

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1743
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 3 DP 26532, 45 Lantana Avenue WHEELER HEIGHTS NSW 2097
Proposed Development:	Demolition works and construction of a seniors housing development with basement parking & associated landscaping
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Robert William Mason Jennifer Anne Mason
Applicant:	Gartner Trovato Architects

Application Lodged:	05/01/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	22/01/2021 to 05/02/2021
Advertised:	Not Advertised
Submissions Received:	27
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 4,047,820.00
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EXECUTIVE SUMMARY

The application seeks consent for the construction of eight (8) independent living units with seventeen (17) parking spaces provided within a basement. The application was referred to the Design Advisory and Sustainability Panel (DSAP) who recommended design changes to address issues in relation to the scale, bulk and articulation, privacy, landscaping and urban design and amenity. The application has been amended to generally address the issues raised by DSAP, including a reduction in the gross floor area by 110sqm, an increase in the setbacks of 4 units to the northern and western boundary, changes to the internal unit layouts, a reduction in the size of areas of external private open space / increase in

northern setback and inclusion of screens and planters, modifications to windows to include high level windows and privacy screens and the relocation of the waste storage area to the basement. The bulk and scale of the development, as amended, and will not result in unreasonable impacts on neighbouring residential amenity.

The public exhibition of the application resulted in 27 unique submissions, which raised concerns with the density, design, privacy, overshadowing, waste management, traffic and parking, construction, landscaping and issues with the documentation. 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 planning controls and the application is therefore recommended for approval.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the demolition of the existing dwelling, garage and pool and construction of a Seniors Housing Development comprising eight (8) x three (3) bedroom infill self care apartments within two (2) blocks and basement car parking for 17 vehicles. In detail the application includes:

Basement Level RL 60.50 (northern block) and RL 61.50 (southern block)

- Excavation to a maximum depth of 3m;
- 16 residential car parking spaces within garages and 1 visitor car parking space;
- 10 bike parking spaces;
- Lift and stair access;
- OSD and
- Services room.

Ground Level Northern Block RL 63.50 and RL 64.30

- Unit 1 and unit 2 are both three (3) bed units with northern terrace;
- Lift and stair access

Ground Level Southern Block RL 64.50

- Unit 5 - lower level of a two storey three (3) bed unit comprising open plan kitchen and dining and bedroom 1 with a north facing terrace;
- Unit 6 - three (3) bed unit with a north facing terrace;
- Unit 8 - three (3) bed unit with west facing terrace;
- Lift and stair access.

First Floor Northern Block RL 67.30

- Unit 3 and 4 are both three (3) bed unit with north facing balcony;
- Lift and stair access with a shared passageway.

First Floor Southern Block RL 67.50

- Unit 5 upper floor bedroom 2 and 3;

- Unit 7 two (2) bedroom unit with north facing balcony;
- Lift and stair access with a shared passageway

* All units have open plan living, kitchen and dining rooms.

External

- Removal of 5 trees and replacement planting;
- Bin store area located to the northern end of the shared driveway with No. 43 Lantana Avenue.

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 - 6.2 Earthworks

Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 3 DP 26532 , 45 Lantana Avenue WHEELER HEIGHTS NSW 2097
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Lantana Avenue.</p> <p>The site is a battle axe site with a surveyed area of 2,023m².</p> <p>The site is located within the R2 (Low Density) Residential</p>

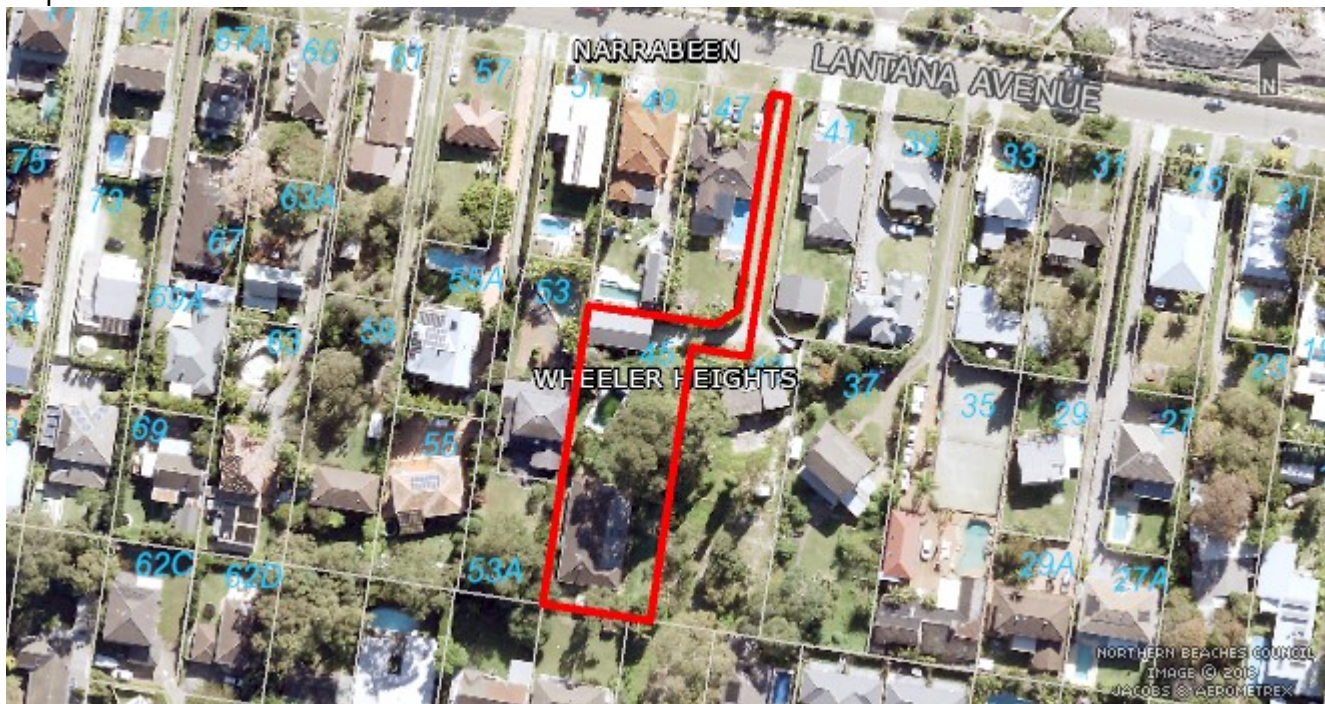
zone in WLEP and accommodates a brick and tiled roof single storey dwelling with swimming pool a detached garage and carport structure located adjacent to the northern boundary. Vehicular and pedestrian access to the property is via an existing shared reciprocal right of carriageway from Lantana Avenue with the proposal relying on this existing lawful access arrangement.

A number of mature trees are contained within the site. There is a slight fall in the land from east to west.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by primarily of one and two storey detached dwellings set back from the road in landscape settings with a number of medium density residential development scattered throughout the area including the War Vets Retirement village to the north-east across Lantana Avenue. Construction has also commenced for a Seniors Housing development directly to the east at No. 43 Lantana Avenue.

Map:



SITE HISTORY

A search of Council's records has revealed the following:

Application **DA2000/4277** for Single Storey Dwelling was approved on 13 July 2000.

Pre-lodgement Meeting **PLM2020/0248** was held on 29/10/2020 for Construction of a Seniors Housing Development. Issues raised relate to the bulk and scale, (especially the upper floor), a need to increase the side setback to the west and step in the upper floor. A need to integrate the vehicular

access, pedestrian access and bin store area with the approved development at No 43 Lantana Ave and a need to improve privacy.

Application **DA2010/0214** for Demolition works and construction of a detached garage was approved on 13/04/2010.

On 22 April 2021, the subject application was referred to the **Design and Sustainability Advisory Panel (DSAP)**. The Panel concluded that:

The Panel supports the overall approach to the site and commends the commitment to the retention of mature trees, however the Panel does not support the proposal in its current form. The proposal does not comply with a number of development standards and is in excess of the 0.5:1 SEPP HSPD threshold which contributes to the impact on amenity, privacy and solar access that would be more easily resolved by a reduction in the floor area and overall building bulk.

Further discussion on the issues raised by the DSAP are contained throughout this report and the minutes of the DSAP meeting are contained in the attachment to this report.

On 24 May 2021, a letter was sent to the applicant raising issues with respect to:

- Scale, density built form and bulk
- Privacy
- Transport, access and servicing
- Access to the designated bus stops
- Landscaping
- Urban Design and Amenity

On 16 June 2021, the Applicant submitted amended plans to address the issues raised by DSAP and Council. The amended plans included a reduction of the GFA by 64sqm and 10sqm of internal foyer areas, changes to the basement car park and OSD design, redesign of the layout of the units facing the western boundary, an increase in soil depth to the western side of the garden to unit 6, an increase in the size of the ground floor terrace to unit 8. Refer to discussion under the Seniors SEPP for further details on the design changes.

On 23 June 2021, all those that made a submission on the original DA were re-notified of the amended plans and allowed 14 days to make comment.

On 9 July 2021, the applicant submitted additional details and amended plans to address Engineering and Traffic issues.

On 29 July 2021, the applicant submitted amended plans which, according to the applicant, result in an FSER of 0.5:1. The setback of units 1,2,3 and 4 from the northern boundary was increased by 500mm. In addition, the following amendments have been made:

- Unit 1 - A reduction in the size of the ground level terrace with the terrace being setback 5.8m from the northern boundary. A fixed angled 1650mm high privacy screen has also been included in between the planter beds along the northern boundary.
- Unit 2 - A 500m increase in the setback to the western boundary and a reduction in the size of the ground level terrace, the terrace has been amended to be setback 8m from the northern boundary.
- Unit 3 - A 3m increase in the setback of bedroom 1 from the northern boundary, a 700mm - 1m increase in the setback to the east, re-configuration of bedroom 2 and 3 with bedroom 3

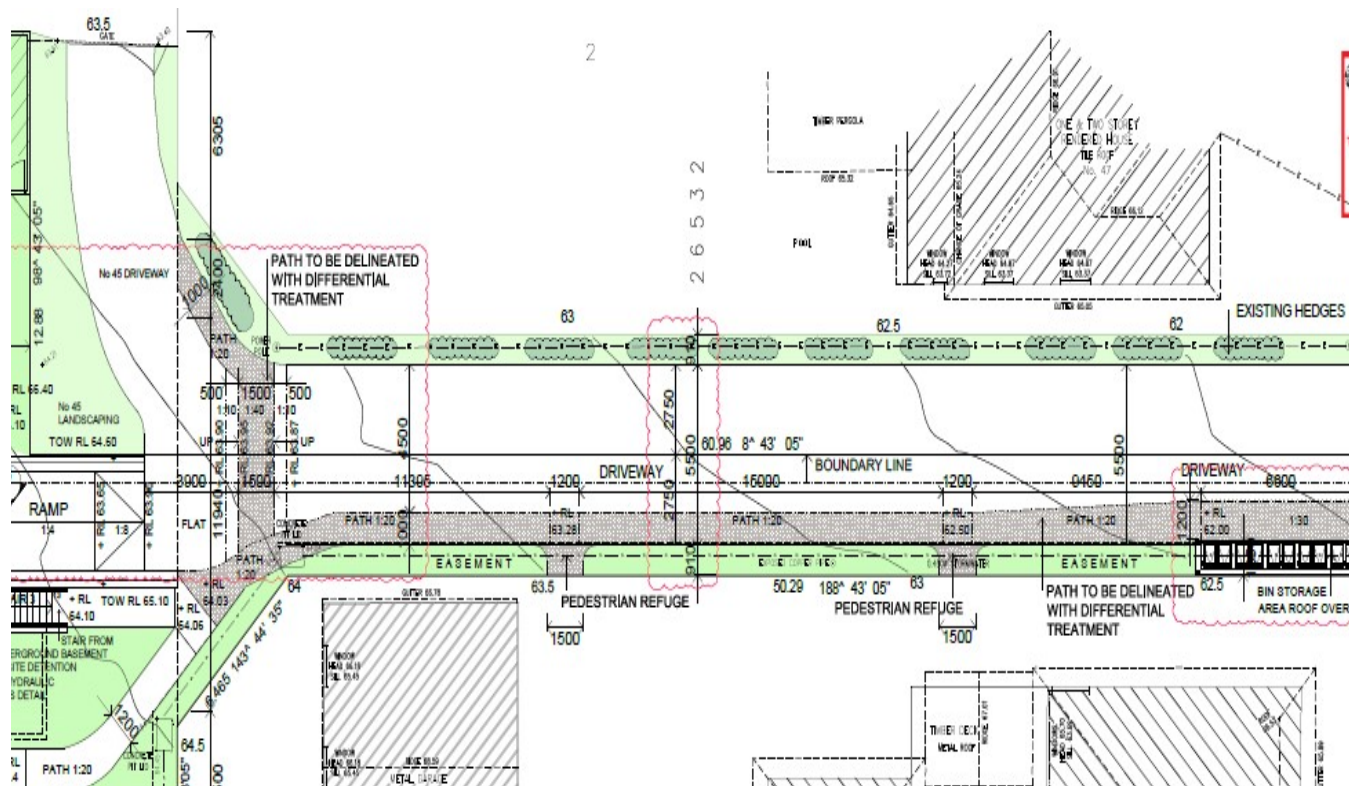
extending 1.2m to the south and the addition of a sliding privacy screen and planter to the northern edge of the balcony.

- Unit 4 - A 500mm increase in the setback to the west reduction in the size of the ground level terrace which is now setback 5.8m from the northern boundary.
- Unit 07 - reduce foyer size by 3sqm.
- Unit 08 - A 3m increase in the setback to the western boundary and a reduction in the size of the ensuite by 2.5sqm.
- Relocation of the bin store to the basement (note the bin bay is retained near the street to be used on bin collection day).
- The pedestrian path has been widened to 1.2m and bollards installed along the northern edge.
- The driveway entrance has been widened.
- A 1650mm fixed angled privacy screen has been installed along the northern edge of the footpath.

In accordance with the provisions of the Community Participation Plan (CCP), the amended proposal was not re-notified as *the changes are such that would result in a reduction of environmental impacts.*

No 43 Lantana Ave DA2019/1336

On 26 November 2019, development consent **DA2019/1336** granted consent for a seniors housing development comprising 7x 3 self-contained dwellings in 4 blocks and basement parking for 14 vehicles. The approval included a pedestrian footpath and raised pedestrian crossing along the shared driveway that links to the subject site, refer to approved driveway plan below.



Approved driveway plan for No. 43 Lantana Avenue (source Barry Rush).

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. Additional information was requested in response to the issues raised by DSAP and non-compliances with the planning controls.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&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 matter has been addressed via a condition of consent.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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 22/01/2021 to 05/02/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 27 submission/s from:

Name:	Address:
Mrs Linda May Moss David Charles Moss	47 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mr Steven John Walton	49 Lantana Avenue WHEELER HEIGHTS NSW 2097

Name:	Address:
Mrs Tania Cristina Ferreira Walton	
Ms Amanda Heather Garland	40 Rose Avenue WHEELER HEIGHTS NSW 2097
Mrs Dorothy Susan Waterhouse	56 Rose Avenue WHEELER HEIGHTS NSW 2097
Mrs Jennifer Claire Furnell	55 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mark Trevor Lind	24 Wabash Avenue CROMER NSW 2099
Mrs Rachel Joanne Cernecca	75 B Lantana Avenue WHEELER HEIGHTS NSW 2097
Ms Jill Collier	17 Lantana Avenue WHEELER HEIGHTS NSW 2097
Cleve Mitchell	33 Lantana Avenue WHEELER HEIGHTS NSW 2097
Guy Francis Fleming	37 Veterans Parade COLLAROY PLATEAU NSW 2097
Mrs Justine Cook	54 Penrith Avenue WHEELER HEIGHTS NSW 2097
Mrs Leanne Peters	73 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mr Heinz Pflieger	32 Rose Avenue WHEELER HEIGHTS NSW 2097
Ms Joan Elizabeth Catherine Croydon	5 Berith Street WHEELER HEIGHTS NSW 2097
Mrs Linda Anne Kemp	46 Rose Avenue WHEELER HEIGHTS NSW 2097
Mr Gary Stephen Adams	41 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Jaqueline Esme McKinn	29 A Lantana Avenue WHEELER HEIGHTS NSW 2097
Mr Eric Duncan Ward Rogers	31 Rose Avenue WHEELER HEIGHTS NSW 2097
Steven Dennis Chiddy	130 Claudare Street COLLAROY PLATEAU NSW 2097
Mr Cameron John Dowsett	2 Parkes Road COLLAROY NSW 2097
Mr Benjamin Peter O'Toole	53 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Fabiana Biz Radcliffe	67 A Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Shirley Irene Smith	52 Rose Avenue WHEELER HEIGHTS NSW 2097
Mrs Margaret Ellen Mulherin	107 Ashworth Avenue BELROSE NSW 2085
Mr Christopher Grahame Waterhouse	56 Rose Avenue WHEELER HEIGHTS NSW 2097
Mr David John Collett Mrs Wendy Collett	7 Berith Street WHEELER HEIGHTS NSW 2097
Mr John William Walton Mrs Jacqueline Susan Walton	49 Lantana Avenue WHEELER HEIGHTS NSW 2097

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

- **Non-compliant with SEPP, WLEP and WDCP controls**
- **Over-development – exceeds FSR, excessive bulk and height**
- **Lack of architectural devices / articulation**
- **Out of character with are / poor streetscape outcome**
- **Insufficient setback especially to the north**
- **Proposed trees will reach an excessive height**
- **Visual and acoustic privacy issues**

- **Overshadowing and insufficient shadow analysis**
- **Pedestrian footpath is elevated 1.14m above neighbours level**
- **Traffic and parking issues**
- **Location of the garbage bins / impact on amenity**
- **Trees and hedging need to be retained to protect privacy**
- **New boundary walls and fence required**
- **Privacy screens are required on decks and additional screen planting**
- **Construction, structural and geotechnical issues**
- **Insufficient information**
- **Premature DA should not be determined until the Local Housing Strategy has been endorsed**
- **Over supply of seniors housing in the area**
- **Impact on community and the local environment**
- **Precedent**

The matters raised within the submissions are addressed as follows:

- **Non-compliant with SEPP, WLEP and WDCP controls. Over-development – exceeds FSR - areas are not included in the calculation which add to the bulk and the FSR is under estimated. Excessive bulk and height.**

Comment:

The proposal, as amended, generally complies with the built form controls contained in the Seniors SEPP, the WLEP and the WDCP including building height, wall height, front, rear and side setbacks and open space.

The applicant has reduced the floor space by 110.5sqm calculated the FSR to be 0.5:1 based on the definition in the Standard Instrument and the WLEP which excludes circulation space. The definition of gross floor area in the Seniors Housing SEPP differs as it does not include circulation space in the exclusion. The application has been assessed in accordance with the SEPP and will result in an FSR of 0.51:1. The minor breach in the FSR will not result in unreasonable impacts on the bulk and massing of the development which is assessed as contextually appropriate to the character of the area or unreasonable impacts on residential amenity.

The minor breach in the side envelope relates to the western elevation of the northern building the breach will not result in unreasonable impact of the bulk and scale of the building to neighbouring properties.

- **Lack of architectural devices / articulation to break up the mass and bulk.**

Comment:

The amended design reduces the bulk and massing of the development which has been appropriately broken up into one and two storey pavilion style buildings with pitched roofs similar to the height and scale of dwellings within the area. The development is articulated with recessed sections, a variety of materials, lightweight elements and window treatment to successfully break up the mass and bulk of the development.

- **Out of character with are / poor streetscape outcome.**

Comment:

The density of the development is consistent with the character of other medium density Seniors Housing developments in the area which is permitted under the Seniors Housing SEPP. As a battle-axe allotment the development is setback from the street frontage and will have no visual impact on the streetscape. The amended design re-locates the waste area to the basement to

help reduce amenity impacts to the immediate neighbour.

- **Insufficient setback especially to the north.**

Comment:

The amended design increases the setback of the northern wall of the development on all levels away from the rear boundary to No.47 and No. 49 Lantana Avenue. In addition, the setback to the western boundary has been increased. The amended proposal addresses the recommendations of DSAP and the spatial separation between the northern building and the rear gardens of No. 47 and No.49 Lantana Avenue is deemed to be sufficient. Refer to details under discussion of the Seniors Housing SEPP.

- **Proposed trees will reach an excessive height.**

Comment:

It is assumed the trees in question are *Angophora Costata* and *Corymbia maculata*, which are both native canopy trees. Only one of each is proposed as they are required to compensate the removal of two (2) x significant canopy trees as result of proposed works. It should be noted that the DSAP acknowledged the tree retention as part of the proposal as positive. Council's Landscape Officer has no objections to the species proposed as they replace existing mature canopy trees and are native species.

The implementation of the proposed landscape works is vital to satisfying control D1, as key objectives include mitigating the bulk and scale of the built form, as well as to enhance the privacy between buildings.

- **Raised floor levels cause walled frontage to boundaries, three storey presentation and visual and acoustic privacy issues.**

Comment:

Despite the raised floor level, in part, to the northern building the development reads as a two storey development. The proposal has been amended to increase the setback of the terraces from the northern boundary and add planter beds and fixed and angled privacy screens to ensure acoustic and visual privacy issues are addressed, refer to discussion under SEPP (HSPD).

- **Overshadowing and insufficient shadow analysis.**

Comment:

Shadow diagrams have been submitted which confirm that the proposal will not result in unreasonable shadow impacts to neighbouring properties.

- **Pedestrian footpath is elevated 1.14m above neighbours level the design is unacceptable.**

Comment:

The amended proposal includes a fixed angled privacy screen along the northern edge of the elevated footpath to protect privacy to the northern neighbour.

- **Traffic and parking issues.**

Comment:

The proposal provides exceeds the car parking requirements of the Seniors Housing SEPP. Subject to conditions has appropriate safe connections to public transport in compliance with the Seniors Housing SEPP, refer to comments from Council's Traffic Engineer.

- **Location of the garbage bins next to neighbours bedroom windows will impact on amenity.**

Comment:

The proposal has been amended to re-locate the waste storage to the basement in order to address amenity issue with regards to the proximity of the garbage bins near a neighbouring residential property. A bin holding area is retained near the street frontage. Council's Waste Services Unit have no objections subject to conditions.

In addition, a condition requires the planting proposed adjacent to the bin storage area along the site frontage to be replaced with an alternative species capable of hedging or provide screening, reducing visibility of this storage from the street and neighbouring property.

- **Trees and hedging to be retained to protect privacy - unacceptable landscape outcome.**

Comment:

The landscape plan refers to the retention of the existing lilly pilli hedges along the northern boundary and along part of the northern edge of the driveway.

- **New boundary walls and fence required.**

Comment:

With the exception of part of the northern wall to the pedestrian footpath no details have been provided regarding to the boundary walls and fences. Subject to compliance with the exempt and complying development conditions the applicant can install boundary fences without the need for development consent. Any fence that exceeds the conditions of the Code will require development consent.

- **Privacy screens are required on decks and additional screen planting.**

Comment:

The external areas of private open space have been reduced in size with a combination of privacy screens and planter beds incorporated into the design. Refer to SEPP (HSPD) section of this report.

- **Structural design to be reviewed by a geotechnical engineer.**

Comment:

The application has been reviewed by Council's Engineer and subject to conditions requiring compliance with the geotechnical report the earthworks are assessed as acceptable.

- **Substantial earthworks and construction impacts on neighbours. Conditions are required to address construction impacts e.g. vibration, dust and dilapidation survey required.**

Comment:

The applicant is required to comply with the recommendations of the geotechnical report which includes measures relating to vibration and dust control and dilapidation surveys which will help minimise the impacts of earthworks on neighbours.

- **Outstanding information required including height poles, survey details of neighbouring properties, no demolition plan / asbestos management or overflow flood assessment.**

Comment:

The proposal will not result in any unreasonable impacts on view loss and it is unreasonable to request height poles. A boundary survey has been submitted in accordance with the requirements for the lodgement of development applications.

The application has been amended to address the concerns of Council's Engineer with respect to water management and subject to conditions.

- **The DA should not be determined until the Local Housing Strategy has been endorsed.**

Comment:

The Northern Beaches Local Housing Strategy was adopted by Council on 27 April 2021.

- **Over supply of seniors housing in the area.**

Comment:

A search of Council records confirms that there have been seven (7) Seniors Housing applications approved within the surrounding area since the commencement of the SEPP HSPD in 2004 providing a total of 31 units. The War Vets (RSL ANZAC Life Care Independent Living Village) at 90 Veterans Parade / 4 Colooli Road is not included in the study being a historic development that was established to provide care to war veterans. It has had several developments over the years upgrading and expanding housing. The War Veterans is a precinct defined by Lantana Avenue and Veterans Parade with four vehicular entrances. It is concluded that there is not an over saturation of SEPP HSPD developments within the area.

- **Impact on community and the local environment.**

Comment:

For the reasons discussed throughout this report the development does not have unreasonable impacts on the community or local environment. Conditions are recommended to ensure that there will be no unreasonable impacts on neighbouring amenity in terms of a loss of privacy. The proposal retains a significant number of existing trees and allows for deep soil planting to sustain future planting which will help screen and soften the visual bulk of the development.

- **Owners consent has not been granted for the work to the shared driveway.**

Comment:

The applicant has confirmed that the driveway has a right of way on title as such there is no need to obtain owners consent. The applicant also notes that this is consistent with the application for No. 43 Lantana Avenue.

- **Precedent**

Comment:

The proposal will not result in an undesirable precedent in the area.

The application was re-notified on 23 June 2021 to all those that made a submission to the original design. As a result of the re-notification an additional five (5) submissions were received which reiterated the issues listed above in addition to the following:

- **The proposed access and rampways are dangerous having to cross two basement entry ramps.**

Comment:

Council's Transport Engineer has confirmed that the amended plans addressed the concern regarding the vehicular and pedestrian conflict by the provision of two passing /waiting bays accommodating the waiting vehicles while there are no encroachments to the pedestrian path. Also, the signal system has rectified the inter-visibility concern. The proposal has been amended to increase the width of the pedestrian path to 1.2m with bollards installed along the edge as a physical separation between the vehicular and pedestrian access. Council's Transport Engineer has no objections to the amended proposal subject to conditions.

- **The amended design includes passing bays. The Northern Passing Bay removes the 0.9m deep soil landscape zone, that was providing privacy screening to 47 Lantana Avenue. The Northern Passing Bay also is immediately adjacent letter boxes and bins to be used by HSPD residents. This is totally unacceptable. The Southern Passing Bay removes the 0.9m deep soil landscape zone, that was providing screening to 47 Lantana Avenue. The Southern Passing Bay now has no landscape privacy screening to the private open space facing 47 Lantana Avenue. This is totally unacceptable.**

Comment:

The amended driveway design and introduction of a passing bay at the intersection with Lantana Avenue removes areas of landscaping, however, this is required to ensure that there are sufficient sight lines provided to ensure road safety.

- **The Garage Bin Store is now set 1m away from the opening bedroom windows of 47 Lantana Avenue. The smell and noise from such a large garbage area set immediately adjacent opening neighbours windows is totally unacceptable. The bin store needs to be relocated to within the basement.**

Comment:

As discussed above the amended proposal relocates the waste storage area to the basement with a holding bay retained to the frontage to be used on bin collection day.

- **There is no clause 4.6 variation to justify the contraventions of clause 26 of the Seniors Housing SEPP.**

Comment:

Clause 26 of the Seniors Housing SEPP relates to requirements in respect of the location of the development and access to facilities. Subject to conditions to widen the footpath and provide a handrail the proposal complies with the access requirements of the SEPP and a Clause 4.6 variation is not required.

- **The DSAP suggested that amenity impacts, such as overlooking could be resolved by requiring a single storey at the front of the site. This has not be included in the amended design.**

Comment:

The proposal complies with the development standards of the Seniors Housing SEPP that requires buildings located in the rear 25% to be single storey. There is no requirement in the Seniors SEPP for the front of the site to be limited to single storey and this was a suggestion from the DSAP not a recommendation.

The height of the development complies with the Seniors Housing SEPP and the WLEP. The setback of the northern building has increased from the rear boundary of No. 47 and 49 Lantana Avenue in accordance with the recommendations of the DSAP. In summary, while the DSAP suggested that the potential amenity issues could be resolved with reducing the northern building to single storey this was not part of the recommendations of the Panel. The amended design has addressed the recommendations of the Panel with respect of the northern building and its spatial separation to No. 47 and No. 49 Lantana Avenue and for the reasons discussed throughout this report there will be no unreasonable impacts on neighbouring amenity in terms of overlooking.

- **Issues with existing tree branch overhanging neighbouring property causing safety issues with branches falling.**

Comment:

The trees along the rear boundary are proposed to be retained which will ensure that there is a landscape buffer to soften the development and protect privacy. The applicant will be altered to this issue and it is recommended that the tree be pruned to ensure that there are no safety issues with respect of branches falling.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	Supported Subject to Condition

Internal Referral Body	Comments
	<p>This proposal is for the demolition of an existing residential dwelling, and the construction of a seniors housing development which shall incorporate eight, three bedroom apartments alongside basement car parking.</p> <p>Councils Landscape Referral section has considered the application against the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Warringah Local Environmental Plan, and the following Warringah DCP 2011 controls:</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation <p>A Landscape Plan is provided with the application and proposed works include in-ground planting of trees, shrubs, grasses and groundcovers, as well as on-slab planters with trees, shrubs and groundcovers.</p> <p>The Arboricultural Impact Assessment provided with the application notes that a total of thirteen trees were assessed as part of the proposal, with eleven of those trees located within the site boundary, and the remaining two trees located within adjoining properties. The two trees located in adjoining properties, Trees No. 5 and 13 have been noted as retained, and shall not be impacted by the proposed works and, as a result, shall be protected throughout all stages of development. Of the eleven trees located within the site boundary, seven trees, Trees No. 1, 2, 3, 4, 8, 9 and 10, have been proposed for removal. Trees No. 1, 3, 4, 8 and 9 are all exempt species and therefore do not require Council's approval for removal. Tree No. 2 is located adjacent to the western boundary, and has suspect structural integrity according to the Arboricultural Impact Assessment. The proposed works also have a 40% encroachment in the Tree Protection Zone (TPZ) and will necessitate its removal. Tree No. 10 is located adjacent to the eastern boundary, and has been identified to exhibit a decline in health with over 40% of its branches and foliage being dead or dying, hence has been recommended to be removed. Both Trees No. 2 and 10 have been recommended to be replaced as result of their removal, and for this reason the Arborists recommendations are accepted.</p> <p>The remaining four trees located within the site have been identified for retention, and shall be protected throughout the life of the development in accordance with the Arborist recommendations. The retention and protection of these trees is necessary to comply with condition E1, which aims to "protect and enhance the scenic value and character that trees provide".</p> <p>The Landscape Plans propose a diverse mix of planting typologies that provide valuable vegetative screening between individual units as well as neighbours on adjoining properties. In addition to this,</p>

Internal Referral Body	Comments
	<p>numerous canopy trees have been proposed that not only support this vegetative screening, but also seek to compensate the removal of existing trees as a result of the proposed works. The current landscape plans indicate that sufficient compensation planting has already been proposed, thus no additional tree planting, in addition to that already proposed, is needed to compensate tree loss as recommended by the Arborist. The implementation of the proposed landscape works is vital to satisfying control D1, as key objectives include mitigating the bulk and scale of the built form, as well as to enhance the privacy between buildings.</p> <p>The retention of existing trees, as well as the proposed landscape works, are also necessary to ensure compliance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. As per Section 33 (f) in the SEPP, major existing trees shall be retained where reasonable. This is satisfied through the retention of Trees No. 5, 7 and 12, all of which exceed 14m in height. In addition, numerous canopy trees have been proposed as part of the development which seek to compensate tree removal that is to take place. The proposed development also provides sufficient total landscape area as well as deep soil zones which are in line with both DCP and SEPP requirements.</p> <p>It is noted that due to the unique shape of the lot and long driveway access, the actual built form and proposed buildings are setback a great distance from the road and are not visible from the street. The built form is set back behind on-slab planters of shrubs and spill over planting that seek to provide visual screening and a softening of the built form as viewed from the shared driveway. Concern however is raised with the landscape treatment at the street frontage, particularly in relation to the storage of rubbish bins. As there are many bins to accommodate the proposed units of this development, as well as those of adjoining property at 43 Lantana Avenue, it is recommended that the proposed planting of <i>Lomandra longifolia</i> 'Tanika' be replaced with an alternative species capable of hedging or screening to visually mitigate the bin storage area. In addition to this, the bins could be further set back to provide a more substantial planting area capable of a more dense planting approach, or alternatively, provide a built bin enclosure capable of housing and screening the bins from public view.</p> <p>The landscape component of the proposal is therefore acceptable subject to the protection of existing trees, and the completion of landscape works as proposed in the Landscape Plans, inclusive of plant species changes along the Lantana Avenue frontage.</p>
NECC (Development Engineering)	<p>The submitted stormwater management plan proposes a combined rainwater and on-site stormwater detention (OSD) tank for the site. A review of the plans indicates that both roof water and surface water is collected and connected to the rainwater tank which is not permitted. In this regard, only roof water is to be connected to the rainwater tank with the overflow connected to the OSD tank. The 'Drains' model must</p>

Internal Referral Body	Comments
	<p>be submitted for the revised design and a long section for the piped connection to the Council drainage pipe in Lantana Ave. All existing services must be shown on the long section to ensure the pipe connection has adequate clearance.</p> <p>The access report and drawings propose a pedestrian crossing adjacent to the site to enable pedestrians to access the bus stop on the northern side of Lantana Ave. It is considered that this proposal be assessed by Council's Traffic Engineers. It may be necessary for a footpath to be constructed on the southern side of Lantana Ave to access this bus stop and the bus stops in Veterans Parade as per the requirement in the submitted access report.</p> <p>The internal vehicular access, grade, driveway crossing width and pedestrian crossing within the site are to be assessed by Council's Traffic Engineers.</p> <p>Development Engineers cannot support the proposal due to insufficient information to address clause C4 of Warringah DCP.</p> <p>Amended plans and information submitted 18/6/21 and 30/6/21</p> <p>The submitted 'Drains' file has been reviewed and is satisfactory. The revised drainage design has located the OSD tank under habitable floors which is unacceptable and cannot be supported. The volume of the OSD tank has been reduced by the rainwater re-use tank volume provided for 'Basix' which is not permitted for this type of development. The OSD volume must be increased to the site storage requirement of 63 cubic metres.</p> <p>It is noted that a footpath is required on the southern side of Veterans Pde as per Council's Traffic Engineer's comments. This issue can be conditioned together with the vehicle crossing once comments are received from Council's Traffic Engineer.</p> <p>Development Engineers cannot support the application due to insufficient information to address stormwater in accordance with Clause C4 of Warringah DCP.</p> <p>Amended plans and information submitted 12/7/2021</p> <p>The proposed OSD has been relocated outside any habitable floor. However, it is unclear how the connection between OSD storage tank, High early discharge pit, SF tank and rainwater tank. When the connection is unclear, the functions of the high early discharge pit and SF tank are in question. The overflow from the OSD tank may flow into the SF tank which may affect the functionality of the SF tank. Some sections of these tanks and pipe connections shall be provided to demonstrate the function of these tanks.</p> <p>As such, Development Engineers place a condition to address the concern.</p>

Internal Referral Body	Comments
	<p>The proposed development is for a multi unit seniors living development with a basement carpark on a lot greater than 1000m². The development proposes filter cartridges to capture stormwater pollutants, as well as rainwater use for toilets and laundries. Subject to conditions the development complies with Council Water Management Development Controls.</p>
Strategic and Place Planning (Urban Design)	<p>Supported</p> <p>Amended drawings dated August 2021 were submitted. The proposal's has addressed the Urban Design Comments highlighted during the Pre-Lodgement Meeting and their responses are provided below:</p> <ol style="list-style-type: none"> 1. The overall building bulk and scale should be reduced to be similar to the next door development (comprising of 7 units within four smaller building blocks) to be contextually fitting with the surrounding free-standing houses. The proposed FSR is over the 0.5:1 requirement so the proposed 8 number of units could be reduced to 7. The top floor units should be reduced in area to allow a less top-heavy look by having single storey elements incorporated. Roof overhang could also be reduced to maximise sunlight access to neighbouring properties and comply strictly with the building envelope controls. Response: The proposed FSR of 0.5:1 is now compliant with the amended unit layout. 2. The 30% landscape calculation should be based on landscaped area that is 2m minimum width. As such the footpath along the eastern boundary could be more integrated into the landscape concept. The existing tree courtyard could be taken advantage of being the entry court leading to the units and lift lobbies. One of the ground floor unit in the rear block could be deleted to create a more welcoming entrance. Response: The entry to the rear block lift lobby has been improved.. 3. Unit 07 has bedroom and utilities windows opening into the entry passage which is not desirable. Sunlight access to this unit could be improved further. Response: Unit 08 layout has been revised to avoid windows facing the entry passage. 4. Pedestrian footpath entry from the shared driveway could potentially be dangerous having to cross two basement entry ramps. Consider collaborating with the next door neighbour to combine the basement ramp entry point and creating less of a bottle-neck effect improving the entry experience for both developments. Response: Additional pedestrian safety and sightlines considerations have been incorporated. 5. Proposed built forms to comply with the 8m building height and two storey requirement by making sure basement do not protrude above natural ground by more than one metre. Strict compliance with

Internal Referral Body	Comments
	<p>Building envelopes to be demonstrated on drawings.</p> <p>Response: The proposed entry walkway has been provided with a 'fixed angle privacy screen- 1.65 m high' to address the overlooking privacy and noise nuisance issues to neighbouring property at No. 47 Lantana Avenue.</p>
Traffic Engineer	<p>Supported subject to conditions</p> <p><u>2 August 2021</u></p> <p>The amended plans dated 29 July 2021 address the previous concerns.</p> <p><u>Traffic comments in review of applicant's traffic consultant response dated 12 July 2021, reference No.20061:</u></p> <p>The response provided by the applicant has addressed the concern regarding the vehicular and pedestrian conflict by the provision of two passing /waiting bays accommodating the waiting vehicles while there is no encroachments to the pedestrian path. Also, the signal system has rectified the inter-visibility concern.</p> <p>Given the above, the proposal can be supported subject to the pedestrian path being widened to minimum 1.2m and some form of physical separation such as handrails being provided between the vehicular and pedestrian access.</p> <p>Also, given that the first passing bay is slightly away from the property boundary and the letterbox has narrowed down the driveway at the property boundary, the existing 5.5m wide access driveway will no longer serve the purpose of provision of a continuous passing bay from the street frontage. So that the driveway crossing shall be narrowed down to exclude the pedestrian entrance on the footpath.</p> <p><u>Traffic comments in review of applicant's response - Reference No.2021/456325</u></p> <p>The traffic consultant has clarified in the response to Council that the 5.5m carriageway width comprises a 1.0m wide pedestrian pathway and indented pedestrian refuges have been provided along the ROW to enable 2 vehicles to pass when a pedestrian is also on the ROW. The transport team is not in support of the proposed combined pedestrian and vehicular access particularly given that the proposal is for seniors housing requiring considerations to be given to the needs of people with disabilities such as people with impaired vision and on wheelchair .</p> <p>Given the restricted sight distance and the length of the shared access way being around 55m, the provision of a 5.5m wide passing bay is required on access driveway and circulation accessway for at least the first 6m from the property boundary, as well as a second passing bay along the accessway. The passing areas are to be clear of any conflict with pedestrian movements. The proposed shared driveway and pedestrian access at the property boundary and along the roadway is not supported.</p>

Internal Referral Body	Comments
	<p>The above issue is indicative of the advice given to the applicant at the pre-lodgement meeting regarding the provision of shared access to the basement of No.43 and 45 Lantana Ave. The issue regarding the sightline will be addressed through the provision of a wider ramp to accommodate a two-lane access where the exiting single-lane ramp leading to 43 Lantana Ave is. This will perform as a passing area on one end of the accessway and a passing bay can potentially be provided at the property boundary with some adjustments to the existing design. The provision of a separate pedestrian entry and pathway along the accessway with the minimum width of 1.2m is to be addressed by the applicant.</p> <p>In view of the above, the proposal is not supported by the transport team.</p> <p><u>Earlier Comment:</u></p> <p><u>Proposal Description:</u> The proposal involves the demolition of the existing site and construction of a SEPP Seniors Living development containing a total of 8 x 3 bedroom self-contained dwellings.</p> <p><u>Parking:</u> The proposal is served by a single-level basement carpark containing a total of 17 spaces with the allocation of 2 spaces per dwelling and 1 visitor/car wash bay. Parking for each unit comprises a 3.8m wide adaptable space and a standard 2.4m wide parking space. The parking provision satisfies the requirements and is considered acceptable.</p> <p><u>Traffic:</u> The projected traffic generation is not considered to have significant impact on the road network.</p> <p><u>Access and car park design:</u> Vehicular access to the subject development is proposed to be via approved access arrangements serving 43 Lantana Avenue. The access way is 4.5m in width allowing for one-lane traffic flow. There are concerns raised on the proposed accessway and rampways arrangement due to the presence of several conflict points with the restricted sightline between vehicles entering and exiting the accessway, basement car park, and the two adjacent sites. There is a proposal for the provision of traffic signal systems to manage vehicular conflicts, however, no information is provided on the operation of the signal system to manage all of the vehicular conflicts. It is also to be considered that a waiting area is to be provided within the first 6m of the driveway from the property boundary. The relocation of the OSD tank will be appropriate to improve the sightline issue within the proposed car park.</p> <p><u>Access to designated bus stops:</u> The access to the bus stops in compliance with clauses 26(2) and (4) of the SEPP has been addressed in the access report. The construction of a footpath on the southern side of Lantana Ave to connect the site to the bus stop in Veterans Pde and the existing pram ramps on Lantana Ave to access the bus stops in Lantana Ave will be</p>

Internal Referral Body	Comments
	<p>required, This can be conditioned.</p> <p><u>Conclusion:</u></p> <p>The proposal is unsupported due to the proposed access and rampways arrangements.</p>
Waste Officer	<p>Supported Subject to Condition</p> <p>Additional comments 5 August 2021</p> <p>The proposed bin storage area in the basement and the holding bay near the street frontage meets the waste management requirements. As the holding bay will be used one day per week, installation of the doors and the roof on the holding bay will not be required. No objections subject to conditions.</p> <p><i>Waste Management Updated Assessment (Proposed plans received 21 June 2021)</i></p> <p>Proposal is approved with conditions</p> <p><i>Planners Comments</i></p> <p>The bin storage area located near the entrance to the street has been amended to the satisfaction of the Waste Services Unit. The location of the bin store remains to be a concern for the owners of No. 47 Lantana Avenue especially given the proximity of the bin area to bedroom windows. In order to address this concern it is recommended that a condition be imposed requiring a waste storage area to be provided within the basement with a bin holding area retained in near the street. The applicant has confirmed that there is no objection to the condition and that there is sufficient space in the basement to meet this requirement.</p> <p><i>Previous Waste Management Assessment Comments</i></p> <p>Recommendation – Refusal</p> <p>This proposal does not comply with Council’s waste management design guidelines.</p> <p>The bin storage area appears to be a flat concrete or paved area adjacent to the fence of the neighbouring property.</p> <p>To comply with Council’s design guidelines the following requirements must be met.</p>

Internal Referral Body	Comments
	<p>Specifically:</p> <p><u>Residential waste storage room design, access and location</u></p> <p>An external Waste Storage Area must : a) Have a minimum wall height of 1600mm. b) Be roofed with a minimum ceiling height of 2100mm throughout and clear of any obstructions.</p> <p>Service access to the bin storage room is to be a flat, smooth path with a non-slip surface clear of any obstructions and steps (concrete is good) with a maximum gradient of 1 in 8.</p> <p>The bins must be obscured from view by the neighbouring property (no. 47).</p> <p><u>Bin Room Facilities</u></p> <p>A tap for washing out the bins/bin storage area is to be provided.</p> <p>The tap must not obstruct aisles, access ways and placement of bins.</p> <p>Wash water to be drained to the sewer or the garden.</p> <p>The Waste storage area must not be used to store any other items and can't be used for any other infrastructure including gas meters, water meters, air con plant, etc.</p> <p><u>Waste Management requires clarification of the following concerns to allow for proper assessment of this proposal:</u></p> <ul style="list-style-type: none"> · That there is a tap for washing out the bins/bin storage area? · What measures will be implemented to ensure water from washing the bins/bin storage area does not end up flowing into the neighbouring property or in the stormwater system? · Is the bin storage area level with the driveway pavement <u>or</u> is there a kerb above which the bins are stored? (To comply with Council requirements access to the bin storage area must have no steps or gradients steeper than 1 in 8).

External Referral Body	Comments

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.1162333M_02 dated 25 June 2021).

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 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 and includes the provision of footpaths to connect the site to the bus stops in Lantana Avenue. The proposal has been amended, to the satisfaction of Council's Transport Engineer, to ensure that the footpath that connects the development to the existing bus stops is designed to provide for the safety of senior residents and those with a disability. Subject to conditions, the amended design is generally considered to exhibit good design for the reasons discussed below.

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.

Comment:

In order to ensure that the development exhibits good design the application was referred to DSAP on 22 April 2021 for review, the notes from which are attached to this report.

The amended proposal generally responded to the recommendations of the Panel as discussed below:

Scale, built form and articulation

The Panel noted that the scale and built form is sympathetic to the context but *voids* add to the bulk. The Panel expressed a concern about the impacts of the bulk on neighbours and made the following recommendations:

- *Reduce the building footprint and conform to an FSR of 0.5:1.*
- *Confirm the definitions of floor space that apply to the proposal.*
- *Remove the 'void' on the second level between units 5 and 6.*
- *Comply with all setback include side boundary envelope controls. Particular attention should be given to the western boundary.*

Comment

The amended proposal reduces the GFA by 110.5sqm. This includes a reduction of Unit 08 by 30.5sqm by removing the third bedroom and living space, a reduction in the floor area of unit 05 by 16sqm by removing the second living area on the upper floor and the deletion of the voids and increasing the setback of all four units in the northern block to the northern and western boundary. The location of lifts and lobbies has also been redesigned to reduce the footprint of these areas. Specifically the rear lobby to Lift 01 has been reduced from 25sqm to 15sqm. The proposal, as amended complies with all built form controls with the exception of a minor breach of the envelope to the western elevation of the northern building.

The reduction in FSR and footprint has provided an increase in building separation and landscaped area, increased setbacks to side boundaries and as a result improved privacy and solar access. The internal separation is increased from 11.1m to 12m. The applicant notes that the revised plans provide an FSR of 0.508:1 and calculates floor area as the internal areas of the dwellings measured from the outer face of the enclosing walls. It is noted that the FSR calculations exclude the open external entry areas and vertical circulation (stairs and lifts). The applicant bases the FSR on the definition of GFA in the standard instrument which allows for the exclusion of the circulation space. The applicant also notes that the calculation is the same method of calculation as that which was applied to the development at No. 43 Lantana Avenue. Circulation space is not excluded from the calculation of gross floor area (GFA) in the Seniors SEPP, it is defined as:

gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level)—

- (a) excluding columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and*
- (b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and*
- (c) excluding car parking needed to meet any requirements of this Policy or the council of the local government area concerned and any internal access to such parking, and*
- (d) including in the case of in-fill self-care housing any car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level, and*
- (e) excluding space for the loading and unloading of goods, and*
- (f) in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.*

As noted above, the applicant has excluded the common vertical circulation space from the calculation, namely the stairs and lifts which equates to 26.5sqm. Therefore, in accordance with the definition of GFA in the Seniors Housing SEPP the GFA is calculated to be 1041.16sqm which equates to an FSR of 0.51:1. The proposal exceeds the maximum FSR by **26.5sqm (0.01:1)**. On merit the minor breach of the FSR, as defined by the SEEP (SHPD) which relates solely to the circulation spaces, is not considered to result in excessive visual impacts in terms of its bulk and scale or have unreasonable impacts on neighbouring amenity. Therefore the minor breach in the FSR is considered acceptable on merit.

Car parking and services

The DSAP commends the design of the car park that retains the mature trees but recommends the following changes to improve the design:

- *Simplify the car park layout and improve circulation by relocating OSD while minimising intrusion into the TPZ.*
- *Provide external clothes drying spaces.*
- *Provide further detail on bin area screening- (sliding screens?)*
- *Provide bollards in front of lifts.*
- *Reduce the size of the 'services' enclosure at the entry to the carpark to improve sightlines and ease of access.*

Comment

The car park has been simplified relocating the OSD system and providing increased deep soil planting areas between Units 02, 04 and 06, 07. All ground floor units have significant garden areas for external

clothes drying. The lifts have been relocated within the basement such that the entry areas to the lifts are not within the driveway aisle and bollards are included in front of the lift areas, for safety of occupants. The basement vehicular entry has been redesigned to reduce the services rooms and provide improved sight lines for vehicles travelling down the ramp into the basement. The bin store has been relocated to the basement to address amenity impacts and a bin holding area is retained to the street which have been assessed as acceptable to Council's Waste Management Unit subject to conditions.

Privacy

The Panel noted that overshadowing is not an issue, however, overlooking and visual intrusion are in relation to both No. 47 and No. 49 Lantana Ave and it is not clear how privacy from upper floor windows on east and west elevations will avoid overlooking of adjoining properties. The Panel made the following recommendations:

- *Ensure the principal outlook of units is not directly into or over adjoining properties.*
- *Consider the use of 'splayed' windows and light from the sides of bay windows for most bedrooms to avoid overlooking, otherwise provide detail on how privacy will be achieved.*
- *Reconsider the layout of unit 03.*
- *Increase the set back from the balcony to the northern boundary.*
- *Consider the inclusion of a planter box or other screening strategy on the northern of the balcony.*
- *Scaling back the accommodation to 2 bed room plus study.*

Comment:

The amended proposal increases the setback of units 1,2,3 and 4 from the north and west boundaries. The setback of unit 8 has also increased to the western boundary. The redesign of unit layouts facing the western boundary has reoriented all primary bedroom windows previously facing the side boundary. In addition, some windows have been re-designed to highlevel windows and some have fixed angle privacy screens installed.

The terraces to units 1 and 2 have also increased from the northern boundary with setback of 6.3m and 8m respectively. Planter beds and fixed privacy screens have also been incorporated into the design to ensure neighbouring amenity to No. 47 and No. 49 Lantana Avenue is protected.

A 1.65m high fixed angled privacy screen has been installed along the northern boundary of the footpath near the rear boundary of No. 47 Lantana Avenue with a strip of landscaping located to the opposite side of the screen, closer to the northern neighbour, to reduce any perceived visual impacts.

Landscape

The DSAP support the retention of trees, however, request the following changes:

- *Provide more details for all the landscaping across the site, including consideration for shade tolerant planting.*
- *Use landscaping to provide screening for private spaces.*
- *Cumulative impact of development on trees to be retained to be assessed by arborist.*
- *Provide raised planters over the basement.*
- *Confirm solar access to private open space.*

Comment:

Soil depth has increased to the western side of the yard facing north to Unit 06 by redesign of the basement carpark. The basement and ground floor drawings are updated to reflect consistency and the TPZ as referred to in the Arborist report. Council's Landscape Officer has no objections to the proposal subject to conditions.

The shadow diagrams suggest that the private open space to Units 05, 06 and 08 will not receive compliant solar access. Overall solar access is provided to 62.5% of the areas of private open space units in compliance with the SEPP.

Unit Design and Amenity

The Panel suggested the following changes to improve amenity to the units.

- *The solar access and the size of the Unit 08 terrace should be maximised.*
- *Introduce additional and larger skylights for Unit 8.*
- *Access to unit 7 should be reconfigured to provide a skylight to for the dining area of Unit 6.*

Comment:

The applicant notes that the redesign of Units 06 and 07 have increased the opportunity for sunlight to unit 08 by increasing the setbacks to the western boundary to 4m and 7m as these join unit 08. Skylights have been added to unit 8. Units 6 and 7 redesigned to eliminate the depth of the dining area from windows. Units 01 and 02 have been redesigned to provide larger windows to the dining areas facing south. Units 05 and 06 have reduced the depth to the kitchen living dining areas.

In summary, the amended design addresses the DSAP recommendations and the amended proposal will not give rise to unreasonable amenity impacts as discussed throughout this report.

In the context of the built environment, the development proposes the construction of a part two part single storey development which is well modulated and articulated with basement parking and effective screen planting. The amended design addresses privacy concerns the proposed built form effectively minimises and reduces the impacts on the amenity and character of the area and is a good design.

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: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	The proposal has been amended to include passing bays on the shared driveway and to provide a sufficient footpath to provide satisfactory safe access to these services from the site.	Yes
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	The subject site is located within 60m to bus stop on north and south side of Lantana Avenue which provides services to Dee Why, Warringah Mall and the City.	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, 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 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	The proposed development is 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 one - two storeys built form, as amended, demonstrates a suitable bulk and scale in terms of context. The amended proposal will not have unreasonable impacts on the amenity of the development for the future occupiers and neighbouring residents.	Yes

Development Criteria			
Clause	Requirement	Proposal	Complies
	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.		
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>Generally, the development follows a similar pattern of the existing residential neighbourhood in terms of its built form footprint within the context of the site being a battleaxe allotment.</p> <p>The established built form in the neighbourhood is characterised by a mix of detached style dwelling houses, one to two storeys in height within landscaped settings on battle axe allotments and medium density developments including a seniors housing development to the immediate east.</p> <p>As noted above, DSAP have reviewed the proposal and considered the proposed built form in terms of massing and bulk to be contextually appropriate. The proposal has been amended to address the Panel recommendations including a reduction in FSR to ensure sufficient spatial separation to ensure a sufficient level of amenity is provided for future residents and</p>

Section	Requirements	Comment
		<p>existing residential amenity is protected.</p> <p>The amended design generally complies with the recommendations of the Panel and addresses concerns in relation to neighbouring amenity.</p> <p>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 complements 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 neighbouring residential amenity.</p> <p>In summary, the proposed built form, as amended 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 part one / part two storey development is located within a landscape setting and has been sensitively designed to minimise visual impacts on the neighbourhood character.</p> <p>The density of the development has been reduced and the bulk and massing are appropriately broken up into one and two storey pavilion style buildings with pitched roofs similar to the height and scale of dwellings within the area.</p> <p>The car parking is provided within a basement which will have no visual impact on the surrounding area and the proposal utilises an existing shared driveway.</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 	<p>The site is a battle axe allotment and the proposed development is set back from Lantana Avenue and will have no visual impact on the streetscape.</p>

Section	Requirements	Comment
	characteristics -Minimise dominance of driveways and car park entries in streetscape.	The bin store area has been relocated to the basement to address amenity impacts to No. 47 Lantana Avenue. A holding bay has been retained and will only be used on days of bin collection.
4. Impacts on neighbours	The proposal is generally in accordance with the requirements of this section.	<p>Solar - Shadow analysis has been submitted which confirms that the proposal will not result in unreasonable shadow impacts to neighbouring properties.</p> <p>Privacy - The windows have been amended to include high level windows and windows with fixed privacy screens. Units 1,2, 3 and 4 have been amended to increase the set back to the building and areas of private open space from the northern boundary. This has helped address the concerns regarding a loss of privacy to neighbouring properties. In addition, privacy screens and planter beds have been included in the design of areas of private open space. A fixed privacy screen has also been installed along the northern edge of the elevated pedestrian walkway. Refer to detailed discussion under Clause D8.</p>
5. Internal site amenity	Objectives of this section are to: -Provide safe and distinct pedestrian routes to all dwellings and communal facilities.	<p>The proposal relies on access to the site via a shared driveway with No. 43 Lantana Avenue. A footpath has been approved along the southern edge of the shared driveway with a raised pedestrian crossing at the western end which connects to the footpath for the subject development.</p> <p>A shared pedestrian and vehicular zone are provided for a 10.5m length to the northern end of the driveway close to the entrance with Lantana Avenue. The proposal has been amended to address the concerns from Council's Transport Engineer in respect of the provision of a safe distinct pedestrian route for the senior and disabled residents and a</p>

Section	Requirements	Comment
		safe vehicular access to the site with appropriate passing bays, refer to comments from Council's Transport Engineer.

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

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

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	<p>The subject site is located within the R2 Low Density Residential zone. Surrounding land is similarly zoned with the exception of land to the north ('War Vets' Seniors Housing) which is zoned SP1 Special Activities.</p> <p>The character of the area can be described as predominantly battle axe allotment with a mix of single and two storey dwelling houses and detached garages. There are a number of dual occupancies located along Lantana and Rose Avenue. As discussed above, to the north of the subject site is a large seniors living/care facility. More recently, seniors housing developments are under construction to the immediate east of the subject site at No. 43 Lantana Avenue and to the south on Rose Avenue.</p> <p>The development recognises the desirable elements of the subject sites current character and adopts a design that is consistent in built form with that of detached style housing in the local area.</p> <p>The density is reduced to the rear with a single storey element and the hipped roof design is consistent with the character of the area. The</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>density has been further reduced in response to the comments from DSAP and is appropriate in terms of building separation, setbacks and articulation.</p> <p>The proposed buildings will be read from a distance from Lantana Avenue by virtue of the battle axe lot configuration. The access handle contains areas of landscaping, bin storage areas and hard surface driveway/pathways. The combination of landscape throughout the access handle will effectively minimises the dominance of the driveway and basement car park entry on the Lantana Avenue streetscape.</p> <p>As discussed above, the amended design generally responds to the DSAP with the deletion of "voids" and a general reduction in scale and built form which is sympathetic to the context. The reduced density provides appropriate spatial separation between buildings to ensure there is adequate residential amenity in terms of lights, solar access and privacy.</p>	
	<p>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.</p>	<p>The subject site is not located within close proximity to a heritage conservation area or any heritage items identified under WLEP 2011.</p> <p>Item No. I30 (ANZAC War Memorial) is located to the north of the subject site, however the proposed development is well setback and not readily viewable from any street frontage and will have no impact upon the item.</p>	Yes
	<p>c. Maintain reasonable neighbour amenity and</p>	<p>(1) Setbacks</p> <p>There is a 0.7m setback on the</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>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 located on the boundary, the impact of the boundary walls on neighbours.</p>	<p>northern boundary between the footpath which is elevated and the rear boundary of No. 47 Lantana Avenue. The proposal has been amended to include a 1.65m high fixed angled privacy screen directly adjacent to the northern edge of the footpath with a landscape strip behind.</p> <p>The screen combined with landscaping will ensure that there is no loss of privacy to No. 47 Lantana Avenue.</p> <p>The setback of the areas of private open space to units 01, 02 and 03 to the northern boundary has increased to between 6.3m and 8m at ground level to between 7.5m and 8m on the upper floor. In addition, in order to ensure privacy is maintained to No.'s 45 and 47 Lantana Avenue a 1.65m high fixed angled privacy screens has been installed to the northern edges the balcony to unit 03 combined with a planter bed.</p> <p>The primary upper floor bedroom windows in the west elevation have been amended to high level windows or with windows with fixed angled privacy screens attached.</p> <p>The bulk and scale of the northern block overshadows the centre of the subject site which will reduce the amount of solar access available to the private open space of the north facing units within the southern block and unit 8.</p> <p>(iii) the height is compatible with the scale and height of Seniors Housing development under construction to the</p>	

Control	Requirement	Proposed	Compliance
		<p>immediate east.</p> <p>(iv) As noted above, the design of the elevated footpath and the location of the private balconies / terraces to the northern unit have been amended to ensure that there are no unreasonable impacts on neighbouring amenity. The development can not be readily viewed from the street given its battle-axe allotment. The proposed building generally fits comfortably within the building envelope and height limits.</p>	Yes
	<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,</p> <p>e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p>	<p>38% of the site will be retained as deep soil area.</p> <p>Landscaped areas are provided around the perimeter of the site, including within the access handles to the site.</p> <p>The areas identified as soft landscaping provide a satisfactory level of landscaping through the provision of trees and shrubs which will assist in softening the appearance of the development when viewed from the street and neighbouring properties.</p>	Yes
	f. retain , wherever reasonable, major existing trees, and	<p>The proposal includes the removal of two protected trees which are report to be in decline, all of the other trees proposed to be removed are exempt species. A number of major trees are also proposed to be retained and protected and two new native canopy trees are proposed to be replanted.</p> <p>The application has been reviewed by Council's Landscape Officer who raises no objections to the</p>	Yes

Control	Requirement	Proposed	Compliance
	g. be designed so that no building is constructed in a riparian zone.	removal of trees, retention of trees and provision of landscaping proposed subject to conditions. The site is not located within a riparian zone.	N/A
CL 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Privacy issues have been addressed, refer to the discussion above. The amended scheme has been assessed as not having unreasonable impacts on neighbouring amenity.	Yes
CL35 Solar access and design for climate	The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	<p>The proposal provides 100% compliant daylight access to the main living area of the proposed units and will not result in unreasonable overshadowing to neighbouring properties.</p> <p>The terraces to units 5, 6 and 8 will not receive compliant external solar access, however, 62.5% of the external open space to the development receives compliant solar access and the minor (7.5%) non-compliance with the 70% solar access requirement is assessed as acceptable.</p> <p>The development is accompanied by NatHERS Certificates which indicates</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>that the development will a rating of 6.9 Stars under the Nationwide House Energy Rating Scheme which is considered satisfactory for the location of the site.</p> <p>The environmental performance of the development is also guided by the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The development is defined under cl.3(1) of the Environmental Planning and Assessment Regulation, 2000 as BASIX Affected Development because it involves the erection of a BASIX Affected Building.</p> <p>A BASIX certificate has been submitted with the application which demonstrates the development will achieve compliance with the minimum targets.</p>	
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	<p>The applicant has submitted amended stormwater plans which have been reviewed by Council's Development Engineer.</p> <p>The plans demonstrate that the development adequately manage stormwater run-off on site in accordance with Council's requirements. The proposal is recommended for approval by Council's Development Engineer subject to conditions which have been included in the recommendation of this report</p>	Yes, subject to conditions
CL 37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site	The proposed development has been designed to meet the requirements of CPTED.	Yes

Control	Requirement	Proposed	Compliance
	<p>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.</p>		
CL 38 Accessibility	<p>The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The amended proposal provides a safe pedestrian link to the bus stops on Lantana Avenue in accordance with the recommendations of Council's Transport Officer.</p>	Yes
CL 39 Waste management	<p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>Waste facilities have been relocated to the basement and have been assessed by Council's Waste Management Officer as acceptable subject to conditions.</p> <p>A Waste Management Plan has been provided with the application and accepted by</p>	Yes

Control	Requirement	Proposed	Compliance
		Council's Waste Management Department.	

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	2029.3sqm	Yes
Site frontage	20 metres	25.5sqm	Yes
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	7.85m	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	The building is no more than two storeys in height.	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15.51 metres of the rear boundary).	The development is single storey within the rear 25% of the site area.	Yes

Clause 41 Standards for hostels and self contained dwellings

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

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of	The development is capable of complying with this requirement.	Yes, subject to conditions.

Control	Required	Proposed	Compliance
	<p>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.</p>		
Security	<p>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</p>	<p>The development is capable of complying with this requirement.</p>	Yes
Letterboxes	<p>Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.</p>	<p>Letter boxes are provided at the entrance to the site</p>	Yes
Private car accommodation	<p>(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.</p>	<p>The proposal provides a total of 24 bedrooms (eight (8) x three (3) bedroom units) which will require a minimum of twelve (12) car parking spaces (0.5 spaces per bedroom).</p> <p>Visitor parking is required for developments with eight of more units.</p> <p>A total of seventeen (17) spaces are proposed including one (1) visitor space which exceed the minimum requirement by 4.</p>	Yes
Accessible entry	<p>Every entry to a dwelling must comply with Clause 4.3.1 and</p>	<p>The development is capable of complying with this requirement.</p>	Yes

Control	Required	Proposed	Compliance
	4.3.2 of AS4299		
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 welling 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 requirements described in Clause 9 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	The development is capable of complying with this requirement.	Yes
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	The development is capable of complying with this requirement.	Yes
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	The development is capable of complying with this requirement.	Yes
Ancillary items	Switches and power points must be provided in accordance with AS4299.	The development is capable of complying with this requirement.	Yes
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of	The development is capable of complying with this requirement.	Yes

Control	Required	Proposed	Compliance
	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.		
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 accessible location.	The development is capable of complying with this requirement.	Yes

Part 5 Development on land adjoining land zoned primarily for urban purposes
This part is not applicable to the subject site.

Part 6 Development for vertical villages
This part is not applicable to the proposed development.

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

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings
In accordance with Clause 50 of SEPP HSPD a consent authority must not refuse consent to a development application made pursuant to Chapter 3 for the carrying out of development for the purpose of a self contained dwelling on any of the grounds listed in Clause 50.
The following table outlines compliance with standards specified in Clause 50 of SEPP HSPD.

Control	Required	Proposed	Compliance
Building height	8m or less (Measured vertically)	7.85m	Yes

Control	Required	Proposed	Compliance
	from ceiling of topmost floor to ground level immediately below)		
Density and scale	0.5:1	<p>The Gross Floor Area (GFA) (as defined in the Seniors Housing SEPP) does not exclude common circulation space. When including common circulation space the GFA is therefore calculated to be 10041.1sqm which equates to 0.51:1. The proposal does not satisfy the relevant "must not refuse" protection of being under the FSR of 0.5:1. The GFA exceeds this threshold defined by the SEPP by 26.5sqm and FSR by 0.01:1.</p> <p>This is not a Development Standard for the purposes of Clause 4.6 and does not require a request to vary this control.</p> <p>Despite the proposal exceeding the threshold of FSR which is generated by the common circulation space, the density of the development on merit is assessed as acceptable as the bulk and scale of the development will not result in unacceptable impacts on neighbouring amenity.</p>	No
Landscaped area	30% of the site area is to be landscaped	40% of the site will be retained as landscape area.	Yes
Deep soil zone	15% of the site area Two thirds of the	34% deep soil zone.	Yes

Control	Required	Proposed	Compliance
	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.		
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	<p>100% of living rooms receive compliant solar access.</p> <p>Shadow diagrams in plan illustrate that the proposal will cast shadows over the centre of the site at 9am, 12 noon and 3pm casting a shadow on the private open space to units 05 06 and 08. 62.5% of all external private open space receive compliant solar access. The minor 7.5% breach of the control in relation to the external areas of POS is deemed acceptable and the amenity to the units is assessed as acceptable.</p>	<p>Yes - living rooms</p> <p>No - POS</p>
Private open space	(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor,	All units have areas of private open space that exceed the 15 / 10sqm recommendation with useable space with a minimum 3m wide dimension that connect to living areas.	

Control	Required	Proposed	Compliance
	and (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		
Parking	(10 bedrooms proposed – 5 carparking spaces required)	Compliant	Yes
Visitor parking	None required if less than 8 dwellings	One visitor space is provided.	Yes

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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	7.85m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.2 Earthworks

Clause 6.2(3) requires:

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

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

Comment:

The proposal includes excavation to a depth of 4m for the construction of the basement carpark approximately 3m from the shared property boundaries. The application is supported with a geotechnical report that makes recommendations to ensure the excavation works do not create a vibration hazard for the neighbouring properties. Groundwater monitoring wells are installed to determine the presence of groundwater seepages. Design and construction recommendations in relation to new footings, equipment, dilapidation survey requirements, retaining structures, draining and hydrology, supervision and inspections.

Subject to compliance with the recommendations of the geotechnical report the proposal is unlikely to have an unreasonable impact on the drainage patterns and soil stability or the amenity of adjoining properties.

6.4 Development on sloping land

Clause 6.4 (3) requires:

3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment

The site is identified as being located predominately within 'Class A' landslip under the WLEP.

Based on site investigations Crozier Geotechnical Engineers identified the following geological/geotechnical landslip hazards which need to be considered in relation to the existing site and the proposed works.

A. Landslip of surficial soils from excavation works.

B. Toppling/sliding of unstable block of rock formed by intersecting defects.

The hazards have been assessed in accordance with the methods of the Australian Geomechanics Society (Landslide Risk Management, AGS Subcommittee, May 2002 and March 2007). The geotechnical report concludes that the:

The Risk to Life from both Hazards was estimated to vary from 1.07×10^{-5} to 2.08×10^{-6} for persons working within the excavation, whilst the Risk to Property was considered to be 'Low to Very Low'. The hazard was therefore considered to be 'Acceptable' when assessed against the criteria of the AGS 2007

The geotechnical report noted that groundwater may be encountered during excavation (e.g. and inflow rate would higher immediately following a rainfall event) which will destabilise any batter slope therefore it is recommended that groundwater monitoring wells are installed to determine the presence of groundwater seepages and additional investigation is undertaken.

Subject to the compliance with the recommendations of the Crozier Geotechnical Report the development is unlikely to result in a risk to property and life, unreasonable impacts on stormwater or subsurface flow conditions.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.4m	N/A	Yes
B3 Side Boundary Envelope	East 4m	4m	N/A	Yes
	West 4m	Northern Building Breaches the	N/A	No

		envelope is reduced to 0.2m in height x 4.6 in length		
B5 Side Boundary Setbacks	East 0.9m	Basement 2.8m -12.6m Ground Floor 2.5m- 7m First Floor 1.9m - 4.5m	N/A	Yes
	West 0.9m	Basement 3m -7.9m Ground 2.8m - 4m First Floor 3.1m - 4.1m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	60.4m (due to the battle axe lot)	N/A	Yes
B9 Rear Boundary Setbacks	6m	7m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	43%	N/A	Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

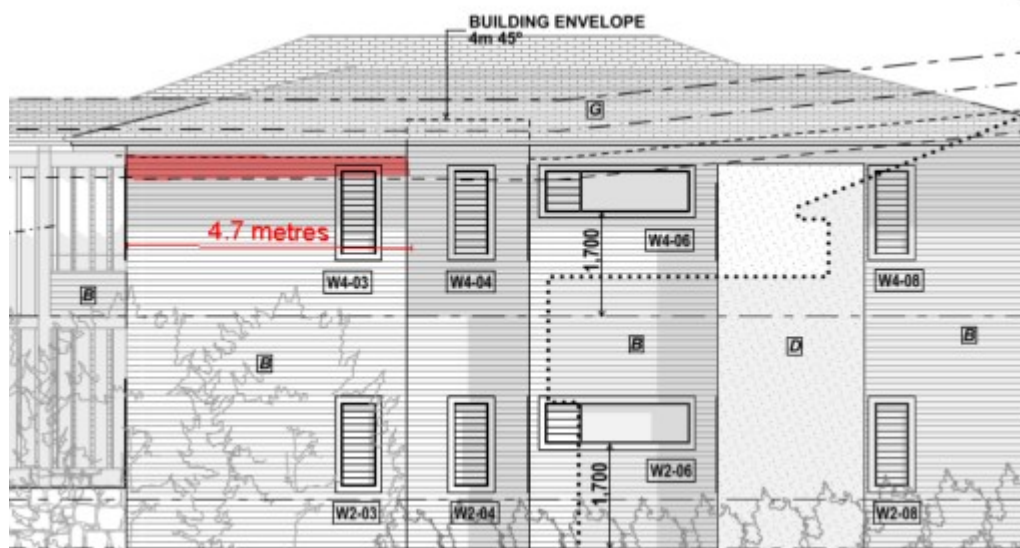
Clause B3 requires:

Buildings to be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres.

Comment:

With the exception of the western elevation of the northern building the proposal complies with the control.

The areas of non-compliance on the western elevation of the northern building relate to a small section of Unit 03 which measures 0.2m in height x 4.7 in length this is a significant reduction in the breach of the envelope to the original proposal.



West elevation of northern building (source Gartner Traovato Architects)

The proposal has been assessed against the objectives of the control.

To ensure that development does not become visually dominant by virtue of its height and bulk.

Comment

The proposal as amended includes an increase in the setback of unit 3 from the western boundary. The minor breach is negligible and the development, as amended will not be visually dominate as viewed from the west in terms of its bulk and scale.

To ensure adequate light, solar access and privacy by providing spatial separation between buildings.

Comment

Shadow diagrams have been submitted which demonstrate that the proposal complies with the solar access requirements of the Senior Housing SEPP and Clause D6 of the WDCP.

The proposal has been amended to include either a highlight window or fixed angled privacy screens to the principal bedroom windows in the west elevation to ensure privacy is maintained. Refer to Clause D8 of this report for further discussion on privacy.

The spatial separation between the northern and southern building has increased to 12m between the northern and southern walls with a distance of 9.6m between the northern balcony to Unit 07 and the south facing dining room window to Unit 04. The spatial separation between the northern building and the dwellings at No. 47 and 49 Lantana Avenue is between 33.5m and 41m respectively.

To ensure that development responds to the topography of the site.

Comment

The site has a very limited fall the development generally responds to the topography.

D8 Privacy

Privacy has been addressed under SEPP (Housing for Seniors or People with a Disability) 2004 of this report.

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 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$40,478 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$4,047,820.

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

Issues with respect of the bulk and density.

The amended proposal generally complies with the built form controls in accordance with the recommendations of DSAP. The amended proposal reduces the floor space by 110sqm and increases the setback of the development from the north and west boundaries. The bulk and scale of the development, as amended will not result in unreasonable impacts on the amenity of neighbouring properties.

Issues with respect of privacy and neighbouring amenity

The amended design increases the setback of the development from the north and west boundaries, reduces areas of external private open space and includes high level windows and the addition of privacy screens and planter beds. The amended design addresses the recommendations of the DSAP.

The waste storage area has been re-located to the basement in order to address issues with respect of the location of the bin area impacting on the amenity of No. 47 Lantana Avenue.

Issues with respect to the provision of a safe pedestrian access.

The amended design includes a passing bay along the driveway which provides shared access to No. 43 Lantana Avenue. The amended design increases the width of the pedestrian footpath and includes bollards to ensure there is a safe footpath to provide access to the bus stops on the public street.

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2020/1743 for Demolition works and construction of a seniors housing development with basement parking & associated landscaping on land at Lot 3 DP 26532, 45 Lantana Avenue, WHEELER HEIGHTS, 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
A02 Rev E Site Plan	02/08/2021	Gartner Trovato Architects
A03 Rev D Basement Plan	29/07/2021	Gartner Trovato Architects
A04 Rev D Ground Floor Plan	29/07/2021	Gartner Trovato Architects
A05 Rev C First Floor Plan	29/07/2021	Gartner Trovato Architects
A06 Rev C Elevations	29/07/2021	Gartner Trovato Architects
A07 Rev C Sections and East Elevation	29/07/2021	Gartner Trovato Architects
A10 Rev A External Finishes	17/12/2020	Gartner Trovato Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
DA01 Rev C Ground Floor Drainage and Site Stormwater Management Plan	08/07/2021	ISTRUCT Consulting Engineers
DA02 Rev C Basement Drainage Plan	08/07/2021	ISTRUCT Consulting Engineers
DA03 Rev C First Floor and Roof Drainage Plan	08/07/2021	ISTRUCT Consulting Engineers
DA04 Rev C OSD and RWT and Ocean Protect Details	08/07/2021	ISTRUCT Consulting Engineers
DA05 Rev A Sediment and Erosion Control Plan	25/06/2021	ISTRUCT Consulting Engineers

Reports / Documentation – All recommendations and requirements contained

within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report Ref 2020-242 Part 4 Design and Construction Recommendations	11/12/2020	Crozier Geotechnical Consultants
Arboricultural Impact Assessment	17/10/2020	Jackson Nature Works
BASIX Certificate No. 1162333M_02	25/06/2021	Gartner Trovato Architects
BCA Assessment Report	07/12/2020	BC Logic
Traffic and Assessment Report Ref 200061	10/12/2020	Terraffic Pty Ltd

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
L01 Rev A Landscape Plan	17/12/2020	Gartner Trovato Architects

Waste Management Plan		
Title.	Dated	Prepared By
Waste Management Plan	16/12/2020	Sean Gartner

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

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

2. **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.

3. **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

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$40,478.20 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$4,047,820.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly

basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

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

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

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.

5. **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.

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

The applicant is to lodge a bond with Council of \$ 15,000 as security against any damage or failure to complete the construction of any footpath work and bus stop required as part of this consent.

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

Reason: Protection of Council's infrastructure.

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

7. **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) additional detail/information is required regarding proposed planting in order to demonstrate a more layered and dense planting approach with the intention to effectively screen neighbouring properties, whilst simultaneously improving the landscape amenity of future residents. This includes the use of a combination of planting styles and types including large, medium and low shrubs, as well as grasses and groundcovers below,
- ii) clearly define turf areas on plan. It is recommended that turfed areas also be contained with hard edging, such as steel edge or similar,
- iii) the proposed *Lomandra longifolia* 'Tanika' proposed adjacent to the bin storage area along the site frontage shall be replaced with an alternative species capable of hedging or provide screening, reducing visibility of this storage from the street. Suggested alternatives include: *Alpinia zerumbet* (proposed elsewhere on site), *Murraya paniculata* (to match existing), or *Syzygium leuhmannii* x *wilsonii* (proposed elsewhere on site).

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

Reason: Landscape amenity.

8. On Slab Landscape Works

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn
- ii) 600mm for shrubs
- iii) 1m for small trees

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

9. Detailed Design of Stormwater Quality System

A certificate from a Civil Engineer, stating that the stormwater quality management system has been designed in accordance with the OSD & RWT & Ocean Protect Details Plan dated 8 July 2021, the MUSIC Modelling details on the Plan and the Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment

10. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil

Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004) and Council's Water Management Policy. The SWMP must include the following as a minimum:-

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

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

Reason: To promote the long-term sustainability of ecosystem functions.

11. Car Parking Standards

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

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

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

12. Car Parking Finishes

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

13. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and

submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

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

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- 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 Seven (7) 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.

14. **Internal circulation roadways**

A passing bay will be provided on internal circulation roadways every 30m. Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To reduce vehicular conflicts.

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council’s WATER MANAGEMENT FOR DEVELOPMENT POLICY, and generally in accordance with the concept drainage plans prepared by Istruct Consulting Engineers, Project number 201110, Drawing Number D01- D04 and dated 8/7/2021.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. the details to indicate the pipe connection between Rainwater tank, OSD tank, StormFilter tank and High Early Discharge Chamber

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.

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

The Applicant is to submit an application for approval for infrastructure works on Council’s roadway. Engineering plans for the new development works within the road reserve and this

development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of footpath which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- 1) provision of a 1.5 metres wide footpath to the nearest bus stops within Lantana Avenue
- 2) provision of two pram ramps adjacent to the bus stops
- 3) provision to a bus stop outside of 33 Lantana Avenue

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

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

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

18. 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.

19. Shoring of Council's Road Reserve (Temporary road anchors)

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

20. 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.

21. **Stormwater Drainage Application**

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the pipe connection to Council stormwater pit which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

22. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

Reason: To ensure the development is constructed in accordance with appropriate standards.

23. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

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

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

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

24. **Provision of separate pedestrian pathway**

The pedestrian path shall be widened to minimum 1.2m and some form of physical separation such as handrails to be provided between the pedestrian path and vehicular accessway. Detailed plans demonstrating the above shall be submitted to Council prior to the issue of any construction certificate.

Reason: To provide safe pedestrian access within the site(DACTRCPCC1)

25. **Driveway Crossing**

Given that the passing bay is slightly away from the property boundary and the proposed letterbox has narrowed down the driveway at the property boundary, the existing approved 5.5m wide access driveway will no longer serve the purpose of provision of a continuous passing bay from the street frontage so that the driveway crossing shall be narrowed down to exclude the pedestrian entrance on the footpath.

Plans demonstrating the above shall be submitted to Council prior to the issue of any construction certificate.

Reason: To provide a safe pedestrian access(DACTRCPCC2)

26. 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

27. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

i) demolition and construction works within the TPZ's and SRZ's of existing trees,

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

28. **Tree Removal Within the Property**

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

- i) *Agonis flexuosa*, located adjacent to the western boundary, Tree No. 2,
- ii) *Eucalyptus haemastoma*, located adjacent to the eastern boundary, Tree No. 10.

Note:

- i) Exempt Species as listed in the Arboricultural Impact Assessment or the Development Control Plan do not require Council consent for removal,
- ii) 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.

Reason: To enable authorised building works.

29. **Pre-Construction Dilapidation Report**

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

- No. 43 Lantana Avenue Wheeler Heights
- No. 47 Lantana Avenue Wheeler Heights
- No. 49 Lantana Avenue Wheeler Heights
- No. 53 Lantana Avenue Wheeler Heights
- No. 46 Rose Avenue Wheeler Heights
- No 44 Rose Avenue Wheeler Heights

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

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

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

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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,
- 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, as listed in the following sections:

- i) Section 4 - Recommendations
- ii) Annexure D - Tree Protection Details

The Certifying Authority must ensure that:

d) 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. **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.

33. **Substitution of Stormwater Treatment Measure**

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

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

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

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

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

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

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having

appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

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

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

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

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

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

37. **Demolition Works - Asbestos**

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

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

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

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

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

38. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

39. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5.5 metres wide at boundary in accordance with Northern Beaches Council Drawing No A4-3330/ 1 N 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. The proposed driveway must be at least 1 metres away Council's stormwater intels.

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.

40. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by iStruct Pty Ltd dater 25 June 2021.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

41. **Dewatering Management**

Discharge of tailwater must not occur until the above water quality parameters are met.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	No visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample measures as NTU	<1 hour

NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

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

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted.

Reason: Protection of the receiving environment.

42. **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 16 December 2020.

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

43. **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**

44. **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.

45. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist 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.

46. **Certification for the Installation of Stormwater Quality System**

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater quality management system has been installed in accordance with the OSD & RWT & Ocean Protect Details Plan dated 8 July 2021, the MUSIC Modelling details on the Plan and Council's Water Management Policy.

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

Reason: Protection of the receiving environment.

47. **Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality system remain effective.

The Plan must contain the following:

- a) Maintenance schedule of all stormwater quality treatment devices
- b) Identification of maintenance and management responsibilities
- c) Maintenance requirements for establishment period
- d) Routine maintenance requirements
- e) Inspection and maintenance record and reporting
- f) Funding arrangements for the maintenance of all stormwater quality treatment devices
- g) Vegetation species list associated with each type of vegetated stormwater treatment device
- h) Waste management and disposal
- i) Traffic control measures (if required)
- j) Maintenance and emergency contact information
- k) Renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices
- l) Work Health and Safety requirements

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

Reason: Protection of the receiving environment.

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

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

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

49. **Maintenance and servicing of signal system.**

The applicant is to include a Section 88E instrument on the title permitting Council to provide direction as to the repair/maintenance of any signal devices. In the instance where the building manager does not comply with the direction of Council, or fails to address repair/maintenance requirements in a timely manner, Council reserves the right to undertake the repairs and all fees associated will be borne by the building manager.

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

Reason: To ensure the mechanical services are maintained in a serviceable state at all times.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

51. **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.

52. **Maintenance contract for stormwater treatment measures**

A minimum of a five-year contract with a suitably qualified provider is required for the maintenance of the stormwater treatment measures. A copy of the maintenance contract must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure maintenance of the stormwater treatment measures.

53. **Environmental Reports Certification**

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

(a) Geotechnical Report Ref 2020-242 Part 4 Design and Construction Recommendations dated 11/12/2020 prepared by Crozier Geotechnical Consultants

(b) Arboricultural Impact Assessment dated 17/10/2020 prepared by Jackson Nature Works

(c) BASIX Certificate No. 1162333M_02 dated 25/06/2021 prepared by Gartner Trovato Architects

(d) BCA Assessment Report dated 07/12/2020 prepared by BC Logic

(e) Traffic and Assessment Report Ref 200061 dated 10/12/2020 prepared by Terraffix Pty Ltd

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

Reason: To ensure compliance with standards.

54. **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.

55. **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.

56. **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.

57. **Sydney Water**

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site

www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

58. **Installation and operation of signal system**

To prevent conflicting vehicle flows on the accessway and between the access to/from two basement carpark and avoid vehicles having to reverse up/ down the ramp, a traffic signal system must be installed.

The signal system must;

- be clearly visible from ramp entrances,
- is to clearly indicate to an approaching driver, by way of red light or wording, that an opposing vehicle has entered the ramp,
- Incorporate linemarking to delineate traffic flow and nominate waiting bay locations to allow vehicles to overtake another.

Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a compliance certificate to the Accredited Certifier that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of any Occupation Certificate issued for the development.

Reason: To ensure no vehicle conflicts within the access way.

59. **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.

60. **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.

61. **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.

62. **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

63. **Landscape Maintenance**

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

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

For all new on slab landscape works, establish an on-going landscape maintenance plan that shall be submitted to the Certifying Authority that aims to monitor and replenish soil levels annually as a result of soil shrinkage over time.

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

Reason: To maintain local environmental amenity.

64. **Maintenance of Stormwater Treatment Measures**

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

Reason: Protection of the receiving environment.

65. **Landscaping adjoining vehicular access**

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. This requires that vegetation does not exceed one (1) metre in height. Appropriate plants shall be selected within the 2.0 x 2.5m splay to ensure this condition is met.

Reason: To ensure maximum vehicular and pedestrian visibility.

66. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

67. **Transfer of Waste Bins between the Basement Bin room and the Collection Bay**

The owners corporation is responsible to ensure that the waste bins are presented in, and removed from, the collection bay at the appropriate times.

Waste bins are to be transferred from the basement bin room to the collection bay no earlier than 4.00pm on the day prior to collection.

Waste bins, once emptied, are to be transferred from the collection bay to the basement bin room no later than the evening of the day of collection.

Reason: To ensure waste bins do not remain in the collection bay for an excessive amount of time. To ensure waste bins are available for resident use in the basement bin room for the maximum amount of time.