

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1072
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 1 DP 228962, 1 Drew Place BELROSE NSW 2085 Lot 2 DP 228962, 1 Drew Place BELROSE NSW 2085
Proposed Development:	Construction of a Seniors Housing development, including demolition works, new access driveway and front fence
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes, under Pursuant to SEPP (HSDP)
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Newpro 19 Pty Ltd
Applicant:	Newpro 19 Pty Ltd

Application Lodged:	03/09/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	11/09/2020 to 25/09/2020
Advertised:	11/09/2020
Submissions Received:	9
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,441,219.00
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EXECUTIVE SUMMARY

The application seeks consent for the construction of six (6) independent living units with six (6) garages under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 (HSPD) 2004. Under the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011), the subject site is within the R2 Low Density Residential zone. The proposed development is defined as Seniors Housing, which is prohibited under the WLEP 2011, however, the proposal is made permissible by virtue of SEPP (HSPD) 2004.

The application was referred to the Design Advisory and Sustainability Panel (DSAP) who commend the design as a compliant scheme that achieves good internal and external amenity for the future

occupants while respecting neighbouring amenity. The design is well articulated and the massing modulated to be consistent with the character of the area which includes detached one and two story dwelling and a medium density Seniors Housing development to the immediate south. The building is setback from all boundaries with substantial deep soil zones to support screen planting which will help integrate the development and reduce any perceived visual bulk.

The proposal generally complies with all built form controls and the minor breach of the controls are supported including the clause 4.6 variation to the SEPP rear 25% single storey zone with a 4.4% breach of the control relating to a small section of a wall to a study and ensuite to Unit 5.

The public exhibition of the application resulted in 8 unique submissions, which raised concerns with the density, design, car parking and privacy concerns. The issues raised in the submissions have been addressed in the "Public Notification" section of this report.

On balance, the assessment of the proposed seniors housing development on this site against the applicable planning controls and related legislation reveals that subject to conditions the proposal satisfies the controls and the application is therefore recommended for approval.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the demolition of all structures and the construction of a Seniors Housing development comprising six (6) x two (2) bedroom infill self care housing units and at grade parking for 6 vehicles pursuant to the provisions of SEEP (Housing for Seniors or People with a Disability (HSPD)). In detail, the proposal provides:

Ground Floor RL 164

Three (3) units No 1 - 3 comprising:

- Two bedrooms (Bed 1 has an ensuite);
- Open Plan living, dining and kitchen;
- Study, laundry and bathroom;
- Entry hall;
- Private courtyard;
- Single garage

Parking, access, servicing and landscaping

- Four(4) garages access via Drew Place;
- Driveway and pedestrian access via Drew Place;
- Integrated lift and stair access;
- Bin store adjacent to Drew Place driveway;
- OSD Tank below ground;
- Removal of 17 trees;
- Replacement planting;
- White aluminium 1.6m high boundary fence;
- Part stone boundary wall, pedestrian gate with stone pillar and building identification.
- Timber pergola to entry.

First Floor RL 167.05

Three (3) units No 1 - 3 comprising:

- Two bedrooms (Bed 1 has an ensuite);
- Open Plan living, dining and kitchen;
- Study, laundry and bathroom;
- Entry hall;
- Private balconies and
- Solar panels on roof.

Materials

External walls face brick (bowral blue Austral brick), cement render, aluminium powder coated white windows, doors, balustrades and screens, tiled (slate look) dark grey tiled roof and metal sheet roof.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

Property Description:	Lot 1 DP 228962 , 1 Drew Place BELROSE NSW 2085 Lot 2 DP 228962 , 1 Drew Place BELROSE NSW 2085
Detailed Site Description:	The development site, which comprises Lot 1 and 2 No 1 Drew Place, is located at the intersection of Pringle Avenue (primary frontage) and Drew Place (secondary frontage) and has a consolidated site area of 1395.2sqm.

The site is regular in shape with a frontage of 36.8m along Drew Place, 29.3m along Pringle Avenue and a depth of between 29.3m and 36.4m

The site is located within the R2 zone from WLEP 2011 and accommodates a single storey detached dwelling with vehicular access to both street a double garage is located to the Pringle Avenue frontage and a carport to Drew Place.

The site is generally flat and devoid of any significant landscape features. A timber boundary fence provides the boundary treatment to the rear (north) and a breeze block fence the boundary treatment to the east.

Detailed Description of Adjoining/Surrounding Development

Surrounding development consists primarily of one and two storey detached dwellings with the exception of a two storey Senior's Housing development which has been constructed to the south on the opposite side of Drew Place at No. 36 Pringle Avenue and Frenchs Forest Showground / Oval located to the west on the opposite side of Pringle Avenue.

Map:



SITE HISTORY

Pre-lodgement Meeting (PLM) was held on 26 March 2020 in relation to the development of this site for seniors housing. The proposal sought to demolish the existing structures and construct a two storey building containing six (6) x three (3) bedroom units with six (6) at grade garages with access via Drew Place.

The design as proposed at the PLM raised issues with respect to a breach of the rear 25% single storey

SEPP control, privacy issues with balconies overlook neighbours yards to the north and east, more articulation required to reduce the bulk and scale and allow a greater transition to existing built form and additional landscaping required especially along the eastern boundary. In summary, based on the proposal as proffered, the scheme was not supported and required design amendments. The PLM urban design advice has been incorporated into the current proposal and there are therefore no urban design or landscape issues subject to conditions.

On 1 March 2021, amended plans were received which reduced the extent of the perola over the upper floor balcony to Unit 5.

36 Pringle Avenue

On 13 July 2016, DA2016/0249 approved demolition works and the construction of in-fill self-care housing Six (6) Units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, landscape works and strata subdivision.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent</p>

Section 4.15 Matters for Consideration'	Comments
	<p>authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 11/09/2020 to 25/09/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 9 submission/s from:

Name:	Address:
Kylie Joanne Pandey	5 Drew Place BELROSE NSW 2085
Prudence Joan Wright	7 Drew Place BELROSE NSW 2085
Mr Benedetto Daniele Bruno	23 Glen Street BELROSE NSW 2085
Mr Varoujan John Hajakian	42 Pringle Avenue BELROSE NSW 2085
Mrs Therese Hajakian	42 Pringle Avenue BELROSE NSW 2085
Glenn Robert Hinson	40 Pringle Avenue BELROSE NSW 2085
Karen Mathieson	Address Unknown
Yi Zhou	Address Unknown
Mr Craig Stephen Dobson	9 Evelyn Place BELROSE NSW 2085

Eight (8) unique submissions have been received noting that two (2) submissions have been received from one property.

The following issues were raised in the submissions and each have been addressed below:

- Occupancy of SHPD's;
- Parking and traffic issues;
- Over-development, and
- Out of character with the area.

The matters raised within the submissions are addressed as follows:

- **There are issues with the existing Seniors Housing at No. 36 Pringle Road including families living in the development and residents parking in the street. There is a concern that the proposed development will result in similar issues.**

Comment:

In response to issues with the occupancy of the development a condition will require a positive covenant to be registered on title requiring the occupation of the HSPD development to be seniors or people with a disability, people who live in the same household as seniors or staff employed to assist in the administration of and provision of services to such seniors or disabled. Such a condition will be consistent with the SEPP (HSPD).

- **The road is unsafe to enter via Drew Place, it is too narrow and access should be via Pringle Road. Insufficient car parking especially given the traffic congestion in the area and issues with on street parking. The plans are annotated to reference some rooms as**

study. There is a concern that these rooms will become bedrooms which will result in insufficient parking

Comment:

Given the low (minimal) level of traffic generated by the proposal the location of the vehicular access via Drew Place has been assessed by Council's Transport Unit as acceptable. The proposal provides a compliant amount of parking. The study has been designed to be an open room which is directly connected to the open plan living room. A condition is recommended to ensure that the study cannot be closed so as to ensure that it cannot be used as a bedroom which would otherwise trigger a requirement for additional parking.

- **Over-development the development should be reduced to 4 units.**

Comment:

The proposal complies with the built form controls in terms of height, density (FSR), envelopes, landscape open space and private open space. As such, it is not considered reasonable or necessary to reduce the density of the development from six (6) units to four (4).

- **The bulk and scale of the units are out of character with the single dwelling houses in the area and will set an unsympathetic precedent. The size of the building is excessive and does not respect the desirable elements of the location / character. A town house structure is more suitable with living areas at ground level and bedrooms on the upper floors.**

Comment:

As noted above, the proposal generally complies with the built form controls. The development is well articulated to reduce the mass of the development to ensure that it respects the character of the surrounding area which is noted to include a two storey SHPD development on the opposite side of the Drew Place to the south. The facades are articulated and the mass of the building is broken up so that the development presents as a town house development. In addition, large areas of deep soil planting are retained around the perimeter of the development which will ensure that the perceived bulk and scale of the development is reduced from the street. A condition requires an amended landscape plan which shall provide for additional planting along the street frontages.

- **Visual privacy issues, units overlook neighbouring properties and private open space, especially the upper floor apartments with living areas looking down on neighbours. Unit 6 (second story, north facing) is of particular concerns as there is a large terrace and living area that overlooks the neighbours private open space.**

Comment:

The proposal provides a sufficient setback of the upper floor to the neighbouring rear gardens generally in compliance with the SEPP set back requirements. There is a minor breach of the setback to the balcony and ensuite and study of Unit 5, however, the minor breach will not result in any unreasonable visual and acoustic privacy issues to No. 40 Pringle Avenue to the immediate north, refer to the detailed discussion under clause 4.6.

The upper floor balcony to Unit 6 is located 8.4m from the northern boundary and the proposed living room window is located 10m from the northern boundary. A detached studio is located within the corner of No. 9 Evelyn Place with a pool and deck located beyond this approximately 10m to 16m from the common boundary. Given the 8.4m setback of the balcony to boundary and the location of the primary area of private open space to No. 9 Evelyn Place it is not anticipated that the proposal will result in unreasonable visual and acoustic privacy impacts to the neighbour. It is noted that the Design Advisory Panel suggested that planters be provided along the edge of the balcony to help enhance visual privacy between neighbours. A condition has been included to this effect. Refer to further discussion under Clause D8 of this report.

- **Acoustic privacy issues with elevated second storey units living increases noise impacts. Noise from lift and noise as a result of increased traffic in Drew Place.**

Comment:

Given the setback of the development to neighbouring properties it is not anticipated that there will be acoustic impacts as a result of the upper floor apartments or the operation of the lift. A standard condition is recommended that requires noise from plant (the lift) to be controlled so that it will not impact on neighbouring residents.

- **Units contravene the land use zoning / planning controls. The building (unit 5) exceeds the single storey height limit prescribed in the Seniors Housing SEPP.**

Comment:

It is acknowledged that the development relies on the SEPP (HSDP) for the principle of the use as it is located within the R2 Low Density Residential zone. It is also noted that the and there is a minor breach of the single storey height limit within the rear setback. The applicant has submitted a clause 4.6 variation for this breach which has been assessed as acceptable, refer to clause 4.6 variation section of this report.

- **Safety issues with seniors having to access a high traffic intersection in order to gain access to the shops / bus stop with no zebra crossing.**

Comment:

An access report has been submitted in support of the application and Council's Engineers raise no safety issues with access to the bus stops.

- **It is proposed to plant a new tree which would result in impacts to the neighbouring property. It is request that the tree be moved to the east to the corner of the courtyard between unit 2 and 3. This would create some more privacy for us and not damage our property.**

Comment:

The tree in question is a small tree with limited to low growth potential. A condition is included in the recommendation that requires all trees to be setback 2m from boundaries. Subject to this condition and given that the tree is a small species it is not anticipated that the tree will cause any structural issues to the property to the north.

- **The development may impact surrounding properties that are listed as being located within a flood zone. Consideration must be given to the retention of water and overflow to surrounding homes.**

Comment:

The proposed seniors living development is located above the Flood Planning Level and Probable Maximum Flood level relevant for the site. The subject allotment is also not impacted by the Probable Maximum Flood extent. No flood related development controls applied.

- **The retaining wall between our No. 40 Pringle Avenue and the site has not been considered in any geotechnical surveys. The wall is currently leaning, and the breeze blocks are not in a sound condition. The developer would need to consider the removal and replacement of the retaining wall and fence. This would also require the removal of a living cypress pine tree, indicated as a "stump" on the plan. This tree is currently a support mechanism for the failing fence.**

Comment:

The applicant will be responsible for replacing any existing boundary fencing which may be damaged by the proposal. Consent will be required for the removal of any trees which are located outside the subject site.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application proposes the construction of a seniors housing development incorporating 6 x 2 bedroom in-fill self-care housing units and at-grade car parking for 6 vehicles pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).</p> <p>In the landscape assessment of this application, consideration of the submitted Landscape Documents prepared by APLD Landscape Design, and the Arboricultural Impact Assessment prepared by Hugh The Arborist is assessed for compliance with the following relevant controls and policies:</p> <ul style="list-style-type: none"> • Housing for Seniors or People with a Disability: clause 33 Neighbourhood amenity and streetscape, • Seniors Living Policy: clause 2. Site Planning and Design - deep soil zone of 15% with minimum dimension of 3 metres; and clause 3. Impacts on Streetscape - retain trees on the street and in front and rear setbacks to minimise impact on the streetscape and neighbours, • Warringah DCP Controls: D1 Landscaped Open Space and Bushland Setting, D9 Building Bulk, and E1 Preservation of Trees and Bushland Vegetation. <p>The existing landscape site character is of a relatively flat site with no existing significant trees nor landscape features. Existing vegetation consists of small trees not protected by DCP controls (ie. not over 5 metres in height), shrubs and hedges in maintained gardens and extensive lawn areas. All existing trees within the site are Exempt Species and the Arboricultural Impact Assessment recommended the removal of these trees with the exception of the Tibouchina. A total of five Cherry Plum trees within the road verge are recommended for removal to accommodate the a footpath across the frontage, and otherwise the remaining street trees are retained, and are subject to conditions of consent based on the construction methodology recommended in the Arboricultural Impact Assessment.</p> <p>The Landscape Plan illustrates the landscape proposal inclusive of landscape treatments to satisfy Housing for Seniors or People with a Disability, Seniors Living Policy, and Warringah DCP Controls. The front deep soil setback along the southern boundary is interrupted by the bin store and pedestrian entry structure, and additional small tree planting will be required to reduce the streetscape built form. The front deep soil setback along the western boundary includes minimal planting to satisfy the relevant controls and conditions of consent shall be imposed requiring additional tree planting to soften the streetscape built form.</p> <p>Consideration should be given by Planning to the relocation of the proposed bin store northward against the garage wall to avoid an isolated space contrary to SEPP HSPD clause 37 Crime Prevention,</p>

Internal Referral Body	Comments
	and thus increase available landscape area to screen the bin store at the boundary.
NECC (Development Engineering)	No objections to the proposed seniors living development subject to conditions.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed seniors living development is located above the Flood Planning Level and Probable Maximum Flood level relevant for the site. The subject allotment is also not impacted by the Probable Maximum Flood extent. No flood related development controls applied.
Strategic and Place Planning (Urban Design)	<p>The proposal has addressed the issues highlighted in the Pre-Lodgement Meeting (PLM):</p> <p>PLM Urban Design Comments:</p> <p>1. SEPP seniors calls for 25% rear of site to be single storey. Council's interpretation of the single storey portion would be the north-eastern corner of the site. As such the proposal does not comply as it has a two storey built form proposed in that corner. The objective of this control is to minimise the built form impact and overlooking/privacy issues to the next door neighbours' backyard. Response: The DA proposal has a slight encroachment of the 25% single-storey rear portion of site which is acceptable as there will be adequate landscape buffer to soften the built form impact and maintain privacy distances.</p> <p>2. A fitting built form would be one that resembles two houses being a double lot amalgamation in a streetscape of detached single and double storey houses. As such a clear break in the built form to allow substantial soft landscaping would be preferred. Response: The proposed DA built form is well articulated with single and double storey elements with a clear break creating the impression of two houses.</p> <p>3. Future submissions should include sunlight and privacy analysis to ensure amenities of next door neighbours are maintained. Response: Amenities to proposed units and neighbouring residences have been appropriately addressed.</p>
Traffic Engineer	<p><u>Proposal description:</u> The development application seeks consent for the demolition of all existing structures and construction of a 2-storey seniors living development incorporating:</p> <ul style="list-style-type: none"> • Six (6), two-bedroom seniors living units; • A total of six (6) car spaces in the form of enclosed garages; • A 4.8 metre wide combined entry / exit driveway onto Drew Place. <p><u>Car Parking:</u> The proposed parking provision of 6 car spaces in the form of enclosed garages satisfies the SEPP requirements of 0.5 spaces per bedroom.</p> <p><u>Bicycle Parking</u> Clause C3(A) of DCP 2011 requires the following bicycle parking provisions for Seniors Housing:</p>

Internal Referral Body	Comments
	<p>- 1 (high-medium security level) bicycle space / 2 independent living units, PLUS</p> <p>- 1 (high-low security level) bicycle space / 12 independent living units for visitors</p> <p>Therefore, the provision of 2 (high-medium security level) bicycle spaces for the proposed 6 seniors living units and 1 (high-low security level) bicycle space for the visitors shall be provided in accordance with the DCP requirements.</p> <p><u>Vehicular access:</u></p> <p>Given that the proposal has a low level of traffic generation and vehicular access is located in a cul-de-sac carrying a low level of traffic volume, the proposed width of the driveway is considered satisfactory.</p> <p><u>Accessible paths of travel to designated bus stops:</u></p> <p>The upgrade of Glen St/Pringle Ave roundabout together with provision of pedestrian crossing facilities on Glen Street and Pringle Ave has been planned to be implemented as part of the Council projects, so that the proposal can be supported in regards to access to bus stop subject to the footpath and Bus stops upgrade as per the conditions.</p> <p><u>Traffic Impact:</u></p> <p>The projected traffic generation is minimal and is not considered to have an adverse impact on the road network.</p> <p><u>Conclusion:</u></p> <p>In view of the above, the proposal can be supported subject to conditions.</p>
Waste Officer	<p>Final Waste Comments 22 February 2021</p> <p>A completed waste management plan has since been received and Waste have no further issues.</p> <p>Waste Services Updated Referral (Proposed plans received 25 November 2020)</p> <p>Proposal is approved with conditions</p> <p>Applicant must complete and submit all sections of the Waste Management Plan. Demolition stage pages 3 & 4 of the waste management (dated 2/9/2020) are the only pages received to date.</p> <p>Waste Services Referral</p> <p>Recommendation – Refusal</p> <p>Specifically:</p>

Internal Referral Body	Comments
	<p>The waste bin storage room is not large enough to contain the required number of bins.</p> <p>a) The room is required to be large enough to contain 8 x 240L bins. The dimensions for each container are: · Depth: 750mm · Width: 600mm · Height: 1080mm</p> <p>b) The room can be designed so that there is an aisle a minimum of 1m wide between each row of bins or between a single row of bins and a wall.</p> <p>The doorway opening to the waste storage room and the width of the path leading to the waste storage room is not wide enough. Any doors fitted on the Waste Storage Area, pathway and access must be:</p> <p>a) A minimum width of 1200mm</p> <p>b) Unobstructed by any locks and security devices.</p> <p>The Waste storage area is a designated area to accommodate communal use waste and recycling bins. The Waste storage area: a) must not be used to store any other items b) must be clear of any service and utilities infrastructure and related activities.</p> <p>Please complete and submit all sections of the Waste Management Plan. Demolition stage pages 3 & 4 of the waste management (dated 2/9/2020) are the only pages received to date.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>Ausgrid does not have any objections for the proposed development. The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.</p> <p>Underground Cables</p> <p>Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.</p> <p>Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the</p>

External Referral Body	Comments
	anchors must not pass over the top of any cable

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1120493M dated 24 July 2020).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	45	45

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

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

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

Chapter 1 – Preliminary

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

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

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

Comment:

The proposed development is considered to be consistent with the aims of the Policy as detailed below:

- The proposed development will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.
- The proposed development makes use of existing infrastructure and services as the site is within 280m of the bus stop on the north and south side of Glen Street.
- When considering the development against the aims of achieving good design, the development must be considered in context with the other provisions of the SEPP. In this regard, in the context of the built environment, the development proposes the construction of a two storey development which is well modulated and articulated with at grade parking and effective screen planting. The proposed built form effectively minimises and reduces the impacts on the amenity and character of the area and is considered to be a good design.
- The design of the development was peer reviewed by the Design Sustainability Advisory Panel (DSAP) who support the design as a largely compliant scheme which achieves good internal and external amenity for the future residents while maintaining and protecting the amenity of neighbouring properties.

Chapter 2 – Key Concepts

Comment:

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

Chapter 3 – Development for seniors housing

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

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to:	Satisfactory access is available to these	Yes

Development Criteria			
Clause	Requirement	Proposal	Complies
	(a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	services from the site.	
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	The subject site is located within 280m to bus stop on north and south side of Glen Street which provides services to Glenrose and Forestway Shopping Centre, Warringah Mall and the City. It is also noted that the upgrade of Glen Street / Pringle Avenue roundabout together with provision of pedestrian crossing facilities on Glen Street and Pringle Ave has been planned to be implemented as part of the Council projects, so that the proposal can be supported in regards to access to bus stop subject to the footpath and Bus stops upgrade as per the conditions.	Yes
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not Bush Fire prone land.	N/A
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	Given the existing residential use of the site, it is considered that there is suitable access to water and sewerage infrastructure.	Yes
29	Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b)(i), 25(5)(b)(iii), and 25(5)(b)(v): i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development iii) the services and infrastructure that are or will be available to meet the	The proposed development is considered compatible with the surrounding residential land uses and was not subject to the requirements of Clause 25 for the attainment of a Site Compatibility Certificate. The site is serviced by existing infrastructure (electricity, water and sewerage) that is capable of meeting the demands that will arise from the development. The proposed two storeys built form demonstrates a suitable bulk and scale in this location and provides a human scale of development complimentary to the	Yes

Development Criteria			
Clause	Requirement	Proposal	Complies
	demands arising from the proposed development and any proposed financial arrangements for infrastructure provision, v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	existing, approved and future uses on land in the vicinity.	
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	A detailed site analysis plan has been provided and further detail within the Statement of Environmental Effects which satisfactorily address this requirement	Yes

Clause 31 Design of in-fill self-care housing

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

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

Section	Requirements	Comment
1. Responding to context	<p>Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p>Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.</p>	<p>As noted above, DSAP have reviewed the proposal and considered that the two storey development responds appropriately to the context of the site. The Panel considered that the building mass is broken up with significant articulation of the facades and substantial deep soil zones are available for screen planting which will help integrate the built form with the streetscape. The proposed building form is considered to complement the existing one and two storey built form of development surrounding the site and provides a good level of internal and external amenity for future residents while maintaining and protecting</p>

Section	Requirements	Comment
		<p>neighbouring residential amenity.</p> <p>The site is located within a R2 Low Density Residential area and the development is generally in accordance with the built form controls in the WLEP and WDCP.</p> <p>In summary, the proposed built form has been assessed as a suitable response to the character and built form of the locality.</p>
2. Site Planning and design	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Minimise the impact of new development on neighbourhood character -Minimise the physical and visual dominance of car parking, garaging and vehicular circulation. 	<p>The proposed two storey development is located within a landscape setting and has been sensitively designed to minimise visual impacts on the neighbourhood character. The bulk and massing is appropriately broken up and articulated so that the development presents as a town house typology consistent with the character of the area. The car parking is within garages which is also consistent with the character of the area and the proposal utilises a driveway in a similar location to the existing driveway off Drew Avenue.</p>
3. Impacts on streetscape	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Minimise impacts on the existing streetscape and enhance its desirable characteristics -Minimise dominance of driveways and car park entries in streetscape. 	<p>The proposed development provides a landscape setback to both street frontages and includes adequate areas of deep soil planting which will help to soften and reduce any perceived visual impact of the development.</p> <p>The facades provide a suitable articulation to reduce the mass and bulk of the development.</p>
4. Impacts on neighbours	<p>The proposal is generally in accordance with the requirements of this section.</p>	<p>Shadow analysis has been submitted which confirms that the proposal will not result in unreasonable shadow impacts to neighbouring properties.</p> <p>The upper floor terrace to unit 6 is located 8.4m to the rear (northern) boundary and 3m to the side (eastern) boundary. The upper floor terrace to unit 5 is located 6.3m to the northern boundary. A privacy</p>

Section	Requirements	Comment
		<p>screen is proposed along the eastern edge of the upper floor terrace to unit 6 which will help protect the privacy of the dwelling at No. 3 Drew Place. In order to enhance the privacy of property to the north at No. 9 Evelyn Place a condition requires a planting to be included to the balcony. The balcony to Unit 5 will not result in any direct overlooking of the rear private open space to No 40 Pringle Avenue, refer to discussion under Clause 4.6,</p> <p>Subject to this condition referred to above the proposal will not result in unreasonable impacts on neighbouring residents by way of loss of privacy.</p>
5. Internal site amenity	<p>Objectives of this section are to:</p> <p>-Provide safe and distinct pedestrian routes to all dwellings and communal facilities.</p>	<p>The proposal provides an accessible pedestrian link from the development to the Drew Place frontage with a new footpath along Drew Place to connect to the footpath of Pringle Avenue.</p> <p>The site layout provides clear entrances to each dwelling. Quality useable private open space is provided for each unit and the overall development is set in landscape setting with adequate deep soil planting along the boundaries.</p> <p>Sufficient solar access is provided to living area and areas of private open space.</p> <p>Sufficient parking is provided within garages set back 4m from Drew Place gable end to Drew Place.</p>

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

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

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood	a. Recognise the desirable elements of	The desirable elements of the locations current character	Yes

Control	Requirement	Proposed	Compliance
amenity and streetscape	the location's current character so that new buildings contribute to the quality and identity of the area.	<p>consists of low density dwellings to the north and west setback from street frontages and medium density developments to the immediate south with the Senior 's Housing development at No. 36 Pringle Avenue.</p> <p>The DSAP Panel consider that the proposal recognises the desirable elements of the current character with well articulated facades, appropriate materials and detailing which relates favourably to its context and will positively contribute to the quality and identify of the surrounding area.</p>	N/A
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.	The site is not located within a heritage conservation area or within proximity to any heritage items.	
	<p>c. Maintain reasonable neighbour amenity and appropriate residential character by;</p> <p>(i) providing building setbacks to reduce bulk and overshadowing</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,</p> <p>(iv) and considering, where buildings are</p>	<p>The development (building walls) provides a compliant staggered primary setback to Pringle Avenue of between 6.5m to 7.7m to Pringle Avenue and a compliant secondary setback to Drew Place with a staggered setback of the building walls of between 4m to 5.3m.</p> <p>It is noted that the at grade ground level private terraces breach both the primary and secondary setbacks. These elements are open and will not impact on the sense of openness. In addition, suficient landscaping is proposed to help integrate the development and provide</p>	
			Yes

Control	Requirement	Proposed	Compliance
	located on the boundary, the impact of the boundary walls on neighbors.	<p>privacy for future occupants.</p> <p>The location of the bin store also breaches the secondary 3.5m setback to Drew Place and there are minor projections of the upper floor terraces to the primary frontage. The minor breach of these ancillary elements are assessed as acceptable.</p> <p>The setbacks to the frontages are generally consistent with the setbacks requirements of the SEPP (SHPD) and the existing Seniors development located to the immediate south at No. 36 Pringle Avenue.</p> <p>The single storey component is generally contained within the north-east corner of the site in accordance with the SEPP (HSPD) and in order to minimise the bulk and scale and overshadowing impacts to neighbouring residents.</p> <p>Despite the minor breach in the built form controls the proposal is considered to be compatible with the scale of other developments in the streetscape and will not result in solar access or visual or acoustic privacy issues to neighbouring properties.</p>	
	d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,	The proposal increases the current primary front setback to Pringle Avenue resulting in a built form that is more consistent and sympathetic to the front setback of neighbouring developments.	Yes
	e. embody planting that is in sympathy with, but not necessarily the same as, other planting in	The proposed planting includes species which are acceptable to Council subject to conditions.	Yes

Control	Requirement	Proposed	Compliance
	the streetscape. f. retain , wherever reasonable, major existing trees, and g. be designed so that no building is constructed in a riparian zone.	There are no significant existing trees all species are exempt. The site is not located within a Riparian Zone.	N/A N/A
CL 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The development has been designed with primary areas of private open space generally facing Pringle Avenue and Drew Place. With the exception of Unit 6 which has an upper floor balcony located in the northeast corner. The setback of the upper floor balcony to unit 6 is 8.4m to the northern boundary and 3m to the eastern boundary. Subject to a condition requiring screen planting to the balcony and a privacy screen to the eastern edge of the balcony it is not anticipated that the proposal will result in unreasonable impacts on neighbours by way of loss of privacy. A condition is included in the recommendation to this effect. In summary, the development has been found to be consistent with the requirements of this Clause.	Yes (subject to conditions)
CL35 Solar access and design for climate	The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation	Solar access and overshadowing from the development has been assessed as reasonable. The development is compliant with 83% of dwellings receiving a minimum 3 hours direct sunlight between 9am and 3pm mid winter.	Yes

Control	Requirement	Proposed	Compliance
	solar heating and lighting by locating the windows of living and dining areas in a northerly direction.		
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	The proposed stormwater Management is considered to be acceptable.	Yes
CL 37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The development provides clear sight lines of the entry to the development and the front of the site and provides adequate casual surveillance of both streets and the entry of the site.	Yes
CL 38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local	Within 280m to bus stop on north and south side of Glen Street which provides services to Glenrose and Forestway Shopping Centre, Warringah Mall and the City.	Yes

Control	Requirement	Proposed	Compliance
	facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.		
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The site provides adequate waste storage facilities.	Yes

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

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

The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Required	Proposed	Compliance
Site Size	1000 sqm	1395.2sqm	Yes
Site frontage	20 metres	29m to Pringle Avenue	Yes
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	8m	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	2 storeys	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15.51 metres of the rear boundary).	The subject site is a corner site with two street frontages. The 25% area is taken to be the northern portion of the site. There is a minor projection of the setback which relates to the a 0.9m projection of the study and ensuite and part of the upper floor terrace to unit 5. The applicant has submitted a clause 4.6 variation of the standard	No* (refer to Clause 4.6 Variation)

Control	Required	Proposed	Compliance
		and has amended the plans so that the balcony does not contain a pergola over the element that breaches the control.	

*The non-compliance with Clause 40 ae addressed in detail within the Clause 4.6 section of th

Clause 41 Standards for hostels and self contained dwellings

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

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater.	The development is capable of complying with this requirement	Yes, by condition.
Security	Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) Must provide at least 20 lux at ground level	The development is capable of complying with this requirement.	Yes, by condition.
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable,	The letterboxes are provided adjacent to the pedestrian entry via Drew Place.	Yes

Control	Required	Proposed	Compliance
	and (c) must be located together in a central location adjacent to the street entry.		
Private car accommodation	(a)Carparking space must comply with AS2890 (b)One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	The development provides compliant car parking.	Yes
Accessible entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299	The whole development has been designed to ensure accessibility is provided from the street frontage to the entrance of each dwelling.	Yes
Interior general	Widths of internal corridors and circulation at internal doorways must comply with AS1428.1.	The development is capable of complying with this requirement.	Yes
Bedroom	At least one bedroom within each dwelling must have: (a) An area sufficient to accommodate a wardrobe and a queen size bed (b) A clear area for the bed of at least 1200 mm wide at the foot of the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction. (c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Bathroom	The bathroom is to comply with the	The development is capable of complying with this	Yes

Control	Required	Proposed	Compliance
	requirements described in Clause 9 of Schedule 3.	requirement.	
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	The development is capable of complying with this requirement.	Yes
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	The development is capable of complying with this requirement.	Yes
Ancillary items	Switches and power points must be provided in accordance with AS4299.	The development is capable of complying with this requirement.	Yes
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	The development is capable of complying with this requirement.	Yes
Kitchen	The kitchen must comply with the requirements of Clause 16 of Schedule 3	The development is capable of complying with this requirement.	Yes
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry level.	The development is capable of complying with this requirement.	Yes
Laundry	The laundry must comply with the requirements of Clause 19 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299	The development is capable of complying with this requirement.	Yes
Garbage	A garbage storage area must be provided in an	The development is capable of complying with this	Yes

Control	Required	Proposed	Compliance
	accessible location.	requirement.	

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

This part is not applicable to the subject site.

Part 6 Development for vertical villages

This part is not applicable to the proposed development.

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

Clause 46 Inter relationship of Part with design principles in Part 3

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

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

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

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

Control	Required	Proposed	Compliance
Building height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	8m	Yes
Density and scale	0.5:1	0.5:1 (701.8sqm)	Yes
Landscaped area	30% of the site area is to be landscaped	35.4% (494sqm)	Yes
Deep soil zone	15% of the site area two thirds of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3 metres.	24% (341.8sqm)	Yes
Solar access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	Compliant solar access is provided to 5 units (83%)	Yes
Private open space	(i) in the case of a	All Units have areas of	Yes

Control	Required	Proposed	Compliance
	<p>single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area</p>	<p>POS that exceed the minimum 15sqm / 10sqm POS requirement in the form of at grade terraces or upper level balconies. All areas of POS have a minimum 3m wide / long dimension and are accessible from living areas.</p>	
Parking	0.5 car spaces for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider.	Based on the 12 bedrooms proposed – 6 carparking spaces required). The proposal provides a compliant spaces in the form of garages.	Yes
Visitor parking	None required if less than 8 dwellings	Six (6) units are proposed therefore no visitor spaces are required.	N/A

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. A response has been received which offers no objections subject to conditions. The Ausgrid conditions are included in the recommendation.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes

Detailed Assessment

4.3 Height of buildings

The height of the proposal complies with the WLEP 8.5m development standard. As a a SEPP (HSDP)

development the 8m SEPP height limit takes priority. The proposal complies with the 8m SEPP height limit, however, there is a minor breach of the single storey limit within the rear 25% of the site area. This breach is discussed in detail within Clause 4.6 of this report.

4.6 Exceptions to development standards

Description of non-compliance:

Development standard:	Clause 40(4) (c) SEPP (SHPD) requires development in the rear 25% area of the site not to exceed 1 storey in height.
Proposed:	Unit 5 - The wall of the study and ensuite to Unit 5 on level 1 breach the 25% rear single storey zone with a 0.9m projection of the wall into the zone.
Percentage variation to requirement:	The area that breaches the 25% equates to 15.6sqm or a 4.4% breach of the requirement.

Assessment of request to vary a development standard:

Clause 4.6 of WLEP 2011 applies to the proposed development as the overall height of all buildings exceeds the 8.5m height limit. However, the application has been lodged pursuant to SEPP (HSPD) 2004, which contains a Building Height Development Standard, which prevails over the height standard within WLEP 2011.

The following assessment of the variation to Clause 40 (4) (c) SEPP (SHPD) - Maximum 1 storey within the rear 25% development standard, has taken into consideration the judgements contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards:

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

Comment:

Clause 40 (4) (c) SEPP (SHPD) - Maximum 1 storey within the rear 25% development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) assessment:

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v

Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase “environmental planning” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.’

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicants written request argues, in part: the consolidated allotment, the subject of this application, comprises 2 north-south running Lots with frontage and address to Drew Place. Applying the same principle adopted in Warrawee Securities Pty Limited v Pittwater Council [2006] NSWLEC 206 the rear 25% site area single storey development standard is reasonably applied to the boundary furthest from the Drew Place frontage being the northern boundary of the consolidated allotment.

The applicant has submitted the following diagram that illustrates the ar 25% site area calculation applied to the northern boundary relative to the rear yards of the adjoining properties. The diagram shows the extent of the firsts floor elements that breach the single storey rear 25% site area standard. Specifically the elements that breach the standard are a 0.9m portion of the study and ensuite to Unit 5. It is noted that the proposal has been amended to remove the pergola over the balcony to Unit 5, as such the open portion of the balcony no longer encroaches on the 25% area of the site.

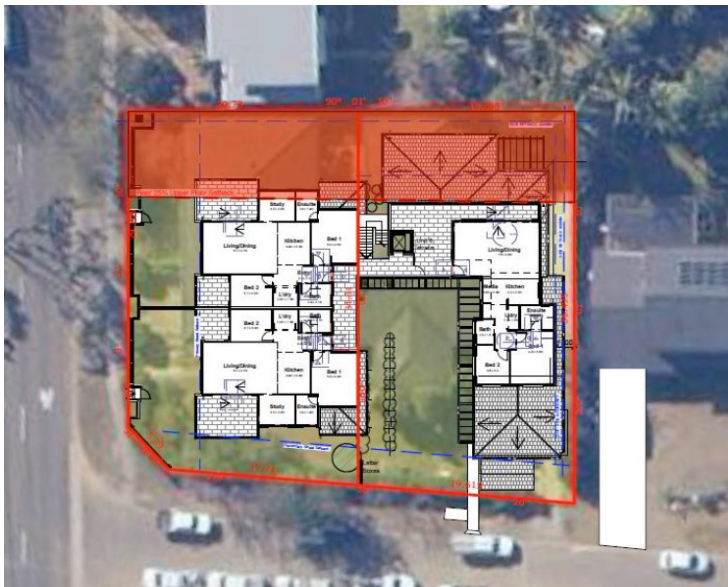


Diagram showing the elements that breach the 25% single storey standard (source BBF Planners)

In detail, the study and ensuite to Unit 5 equate to a 15.6sqm area of the 25% site back area which represents a 4.4% breach the control. The applicant notes that these elements do not extend past the rear eastern wall alignment of No. 40 Pringle Avenue, representing the rear yard of this property. In addition, the windows can be suitable screened to prevent directly overlooking should the consent authority consider it necessary to do so. In addition, the applicant notes the following:

- *The surrounding subdivision pattern is irregular in terms of allotment geometry and the relationship of the rear open spaces of adjoining properties. There is no consistent established rear open space alignment.*
- *The rear 25% area of the subject site adjoins the rear yards of No. 3 Drew Place to the East, No. 40 Pringle Avenue to the north and No 9 Evelyn Place to the north east.*
- *The shadow diagrams demonstrate that the breaching 2 storey element located within the rear 25% area of the site will not overshadow the rear yard of any adjoining property at any time between 9am and 3pm on 21st June.*
- *The noncompliant second storey building elements proposed will not give rise to any scenic view impacts.*
- *In relation to privacy, the breaching elements do not create unacceptable privacy impacts but can be screened o prevent overlooking if required. It is noted that the elements that encroach within the rear 25 setback area do not extend past the rear eastern wall alignment of No. 40 Pringle Avenue / the rear yard of this adjoining property.*
- *The distribution of building height and floor space on this particular site achieves the implicit objective of the standard in that the design of the breaching 2 storey building element protects the amenity of the rear of the adjoining properties.*

Comment:

The Applicant's justification is generally supported. The elements that breach the first floor 25% rear setback standard will not give rise to unreasonable visual impacts and add interest and articulation to the northern facade.

The balcony to Unit 5 is now a compliant element having been amended to remove a portion of the roof (pergola) that breached the 25% rear setback area. The balcony will not overlook any windows to the neighbouring property at No 40 Pringle Avenue as it is directed to the street frontage and the principle area of private open space to No. 40 Pringle Avenue is located to the rear. Similarly the window to the

study will overlook the blank southern gable wall to No. 40 Pringle Avenue and obscure glazing will be installed in the ensuite window. In summary, the minor breach of the single storey height limit within the 25% rear setback will not result in unreasonable amenity impacts to neighbours.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Maximum 1 storey within the rear 25% development zone. An assessment against these objectives is provided below.

Objectives of development standard

CLAUSE 40 (4) (c) of the SEPP HSDP

While there is no specific objective to the standard within Clause 40(4) the primary purpose of the single storey limit within the rear 25% single storey zone is to limit the bulk and scale of a building to protect the amenity of the rear of adjoining properties. Placing built form into the rear of a property which generally forms part of its open space and adjoins the open space of other properties to the side and rear can have significant impacts on amenity not only from loss of solar access, privacy and views but also from the presence of increased or new building bulk and the removal of landscaping. An assessment of this purpose is provided below. In addition, given that there is no specific objective to Clause 40(4) (c) it is also worth assessing the development against the objectives as prescribed by Clause 4.3 - "Height of Building" of the WLEP 2011 to relevantly determine the suitability of the non-compliance associated with the proposed development.

The objectives of Clause 4.3 are as follows:

(a) To ensure that buildings are compatible with the height and scale of surrounding and nearby development

Comment:

The 25% rear zone has been nominated to be located within the northern zone which corresponds to

the rear garden areas of the adjoining allotments. The height of the proposed seniors housing development is compatible with surrounding and nearby developments which includes one and two storey dwellings. Pursuant to the SEPP (HSDP) the scale and density of the development is greater than that of the low density detached dwellings that surround the site, however, it is compatible with the scale of the Seniors Housing development at 36 Pringle Avenue to the immediate south. The two storey elements that breach the 25% rear single storey zone (the wall of the ensuite and study to Unit 5) will not in itself result in a development that is not compatible with the height and scale of existing developments. Furthermore, the built form is broken up and articulated to ensure that the overall height and scale of the development is not considered to be excessive and is consistent with the height and scale of surrounding development.

In summary, the development is considered to be consistent with this objective.

(b) To minimise visual impact, disruption of loss of privacy and loss of solar access.

Comment:

A substantial set back of which varied between 7m -10m on the first floor and between 2.5m and 7m on the ground floor is provided the northern boundary (the 25% rear single storey zone). It is noted that the existing dwelling is set back between 1.9m, 4.7m and 8m from the northern boundary. The significant set back of the building combined with the orientation of the site will ensure that the bulk and scale of the two storey development protects the amenity of the rear of the adjoining properties. Shadow analysis confirms that the proposal will not result in unreasonable impacts on neighbouring amenity by way of overshadowing. It is noted that the proposal generally complies with all other built form controls including height, envelopes, density (FSR), landscape open space and side setbacks.

As noted above, the minor first floor elements, namely a small section of the study and ensuite to Unit 5 that protrude within the rear 25% rear single storey zone will not result in overlooking of the rear garden on No. 40 Pringle Avenue or unreasonable impacts on neighbouring amenity. In addition, the generous northern set back allows for canopy planting along the northern boundary which will help screen the proposal to further reduce any privacy issues and ensure the perceived bulk of the development is reduced.

It is noted that concern has been raised from the neighbour to the north-east at No. 9 Evelyn place regarding overlooking from the windows and balcony of unit 6 to areas of private open space and windows. The 8.4m setback of balcony and the 10m setback of the window to Unit 6 is fully compliant with the SEPP control being set back beyond the 25% rear zone. In order to protect the amenity of the both the future residents of this unit and the neighbours the Design Panel have suggested that screen planting be included along the edge of the upper floor balcony. A condition is recommended to this effect. Finally, the proposal will not result in any unreasonable impacts on view loss.

The development is considered to be consistent with this objective.

(c) To minimise the adverse impact of development on the scenic quality of Warringah's coastal and bush environments.

Comment:

The development will not have an unreasonable impact on the scenic quality of Northern Beaches coastal and bush environments. The buildings are broken-up through variation of the building form and use of appropriate colours and finishes, which are consistent with the surrounding environment.

(d) To manage the visual impact of development when viewed from public places such as parks

and reserves, roads and community facilities.

Comment:

The substantial articulation of the built form, including the breaking-up of the mass of the buildings, and the use of high-quality materials and finishes, will ensure the development will not have an unreasonable visual impact when viewed from the adjoining and nearby public spaces.

In summary, the distribution of building height is consistent with the objectives of the control in that the breaching 2 storey element will not result in unreasonable amenity or visual impacts on surrounding properties or the character of the area.

Zone objectives

The underlying objectives of the R2 Low Density Residential zone are:

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

Comment:

The proposed seniors housing development achieves this objective as it provides for the ho

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

Comment:

This objective is not relevant.

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

Comment:

The proposed development complies with the landscaped area provisions of SEPP HSPD. The proposal exceeds the 30% landscape open space requirement and the 7% deep soil planting requirement providing over 35% of the site as landscaped open space and 24% as deep soil zones. Extensive setbacks with areas of deep soil planting are provide to the northern, southern and western boundary to ensure sufficient canopy trees can be established which will enhance the streetscape, soften the bulk of the development and help protect the amenity of the future residents and neighbours.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent

to be granted.

Planning Circular PS 18-003 dated 21 February 2018 issued by the NSW Department of Planning & Infrastructure, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the 25% rear single storey zone SEPP Standard is assumed by the delegate of Council as the development contravenes a numerical standard by less than or equal to 10%.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.3m	N/A	Yes
B2 Number of storeys	2 / 3	1/2	N/A	Yes
B3 Side Boundary Envelope	4m	4m	N/A	Yes
	4m	4m	N/A	Yes
B5 Side Boundary Setbacks	0.9m	<i>Eastern side boundary</i> Ground Floor - 1.2m (to garages) - 3m (to unit 3) First floor between 1.7m - 3m to (Unit 6)	N/A	Yes
	0.9m	<i>Northern side boundary</i> Ground floor varies between 2.5m and 7m First floor varies between 6.4m to 7.5m	N/A	Yes
B7 Front Boundary Setbacks	6.5m (3.5m secondary frontage)	<i>Primary (Pringle Avenue)</i> Ground floor - 6.5m to 7.8m to wall of development. at grade terraces 3.8m to 5.8m . First Floor - 6.1m (balconies) - 6.5m to wall of development <i>Secondary (Drew Place)</i> 4m - to 4.3 to wall of development 0.8m to in store		No *Bin enclosure, at grade terraces and a small projection of upper floor balconies breach the primary and secondary setbacks, however, these elements have been assessed as acceptable.

B9 Rear Boundary Setbacks	6m	Not Applicable as a corner allotment	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	*35.4%	4.6%	No

***Note:** The landscape open space complies with the 30% requirement under the Seniors Housing SEPP.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	N/A	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Clause B7 requires a 6.5m front set back to the Pringle Street and a 3.5m side set back to Drew Place.

Merit assessment

The eastern wall of the development fully complies with the 6.5m front setback, however, two ground level terraces and a small projection (0.4m) of the upper floor balconies breach the front setback. The southern wall of the development generally exceeds the 3.5m set back to the secondary frontage. The bin store breaches the secondary setback being located 0.8m to the southern boundary.

Despite the numerical non-compliance of the front set back the minor breach of the development achieves the objectives of the control as detailed below.

- ***To create a sense of openness.***

Comment

Sufficient areas of deep soil planting are retained to both frontages to ensure that a sense of openness is retained. The breach of the ground level terraces and the ancillary bin store will not add to the visual bulk of the development which maintains an open frontage to both streets with sufficient areas of deep soil retained along the frontage to provide for screen planting.

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

Comment

The development is sited to be generally consistent with the existing front set back of other buildings along Pringle Avenue and provides for sufficient setback for landscape planting to integrate and soften the built form. As a corner site the setback of the development along Drew Place is generally consistent with the setback of the Seniors Housing development to the immediate south at 36 Pringle Avenue, including the siting of the bin store which breaches the secondary setback. Again sufficient deep soil zones are provided to Drew Place to allow for planting to help reduce the visual impact of the built form.

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

Comment

The proposal has been designed to ensure the visual quality of the streetscape and public spaces are protected and enhanced. The proposal generally complies with the numerical setbacks and the minor breach of the upper floor balconies allows for added articulation of the western facade.

- ***To achieve reasonable view sharing.***

Comment

The proposal will not result in any view loss from neighbouring residential properties.

B9 Rear Boundary Setbacks

On corner allotments for land zoned R2 Low Density Residential or R3 Medium Density Residential, where the minimum rear building setback is 6 metres, the rear building setback does not apply.

D1 Landscaped Open Space and Bushland Setting

Clause D1 requires 40% of the site to be landscape open space. The proposal retained 35.4% of the site as landscape area which exceeds the 30% minimum requirement required under the Seniors Housing SEPP which takes precedence over the DCP. The amount of landscape open space has been assessed as acceptable and subject to a condition requiring an amended landscape plan the proposal has been assessed acceptable.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$24,412 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,441,219.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

In consideration of the proposal and the merit consideration of the development, the proposal is

considered to be:

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

In summary, a detailed assessment has been required for the following specific issues:

The proposal generally complies with the built form controls of the SEPP (HSDP), the WLEP and WDCP. The minor 4.4% breach of the 25% rear single storey zone will not in itself result in unreasonable visual impacts or amenity impacts to neighbours by way of overlooking to existing rear gardens.

In addition, the minor breach of the WDCP front setback, namely the ground level terraces will not diminish the landscape setting of the development to Pringle Avenue which retains significant areas of deep soil zone for future planting. The variation of the eastern wall with a minor breach of the balconies will also add to the articulation of the development to the primary frontage.

The minor breach of the bin store to the secondary frontage has also been assessed as acceptable given that sufficient space is retained immediately adjacent to the bin store for screen planting and it's location is consistent with the location of the bin store to the Senior development at 36 Pringle Avenue.

The application was peer reviewed by the DSAP who commended the scheme as a generally compliant development set in a significant landscape buffer that provides a high level of amenity to future residents while maintaining the amenity of neighbouring residents. The articulation, modulation and materiality of the development was supported as a high quality scheme that reflects the character of the area.

In summary, the proposal is recommended for approval subject to conditions, provided in accordance with the Environmental Planning and Assessment Act 1979 and Regulations . It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/1072 for Construction of a Seniors Housing development, including demolition works, new access driveway and front fence on land at Lot 1 DP 228962, 1 Drew Place, BELROSE, Lot 2 DP 228962, 1 Drew Place, BELROSE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA01 Rev G Site Plan	23/07/2020	Turner Hughes Architects
DA02 Rev E Roof Plan	01/03/2021	Turner Hughes Architects
DA03 Rev E Ground Floor Plan	23/07/2020	Turner Hughes Architects
DA04 Rev F First Floor Plan	23/07/2020	Turner Hughes Architects
DA05 Rev B Section 01	23/07/2020	Turner Hughes Architects
DA06 Rev B Section 02	23/07/2020	Turner Hughes Architects
DA07 Rev B Section C	23/07/2020	Turner Hughes Architects
DA08 Rev C Elevation 01	01/03/2021	Turner Hughes Architects
DA09 Rev B Elevation 02	23/07/2020	Turner Hughes Architects
DA10 Rev B Elevation 03	23/07/2020	Turner Hughes Architects
DA11 Rev E Unit Details - Unit 1	10/07/2020	Turner Hughes Architects
DA12 Rev E Unit Detail - Unit 2	10/07/2020	Turner Hughes Architects
DA13 Rev E Unit Detail - Unit 3	10/07/2020	Turner Hughes Architects
DA14 Rev E Unit Details Units 4 and 5	10/07/2020	Turner Hughes Architects
DA15 Rev E Unit Details - Unit 6	10/07/2020	Turner Hughes Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
D01 Rev A Ground Floor Stormwater Drainage Plan	11/08/2020	NB Consulting Engineering
DA02 Rev A First Floor and Lower Roof Stormwater Drainage Plan	11/08/2020	NB Consulting Engineering
DA03 Rev A Upper Roof Stormwater Drainage Plan	11/08/2020	NB Consulting Engineering
DA04 Music Catchment Plan	11/08/2020	NB Consulting Engineering
DA05 Rev A Stormwater Drainage Notes and Details	11/08/2020	NB Consulting Engineering
DA06 Rev A Stormwater Drainage Details Sheet 1	11/08/2020	NB Consulting Engineering
DA07 Rev A Sediment and Erosion Plan	11/08/2020	NB Consulting Engineering
DA08 Rev A Sediment and Erosion Control Details Sheet 1	11/08/2020	NB Consulting Engineering
Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX certificate	24/07/2020	ESD Synergy Pty Ltd

BASIX Assessment Report and Thermal Comfort Commitments	24/07/2020	ESD Synergy Pty Ltd
NatHERS report	24/07/2020	Adriana Segovia
Access Review	16/07/2020	J Barling
Arboricultural Assessment Rev A	05/08/2020	HUGH The Arborist
Flood Risk Management Report	17/08/2020	Stewart McGready Rick Wray Brad Seghes
Traffic Report	09/07/2020	PDC Consultants

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Site Plan	No date	Andrew Pearce Landscape Design
Landscape Plan Tree Schedule	No date	Andrew Pearce Landscape Design
Landscape Plan Plant Schedule	No date	Andrew Pearce Landscape Design

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
DA23 Rev A Demolition nad Waste Management Plan	23/07/2020	Turner Architects

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	01/10/2020

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

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

3. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the

Building Code of Australia (BCA).

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

- (k) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$24,412.19 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$2,441,219.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

6. **Security Bond**

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

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

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

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

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

7. **Construction, Excavation and Associated Works Security Bond (Footpath Pringle Avenue and associated works))**

The applicant is to lodge a Bond of \$25,000 as security against any damage or failure to complete the construction a 1.5m wide concrete footpath (Pringle Ave frontage) and construction of a new pram ramp at the corner of Pringle Avenue and Drew Place . The bond also covers the removal of all redundant driveways and replacement with kerb and gutter.

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

Reason: Protection of Council's infrastructure.

8. **Construction, Excavation and Associated Works (Security Bond)**

A bond of \$5000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

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

Reason: Protection of Council's infrastructure.

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

The developer/applicant must lodge with Council a maintenance bond of \$3000 for the construction of 1.5m wide concrete footpath and associated footpath works. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

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

10. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

11. **Construction Traffic Management Plan**

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

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

Management Plan is submitted.

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

12. **Amendments to the approved plans**

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

- Screen planting in the form of climbers shall be provided to the upper floor balcony to Units 5 and 6.
- The study shall remain open to the living room, no doors are permitted to enclose the space which can not be used as a bedroom.

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

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

13. **On-site Stormwater Detention Details**

The Applicant is to submit stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY PL850, and generally in accordance with the concept drainage plans prepared by NB Consulting, Job number 2006103 DRW NOS D01, D02, D03, D05, D06 dated 11/08/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or RPENG accredited by Professionals Australia and registered in the General Area of Practice for civil engineering.

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

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

14. **Structural Adequacy and Excavation Work**

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

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

15. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with

Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

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

Reason: To facilitate suitable vehicular access to private property.

16. **Amended Landscape Plan**

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) two native small trees: Scribbly Gum (*Eucalyptus haemastoma*) as listed in the Northern Beaches Council's Native Plant Species Guide - Frenchs Forest Ward, shall be documented to the southern boundary deep soil area, nominated at a 75 litre pot container size,
- ii) two native small trees: Scribbly Gum (*Eucalyptus haemastoma*) as listed in the Northern Beaches Council's Native Plant Species Guide - Frenchs Forest Ward, shall be documented to the western boundary deep soil area, nominated at a 75 litre pot container size,
- iii) tree planting shall be located to minimise impact to adjoining properties and shall be located at least 2 metres from common boundaries, and accordingly garden areas shall be expanded to support such planting locations,
- iv) two street trees: Water Gum (*Tristaniopsis laurina*) shall be documented within the road verge installed at 6 metre centres within the western road verge, nominated at a 75 litre pot container size, and centred within the road verge between footpath and kerb.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: landscape amenity.

17. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

18. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

19. **Bicycle Parking**

The applicant shall provide 2 (high-medium security level) bicycle spaces for the proposed 6 seniors living units and 1 (high-low security level) bicycle space for the visitors. The bicycle spaces are to be in compliance with the relevant guidelines as per the DCP.

Reason: To comply with Warringah DCP (DACTRCPC1)

20. **Waste and Recycling Requirements**

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

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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

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

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

22. **Tree removal within the property**

The following Exempt Species do not require Council consent for removal:

- T4 Nyssa; T11 Chinese Elm; T12 and T13 Japanese Camellia; T17 Bangalow Palm; and T18 Bird Cherry.

Reason: to enable authorised building works

Note: Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

23. **Tree removal within the road reserve**

This consent approves the removal of the following trees within the road reserve, as recommended in the Arboricultural Impact Assessment, impacted by the proposed new footpath across the site frontages and driveway:

- T5, T6, T8, T9 and T10 (all Cherry Plum).

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

Reason: public liability.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

24. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

25. **Footpath Construction**

The applicant shall construct a 1.5m wide concrete footpath for the full Pringle Avenue frontage and a pedestrian ramp at the corner of Pringle Ave and Drew Place. The works shall be in accordance with Council's Engineering Drawings and standards.

Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specifications.

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

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

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

(a) Prior to the pouring of the 1.5m wide concrete footpath and pedestrian ramp.

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

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

27. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

28. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5 metres wide (Drew Place) in accordance with Northern Beaches Council Drawing No A4-330/Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

29. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

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

30. **Protection of Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages. The following street trees fronting the site shall be protected: T1 and T2 Weeping Bottlebrush; and T7 Hong Kong Orchid.

Existing street trees within the frontage of the development site shall be protected by tree protection fencing to the extent and alignment as determined by an Arborist with minimum AQF Level 5 in arboriculture, or otherwise as directed by the Arborist, and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

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

Reason: tree protection.

31. **Tree and vegetation protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation, except as proposed by the development application for retention ie. T14 Tibouchina,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation not approved for removal.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be

submitted by the Arborist to the Certifying Authority,
viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

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

- i) section 10. Proposed Public Footpath,
- ii) section 11. Recommendations,
- iii) section 12. Arboricultural Work Method Statement and Tree Protection Requirements,
- iv) section 13. Hold Points,
- v) Appendix 1B - Tree Retention and Protection Plan

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: tree and vegetation protection.

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

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated 2/9/2020, however this included only the Demolition stage pages 3 & 4 of the waste management plan. Applicant must complete and submit all sections of the Waste Management Plan.

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

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

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

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

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

34. Landscape completion

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan.

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

Reason: environmental amenity.

35. Condition of retained vegetation

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

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

Reason: tree protection.

36. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all Councils Water Management policy and the approved drainage plans by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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

37. Post-Construction Road Reserve Dilapidation Report (Major Development)

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

38. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

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

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

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

40. **Environmental Reports Certification**

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

- (a) BASIX certificate dated 24/07/2020 prepared by ESD Synergy Pty Ltd
- (b) BASIX Assessment Report and Thermal Comfort Commitments dated 24/07/2020 prepared by ESD Synergy Pty Ltd
- (c) NatHERS report dated 24/07/2020 prepared by Adriana Segovia
- (d) Access Review dated 16/07/2020 prepared by J Barling
- (e) Arboricultural Assessment Rev A dated 05/08/2020 prepared by HUGH The Arborist
- (f) Flood Risk Management Report dated 17/08/2020 prepared by Stewart McGready Rick Wray Brad Seghes
- (g) Traffic Report dated 09/07/2020 prepared by PDC Consultants

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

Reason: To ensure compliance with standards.

41. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

42. **Garbage and Recycling Facilities**

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

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

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

43. **House / Building Number**

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

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

Reason: Proper identification of buildings.

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

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines
(https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

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

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

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

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

Reason: To ensure consistent numbering for emergency services access.

45. **Waste Management Confirmation**

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

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

46. **Removal of Redundant Driveways**

.All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.(DACTRFPOC1)

47. **Upgrade footpath and designated bus stops**

The applicant is to construct 1.5m wide footpath along the frontage at Drew PI in accordance with the Council requirements and also upgrade the existing footpath along the frontage at Pringle Ave. The designated bus stops on both sides of Glen Street in front of the showground and No.20 Glen Street are required to be upgraded to be DDA compliant bus stops.

Reason: To provide accessible path of travel and bus stops(DACTRFPOC2)

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

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

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

Reason: To ensure waste and recycling facilities are provided.

49. **Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled.

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

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

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

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

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved

plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

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

Reason: To create encumbrances on the land.

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

52. **Landscape maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.

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

Reason: to maintain local environmental amenity.

53. **Noise from lift**

Noise from the lift shall not exceed background noise levels +5dB(A) as measured from any neighbouring residential premises.

Reason: To maintain the amenity of the area and not create offensive noise.