighbours and future residents.

Extensive amounts of on-site planting is provided. However, given the urban conditions of the site and the need for basement parking provision, deep soil planting is not proposed. This is not uncommon in such conditions, and the landscaping is appropriate for the development as deep soil planting is restricted within a mixed use development in urban centres, a position which is similarly reflected within the immediate context.

The proposed development includes planting on the courtyard and the common open space areas above the ground floor and provides appropriate soil volume to facilitate plant growth. The landscape areas within the development has been designed to create an attractive and high-quality landscape setting for the amenity of the residents with the intention of creating a cohesive transition from internal to external spaces.

A total communal open space area of 70m^2, which equates to 5.33% of the site area, is provided for the use of residents on the second floor level. The common open space will receive at least 2 hours solar access at midwinter. While marginally sought of the desired 7% of the total site area, the size of balconies for each individual apartment has been increased to compensate for this minor shortfall. Given the localised neighbourhood characteristics of this location, the proposed communal open space is acceptable.

The roof top communal area includes a barbeque area, seating and landscaping, with raised planters and garden beds, which will provide amenity to the residents of the development and encourage interaction.

Further, this will be complemented by the existing street front trees and public domain works on the street frontages. It is proposed to retain the existing street trees on the Barrenjoey Road frontage and complement these with additional street planting on the Robertson Road frontage which will result in a visually and physically integrated design, which activates the streetscape and provides tangible public benefits with rejuvenation of the street frontages and landscape treatments, as well as natural surveillance.

Building Setbacks and Separation

Street Setbacks

The proposed development incorporates the following setback to the streets:

Table 4: Street Setbacks

Levels	Barrenjoey Road	Robertson Road
Ground Floor	3.5m	3.25m
First Floor	3.5m. It is noted that the private open space extends into this setback.	3.25m
Second Floor	4m., noting that the roof overhang extends 500mm into the 4m setback on the Barrenjoey frontage to ensure adequate weather protection to the terrace areas.	4m

Boundary Setbacks

The ADG design criteria encourage habitable rooms and balconies to be setback 6m from the boundary and 3m for non-habitable rooms up to four storeys (12m). The streets and lanes surrounding contribute to building separation as encouraged in the ADG.

No building separation is necessary where building types incorporate blank party walls. Typically, this occurs along a main street or at podium levels within centres. Blank party walls are proposed at the ground floor along the side boundaries; as such, no separation is required.

At the first floor, blank party walls are provided for the majority of the building length along the north-western and north-eastern boundaries of the development, where these are adjacent the site boundary. The balconies for the units oriented to the north are 5.75m from the property boundary, to the terraces of each individual unit.

At the second floor, the north western portion of the building setback a minimum distance of 5m from the boundary, with the space between the edge of the building and the boundary, comprising the communal terrace area for the development. The balconies for the units oriented to the north are setback 7m from the property boundary. A pedestrian corridor, which is 1.2m wide (non-habitable space) extends beyond the balconies, towards the north-eastern property boundary. The second floor is setback 6m from the eastern boundary.

In relation to concerns regarding overlooking of the private open spaces of the units located on Level 1, given the limited amount of pedestrian passage likely through this area, it is not considered that this would adversely compromise residential amenity or privacy, accessing only four units. Planting is proposed at the interface with the pathway, with the principal open space area being directly adjacent the units, such that a further separation distance is achieved. This outcome is considered beneficial for the development, given the internalised nature of the design, such that it will encourage a passive degree of interaction between residents and enable a sense of community within the development.

Therefore, the proposed development achieves the objective of the ADG building separation requirements.

Internal Design Amenity

The proposed efficient and logical layout maximises the use of space and the apartments are orientated to optimise natural light, ceiling heights to open up the space and window views to offer connection to the surrounding area.

Solar Access within the Development

All the units with the exception of Units 02 and 03 are oriented to the north to ensure adequate solar access is received. The ADG specifies that 70% of apartments are required to achieve two (2) hours of solar access to living areas and private open space at mid-winter. 12 out of 14 apartments (85.7%) achieve this outcome. Two out of 14 apartments (14.2%) receive no direct sunlight as defined by the ADG Design Criterion.

Compliance is therefore achieved.

Cross Ventilation within the Development

The ADG specifies that 60% of apartments are required to naturally cross ventilated. 13 out of the 14 units (92.85%) will be cross ventilated.

Ceiling Heights

The floor to floor height of the retail component on the ground floor is a minimum of 3.5m.

The ceiling height for all apartments will be at least 2.7m which means the 0.2~0.3m space above the ceiling level will allow sufficient space for the concrete floor slab and utility services.

The proposal achieves full compliance with the solar access and cross ventilation requirements of the ADG.

Overshadowing of Surrounding Residential Buildings

In terms of the impact of the proposed development on neighbouring properties, this relates to the development that directly abuts the western boundary and the proposed public plaza on the southern boundary. First and foremost, that section of the building which is above the permitted height of buildings standard has no effect on the adjoining property in terms of solar access.

In terms of the compliant component of the building and its effect on the neighbouring properties, it is relevant to note that the site is located in a dense urban environment and the orientation of the site will create some level of shadowing to the properties located to the south. That said, the Shadow Impact Diagrams demonstrates that the additional shadows cast by the proposed development do not result in any significant shadow impacts to these properties. The proposed public plaza located to the south of the site receives sunlight between 11:00am to 3:00pm.

Overall, the design of the proposed development maximises solar access to both internal and external living spaces for the subject development, as well as the adjoining development.

Traffic and Parking

Aside from matters of parking provision, the Traffic and Parking Assessment provides the following additional and relevant aspects in relation to the proposal.

Vehicular Access

Vehicular access to the basement will be provided by a combined ingress/egress point located at the north-western end of the site, on the Robertson Road frontage. The vehicular access has a width of 5.5m and is appropriate for safe ingress and egress of vehicles. The proposed vehicular access is at the furthest point possible from the intersection with Barrenjoey Road and will not cause disruption to vehicular movement. The access point is also well positioned and designed to ensure pedestrian safety.

Loading/servicing for the proposed development will be undertaken by a variety of commercial vehicles that are capable of fitting into a conventional parking space. This is acceptable given the small scale nature of the

tenancies. A dedicated loading bay is to be located within the Basement Level 1 parking area, directly opposite the entry ramp and in close proximity to the lift. The proposed development includes turning bays to ensure all vehicles enter and exit the site in a forward direction at all times.

The surrounding street network has sufficient alignments to ensure that there are sufficient sight distances.

The proposal ensures adequate parking arrangements are provided without negatively impacting surrounding developments and the public domain. Therefore, the proposed development is deemed acceptable in this regard.

Noise & Acoustic Impacts

In relation to traffic noise and potential intrusion to the development, the proposed development will incorporate acoustic measures to the building façade, including windows, glazing treatment, as well as ensuring that the building services are adequately designed to ensure the internal noise levels of the proposed development complies with relevant NSW Environmental Protection Authority (EPA) and the Council's criteria.

Flooding

The site is located in a low to medium risk flood precinct. The proposal incorporates appropriate floor levels defined in the flood report prepared by Demlakian Consulting Engineers including a raised floor level at the ground floor level, to reduce any perceived risk associated with the development. The basement carpark areas and the driveway are also designed to prevent the ponding and flooding of water through the implementation of retaining walls and a driveway hump that extends to the required freeboard level. Therefore, utilising sufficient design outcomes, the risks associated with the development are sufficiently minimised.

BCA and Access

An Access Report has been prepared by BCA Logic and demonstrates that the proposed development is capable of complying with the relevant Building Code of Australia and Australian standards.

Development Staging & Construction Management

The proposed works will be undertaken in two (2) stages, the first being site establishment, demolition of the existing structures and excavation works, with the second comprising construction of the development. To clarify, the application does not seek to obtain a staged development consent but does seek staged conditions of consent to enable early works to be undertaken.

Stage 1: Early Works

This stage will include the following works:

- Site establishment and protection of adjoining development (including dilapidation reporting)

- Erection of perimeter fencing, hoarding, gantry, scaffolding and site offices
- Establishment of temporary access and pedestrian arrangements
- Protection, diversion and/or temporary establishment of services infrastructure
- Utility services diversions and terminations
- Removal of trees
- Demolition of all structures to the underside of slab on ground, removal of footings and removal of any in-ground obstructions

Once completed, the excavation works will be undertaken for the basement of the building. This will include the removal of excess material and the construction of required piling and retaining walls to support the building structure in accordance with the Geotechnical Report.

Stage 2: Construction of the Proposed Development

The second stage of the works will involve construction of the remainder of the development and associated works required.

Development Staging

SBMG Planning have prepared a Construction Management Plan (CMP) and estimates a total construction period of 18 months, a breakdown of which is provided below:

- Demolition – 2 months;
- Excavation – 3 months; and
- Construction – 13 months.

In terms of impacts, traffic impacts will be localised to the immediate network and there will be no effect on public transport routes. Pedestrian safety will be maintained through traffic control as required. Site approach and departure routes, traffic control and swept path movements for trucks are provided in the CMP.

6. ENVIRONMENTAL IMPACT ASSESSMENT

The proposal is subject to the requirements of section 4.15 of the EP & A Act, which are the matters for consideration in assessing a development application. These matters are addressed below.

Table 5: Section 4.15 of EP & A Act

Title/Clause	Comment
Evaluation	
Matters for consideration—general	
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a) the provisions of:	
(i) any environmental planning instrument, and	○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) ○ State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) ○ State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017 ○ The LEP The proposal is considered below having regard to these requirements.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable.

Title/Clause	Comment
(iii) any development control plan, and	○ Apartment Design Guide (Appendix 1) ○ Pittwater Development Control Plan 2014 (Appendix 2)
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable.
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable.
that apply to the land to which the development application relates,	
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Matters of environmental impact have been addressed extensively in this report. The proposed development will have limited environmental, social and economic impacts and instead provide returns, as a result of its implementation. In terms of impact on the built environment, the proposed development is designed in accordance with the DCP controls and the objectives of the ADG. Given the orientation of the site, solar access has also been carefully managed, with their being limited change to the solar access enjoyed to the neighbouring properties. In terms of social and economic impacts, these may only be described as positive. The proposed development has been designed in accordance with the CPTED principles which will help to improve the safety and security of the local area. The proposal has been designed to encourage passive surveillance over the street and activate both street frontages on the ground floor. The inclusion of residential accommodation contributes positively to local housing needs, availability and affordability in an area that is well serviced by public transport. The creation of an *in situ* population at the site will also create an inherent community in its own right, particularly with the proposed common open space area within the development. The proposed use will result in employment generation during the construction and

Title/Clause	Comment
	occupation phase of the development, having positive economic outcomes for the community through localised spending. Most importantly, the proposed retail tenancies, in conjunction with an *in situ* population will also rely upon existing businesses within the Newport Commercial Centre to assist in underpinning their commercial viability. It is considered that the recommendations outlined in the consultant reports will assist the consent authority in formulating conditions to be imposed on any future development consent to ensure that the environmental impacts of the proposed development are suitably managed. Therefore, the proposed development will not result in adverse impacts on the site itself, nor the immediate locality, as a result of its implementation.
(c) the suitability of the site for the development,	The following assessment has been structured in accordance with Section 4.15 of the EP&A Act. The site is suitable for the proposed development for the following reasons: ○ The site is zoned B2 Local Centre zone under the LEP, which permits shop-top housing and retail premises. ○ The proposal will not compromise the amenity of surrounding land uses and, where there is any degree of risk, mitigation measures are recommended. ○ The proposal is generally consistent with the built form envisaged in the DCP and provides an integrated response to the adjoining developments. ○ The site remains capable of being appropriately serviced to accommodate the proposed development. ○ It has excellent access to a wide range of services and facilities that will support, and benefit from, the future occupants of the development; and ○ The proposed uses, density and scale are consistent with the environmental planning provisions applying to the land, for a mixed-use development within the commercial centre of Newport, without undue pressure on the capability of the site. The proposal is therefore suitable for the site.

Title/Clause	Comment
(d) any submissions made in accordance with this Act or the regulations,	Should submissions be made during assessment of this application, the Applicant would be willing to respond to these accordingly.
(e) The public interest.	As demonstrated throughout the report, the proposal does not present any issues that are contrary to the public interest. The proposed use is permissible within the zone. The proposed development is responsive to the public interest. The condition of the existing building forms is deteriorated, and the proposed development provides the opportunity for a contemporary architecturally designed outcome to be achieved on the site. The design of the proposal will increase opportunities for passive surveillance to the surrounding street frontages and will result in retail tenancies that open to the street frontages. The rejuvenation of this site will also ensure that the character of the Newport Commercial Centre is upheld and reinforced, providing local meeting places and employment opportunities. The opportunity to provide residential accommodation also means that living spaces are provided proximate to public transport opportunities. The proposal generally accords with the relevant environmental planning instruments, consistent with community expectations for the site. Therefore, the proposed development is the public interest.

SEPP 55

Clause 7 requires an applicant to demonstrate whether or not a parcel of land is contaminated.

Table 6: Assessment criteria for contamination and remediation to be considered in determining development applications

Title/Clause	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	Noted.
(a) it has considered whether the land is contaminated, and	The site has been used for commercial and residential purposes for a significant period of time and there is no

Title/Clause	Comment
	suggestion that any of the uses have involved activities that may result in contamination of the site.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	There is no suggestion that the land is contaminated; as such, it is suitable for the intended residential and commercial purposes.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	No known remediation is required, given the long term and consistent use of the property for commercial and residential purposes.
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	The proposed uses on the site are consistent with the existing uses, being for commercial and residential purposes.
(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	Not applicable; no investigation is deemed necessary.
(4) The land concerned is:	
(a) land that is within an investigation area,	Not applicable
(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is	Not applicable

Title/Clause	Comment
being, or is known to have been, carried out,	
(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land:	Not applicable
(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	

Therefore, no further consideration is required under SEPP 55.

SEPP 65

The Aims of SEPP 65 seek to ensure improvement in the design quality of residential apartment development, having regard to high quality outcomes that contribute to economic, environmental, cultural and social development.

The proposal provides a mixed-use development in a location that is accessible to facilities and services, as well as diverse public transport opportunities. The proposal employs a high quality of architectural standard and design through the internal layout of dwelling, provision of private open spaces, extent of building articulation, proposed materials and finishes treatment and diversity in apartment mix assists to provide for a diverse range of economic and social outcomes.

Most importantly, the proposal provides an integrated response in relation to building separation, amenity and compatibility with the design, bulk and scale of the adjoining sites.

The proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase to one- and two-bedroom housing stock in the area.

The proposal will therefore achieve the Aims of the SEPP.

Schedule 1 of the SEPP outlines 9 design quality principles that provide a guide to achieving a good quality design. An assessment of the proposed development, against these design principles is contained in the accompanying SEPP 65 Design Verification Statement prepared by Crawford Architects.

Overall, the proposed development has been assessed in accordance with the provisions of SEPP 65 and in accordance with the Apartment Design Guide accompanying the State Policy.

The ADG

Clause 28 of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to residential apartment developments.

In addition, the ADG compliance table provides a detailed assessment of development controls that aid the achievement of the design principles. This is provided at **Appendix 1**.

In summary, the proposed development is consistent with the requirements of the SEPP.

SEPP (Infrastructure)

Schedule 3 of the SEPP contains requirements for a proposal to be referred to the Roads and Maritime Service (RMS) under certain circumstances.

Division 17 addresses Roads and traffic. S.101 addresses *Development with frontage to a classified roa*d. In this case, Barrenjoey Road is a classified road (#164). Therefore, the consent authority must consider certain matters as addressed below.

Table 7: Assessment Criteria for Developments with Frontage to Classified Road

No.	Title/Clause	Comment
101	Development with frontage to a classified road	
	(1) The objectives of this clause are:	
	a) to ensure that new development does not comprise the effective and ongoing operation and function of classified roads, and	The proposed development will not compromise the effective and ongoing operation of Barrenjoey Road. The proposed development does not introduce any opening onto that roadway, with all movements taking place along Robertson Road, which is the secondary frontage to the site. In terms of the traffic generation associated with the proposed development that may affect the road network, the Traffic & Parking

No.	Title/Clause	Comment
		Assessment concludes that *the traffic generation of the proposed development will not present any adverse traffic implications and traffic-related environmental impacts in the context of the local road network*. As such, the proposal will have no undue traffic implications on the surrounding road operation.
	b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	The proposed development provides a quantum of car parking that is consistent with the DCP requirements (marginally above, by one space for each use), such that the generation of movements will not adversely impact traffic noise or vehicle emission on the adjoining classified road.
	(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:	
	a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Vehicular access to the site is provided from Robertson Road; access is not proposed (nor available) from Barrenjoey Road (which is the classified road) and therefore complies with this requirement.
	b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:	Not applicable
	i. the design of the vehicular access to the land, or	Not applicable
	ii. the emission of smoke or dust from the development, or	Not applicable
	iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	Not applicable
	c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and	Appropriate acoustic treatment will be provided to the openings of the development to ensure that there are

No.	Title/Clause	Comment
	designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	no adverse resulting impacts in terms of traffic noise and vehicle emissions.
102	Impact of road noise or vibration on non- road development	
	(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:	RMS data for Barrenjoey Road reflects 44,348 vehicle trips per day.
	(a) residential accommodation	Applies
	(b) a place of public worship	Not applicable
	(c) a hospital	Not applicable
	(d) an educational establishment or centre-based childcare facility	Not applicable
	(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.	Noted.
	(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:	

No.	Title/Clause	Comment
	(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,	These matters are achievable and can be addressed through conditions of consent.
	(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	These matters are achievable and can be addressed through conditions of consent.
	(4) In this clause, freeway, tollway and transit way have the same meanings as they have in the Roads Act 1993	Noted
104	Traffic Generating Development	
	(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:	
	(a) new premises of the relevant size or capacity, or	Applicable
	(b) an enlargement or extension of exiting premises, being an alteration or addition of the relevant size or capacity.	Not applicable
	(2) In this clause, *relevant size or capacity* means	
	(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or	Applicable
	(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.	Applicable
	(2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be	Not applicable

No.	Title/Clause	Comment
	carried out without consent unless the authority or person has—	
	(a) given written notice of the intention to carry out the development to RMS in relation to the development, and	
	(b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.	
	(3) Before determining a development application for development to which this clause applies, the consent authority must—	
	(a) give written notice of the application to RMS within 7 days after the application is made, and	It is assumed that NBC will refer the application to RMS within the required time frame.
	(b) take into consideration—	
	(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and	The Applicant is willing to respond to any matters raised, as required.
	(ii) the accessibility of the site concerned, including:	
	a. the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and	As detailed above, the traffic generation associated with the proposal is limited and is not considered to adversely impact the efficiency of movement of people to and from the site.
	b. the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and	The advantageous location of the site means that there is available access to bus services within close proximity to the site such that trips outside of the commercial core may be accommodated via public transport, as opposed to relying upon private travel by car.
	(iii) any potential traffic safety, road congestion or parking implications of the development.	There are no matters raised in the Traffic and Parking assessment that suggests such implication may arise.

No.	Title/Clause	Comment
	(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.	Noted.

Therefore, the proposed development will not result in any adverse impacts having regard to the provisions of the SEPP (Infrastructure).

SEPP BASIX

The proposal involves *BASIX affected development* and the relevant BASIX certificate accompanies this application.

SEPP Vegetation

The Aim of this policy is to protect and preserve the amenity and biodiversity values of non-rural areas. Clause 7 addresses the consent requirements of clearing vegetation in non-rural areas. Development consent is sought for the removal of six trees including the tree located on the Council's reserve on the Robertson Road frontage. It is noted that the trees proposed to be removed are all less than 5m in height and are not protected under the DCP. The proposal retails all the trees on the Robertson Road frontage. Replacement trees are proposed in accordance with the landscape plans. An Arborist report accompanies this application.

The LEP

The proposal is consistent with the Aims (Clause 1.2) as set out below.

Table 8: Aims of the Objectives

Aims of Plan	Comments	Compliance
(2) The particular aims of this Plan are as follows:		
(a) to promote development in Pittwater that is economically, environmentally and socially sustainable,	As addressed at s.4.15 of the EP & A Act, the proposed development is economically, environmentally and socially sustainable.	Yes
(b) to ensure development is consistent with the desired character of Pittwater's localities,	The proposed development accords with the future character description of the Newport Commercial Centre and will provide a complementary interface with this. This is further addressed in the DCP. The proposed design seeks to provide a contemporary built form which will contribute to the immediate urban context of the neighbourhood and the desired future character of the locality. The proposal allows for public domain	Yes

Aims of Plan	Comments	Compliance
	attributes and rejuvenation of the street frontages surrounding the site.	
(c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,	The proposed development supports the mixed-use arrangement of the commercial centre of Newport with retail tenancies provided at the ground floor, and residential units above, to support both the immediate locality of Newport and further afield.	Yes
(d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,	The proposed development will ensure the economic use of the site is enhanced. The proposal increases the amount of retail space provided by utilising a larger proportion of the site area than is currently the case, ensuring the economic and employment needs of the current and future community are aided by this development.	Yes
(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,	The proposed development encourages sustainable transport opportunities, including walking and cycling, by maximising access to, and connectivity with, surrounding areas. Essentially, the proposal thus takes advantage of the public transport infrastructure in the immediate locality which provides access from Palm Beach to Manly and on to the Sydney CBD.	Yes
(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,	The proposal demonstrates strategic merit in its objective to contribute to the provision of housing for Sydney's growing population. The proposal will reinvigorate the section of the urban block within which the site is located and will provide increased housing supply in an appropriate and suitable location. The proposed development will provide a range of residential apartments with varying sizes, within close proximity to services and facilities, as well as transport. The design of the built form, which includes lift access, also ensures that the building is accessible to a range of diverse user groups.	Yes
(g) to protect and enhance Pittwater's natural environment and recreation areas,	The proposed development has been designed and oriented to ensure that the amenity of the natural environment is protected. The proposal has no impact on recreational areas, other than by potentially increasing the use of these	Yes

Aims of Plan	Comments	Compliance
	due to the *in situ* population that will accrue as a result of the proposed residential accommodation.	
(h) to conserve Pittwater's European and Aboriginal heritage	The site adjoins a heritage item (No. 2270471) known as St Michael's Anglican Church towards the north. The proposed design is considerate of the adjoining heritage item and does not have any impact on any elements of the heritage fabric, nor on the overall streetscape presentation of the building as it fronts Foamcrest Avenue. Therefore, the proposal ensures Pittwater's heritage is conserved, and is considered acceptable in this regard.	Yes
(i) to minimise risks to the community in areas subject to environmental hazards including climate change,	The site is not located in an area of environmental hazards, such that any risk to the community would accrue.	Yes
(j) to protect and promote the health and well-being of current and future residents of Pittwater.	The proposed development will protect and promote the health and well-being of existing and future residents. The proposed development is modest in scale, consistent with the relevant environmental planning controls and therefore public expectations associated with the development and provides access to facilities that will maintain the quality of the natural environment, such as public transport. The size and scale of the proposed apartments is consistent with market demand and the size of retail tenancies ensures that a diversity of business types may be accommodated, the size of which does not cause undue pressure in terms of economic return.	Yes

Therefore, the proposal is consistent with the Aims.

The relevant matters applicable to the proposal are addressed in the table below.

Table 9: LEP Compliance

Development Standard	Controls	Comment	Compliance
Part 2 Permitted or prohibited development			

Development Standard	Controls	Comment	Compliance
2.1 Land use zones	B2 Local Centre Zone	*Shop top housing* are permissible with development consent.	Yes
2.6 Subdivision—consent requirements	Development consent is required.	Consent is sought for strata subdivision.	Yes
2.7 Demolition	Development consent is required.	Consent is sought for the demolition of the existing structures on site.	Yes
Part 4 Principal development standards			
4.3 Height of buildings	Part of the site towards the western end of Robertson Road is subject to a maximum building height of 8.5m above flood planning level. The remainder of the site is subject to a maximum building height of 11.5m above flood planning level. The flood planning level for the site is 720mm. Therefore, the site is subject a maximum building height of 9.22m and 12.22m.	The maximum height of the proposed development is 10.8m above existing ground level and 10m above the flood planning level. In relation to the section of the site subject to a building height of 12.22m above the flood planning level, the non-compliance relates only to a minor section the roof slab. Regarding the section of the site subject to a building height of 9.22m, the non-compliance only relates to a portion of Level 3 given the topography of the site. The key arguments contained in the Clause 4.6 Justification include the proposal's compatibility with emerging developments in the locality and unlikely environmental impacts.	No
Part 5 Miscellaneous provisions			
5.10 Heritage conservation			
	(5) Heritage assessment - The consent authority may, before granting consent to any development—	The site adjoins a heritage item (No. 2270471) known as St Michael's Anglican Church located to the north of the site	Yes

Development Standard	Controls	Comment	Compliance
	a) on land on which a heritage item is located, or b) on land that is within a heritage conservation area, or c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	and is identified as an item of local significance. The description of the item is as follows, *The church should be retained and conserved. Alterations and additions that would not affect its overall Gothic style detailing and simple form, are acceptable to ensure ongoing use and improvement to meet the needs of the church congregation. Council's Heritage Advisor's advice should be sought at the design stage of any future additions to the building and the site. A Heritage Assessment or Heritage Impact Statement should be prepared for the building prior to any major works being undertaken. Photographic Archival Recording should be undertaken before major changes in accordance with the NSW Heritage Office guidelines for Photographic Recording of Heritage Items using Film or Digital Capture (2006).*[2] The scale of the proposed development is appropriate and would not have an overbearing effect nor would it compromise the significance of the heritage item located to the north of No.353 of the site given the setback of the proposed	

[2] https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2270471

Development Standard	Controls	Comment	Compliance
		development from the Church. Further, the proposed development incorporates landscaping along the northern boundary on the upper levels to soften the appearance of the proposed development when viewed from the Church. Therefore, the proposed designed is deemed acceptable in this regard.	
Part 7 Additional local provisions			
7.1 Acid Sulfate Soils	The site falls under Class 4 and Class 3 of the Acid Sulfate Soils Map. 2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class 3 Works more than 1 metre below the natural ground surface. Works by which the water table is likely to be lowered more than 1 metre below the natural ground surface. Class 4 Works more than 2 metres below the natural ground surface. Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface	The relevant map shows the site likely contains Class 4 and Class 3 Acid Sulphate Soils, and lies within 500m of Class 3 and Class 5 soils. Further testing is recommended in accordance with the Preliminary Geotechnical Assessment. The Geotechnical Report demonstrates that the soil conditions are appropriate for the proposed development.	Yes

Development Standard	Controls	Comment	Compliance
7.2 Earthworks	(2) Development consent is required for earthworks unless: a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	Council consent is sought for the proposed earthworks which are ancillary to the proposed development. The extent of earthworks proposed is to ensure that sufficient onsite car parking and building services are provided in association with the proposed development. The stormwater drainage plan demonstrates that the proposed development has been designed to take account of the quantum of excavation proposed. The effect of the excavation will not adversely impact the amenity of adjoining properties; instead, it will allow for sufficient on-site parking to ensure that the development does not place undue pressure on the surrounding street network, causing inconvenience to other residences or businesses within the immediate vicinity of the site.	Yes
7.3 Flood Planning	(2) This clause applies to land at or below the flood planning level.	The site is subject to flood planning controls.	Yes
	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: a) is compatible with the flood hazard of the land, and b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other	The proposal incorporates appropriate flood mitigation measures outlined in the Flood Impact Assessment prepared by Demlakian Pty Ltd.	Yes

Development Standard	Controls	Comment	Compliance
	development or properties, and c) incorporates appropriate measures to manage risk to life from flood, and d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.		
7.10 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	The site contains adequate facilities which will be retained and upgraded where required, to cater for the proposed development. Stormwater services will be in accordance with the stormwater management plan accompanying this application. Vehicular access is proposed from Robertson Road, to ensure that the development does not cause disruption to the classified road (Barrenjoey Road), in accordance with the provisions of the SEPP (Infrastructure). The Traffic and Parking Assessment provides the following in relation to the proposed access arrangements: *The proposed access will involve a 5.5m wide two-way*	Yes

Development Standard	Controls	Comment	Compliance
		ramp at the Robertson Road frontage. The access driveway has been designed to be consistent with the design requirements of AS2890.1 particularly in relation to the availability of sight lines.	

The proposal therefore achieves the requirements of the LEP.

The DCP

The DCP provides detailed guidelines for development in the Pittwater, set out in the form of outcomes and controls. here are three key sections of the DCP that are fundamental to the outcomes of this application, being the *Shaping Development in Pittwater* (Section 2.5) and *Locality Specific Development Controls*, contained at Section D. The provisions of these are addressed below, having regard to their importance to the development outcomes. All other DCP controls relevant to the proposal are addressed under a separate cover at Appendix 2.

Further, SEPP 65 takes precedence and there is only a limited number of provisions that apply to the proposal.

Note. To avoid repetition, only compliance with the relevant controls is provided below where these have not previously been addressed in this SEE.

Section A Shaping Development in Pittwater

The site is located within Newport Commercial Core as shown in the Figure below.

Figure 10: Newport Locality Map

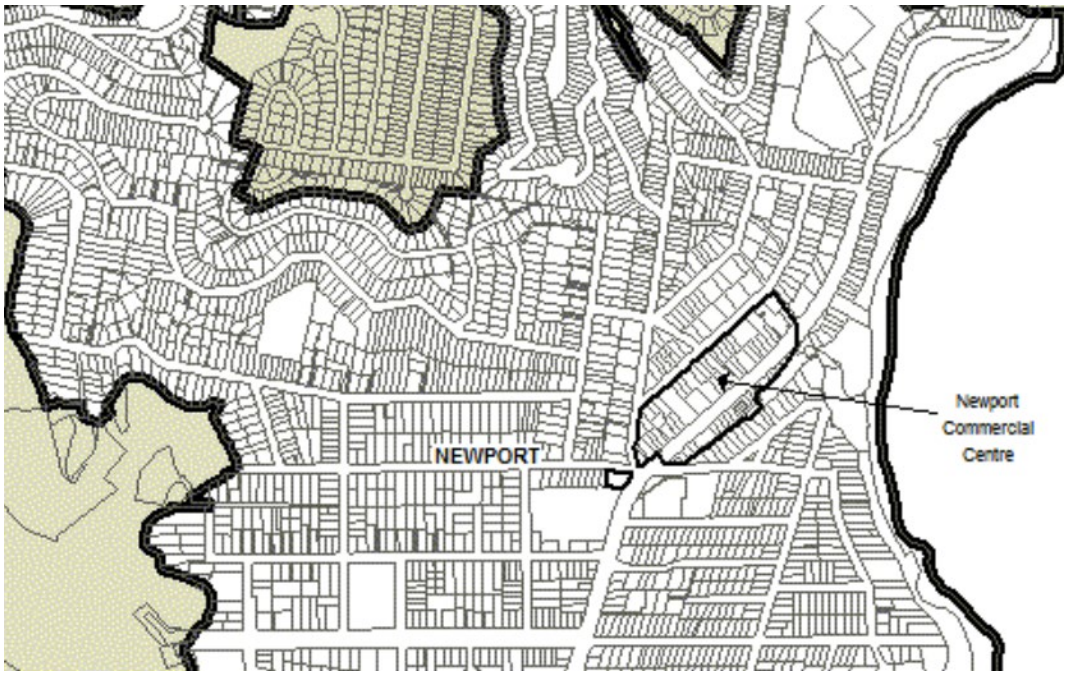


Table 10: DCP Compliance

Provision	Comments	Compliance
A4 Localities		
A4.10 Newport Locality		
Desired Character Within the Newport Commercial Centre	The proposed development has been designed in accordance with Newport Masterplan. Refer to detailed discussion in Section D of the DCP.	Yes
○ Diversity rather than uniformity of building type and style is a desirable part of the existing character and is encouraged to continue. Strategies to achieve this include modulating buildings in both the vertical and horizontal plane, and enabling a variety of fenestration, awning treatments and roof forms. This diversity, including the mix of new and remodelled buildings, will be unified by the streetscape and public domain treatments. ○ At the topmost level of buildings, setbacks to front, sides and rear will break down the overall scale of	The design seeks to provide a contemporary built form in a corner location which will contribute to the immediate urban context of the neighbourhood and the desired character of the locality. The proposal will thus provide a long-term asset to the neighbourhood through an active streetscape and improved public domain outcomes. The proposed façade design represents a well-articulated and modulated design with appropriate materials and finishes. The scale of the proposed development is appropriate and would not have an overbearing effect nor would it compromise	Yes

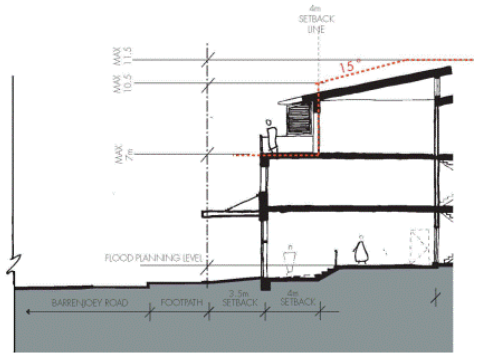
Provision	Comments	Compliance
the street, support view sharing, and will also provide useable roof terraces and garden areas. Views from the upper slope down and across the roofscape will be significantly improved by thoughtful roof design. The permeability of the centre will be further improved by both protecting and creating views through and between buildings. ○ The architectural character will be expressed strongly through the design of facades, including shading and screening devices, lightness and transparency of materials, and elements that promote natural ventilation.	the significance of the heritage item located to the north of No.353 of the site given the setback of the proposed development from the Church. The proposed development provides an acceptable level of compliance with the principles of the ADG and will not compromise the amenity of the adjoining properties. The apartments are oriented to the north to maximise residential amenity for future occupants (views, solar access, cross ventilation), as well as ensuring that impacts on amenity to the adjoining properties are minimised, whilst allowing the site to achieve the maximum development potential. The third storey is setback to achieve a visual separation between the lower and upper levels of the building.	
○ Building orientation, internal layouts, the location and design of balcony and courtyard areas, should all optimise people's ability to use and enjoy the spaces.	The proposed development has been designed to maximise accessibility, natural ventilation, solar orientation, and energy efficiency.	Yes
○ Shop fronts will be largely transparent, with large openings, connecting directly with the footpath areas, to contribute to a sense of permeability.	The retail tenancies on the ground floor plane will be provided with large transparent openings on both street frontages to ensure that the site provides a strong and vibrant relationship with the public domain. Further, on the levels above, activity is achieved by locating balconies directed at the street frontages to ensure casual surveillance over the adjoining public domain.	Yes
○ Building users will benefit from terraces, balconies and openings with a pleasant outlook, while the space benefits from passive surveillance and from being attractively edged.	The upper level balconies, terraces and window openings overlook the surrounding street network to ensure natural, passive surveillance over the public domain. This will assist to provide a safe, local environment and create a sense of place.	Yes

Provision	Comments	Compliance
The desired future character for the commercial centre includes an increased diversity and range of retail, commercial and community activities for the Newport community. Barrenjoey Road and Robertson Road will be consolidated as the primary retail streets, and the role of Robertson Road as an activity hub for the village will be enhanced. Further development of shop top housing will enliven the village, particularly at nights and weekends, and increase the retail customer base. The Newport Commercial Centre will have increased patronage from visitors as well as local residents, due to: ○ Retention and enhancement of the clusters of cafe/dining uses on Barrenjoey Road and Robertson Road. ○ Active land uses on highly visible sites at the northern and southern ends of the commercial centre, with a high degree of interaction with the public domain	The proposed development will provide for a range of retail and businesses uses that will serve the needs of the local area. Nine separate tenancies are offered of varying sizes, to accommodate a diversified combination of business interests.	Yes

Section D Locality Specific Development Controls

Provision	Comments	Compliance
D10 Newport Locality		
D10.1 Character as viewed from a public place		
Outcomes ○ To achieve the desired future character of the Locality. ○ To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment. ○ To enhance the existing streetscapes and promote a scale and density that	The proposal provides a sound architectural and urban design response which will contribute to the immediate urban context of the neighbourhood and the desired character of the locality. The built form is designed to sensitively respond to the surrounding context and the constraints of the site through articulation and modulation within the	Yes

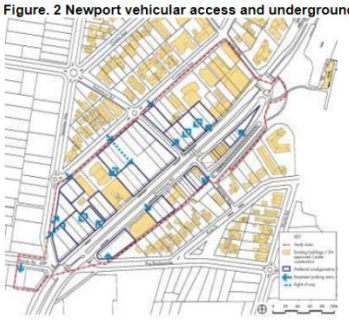
Provision	Comments	Compliance
is in scale with the height of the natural environment. ○ The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. ○ High quality buildings designed and built for the natural context and any natural hazards. ○ Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. ○ To preserve and enhance district and local views which reinforce and protect Pittwater's natural context. ○ To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component. ○ To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land	facades by providing a well-designed building in a prominent precinct. The retail component is consistent with the master plan for the precinct and provides an improved urban design outcome for the site at both street frontages resulting in active streetscapes and passive surveillance, being far superior over the existing situation. Car parking facilities are located within the basement levels, thereby out of view from the public domain. The proposal incorporates landscaping which allows for softening of the built form and contributes significantly to the streetscape, creating visual interest along the ground plane and the public domain areas.	
D10.2 Character - Newport Commercial Centre		
Development in the Newport Commercial Centre shall be in accordance with the approved Masterplan for the Newport Commercial Centre (refer to Appendix 12 of this DCP).		Yes
Small retail facilities are encouraged in Newport Commercial Centre.		Yes
All parking structures shall be below finished ground level at the street boundary or as		Yes

Provision	Comments	Compliance
otherwise specified in the adopted Newport Masterplan at Appendix 12 of this DCP.		
Arcades and through-site links are to be provided in accordance to clause D10.22 and the Masterplan for the Newport Commercial Centre at Appendix 12 of this DCP.	Not applicable	Not applicable
Light wells are not permitted in any development.	No light wells are proposed.	Not applicable
D10.4 Building colours and materials		
Bright colours and highly reflective materials may be used as highlight items only. The colour white can be used on trims. Mid and light grey may be used for roofs, framing elements (columns, handrails) and for no more than a 20% portion of the wall area ONLY where the finish is uncoated metal. Painted surfaces must be mid-tone or darker.	Refer accompanying schedule of materials and finishes.	Yes
D10.6 Street Frontage Building Envelope (Newport Commercial Centre)		
On Barrenjoey Road, development must be sited within a building envelope determined in accordance with the diagram at Figure 1. **Figure 1. Barrenjoey Road street frontage**  		Yes
D10.9 Setbacks (Newport Commercial Centre)		
The front building line of new development on Barrenjoey Road is to be set back 3.5 metres from the front boundary		Yes
Design the 3.5 metre front setback to be at the same level as and integrate with the		Yes

Provision	Comments	Compliance
footpath (in particular with the use of paving material) to visually extend the public domain.		
On all street frontages the third (topmost) level is to be set back a minimum 4.0 metres from the front building line	Level 3 is setback four metres from the front building line.	Yes
Side setbacks	It is noted that the building separation controls in the ADG are applicable given the nature of the proposed development.	
No side setbacks are required for ground or 1st floor.	Noted.	Yes
Spaces between buildings at the topmost (3rd) level are required. A minimum 3 metre side setback is required.	The top floor level is setback at a minimum of 3m from the side boundaries, with the exception of a section of the north-western portion of the building that is proposed to boundary. That said, this is consistent with the existing building at No.355 that is built to boundary as it interfaces with the subject site and therefore has no impacts.	Yes, on merit
In addition, the maximum length of the topmost floor of a 3 storey building is 24 metres, with side setbacks of minimum 6 metres width in accordance with Residential Flat Design Code building separation standards for non-habitable rooms.	Refer to detailed discussions in Section 5 regarding setbacks. The length of the top floor exceeds 24m; however, the proposal achieves full compliance with solar access and cross ventilation, such that it is acceptable.	Yes, on merit
Where habitable rooms and their balconies are located at the side boundary, side setbacks for adjoining properties will be determined in accordance with the building separation controls (Refer to Part D10.24 of this DCP).	Refer to detailed discussions in Section 5.	Yes
Buildings at ground level are to have nil setbacks to the boundary except where arcades or through site links are introduced and for boundaries adjoining land at No. 335 Barrenjoey Road.		Yes
Where arcades are provided, design the entry and the arcade itself to a minimum 6 metre width and generous height.	Not applicable.	Not applicable.

Provision	Comments	Compliance
Upper level setbacks The ground and first floor on Barrenjoey Road are to be built to the 3.5 metre front setback building line (except Nos. 358-386 Barrenjoey Road where a nil front setback is required). The ground and first floor on Robertson Road are to be built to the front boundary except where a setback from the public plaza is required. The topmost (3rd) level is to be set back a minimum of 4 metres from the front setback that the lower levels are required to achieve under the front setback requirements of this DCP. All elevations of buildings adjoining the Robertson Road plaza (refer to the controls in this clause or the adopted Newport Masterplan at Appendix 12 for the location of the plaza) have a maximum 2 storey building height at their front building line to the plaza, with the topmost (3rd) level set back a minimum of 3 metres from the front facade of the lower floors.	Refer previous discussions.	Yes
Rear Setbacks	Not applicable, as the site is a corner allotment.	Not applicable
D10.12 Landscaped Area - General		
Residential Flat Buildings, Multi Dwelling Housing and Shop Top Housing Provided the outcomes of this control are achieved, and the bulk and scale of the development is not increased, the following may be permitted: Areas with soil depth greater than 800mm above built structures (excluding drainage and waterproof membranes) may be included as landscaped area. Soil depths above built structures less than this will not be included as landscaped area.	Refer detailed discussions in Section 5.	Yes, on merit
D10.17 Character of the Public Domain - Newport Commercial Centre		

Provision	Comments	Compliance
○ Development with frontages within the Commercial Centres shall include the design and construction of works in the public domain including the footpath zone, footpath paving finish, kerb and gutter, drainage facilities, street furniture, street lighting and landscaping and making good the adjacent road formation and pavement for the full width of the development site on all public road reserve frontages at the full cost to the developer. ○ The design and construction of all works in the public domain must be in accordance with the: • Roads, Footpaths and Nature Strip Guidelines and: • Newport Masterplan included at Appendix 12 of this DCP ○ Refer to additional controls for landscaping in commercial centres in Part C - C2.20 Public Road Reserve - Landscaping and Infrastructure.	As discussed previously, the proposed development provides an improved urban design outcome for the site on both street frontages with improved amenity resulting in active streetscapes and passive surveillance, being far superior over the existing situation. Refer to architectural and landscape plans for further details.	Yes
D10.19 Subdivision and Amalgamation (Newport Commercial Centre)		
New development is to be designed in accordance with the indicative amalgamation pattern and vehicular access and underground parking arrangements (including the provision of right of access through some sites) shown in the figures below.	Car parking for the proposed development is provided in the basement. In terms of realising Council's vision for the Town Centre regarding vehicular access and underground parking arrangements with adjoining sites, there are numerous challenges associated with the feasibility of redevelopment and the likelihood of such a scale of renewal/ redevelopment outcomes. The proposal involves amalgamation of two lots being No. 351 and 353. Vehicular access to the site is provided from Robertson Road as indicated on the plan. The location pf the driveway crossover is closer to the western boundary to ensure the retail tenancies are arranged continuously and	Yes

Provision	Comments	Compliance
 Figure. 2 Newport vehicular access and underground parking arrangements 	minimise pedestrian and vehicular conflicts.	
D10.20 Design of Mixed Use Developments		
Buildings are to be designed with:		
○ flexible layouts to enable a variety of uses and tenancies, and whose use can change over time,		Yes
○ floor to ceiling heights for ground floor retail uses of a minimum of 3.3 metres (for flood affected buildings this is to be measured from the flood planning level), ○ first and second floor ceiling heights of a minimum of 2.7 metres.		Yes
○ Avoid the use of blank walls at ground level.	There are no blank walls proposed.	Yes
○ Clearly distinguish commercial entries from residential entries; ensure that any residential entries off Barrenjoey Road and Robertson Road are secondary to retail and commercial entries and arcades.	Residential entrance to the site is from Robertson Road. Retail entrances are clearly defined and separated on Barrenjoey and Robertson Roads.	Yes
○ Achieve acoustic privacy by separating uses where possible, ensuring that loading bays, garbage disposal and other service areas are buffered from residential areas and	Two waste storage areas are provided. The waste storage area for the retail tenancies is located at Basement Level 1. The residential waste storage area is located on the ground floor adjacent to the fire stairs. The location of this is set in well behind the front façade and shielded	Yes

Provision	Comments	Compliance
openings, and by careful location of noise-generating services.	from the public domain and the retail tenancies. A loading area is provided on Basement Level 1.	
D10.21 Active Frontages		
○ Buildings shall be designed with active uses fronting streets, and with openings overlooking streets and public spaces.	The retail shops provided on the ground floor will contribute to the active frontages along both Barrenjoey and Robertson Roads. Additionally, residential balconies provided on the first and second floors overlooking the public streets will contribute to the active uses fronting the streets.	Yes
○ Internalised uses and/or uses that do not activate and engage the street will not be permitted on key entry sites to the commercial centre (key entry sites are identified in Figure 4.6 of the adopted Newport Masterplan at Appendix 12 of this DCP).	The development provides for active and engaging uses within the Newport Commercial Centre.	Yes
○ Building fronts and entries are to be designed to be clearly visible from the street.		Yes
○ Awnings are to be provided to the full width of the lot at ground floor on Barrenjoey Road and Robertson Road (including to the public plaza to a minimum depth of 2 metres), and over entries to buildings on Seaview Parade, Foamcrest Avenue, Coles Parade and Bramley Avenue. Refer to adopted Masterplan at Appendix 12 for the location of the public plaza. ○ Awnings are to be stepped with the topography. ○ Transparent awnings are permitted (so long as they are glass with solar control, not perspex or other material that transmits heat) to contribute to a sense of openness.	The awning is setback 1.55m from the kerb line on Robertson Road to allow for street trees. In terms of Barrenjoey Road, the awning is provided to the full width of the lot frontage.	Yes
○ Shop fronts are to be wrapped around corners into side streets to increase the area of active frontage.		Yes

Provision	Comments	Compliance
○ For cafe/dining uses, openable window areas in association with seating overlooking the street is to be provided.		
D10.23 Building Entries		
○ Retail entries are to be no more than 10 metres apart. ○ Design all retail entries to be fully accessible. ○ Provide awnings over all building entries (where they are not already to be provided to the primary retail streets)		Yes
D10.24 Building Depth and Separation	Refer detailed discussions in Section 5.	
D10.25 Roof Form		
○ Use skillion, low pitched, folded, curved or 'floating' roof forms. ○ Large unbroken areas of roofs are discouraged; articulate roofs to create a multi-planar, varied roofscape.	The proposed roof design is contemporary and comprises of a flat roof form with an angular floating roof profile on the Barrenjoey Road frontage to create some visual interest and a carried roofscape.	Yes
○ Gable end and hipped roofs forms are not permitted on Barrenjoey Road or Robertson Road. They may be used on Foamcrest Avenue where the existing neighbouring context is primarily residential.	No gable end and hipped roofs are proposed.	Yes
○ Green roofs that provide landscaped area and are designed for rainwater collection (harvesting) and re-use are strongly encouraged.	The proposal provides a communal roof top terrace which includes a landscaped area.	Yes
D10.26 Views		
○ Align the entries to arcades with breaks in buildings, as far as possible. ○ Limit the building height and bulk of buildings in visually prominent locations. ○ Break up building mass. ○ Step buildings with the topography on sloping sites.		Yes

Provision	Comments	Compliance
○ Side setbacks to the topmost level of buildings are to be in accordance with the building separation controls of D10.24 of this DCP. ○ 3D modelling of the built form is required to determine the optimum arrangement of the building bulk on the site to meet view controls. ○ The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.		
D10.27 Design for Flooding		
Design the ground floor of flood-prone buildings with two levels: one level directly related to the footpath and front setback, and accessed from it without steps; and one level within the premises above the Flood Planning Level.	Refer to Flood Impact Assessment.	Yes
D10.28 Open Space		
○ A consolidated communal open space area for residential developments is provided. The area must be 15% of the site area with a minimum dimension in one direction of 6 metres. ○ Provide private open space at upper levels (in the form of balconies and terraces), with a minimum area of 10 metres squared and a minimum dimension in one direction of 2.4 metres.	The site is located in a business zone and built to boundary on the ground floor. A communal rooftop space with a total area of 70m^2 is proposed. Apart from this, each apartment has a private open space area in the form of a balcony or courtyard and complies with the minimum dimension.	No, Complies on merit
D10.29 Landscaping		
No landscaped area is required on lots with only one frontage to Barrenjoey Road.	The lot has dual street frontages.	Not applicable
D10.30 Facades		
○ Avoid large expanses of flat, blank facades.	Refer to detailed discussions in Section 5.	Yes

Provision	Comments	Compliance
○ Locate and size windows and openings appropriately for the building orientation and outlook. ○ Design facades to both contribute positively to the streetscape and to protect the amenity of building users, for example with verandahs, balconies, pergolas, sun shading devices, awnings over windows, entry awnings, blade walls, recesses and moveable shutters. ○ Provide horizontal shading devices to north-facing openings, and vertical shading devices (preferably moveable) to west-facing openings. ○ Building facades to any public place including balconies and carpark entry points must not obtain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.		
D10.31 Ecological Sustainable Development Responsive Design (Newport Commercial Centre)		
○ Site and design buildings to balance the need for active, lively streetscapes with the need to benefit from orientation, views and breezes. ○ Discourage the use of mechanical cooling in favour of natural ventilation. ○ Provide solar panels and/or provide or plan for future photovoltaic panels through careful roof design. ○ Promote the use of stormwater and grey water use through capture and re-use of rainwater and /or innovative roof design.	Achieving a high level of amenity is also balanced with the requirements to satisfy thermal comfort requirements and providing an interesting architectural form which maximises good solar access and ventilation to internal areas of the dwellings. All the window modules are designed to maximise daylight and solar access and are sufficiently shaded. Solar control to prevent excessive heat gain on the façades has been provided in the form of high-performance glazing. Solar panels are proposed on the rooftop. Refer to stormwater plans for matters relating to capture and use of rainwater.	Yes
D10.32 Solar Access and Ventilation (Newport Commercial Centre	Refer detailed discussions in Section 5.	Yes

Provision	Comments	Compliance
D10.33 Privacy		
○ Design buildings with adequate building separation within the site and from neighbours (Refer to D10.24 of this DCP for controls for building separation). ○ For ground floor retail / commercial uses, provide appropriate rear setbacks to adjacent residential uses, and design building layout to avoid overlooking of private spaces.	Refer detailed discussions in Section 5.	Yes
Use design elements such as landscaping, screening, offset windows, recessed balconies, louvres, planter boxes, pergolas or shading devices to increase visual privacy.	Refer to landscape plans.	Yes
Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.	The air condensers are located adjacent to the ramp leading to the basement at the ground floor level, along the northern boundary. The car park exhaust is located at the central section of the site adjacent to the lifts and the waste storage areas are located to the basement and ground floor. All the building services areas are located behind the street frontages to ensure that the acoustic privacy of the subject site and the adjoining properties are protected. The layout of the proposed development including the setbacks and appropriate measures incorporated to minimise noise emission from mechanical equipment and service areas.	Yes
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.	The proposed development has been designed to ensure the visual privacy of the lower-level dwellings is maintained.	Yes

7. CONCLUSION

Hamptons has been retained by Development Link Pty to provide planning consultancy services in relation to the land known as 351 - 353 Barrenjoey Road, Newport.

Specifically, the proposal includes:

> *Demolition of the existing structures on the site and lot consolidation; removal of trees and excavation for the purpose of two levels of basement with 54 car parking spaces; construction of a three storey shop top housing development comprising of 9 ground floor retail units and 14 residential apartments and roof terrace; streetscape improvements and landscaping, and extension of services and infrastructure; strata subdivision of the site.*

The site is located in the B2 Local Centre zone pursuant to the LEP. The proposed development, for *shop top housing* is permissible with development consent in the zone. The proposed development satisfies the relevant environmental planning controls, without impact either on the site itself, or on neighbouring properties in proximity to the site.

In summary, the proposal:

- provides an opportunity to provide a mixed use development within Newport's commercial core and close to public transport
- provides a good urban design response by facilitating a high degree of interaction with the public domain and will reinvigorate the section of the urban block within which the site is located
- provides a design which is an appropriate response to the desired character of the locality. This includes maintaining an appropriate scale to the street frontages without adverse overshadowing or amenity impact on surrounding properties
- provides an increase in housing supply and choice within the area consistent with the environmental planning controls
- provides high quality residential apartments which provide a high level of amenity and privacy to the future occupants
- provides an appropriate response to the context, setting, planning instruments and preliminary assessment as required under the heads of consideration under Section 4.15(1) of the *EP & A Act*
- will have no adverse environmental impacts on adjoining properties and more importantly has been designed to provide an integrated response to adjoining development in relation to building separation, amenity and compatibility with the design, bulk and scale of the approved development.

This being the case, it is recommended that the development application be approved in accordance with the accompanying plans.

8. APPENDICES

APPENDIX 1: NSW Apartment Design Guide Assessment

The following table provides consideration regarding ADG matters not addressed within the SEE.

ADG Criteria	Proposal	Compliance
3B Orientation		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Refer to site analysis plan prepared by Crawford Architects provided in the architectural drawings accompanying this application.	Yes
Building type/ layouts respond to streetscape, optimising solar access.	The built form parameters for the proposed development are largely determined by the DCP controls which provides the desired development outcomes for the locality. Solar access to residential apartments is optimised having regard to site constraints, with 85.7% of apartments receiving more than 2 hours sunlight during the winter solstice.	Yes
Overshadowing of neighbouring properties is minimised.	Refer discussions in the SEE.	Yes
3C Public Domain Interface		
○ Terraces, balconies should have direct street entry, where appropriate. ○ Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.	The proposed development involves construction of a shop-top housing development.	Not applicable
Upper level balconies and windows should overlook the public domain		Yes
Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m		Not applicable
Length of solid walls should be limited along street frontages	There are no blank walls proposed on the street frontages.	Yes
Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.		Yes

ADG Criteria	Proposal	Compliance
Opportunities for people to be concealed should be minimised	The building layout and treatment to the street frontages ensures that concealed areas are minimised.	Yes
Mailboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mailboxes are provided adjacent to the entrances of the residential lobby on the Robertson Street frontage.	Yes
The visual prominence of underground car park vents should be minimised and located at a low level where possible	Underground car parking vents do not appear to the street frontage and the carpark exhausts are integrated into the lift core of the building that exhausts on the rooftop, therefore ensuring that these aspects are not visually prominent from the street frontages.	Yes
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	Refer discussions in the SEE.	Yes
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	The public domain areas of the development are designed to ensure accessibility through the extent of the site, where possible.	Yes
Durable, graffiti resistant and easily cleanable materials should be used	The building will be constructed of high-quality materials and finishes to ensure compliance with these aspects.	Yes
3D Communal and Public Open Space		
Minimum 25% of the site. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	Provided = 70m^2 (5.33%)	No, complies on merit
Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter.	The communal open space on the rooftop achieves a minimum of 2 hours of direct solar access.	Yes
3E Deep Soil Zones		
A deep soil zone equivalent to 7% of the site area must be provided with a min dimension of 3m. Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)	The site is located in a business zone and the ground floor is attributed to non-residential uses. The proposal provides a small strip of landscaping along the western boundary as deep soil.	Yes

<table>
<tr><th>ADG Criteria</th><th>Proposal</th><th>Compliance</th></tr>
<tr><td>

- there is 100% site coverage or non-residential uses at ground floor level

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved, and alternative forms of planting provided such as on structure.

</td><td></td><td></td></tr>
<tr><td>3F Visual Privacy</td><td></td><td></td></tr>
<tr><td>

Minimum separation distance from building to side and rear boundaries:

<table>
<tr><th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr>
<tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table>

Separation distances between buildings on the same site should combine required building separations depending on the type of room.

</td><td>Refer to discussions in the SEE. The design seeks to provide an architectural response to ensure the privacy of the adjoining properties, as well as the buildings within the site, are not compromised while maximizing the development potential of the site.</td><td>Yes</td></tr>
<tr><td>3G Pedestrian Access to Entries</td><td>As discussed in the SEE, the ground floor plane will be provided with multiple entries to the residential lobbies. The building entrances leading to the residential lobby is clearly visible from the street frontages.</td><td>Yes</td></tr>
<tr><td>Large sites provide pedestrian links for access to streets and connection to destinations.</td><td>Not applicable.</td><td>Not applicable.</td></tr>
<tr><td>3H Vehicle Access</td><td></td><td></td></tr>
<tr><td>Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</td><td>The entry, as required by the SEPP Infrastructure, is located on Robertson Road and only one ingress/egress point is provided to service the development. The vehicular access point is appropriately integrated into</td><td>Yes</td></tr>
</table>

ADG Criteria	Proposal	Compliance
	the buildings design and a gate is provided to minimise voids in the façade.	
3J Bicycle and Car Parking		
For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area: or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre • the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	The site is located in the B2 Local Centre zone. The development provides two basement level car parking, such that, Basement Level 01 offers 22 retail parking spaces and Basement Level 02 offers 32 residential parking spaces, additionally each basement includes one motorcycle parking space. A Traffic and Parking Assessment accompanies the development application.	Yes
Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.	The proposed development provides two motorcycle spaces.	Yes
Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Separate bicycle parking is not allocated; however, the proposal provides storage cages in the basement for residential units where the bicycles can be stored.	Yes, on merit.
○ Direct, clearly visible and well-lit access should be provided into common circulation areas. ○ A clearly defined and visible lobby or waiting area should be provided to lifts and stairs ○ Excavation should be minimised through efficient car park layouts and ramp design ○ Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles	The proposed development provides an efficient and functional basement layout. The lift core is clearly visible and provided in a safe and accessible location. Parking levels are uniform, and the car parking layout follows a grid pattern. Refer to architectural drawings.	Yes
Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or	The car parking area does not protrude above the ground level.	Yes

ADG Criteria	Proposal	Compliance
using split levels on sloping sites		
Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design	Not applicable.	Yes
On-grade car parking should be avoided. Exposed parking should not be located along primary street frontages	All parking is contained within the basement of the building.	Yes
4A Solar and Daylight Access		
Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area.		Yes
Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter.		Yes
4B Natural Ventilation		
At least 60% of apartments are cross ventilated in the first nine storeys.		Yes
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	The proposed development only comprises of two corner apartments, 11 dual aspect and one single aspect apartment.	Not applicable
The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	Development has a mix of dual aspect apartments and corner apartments.	Yes
In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side).		Not applicable
The area of unobstructed window openings should be equal to at least 5% of the floor area served.	The proposed apartments have been designed to comply with these requirements.	Yes
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: ○ Habitable rooms 2.7m, ○ Non-habitable rooms 2.4m.		Yes
4D Apartment Size and Layout		
Minimum apartment sizes: ○ Studio 35m^2 ○ 1 bedroom 50m^2	A maximum of three bedrooms is proposed. All units comply with the minimum internal area requirements, with many units exceeding the	Yes

ADG Criteria	Proposal	Compliance
○ 2 bedroom 70m^2 ○ 3 bedroom 90m^2	minimum. Refer to area schedule in the architectural drawings.	
Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.	All habitable rooms are provided with a window on the external wall. Daylight and air will not be borrowed from other rooms. All windows have a minimum area greater than 10% of the floor area of the room.	Yes
Habitable room depths are limited to 2.5 x the ceiling height.	The apartment composition is such that the depths exceed this requirement in the central section of the building. The logic to this approach is to ensure that the habitable living spaces achieve a maximum proportion of access to sunlight. In the alternate, if two storey apartments were proposed through this section of the development, off a central corridor, there would be a significant increase to the number of apartments with a south facing orientation, which is considered to be a less desirable outcome for the development when it has the benefit of a northern orientation.	Yes, on merit.
• In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. • Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space) • Bedrooms have a minimum dimension of 3m (excluding wardrobe space) • Living rooms or combined living/dining rooms have a minimum width of: ○ 3.6m for studio and 1-bedroom apartments ○ 4m for 2- and 3-bedroom apartments • The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All apartments are designed in an 'open plan' arrangement and are generally rectangular in shape to allow flexibility for rearranging furniture and to maximize circulation between spaces. The apartments comply with the design requirements in terms of minimum bedroom size and dimensions.	Yes
4E Private Open Space and Balconies		

ADG Criteria	Proposal	Compliance
Primary balconies are provided to all apartments providing for: <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m	All units comply with the minimum requirements for private open spaces.	Yes
Primary private open space and balconies are appropriately located to enhance liveability for residents.	Private open spaces and balconies are located adjacent to the living areas of the apartments to extend the living space.	Yes
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.		Yes
Private open space and balcony design maximises safety	Solid and transparent balustrades are proposed for safety and privacy purposes. The design and detailing of the proposed balconies avoid opportunities for climbing and falls.	
4F Common Circulation and Spaces		
Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.	The proposed development is serviced by one lift. No more than 8 apartments are serviced by one lift.	Yes
For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		Not applicable.
Natural ventilation is provided to all common circulation spaces where possible.	Daylight and natural ventilation are provided to all common circulation spaces that are above ground.	Yes
Common circulation spaces provide for interaction between residents.		Yes
Longer corridors greater than 12m in length are articulated.	The corridor on the second floor is greater than 12m in length; however, wider entries are provided for each unit. Daylight and natural ventilation are provided to all common circulation spaces that are above ground.	Yes

ADG Criteria	Proposal	Compliance
4G Storage		
The following storage is required (with at least 50% located within the apartment): ○ Studio apartments 4m^3 ○ 1 bedroom apartments 6m^3 ○ 2 bedroom apartments 8m^3 ○ 3 bedroom apartments 10m^3	The development has been designed to comply with these requirements. Refer to storage schedule in the architectural drawings.	Yes
4H Acoustic Privacy and 4J Noise and Pollution		
Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.	The main potential noise source in the vicinity is the traffic from surrounding streets. The common walls will be appropriately insulated in accordance with Building Code of Australia requirements. The recommendations and the external treatments to attenuate adverse noise conditions outlined in the Acoustic Impact Assessment will be implemented.	Yes
Noise impacts are mitigated through internal apartment layout and acoustic treatments.	Refer to discussions in the SEE.	Yes
4K Apartment Mix		
○ Provision of a range of apartment types and sizes. ○ Apartment mix is distributed to suitable locations within the building.	The proposal is designed with a composition of apartments to provide a variety of housing choices that respond to market demands, noting that the apartment sizes are varied and will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.	Yes
4L Ground Floor Apartments	The proposed development involves construction of a shop-top housing development.	Not applicable.
4M Facades		
○ Building facades provide visual interest along the street while respecting the character of the local area. ○ Building functions are expressed by the façade.		Yes
4N Roof Design		

ADG Criteria	Proposal	Compliance
○ Roof treatments are integrated into the building design and positively respond to the street. ○ Opportunities to use roof space for accommodation and open space is maximized. ○ Roof design includes sustainability features.	Refer discussions in the SEE.	Yes
40 Landscape Design and 4P Planting on Structures		
○ Landscape design is viable and sustainable. ○ Landscape design contributes to streetscape and amenity. ○ Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance). ○ Plant growth is optimised with appropriate selection and maintenance. ○ Building design includes opportunity for planting on structure.	Refer to discussions in the SEE and the Landscape Plans.	Yes
4Q Universal Design		
Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features: ○ Safe and continuous levelled path to entrances. ○ Accessible entry door with a minimum 820 mm clear opening width and a step-free threshold. ○ Level landing area of 1200mm x 1200mm at the entrance door. ○ Internal doors with a minimum 820 mm clear opening width and a step-free transition between surfaces. ○ Internal corridors with a minimum of 1000mm clear width. ○ Step free shower recess. ○ Bathroom wall is reinforced for grab rails around the toilet, shower and basin.	3 of the 14 apartments, representing more than 20% of the development satisfy this requirement. The proposed development complies with the relevant Australian Standards; the Building Code of Australia access requirements; and the Disability Discrimination Act 1992. An access report accompanies this application.	Yes

ADG Criteria	Proposal	Compliance
○ A toilet is provided on the ground or entry level in multi-level apartments that provides: (i) minimum clear width of 900mm between walls, (ii) minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing). ○ A variety of apartments with adaptable designs are provided. ○ Apartments layouts are flexible and accommodate a range of lifestyle needs.		
4R Adaptive reuse		
Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include: ○ generously sized voids in deeper buildings ○ alternative apartment types when orientation is poor ○ using additions to expand the existing building envelope	The proposal is a new development and does not involve an adaptive re-use.	Not applicable
4S Mixed Use		
Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street • active frontages are provided • diverse activities and uses • avoiding blank walls at the ground level • live/work apartments on the ground floor level, rather than commercial	The ground floor of the proposed development ensures that each tenancy, as well as the residential lobby, address the street and will provide active street frontages, both within and externally to, each tenancy. Blank walls have been avoided with a substantial quantum of glazing to enable tenancies to address the street and provide activation.	Yes
Residential circulation areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components		Yes

ADG Criteria	Proposal	Compliance
• residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided		
4T Awning and Signage		
Awnings are well located and complement and integrate with the building design	The proposed awnings are provided to the full width of the lot at ground floor on both street frontages in accordance with the DCP guidelines.	Yes
Signage responds to the context and desired streetscape character	Building identification signage is incorporated into the brick wall cladding on the Robertson Road frontage as demonstrated on the Architectural Drawings.	Yes
4U Energy Efficiency		
○ Development incorporates passive environmental design. ○ Adequate natural ventilation minimises the need for mechanical ventilation. ○ Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	○ Adequate natural light is provided to habitable rooms. ○ The proposed development optimises natural cross ventilation for apartments within the development.	Yes
4V Water Management and Conservation		
Potable water use is minimised.	○ Proposed water re-use measures exceed BASIX requirements. ○ Water efficient fittings and appliances will be installed. ○ Drought tolerant, low water use plants are proposed within the landscaped areas.	Yes
Urban stormwater is treated on site before being discharged to receiving waters.	Refer hydraulic /stormwater management plans accompanying the application	Yes
Flood management systems are integrated into the site design.		Yes
4W Waste Management		
○ Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity. ○ Domestic waste is minimised by providing safe and convenient source separation and recycling.	The waste storage area forms an internal part of the building and is shielded from the public domain. Refer to Waste Management Plan and discussion in the DCP.	Yes

ADG Criteria	Proposal	Compliance
4X Building Maintenance		
○ Building design detail provides protection from weathering. ○ Systems and access enable ease of maintenance. ○ Material selection reduced ongoing maintenance cost.	○ Appropriate design and material selection are proposed to ensure longevity of the building. ○ The proposed development provides suitable access for cleaning the building. ○ Shading devices are manually operated where provided. ○ The materials are robust and have been selected to require minimum ongoing maintenance.	Yes

Planning Circular 'Using the Apartment Design Guide'

On 29 June 2017, the Planning Circular '*Using the Apartment Design Guide'* was issued by the Department. The Circular emphasised the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved.

The Circular supports the approach to assessing the residential amenity of the proposed buildings in that all proposed units cannot reasonably achieve every amenity design criterion in the ADG and that this is not the intension of the ADG. As demonstrated in the analysis above and, all residential units within each building will achieve an acceptable level of amenity with most units receiving a high level of amenity. Therefore, the proposed development satisfies the intent of the ADG and are acceptable in relation to residential amenity.

APPENDIX 2: DCP Compliance

To avoid repetition, only compliance with the relevant controls is provided below where these have not previously been addressed in this SEE.

Section B General Provisions

Provision	Comments	Compliance
B2 Density Controls		
B2.6 Dwelling Density and Subdivision – Shop Top Housing		
The commercial/retail component of the development must be a minimum of 25% of the gross floor area of the building.	The commercial/retail component of the building provides a total area of 640.685m^2. This is equivalent to 33.6% of the floor area of the building. Thereby, the development ensures the density and scale is appropriate to the capabilities of the site and the surrounding area.	Yes
The re-subdivision of individual or groups of dwellings subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the dwelling. Landscaped areas, access areas and signage not forming part of an individual dwelling must be included as common property.	Consent is sought for Strata subdivision of the site. These matters will be addressed during subdivision certification stage.	Yes
B3 Hazard Controls		
B3.6 Contaminated Land and Potentially Contaminated Land		
Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.	Refer to discussions in the SEE.	Yes
B3.11 Flood Prone Land		
The purpose of this Part is to guide development in accordance with the	A Flood Impact Assessment accompanies this application. The proposal incorporates	Yes

Provision	Comments	Compliance
objectives and processes set out in the NSW Government's Flood Prone Land Policy as outlined in the NSW Government, Floodplain Development Manual, 2005.	appropriate flood mitigations measures, with a raised floor level to that specified by Council. The floor levels are set at an appropriate height to reduce the frequency of inundation of structures and floors to an acceptable probability. Therefore, utilising design outcomes the risks associated with the development are sufficiently minimised.	
Form A and A1 (Attachment A of Northern Beaches Council's Guidelines for preparing a Flood Management Report) is to be completed and submitted to Council	This accompanies the application.	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)		
This control applies where 'intensification of development' is proposed. 'Intensification of development' includes but may not be limited to: ○ an increase in the number of dwellings (but excluding dual occupancies and secondary dwellings). ○ an increase in commercial or retail floor space.	The proposal involves a shop-top housing development.	Yes
2) Climate Change Assessment for Land Identified on Flood Hazard Maps. For land identified on Council's Flood Hazard Maps involving development to which this control applies, a Flood Risk Management Report shall be prepared in accordance with Appendix 8 - Flood Risk Management Policy for Development in Pittwater, which includes an assessment of climate change. This assessment shall include the impacts of climate change on the property over the life of the development and the adaptive measures to be incorporated in the design of the project. The following climate change scenarios shall be considered:	Refer to Flood Impact Assessment	Yes

Provision	Comments	Compliance
○ Scenario 1: Impacts of sea level rise only ○ Scenario 2: Impacts of sea level rise combined with increased rainfall volume Flood Planning Levels for Scenario 1 and 2 have not been adopted by Council to date. Applicants should contact Council to be directed to the source of the best available information to determine the likely increase in Flood Planning Levels as a result of climate change.		
B4 Controls Relating to the Natural Environment		
B4.22 Preservation of Trees and Bushland Vegetation		Not
Authority to clear a tree or other vegetation is regulated in this plan in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.	Refer to discussions in the SEE.	Yes
Development must also avoid any impact on trees on public land.	Refer accompanying Arboriculture Impact Assessment.	Yes
For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted.		
Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted.		
B5 Water Management		
B5.5 Rainwater Tanks – Business, Light Industrial and other development		
All development creating an additional hard (impervious) roof area of greater than 50m^2 must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet	Refer to Stormwater Management Plan and BASIX Certificate.	Yes

Provision	Comments	Compliance
flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.		
B5.15 Stormwater		
Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The proposal does not lead to any such outcomes. Matters relating to stormwater and drainage are prepared by Demlakian and accompany this application. Existing stormwater and drainage conditions, proposed design and relevant impacts associated with development are contained in the Stormwater Concept Plans and indicate that development will achieve Council's requirements for water management.	Yes
B6 Access and Parking		
B6.1 Access driveways and Works on the Public Road Reserve		
Access Driveway Design The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards: ○ Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking. ○ Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control.	Refer to Traffic and Parking Report.	Yes
Number of Access Driveways per Allotment The number of permissible Access Driveways to an allotment is as follows: ○ where the frontage of an allotment to a local public road is less than 30m, one only access driveway.	The development proposes one access driveway, from Robertson Road.	Yes

Provision	Comments	Compliance
○ where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit. ○ where the allotment has a frontage to a second local public road, one additional access driveway to the second local road frontage will be considered on merit, based on Council's consideration of the site constraints. Council, under the Local Government Act 1993, may direct as to which frontage access is to be gained where traffic safety issues are a consideration.		
Access Driveway for Service Vehicles to Loading Dock ○ Access Driveways providing access for service vehicles to loading docks must be separated from access used by the general public for access to public parking areas. ○ Access Driveways providing access for service vehicles to loading docks shall, where practical, be located on a rear public road frontage providing separation from pedestrian activity. ○ Where Access Driveways are located on the same frontage, the minimum distance between an Access Driveway for service vehicles and an Access Driveway for the general public shall be 5 metres from the inside edge to the inside edge of the Access Driveways.	Given the constraints of the site, a combined driveway is provided from service vehicles and the tenants/residents of the building.	Yes
Access Driveway Location Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows: ○ minimum clear distance along the road frontage edge of kerb of 50	The location of the access driveway is in the most practical and suitable location, situated along the western boundary of the site, at a minimum distance of 27m from Barrenjoey Road.	Yes

Provision	Comments	Compliance
metres for 40 and 50 kph speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and ○ minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary. For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb. The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.		
For corner allotments adjacent to traffic signals, the location of the Access Driveway will be subject to the approval of the Roads and Maritime Services as the authority responsible for traffic signal facilities.		Not applicable
For developments in commercial centres where separate entry/exit vehicular access is required, access driveways for entry and exit are to be separated by a minimum distance of 2 metres.	The proposed development provides a single driveway for both ingress and egress to the site.	Not applicable
Access Driveway Profile and Gradient ○ Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles. ○ Access Driveway Construction and Finishes ○ All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.	Refer to Architectural Plans.	Yes

Provision	Comments	Compliance
○ Gutter crossings are to be in plain concrete. ○ Access Driveways are to be in plain concrete. Cosmetic Access Driveways on a public road reserve are not permitted. ○ Access Driveways are to match with the adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition. ○ The Access Driveway is to be structurally adequate for its intended use. ○ Suspended driveways must not use the existing road structure for support.		
Ancillary Structures within the Road Reserve ○ Ancillary structures within the Road Reserve will be supported for the purposes of structurally supporting the access driveway only. Ancillary structures include retaining walls. ○ Encroachment into the road reserve is to be minimised. ○ Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes. ○ All structural elements within the Road Reserve must be certified by a Structural Engineer. ○ In addition, where the land is identified on the Landslip Hazard Map, the design of all structural elements must satisfy the Landslip Hazard Controls.		Not applicable
Access Driveway - Stormwater Drainage		Yes

Provision	Comments	Compliance
All Access Driveways on the low side of the road are to be designed and constructed such that stormwater drainage is directed away from the Access Driveway.		
Access Driveway and Public Utilities Costs The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.		Yes
B6.2 Internal Driveways		
Internal Driveway Stormwater Drainage Internal Driveway grades, cross falls and grated drains are to be designed to reduce discharge into the public drainage system and to maximise stormwater discharge into adjacent landscape areas by the use of grass swales and soakage pits.	Refer to Stormwater Drawings.	Yes
Internal Driveway Construction/Finishes Internal Driveways shall have a stable surface for all weather construction. Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.	Refer to architectural drawings.	Yes
Internal Driveway Design The design of all Internal Driveways and ramps shall be in accordance with the current edition of the following Australian Standards: o Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking. o Australian Standard AS/NZS 2890.2-2002: Parking Facilities - Off-Street Commercial Vehicle Facilities except as qualified in this control.	Refer Traffic and Parking Assessment.	Yes

Provision	Comments	Compliance
Internal Driveway and Driveway Corridor ○ Internal Driveways shall be designed and constructed to the minimum practical pavement width needed to facilitate access and turning movements. ○ Internal Driveways shall be designed and constructed to minimise the area of impervious pavement within the land. Track style driveways are encouraged where practical. ○ Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking).		
B6.3 Off-Street Vehicle Parking Requirements		
The minimum number of vehicle parking and service spaces to be provided within the development site for new development and extensions to existing development is to be in accordance with the following: The total number of spaces as set out in TABLE 1 below; PLUS the number of on-street parking spaces lost as a direct result of the development due to access and traffic facilities requirements.	Refer to Traffic & Parking Assessment The proposal does not involve any loss of on-street parking.	Yes
Bicycle Storage For residential development (other than a dwelling house, dual occupancy, secondary dwellings, exhibition homes and rural workers' dwellings), secure bicycle storage facilities must be provided within the building at the rate of 1 bicycle rack per 3 dwellings. For Business/Industrial development or additions, comprising of 200m² GFA or	Separate bicycle parking is not allocated; however, the proposal provides storage cages in the basement for residential units where the bicycles can be stored.	Yes, on merit

Provision	Comments	Compliance
more, secure enclosed bicycle storage facilities must be provided within the building at the rate of 1 bicycle rack per 1000m² GFA, or a minimum of 4 bicycle racks, whichever is the greater.		
Motor Cycle Parking For Business/Industrial development or additions, comprising of 200m² GFA or more, provision is to be made for motor cycle parking at a rate of 1 motor cycle parking space per 100 motor vehicle spaces.	Proposed: 2 spaces	Yes
Shop Top Housing The provision of parking is to be in accordance with the associated land use parking requirements i.e. parking must be provided at the requirement rate for the commercial floor space requirements if commercial floor space is proposed.	Refer previous discussions.	Yes
Location of patron parking for Retail and/or Commercial land use should not be restricted or obstructed (for example behind roller doors).		
On-Site Car Parking Facilities The design of all parking areas shall be in accordance with the current edition of the following Australian Standards: ○ Australian Standard AS/NZS 2890.-12004: Parking Facilities Part 1: Off Street Car Parking; ○ Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities; ○ Australian Standard AS/NZS 2890.3-1993: Parking Facilities Part 3: Bicycle Parking Facilities; and ○ Australian Standard AS/NZS 2890.6-2009: Parking Facilities – Part 6: Off-Street Parking for People with	These matters are discussed in the Traffic & Parking Assessment.	Yes

<table>
<tr><th>Provision</th><th>Comments</th><th>Compliance</th></tr>
<tr><td>Disabilities except as qualified in this control.</td><td></td><td></td></tr>
<tr><td><u>Residential Car Parking for Shop Top Housing</u></td><td></td><td></td></tr>
<tr><td>TABLE 1: Onsite Car Parking requirements</td><td></td><td></td></tr>
<tr><td>Shop-Top Housing
<table><tr><th colspan="2">Minimum Number of. Car Spaces</th></tr><tr><td>1 bedroom dwellings</td><td>1 space per dwelling</td></tr><tr><td>2 or more bedroom dwellings</td><td>2 spaces per dwelling</td></tr><tr><td>Adaptable Housing in accordance with control C1.9 of the Pittwater 21 Development Control Plan.</td><td>1 space per dwelling in accordance with AS 4299-1995: Adaptable Housing.</td></tr><tr><td colspan="2">The provision of parking for people with disabilities must be provided at a rate of 3% of the required parking spaces, excluding parking required for Adaptable Housing.</td></tr><tr><td colspan="2">Separate visitor parking is to be provided at a rate of 1 space per 3 dwellings rounded up.</td></tr><tr><td colspan="2">Provision must be made for garbage collection, removalist vans and emergency vehicles.</td></tr><tr><td colspan="2">For developments with 10 or more dwellings, a vehicle wash bay is to be provided.</td></tr></table></td><td>Required: 32 car parking spaces including 5 spaces for visitors.

Provided: 32 car parking spaces including 5 spaces for visitors.</td><td>Yes</td></tr>
<tr><td>Commerical Component

Business Premises and Office Premises - 2.5 car parking spaces per 100m^2 Gross Lettable Area (GLA)

Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of required car parking spaces and must be appropriately signposted.

Where the Gross Floor Area (GFA) exceeds 400m^2, provision is to be made for:

o Delivery vehicles at 1 space per 4000m^2 GFA or 1 space whichever is greater;
o Courier parking at 1 space per 1000m^2 GFA or 1 space, whichever is greater.</td><td></td><td>Not applicable.</td></tr>
<tr><td>Retail Premises 1 per 30m^2 GLA

Parking spaces are to be accessible to the public.

o Adequate space for delivery vehicles is to be provided.
o Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of the</td><td>Required: 21 car parking spaces

Provided: 22 car parking spaces</td><td>Yes</td></tr>
</table>

Provision	Comments	Compliance
required car parking spaces or part thereof, or 1 space, whichever is greater.		
B6.5 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road		
Approval for works on the public road reserve under Section 138 of the Roads Act 1993	These matters will be dealt during construction certificate stage.	Yes
Egress from an Access Driveway All Access Driveways with access to a Main Road shall be designed to ensure vehicles enter and leave in a forward direction.	All vehicles will enter and exit the site in a forward direction.	Yes
Access Driveways in Newport Commercial Precinct and Mona Vale Commercial Precinct ○ An Access Driveway from allotments adjoining a Main Road in the Newport Commercial Precinct and Mona Vale Commercial Precinct is not permitted onto the Main Road where alternative access to a local road is available or can be made available via a right-of-way or easement. ○ The number of Access Driveways is to be minimised within the Commercial Precincts to enhance the pedestrian amenity. Access Driveways are to be combined with adjoining allotments where practical. ○ Access Driveways for allotments adjoining a Main Road providing access for service vehicles to loading docks are not permitted onto the Main Road.	The site is located on a corner allotments and vehicular access is provided from Robertson Road.	Yes
B6.6 On-Street Parking Facilities	The proposal provides parking in the basement to service the proposed development and does not rely on street parking facilities.	Not applicable

Provision	Comments	Compliance
B6.7 Transport and Traffic Management		
Transport and Traffic Planning Where development generates pedestrian, cyclist, traffic and transport requirements in excess of the capacity of the existing road and transport network, the capacity of the surrounding public infrastructure and transport network is required to be upgraded to at least match the additional demands generated by the development.	The proposed development will not generate development that is in excess of the capacity of the road network.	Yes
Any improvement works external to the development site, required to ensure the development complies with this control, must be provided as part of the development at the full cost to the applicant.	Such matters may be addressed as Conditions of Consent.	Yes
All traffic assessments are to be undertaken in accordance with the Roads and Maritime Services Guidelines for Traffic Generating Developments or similar guidelines. All proposed traffic facilities must comply with the Roads and Maritime Services and/or relevant Australian Standards. An assessment of the impact of traffic generated by the proposed development on the local street system must be undertaken.	Refer to Traffic & Parking Assessment.	Yes
Adequate vehicular entrances to and exits from the site are to be provided so that vehicles using those entrances and exits will not endanger persons using adjoining roads.		Yes
Adequate space is to be provided within the site of the building or development for the loading, unloading or fueling of vehicles, and for the picking up and setting down of passengers.		Yes
Traffic and Transport Facilities and Public Utilities Costs	Such matters may be addressed as Conditions of Consent.	Yes

Provision	Comments	Compliance
The cost for traffic and transport facilities and adjustment of any utility service is the responsibility of the Applicant.		
B8 Site Works Management		
B8.1 Construction and Demolition - Excavation and Landfill		
Excavation and landfill on any site that includes the following: ○ Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation; ○ Any excavation greater than 1.5 metres deep below the existing surface; ○ Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property; ○ Any landfill greater than 1.0 metres in height; and/or ○ Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.	The proposed excavation will be greater than 1.5m. Refer to Geotechnical Assessment.	Yes
B8.3 Construction and Demolition - Waste Minimisation		

Provision	Comments	Compliance
Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Refer to Waste Management Plan.	Yes
B8.4 Construction and Demolition - Site Fencing and Security		
○ All sites are to be protected by site fencing for the duration of the works. ○ Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act 1993.	Such matters may be addressed as Conditions of Consent and dealt with during the construction certificate stage.	Yes
B8.5 Construction and Demolition - Works in the Public Domain		
○ All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times. ○ All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance. ○ All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.	Such matters may be addressed as Conditions of Consent and dealt with during the construction certificate stage.	Yes
B8.6 Construction and Demolition - Traffic Management Plan		
○ For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m^3 or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided	Such matters may be addressed as Conditions of Consent and dealt with during the construction certificate stage.	Yes

Provision	Comments	Compliance
and approved by Council prior to the commencement of works. ○ All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.		

Section C Development Type Controls

Provision	Comments	Compliance
C1 Design Criteria for Residential Development	This part contains general design criteria relating to residential portion of the development only.	
C1.2 Safety and Security		
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements	The proposal has been designed to provide a high level of amenity, casual surveillance and ultimately public safety within the building and the adjacent public domain. The proposal will assist in revitalising the section of the block in which the site is located and will provide appropriate lighting and security measures to protect the safety of neighbouring premises, residents and the local community. **Surveillance:** Balconies are located on the street frontage to ensure casual surveillance over the public domain. Entry to the residential lobby is clearly visible and identifiable from the street and will be appropriately lit at night to enhance safety, visibility and legibility. The internal areas within the development such as the entrances, lobbies, and communal areas that will be used by residents, will be well lit. CCTV cameras will be installed to monitor the entry to the basement and sensor lighting is to be installed that activates when someone enters this area.	Yes

Provision	Comments	Compliance
	Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime. The main entry doors will be accessed *via* a security door and intercom system to identify residents/visitors entering the residential components of the development. **Territorial Reinforcement:** There is a clear delineation between the public street and footpath verge and a clearly defined transitional space is provided between the public and private areas. **Space Management:** The building will be appropriately maintained in order to reduce the risk of crime and any antisocial behaviour.	
C1.4 Solar Access	Refer discussions in the ADG Assessment (Appendix 1).	Yes
C1.5 Visual Privacy	Refer discussions in the ADG Assessment (Appendix 1).	Yes
C1.6 Acoustic Privacy	Refer discussions in the ADG Assessment (Appendix 1).	Yes
C1.7 Private Open Space		
Minimum area of 15% of the floor area of the dwelling (not including the floor area of garages or internal laundries), with no dimension less than 2.5 metres and a grade no steeper than 1 in 10 (10%).	The residential units comply with the minimum requirements for private open space.	Yes
Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	Each unit incorporate private open space that is directly accessible and serve as an extension of the living area.	Yes
Walled enclosure of private open space is prohibited. Such areas shall not be modified to be incorporated into the dwelling.	No enclosures are proposed on the balconies/terrace.	Yes
Private open space areas are to have good solar orientation (i.e. orientated to the	The proposed development has been designed to facilitate good solar access to	Yes

Provision	Comments	Compliance
north-east or north-west where possible). Where site or slope constrains this orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access and Natural Light).	both internal and external living spaces. With the exception of the private open space of Unit 1, 2, 3 and 9 and 10 all balconies and terraces face north.	
For Shop Top Housing, residential flat buildings and multi dwelling housing, private open space at upper levels in the form of front/rear or internal courtyard balconies and terraces are required. The dimension of the balcony should be sufficient so that the area can be usable for recreational purposes (ie a minimum area of $10m^2$ and a minimum width of 2.4 metres).		Yes
Balconies are prohibited from overhanging public property.	The balconies are proposed within the extent of the site boundaries.	Yes
C1.9 Adaptable Housing and Accessibility		
The design of residential development shall meet the criteria of Australian Standard AS 4299:1995 Adaptable Housing: 20% of the total units are required to be adaptable.	The development incorporates a total of 14 dwellings. 3 units are designed to be an adaptable unit and other measures are incorporated in the design to ensure DDA accessibility throughout.	Yes
The development application must be accompanied by certification from an accredited access consultant confirming that the nominated adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 4299:1995 Adaptable Housing.	The proposed development complies with the relevant Australian Standards; the Building Code of Australia access requirements; and the Disability Discrimination Act 1992. An Access Report accompanies this application.	Yes
Accessibility for all development Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain. Development within areas subject to flooding must provide for access on land within private ownership. In this regard	The public domain areas are designed to ensure DDA accessibility through the extent of the site. Such matters may further be addressed as Conditions of Consent	Yes

Provision	Comments	Compliance
ramps must not encroach into the public domain.		
C1.10 Building Facades		
Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.	The services are integrated into the design of the building and are not visible from public areas surrounding the site.	Yes
For multi dwelling housing, residential flat buildings or seniors housing and similar development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.	For security reasons, mailboxes are located within the lobby.	Yes
C1.12 Waste and Recycling Facilities		
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	A Waste Management Plan accompanies the development application and is consistent with the Council's guidelines. The report details the waste management measures during the demolition, construction and occupation phases of the development.	Yes
C1.13 Pollution Control		
Residential development must be designed, constructed, maintained, and operated in a proper and efficient manner to prevent air, water, noise or land pollution.	The proposed development has been designed to comply with the relevant guidelines and has minimal environmental impact.	Yes
Development must comply with the Protection of the Environment Operations Act 1997, and any relevant legislation. Compliance with the NSW Environment Protection Authority Industrial Noise Policy (January 2000).	The use of each tenancy will be subject to separate development applications. That said, it is anticipated that the commercial premises on the ground will be operated as retail premises with no industrial activity taking place.	Yes
C1.15 Storage Facilities	Refer to discussions in the ADG Assessment (Appendix 1).	TBC

Provision	Comments	Compliance
A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.		Yes
C1.20 Undergrounding of Utility Services		
All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.	The building services are integrated into the design of the development.	Yes
○ All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road. ○ Design and construction of the undergrounding of utility services is to be at full cost to the developer.	Such matters may be addressed as Conditions of Consent.	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Refer to public domain works plan/landscape drawings. Further, these matters may be addressed as Conditions of Consent.	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run		
Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement. Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the	Services and lift over-runs are integrated into the design of the roof and will not impose any adverse visual impacts as they are located centrally and well setback from the street frontages. Any noise generating equipment will be insulated to protect the acoustic privacy of the subject and adjoining properties.	Yes

Provision	Comments	Compliance
acoustic privacy of workers, residents and neighbours.		
C2 Design Criteria for Business Development		
C2.1 Landscaping		
For shop top housing, a planter or landscaped area with minimum area of 4m^2 is to be provided as a feature at the ground floor of the front building facade. This feature is to be positioned to soften any hard edges of the building including any ramps, podiums or changes in levels.	Refer accompanying Landscape Plans.	Yes
C2.2 Safety and Security	Refer to previous discussions in Section C1. The provision of residential accommodation provides for passive surveillance; additionally, security cameras will be installed.	Yes
C2.3 Awnings	Refer to discussions in Part D.	
C2.6 Adaptable Housing and Accessibility		
Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access. The siting and design of a building to which the general public has access shall comply with Australian Standard AS 1428-2009.1: Design for access and mobility – General requirements for access – New building work, and shall incorporate the following: ○ continuous accessible path of travel to all areas that the public or a section of the public is entitled or allowed to enter or use; and ○ walkways, ramps and landings at a reasonable gradient and width, with handrails and kerbs provided on all ramps, and slip-resistant materials on all floor surfaces; and	As discussed previously, the proposed development complies with the relevant Australian Standards including provision of accessible car parking spaces; the Building Code of Australia access requirements; and the Disability Discrimination Act 1992. An Access Report accompanies this application.	Yes

Provision	Comments	Compliance
○ accessible toilet facilities, tactile ground surface indicators, effective signage and illumination, and adequate circulation space through passageways and doorways; and ○ carparking for people with a disability.		
This clause applies to development that involves: ○ a new building to which the general public has access; ○ major alterations and additions to an existing building to which the general public has access; and ○ alterations to the shopfront/entrance of an existing building to which the general public has access. Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain. Development shall include design and construction of the footpath, cycleway, kerb and guttering, drainage facilities, street furniture, street lighting and landscaping and make good the adjacent road and pavement for the full frontage of the site to any public road at full cost to the developer. The design and construction shall be in accordance with the Village Streetscape Masterplans. See Section 94 Contributions Plan. Development within areas subject to flooding must provide access on land within private ownership. In this regard ramps must not encroach into the public domain	The public domain areas are designed to ensure DDA accessibility through the extent of the site. Such matters may further be addressed as Conditions of Consent.	Yes
C2.7 Building Facades	Refer discussions in the SEE.	Yes

Provision	Comments	Compliance
C2.8 Energy and Water Conservation	The environmental sustainability of the building shall be considered during detailed design and strategies to reduce water consumption, energy use and improve stormwater quality will be reviewed and implemented.	
C2.9 Waste and Recycling Facilities *C2.10 Pollution Control*	These matters are discussed previously in Section C1 of this table.	Yes
C2.11 Signage	Any signage application would be subject to separate development applications.	Yes
C2.12 Protection of Residential Amenity	These requirements relate to solar access and privacy which are superseded by virtue of Clause 6A of SEPP 65. Refer to discussions in the ADG Assessment (Appendix 1).	Yes
C2.16 Undergrounding of Utility Services *C2.20 Public Road Reserve - Landscaping and Infrastructure* *C2.22 Plant, Equipment Boxes and Lift Over-Run*	These matters are discussed previously in Section C1 of this table.	Yes