

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0455
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 1 DP 133456, 50 - 52 Golf Avenue MONA VALE NSW 2103 Lot 2 DP 133456, 50 - 52 Golf Avenue MONA VALE NSW 2103 Lot 1 DP 963829, 50 - 52 Golf Avenue MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a residential flat building
Zoning:	R3 Medium Density Residential R3 Medium Density Residential R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Estia Investments Pty Ltd
Applicant:	Golf Avenue Pty Ltd

Application Lodged:	08/05/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New multi unit
Notified:	22/05/2020 to 05/06/2020
Advertised:	22/05/2020
Submissions Received:	12
Clause 4.6 Variation:	4.3 Height of buildings: 8.3% and 4.5A Dwelling density: 9.8%
Recommendation:	Approval

Estimated Cost of Works:	\$ 9,574,594.00
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EXECUTIVE SUMMARY

The proposal is referred to the Local Planning Panel as it is an application categorised as 'contentious development', having received more than 10 unique submissions objecting to the proposal. The proposal is subject to SEPP No.65 Design Quality of Residential Apartment Development and seeks a

Clause 4.6 variation to dwelling density and building height. In both cases, the variations to the development standards under Pittwater Local Environmental Plan 2014 have been assessed in detail against the relevant objectives and are supported.

Principal environmental impact considerations are density, height, views, building bulk, landscaping, traffic and parking access, privacy, overshadowing, urban character, construction impacts (during works) and stormwater management.

There were 12 public submissions received that have been considered and addressed within this report. Conditions have been applied where appropriate to address the concerns; including, landscaping, privacy, bulk, overshadowing, height, views, traffic safety, parking, noise, construction work and dilapidation.

The proposal will not have an unreasonable impact in relation to view sharing considerations, privacy or solar access. Additional amenity impacts that may arise during construction works are addressed by standard conditions, including dilapidation, dust, noise, site management and removal of a de-commissioned underground storage tank (UST) that was once used for site operations, ancillary to the former (now vacant) nursing home building.

During the assessment period, some minor design changes were necessary to address traffic access, privacy and view consideration issues. The changes affected minor elements of the design and revised details were also provided for landscaping. Amended plans were sought to illustrate those changes which could otherwise be achieved by conditions and therefore re-notification is not required, however the amended plans have remained publicly viewable. Some supplementary information was also provided by the Applicant to further address traffic access for the basement carparking.

The planning controls under the Pittwater LEP and Pittwater DCP apply and in this regard matters relating to streetscape character, setbacks, building envelope, bulk and scale, external materials, overshadowing, privacy, views, stormwater and traffic have been addressed. In this case, the non-compliance with development controls for building height, storeys, building envelope, side setbacks and landscaping are addressed in accordance with the objectives and requirements of those controls.

The proposed residential flat building is considered to be a suitable and appropriate development for the site and is in context with the residential scale and intensity of the medium density zone.

No issues have been raised that warrant further amendment or refusal of the application, therefore the application is recommended for approval.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the following:

- Demolition of all existing structures and selected trees on site;
- Construction of a part 2/part 3 storey residential flat building with basement carparking;
- Ancillary site works including excavation, site preparation, landscaping, bin storage, fencing, stormwater and drainage works, pathways and retaining walls.

The configuration of the buildings are as follows:

RL8.8 to 9.4 Basement / Carpark - Parking for 33 cars (28 resident and 5 visitor car spaces, including a wash bay space and 4 car spaces being suitable for disability access), lift (3) and stair access, storage space, bicycle storage, plant and services rooms, driveway ramp (OSD under), garbage bin / bulk store room, part residential Unit (C-G.04) recreational room, bedroom (1) living room, bathroom,

laundry storage, landscape courtyard.

RL12.40 to RL15.50 Front Building (Module A) Five (5) Residential Units (2 Levels) A-G.01, A-G.02, A-G.03, A-1.01, A-1.02

Lobby area with lift and stair access, 5 x 3 bedroom apartments; including kitchen / living / dining, bathrooms, terrace / balcony, laundry and storage, external bin holding area.

RL11.9 to RL18.1 Rear Building (Module B and Module C) Nine (9) Residential Units (4 Levels) C-G.04, C-G.03, B-G.01, B-G.02, B-1.01, B-1.02, B-2.01, C-1.03, C-1.04

Lobby area with lifts (2) and stair access, 8 x 3 bedroom apartments and 1 x 4 bedroom apartment; including kitchen / living / dining, bathrooms, study, terrace / balcony, laundry and storage.

18.10 to 21.3 Roof - Roof, roof top plant enclosures, roof terrace (part of Apartment B-2.01), Lift overrun, parapet.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards

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

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D9.6 Front building line

Pittwater 21 Development Control Plan - D9.7 Side and rear building line

Pittwater 21 Development Control Plan - D9.10 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 1 DP 133456 , 50 - 52 Golf Avenue MONA VALE NSW 2103 Lot 2 DP 133456 , 50 - 52 Golf Avenue MONA VALE NSW 2103
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	Lot 1 DP 963829 , 50 - 52 Golf Avenue MONA VALE NSW 2103
Detailed Site Description:	<p>The site is an L-shaped parcel of land with a 24 metres (m) street frontage to Golf Avenue, a depth of 70.3m and a total area of 2,548 square metres (sqm). Erected on the site is a single-storey brick building used for the purpose of a nursing home (now vacant).</p> <p>The site is located near the end of Golf Avenue, and adjoins land along the northern boundary that is adjacent the local neighbourhood centre located at No.5-9A Darley Street East. The site is surrounded by residential apartment buildings, with some adjacent buildings being four storeys high.</p> <p>The adjoining development to the west comprises a four-storey residential flat building with garaging on the first floor and three levels of residential accommodation above. This development, which overlooks the site, is a dominant feature of the built form for this immediate precinct. The site context is characterised mainly by three to four storey residential flat buildings of varying styles and density with many having been established in the 1980-90's era. There are no items of environmental heritage identified on the site or adjacent land.</p> <p>The site is located in close proximity to Mona Vale Beach and Mona Vale Golf Club. The site is in reasonable walking distance of the Mona Vale shopping village which includes medical centres, the Park View Hotel, Council's library, community centre and administration offices. Public transport is readily accessible with major set-down/pickup facilities at the entrance to Golf Avenue, off Pittwater Road.</p> <p>The site is approximately 150m from Mona Vale Beach and is mapped as "Class 5" acid sulfate soils. The site contains a number of trees around the boundary areas some of which are to be retained. There are no significant rock outcrops and the land has a moderate slope to the east with a lower section / lower level in the north-east corner. A de-commissioned UST also exists on the site that was once used on association with the nursing home operations.</p>

Map:



SITE HISTORY

Between 1965 and 1970 the original residential structures on site were demolished and the current L-shape nursing home facility was constructed.

Development Consent No.80/301 for the installation of an underground storage tank (UST) for petrol in association with 'Peninsula Gardens Nursing Home' was approved by Council on 23 October 1980.

Development Consent No.90/348 for sunroom extension and change from a 64 bed to 72 bed nursing home was approved by Council on 30 October 1990.

Development Consent No.98/042 for alterations and additions was approved by Council on 30 April 1998.

All existing structures on site are to be completely demolished and the proposed building footprint area excavated for basement carparking. Therefore, the safe handling and appropriate disposal of demolition waste, including any UST, asbestos, lead paint, soil and existing building material, is addressed by conditions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing State Environmental Planning Policy (SEPP) No.

Section 4.15 Matters for Consideration'	Comments
environmental planning instrument	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 as a nursing home for aged and disabled persons for extended period of time. The proposed development retains the residential use of the site, consistent with the current use, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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 relevant to this application and design considerations have been made to provide a building that achieves good design outcomes consistent with the general design principles of SEPP 65 due to the medium density residential surroundings. The required certificate has been provided.</p> <p>Overall the proposal provides a landscape setting and a building that is consistent with the streetscape and nearby development and does not cause unreasonable impacts in terms of scale, density, bulk, amenity, parking, access, privacy, overshadowing, views and visual appearance.</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 relation to engineering and minor design concerns raised to assist with reducing impacts on views, privacy, overshadowing and providing some improved details on the plans for screening, window / terrace design and parking access. The plan revisions are minor in nature and assist to address concerns raised, by ameliorating issues that would otherwise be addressed by various conditions for amendments to be included with the construction certificate drawings.</p> <p>Amended plans were provided which improved privacy treatments and minor changes to roof form, additional landscaping elements and a more balanced view sharing outcome, while maintaining the building aesthetics and streetscape presentation. (See Revision "B" plan details)</p> <p>All submissions have been considered in the context of those originally made and any subsequent submissions. Conditions are recommended to address a number of submission issues where appropriate, which were not resolved by plan amendments already carried out. Contact</p>

Section 4.15 Matters for Consideration'	Comments
	<p>was made with selected persons that raised issues that were influential to the design amendments requested to assist in the final assessment and appreciation of the original concerns. Full re-notification of the plans pursuant to the CPP was not required due to the plan changes being minor and that could otherwise have been addressed by conditions.</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 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 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 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 matter has been addressed via a condition of consent.</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 Pittwater 21 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. The construction of a residential flat building on the site, to replace the vacant aged care facility, is considered to have a positive contribution to the demand for modern and improved housing stock in the locality. The street is dominated by apartment buildings of varying styles, ages and densities. The proposed building is consistent with the housing typology in the street and surrounding area.</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 considering the land was previously developed for as a nursing home, which is now a vacant and partly dilapidated building.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	Consideration of issues have been made in the public interest in the context of any submissions pursuant to the Act, Pittwater DCP, Pittwater LEP and SEPP's. Conditions and / or amended plans have addressed issues. 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 22/05/2020 to 05/06/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 12 submission/s from:

Name:	Address:
Ms Vicki Fiona Wright	Po Box 988 MONA VALE NSW 1660
Withheld	MONA VALE NSW 2103
Ms Therese Mary Garrick	7 / 48 Golf Avenue MONA VALE NSW 2103
Ms Kristine Joyce Rynell	62 Kevin Avenue AVALON BEACH NSW 2107
Susan Jane Williams-Green	Glendale 171 Lachlan Valley Way FORBES NSW 2871
Ms Natasha Louise Scarf	4 / 48 Golf Avenue MONA VALE NSW 2103
Mr John Bowman Mills	12 / 48 Golf Avenue MONA VALE NSW 2103
Mr Benjamin James Donald Lowe	2 / 48 Golf Avenue MONA VALE NSW 2103
Ms Fiona Lucy Connolly	8 / 46 Golf Avenue MONA VALE NSW 2103
Mr Clive Gordon Harper	7 / 48 Golf Avenue MONA VALE NSW 2103
Mrs Lynette Sylvia Butcher	Po Box 481 MONA VALE NSW 1660
Proprietors of Strata Plan 3246	13 Darley Street East MONA VALE NSW 2103

The following issues were raised in the submissions:

1. Solar access / overshadowing
2. View impacts
3. Traffic and Carparking
4. Noise, dust, air and amenity
5. Waste materials and management
6. Building height
7. Privacy / overlooking impacts
8. Dilapidation risk
9. Overdevelopment / density
10. Property value

In addition to considerations under the DCP, LEP and SEPP the submission issues have been considered and addressed as follows:

1. Concerns with regard to solar access / overshadowing impacts created by the proposal toward adjacent land including No. 48 and No.54 Golf Avenue.

Comment:

Detailed shadow diagrams (DA600, DA601 and DA610 drawn by PBD Architects) for 21 June (mid winter) have been provided by the applicant and consideration of this issue is provided within this report under the heading *Part C1.4 Solar Access and SEPP 65 - Design Quality of Residential Apartment Development*. The diagrams demonstrate that the RFB will be consistent with the objectives of the Pittwater DCP controls and SEPP 65/ADG provisions to maintain reasonable solar access to adjacent land.

Consideration of this issue includes solar access to the rear common open space (drying courtyard) within No.48 Golf Avenue and window spaces along the western elevation of No.54 Golf Avenue. In this regard, spatial separation between the proposed building and No.48 Golf Avenue is sufficient to allow air flow and natural ventilation to external drying areas, including direct sunlight between 11am and 1pm on 21 June to the drying area (see Solar Study 'Sun eye view' DA600 to DA601 prepared by *PBD Architects*). The proposal will increase afternoon shadow to No.54 Golf Avenue, however these units also have east facing balconies and the overshadowing cast by the proposal, is not an unreasonable change in consideration of the building height, setback and medium density surroundings. Landscaping is provided to balance considerations of privacy and overshadowing with tree heights proposed that are commensurate with the building height or if taller have small canopy areas (palms).

In summary, this objection issue is not considered to warrant refusal of the application and no special conditions are recommended.

2. Concerns with regard to view impacts created by the proposal for properties overlooking the site from No.48 & No.46 Golf Avenue including outlook from adjacent land at No.54 Golf Avenue and southerly outlook from Darley Street East (rear of the site).

Comment:

The subject site and surrounding lands were inspected to assess view sharing. Where direct access was not available, a direct view line, or a compatible view line or position in reasonable proximity to ensure a comparative appreciation of views / outlook was used, taking into account particular submission issues regarding identifiable view corridors, including the amenity of the outlook.

A detailed consideration of view sharing is provided within this report under the heading *Part C1.3 View Sharing* and view analysis information prepared by the applicant, has been reviewed and analysed. In summary, the proposal has been subject to some minor changes to reduce the parapet / roof height to reduce view impacts and will not create an unreasonable view impact on coastal views from adjacent or

surrounding properties. The proposal is consistent with the objectives of the Pittwater DCP control and the LEC Planning Principle on view sharing.

In summary, this objection issue is not considered to warrant refusal of the application and conditions are recommended to ensure additional roof plant (antenna / panels or the like) are kept within the shown (low profile) screened enclosures on the roof.

3. Concern that the proposal will affect traffic and parking, including potential damage to the road surface in Golf Avenue.

Comment:

The proposal is compliant with the parking requirements for residents and visitor spaces, including accessible parking and car wash facilities pursuant to the Pittwater DCP. A detailed traffic and parking report has been provided and Council's Traffic Engineers are satisfied with the design and layout of the driveway access and internal access (swept paths), parking area including visual safety as per supplementary details provided in Traffic Report, dated 11 September 2020 prepared by *Traffix*.

Council's Traffic Engineer has not required that the subject DA be referred to the Traffic Committee for the new driveway position and the proposal provides an appropriate driveway design to comply with Australian Standards for sight distances, gradients, safe passing widths including traffic control devices for the basement access. Potential impact on road surfaces and associated public assets in the road reserve are addressed by conditions for security bonds required to ensure protection of assets within the road reserve. In order to assist traffic and parking management, the use of the basement area (once completed) enables trade / construction related parking (where appropriate for material unloading) to be located on-site during works to reduce reliance on Golf Avenue public parking areas.

This issue has been considered in detail under *Part B6 Access and Parking*. In summary, this objection issue does not warrant refusal of the application.

4. Concern that the construction phase will create amenity impact of dust, air, noise, waste material and associated impacts.

Comment:

Issues of site management for dust and noise control, including access and the length of time for works is subject to construction industry standards and legislation applicable, including occupational health and safety laws. Conditions of consent are included under General Requirements and Prescribed Conditions including compliance with Australian Standards. Asbestos material if present / uncovered during demolition is subject to safe handling procedures in compliance with Australian Standards and occupation health and safety laws.

Overall amenity issues of dust, noise, work hours, pollution control, safety and the like are required to be managed on site during demolition and construction works by the site manager and as supervised by the Principal Certifying Authority.

A detailed traffic management plan during demolition and construction is addressed by conditions as recommended by Council's Traffic Engineer.

In summary, this objection issue does not warrant refusal of the application and appropriate conditions are applied to address noise, dust, work hours, traffic management and the like in accordance with Council requirements and industry standards.

5. Concern that the proposal has insufficient communal landscaped open space to comply with the SEPP 65 requirements.

Comment:

This issue has been addressed within this report under the heading SEPP 65 - 'Apartment Design Guide' (ADG). In summary, the proposal has provided larger areas of private open space and more landscape area than the ADG requires. The site is situated in a location that has convenient access the Mona Vale beachfront reserve and the internal space for each apartment provides generous open plan living areas. The common open space areas are generally allocated as landscaped access areas (along the western entry path) and courtyard space in the central area of the site, between the two buildings.

In summary, this objection issue does not warrant refusal of the application and appropriate conditions are applied to address waste issues.

6. Concern that the building exceeds the 8.5m building height control of the Pittwater LEP

Comment:

A number of minor amendments have been made by the applicant during the course of the assessment in consideration of this issue, including associated impacts of views, solar access, building bulk and amenity. The height variation is considered in detail under the Pittwater LEP section heading "Clause 4.6" within this report.

In summary, this objection issue does not warrant refusal of the application and has been addressed by the design response required by Council, including recommended conditions.

7. Concern regarding privacy and potential overlooking impacts toward adjacent land No.54 Golf Avenue (including Unit 8), Unit within No.48 Golf Avenue and adjacent land to the rear of the site (accessed from Darley Street East).

Comment:

The applicant has provided additional details for privacy screening to be used at first floor level, revised landscaping and privacy analysis for units at the rear of the site. In addition, landscape screen planter boxes, sliding and fixed screens are included for balcony elements. At ground floor level, private courtyards will include internal privacy fencing and boundary landscape screen planting. Replacement of boundary fencing structures is subject to the *Dividing Fences Act* which is not administered by Council and therefore subject to private arrangements between adjoining property owners.

In summary, this objection issue does not warrant refusal of the application and is addressed by conditions.

8. Concern that excavation and demolition may lead to dilapidation of adjacent property assets.

Comment:

The proposal has been submitted with a Geotechnical Risk Assessment prepared by EI Australia Pty Ltd. The report provides consideration with regard to the development work in relation to site suitability, engineering techniques, stormwater, excavations, vibrations, retaining walls, foundation support, mechanical / machinery use and inspections. Through implementation of the recommendations provided in the geotechnical report and conditions of consent, the development can be achieved with no unreasonable risk to adjacent properties or structures.

This issue is addressed by conditions to ensure the recommendations of the Geotechnical report are adhered to and a detailed dilapidation report is prepared for adjoining private property.

Specific conditions and asset damage bonds are also applied to protect Council assets within the road

reserve.

Therefore, subject to development conditions and management during Construction Certificate stage, this issue does not warrant refusal of the application.

9. Concern that the proposal is an overdevelopment of the site (being 14 Units) and should be limited to the density restriction.

Comment:

The density controls of 1 dwelling per 200 sqm under the PLEP limits the site to 12.7 Units. The proposal seeks approval for 14 Units and has submitted a "Clause 4.6" variation to the development standard. The density variation is considered in detail under the Pittwater LEP section heading "Clause 4.6" within this report.

The development standards are permitted to be varied pursuant to Clause 4.6 of the 'standard template' LEP. This issue is addressed by the written submission provided by the applicant, development assessment and design of the proposal. During the assessment elements of the proposal were reduced or subject to minor amendments / supplementary detail to address amenity concerns, however the density of the proposed development remained unchanged. In summary, the proposal is not considered to be an overdevelopment of the site pursuant to the merit considerations of amenity impacts, character and built form and the objectives of the development standard.

10. Concern is raised that the proposal will cause a loss in adjacent property value due to the scale of the proposal and amenity impacts.

Comment:

The proposal has been designed to be consistent with the R3 Medium Density zone and the objectives of the relevant development controls in order to minimise unreasonable impacts on adjacent land. Subject to merit considerations where applied the development maintains appropriate landscaped setbacks that are consistent with similar apartment buildings that have been developed in the locality pursuant to Pittwater LEP, Pittwater DCP and SEPP 65.

Issues of amenity have been addressed by design and conditions to ensure reasonable privacy, solar access, noise amenity, view outlook and spatial separation consistent with the medium density urban environment. The proposal does not cause any unreasonable impact on coastal views and solar access or isolate adjacent land from other re-development options.

No supporting evidence has been provided to substantiate any reduction in surrounding land values that would be present at a future date upon completion of the proposed development. This issue is not a matter that can be assessed pursuant to the EP&A Act 1979.

Therefore, this issue does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>Environmental Health has been requested to comment on the proposed development for the potential of contamination. As part of this referral Environmental Health have considered, potential for</p>

Internal Referral Body	Comments
	<p>contamination, car wash bays in the basement, and dewatering during excavation.</p> <p>The geotechnical report by <i>EI Australia</i> referenced as E24490.G03 and dated 12 February 2020, has conducted borehole logs, borehole testing and groundwater analysis, none of which has resulted in any concerns of prior contamination. The previous use of the site is unlikely to have caused significant contamination and the bore holes undertaken only indicate limited fill below the concrete layer comprising of sand with shell fragments. Based on this and the previous use of the site as a nursing home, Environmental Health do not believe further investigation into contamination is required. A condition is to be imposed that should evidence of contamination be found the applicant is to notify Council.</p> <p>The Geotechnical report references groundwater discharge during excavation but does not address water quality, monitoring and limits of water quality to be discharged from the site. It is recommended that NECC provide comments on the dewatering proposal for this development.</p> <p>The plans and SEE reference a car wash bay in the basement car park. A condition has been imposed that the car wash bay is to be bunded and directed to sewer to prevent pollution from washing of cars from entering the environment.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>The application seeks approval for the demolition of an existing building and associated structures, and the construction of a residential flat building comprising 14 apartments, infrastructure and external landscape works (Revised plans by <i>Black Beetle Landscape Architecture and Design</i> dated 11.9.2020).</p> <p>Council's Landscape section have assessed the application against the following documents relevant to landscape assessment:</p> <ul style="list-style-type: none"> • Pittwater 21 DCP, including B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D9 Mona Vale Locality. • State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65) • The Apartment Design Guide <p>Landscape Plans and a Arboricultural Impact Assessment is provided with the development application in accordance with Council's DA Lodgement requirements. The landscape proposal generally provides adequate landscape treatment to deep soil areas around the perimeter of the site and on-slab structures to satisfy SEPP65</p>

Internal Referral Body	Comments
	<p>Principle 5: Landscape, as well as the design criteria of the Apartment Design Guide of the following objectives: 3E Deep Soil Zone is 16% and exceeds the required 7% design objective; 4O Landscape Design provides a landscaped setting with planting along the perimeter to reduce the built form, as well as provide privacy to private open spaces; and 4P Planting on Structures are designed appropriately. 3D Communal and Public Open Space is not provided by the design as all apartments have large private open spaces attached to each apartment.</p> <p>Recommendation: The landscape component of the proposal is acceptable, subject to conditions for the completion of landscape works, and subject to protection of existing trees nominated for retention within the site and on adjoining property.</p>
NECC (Development Engineering)	<p>Stormwater and development engineering matters have been considered.</p> <p>Recommendation: No objections to the proposed apartment building with basement carparking subject to conditions.</p>
Strategic and Place Planning (Urban Design)	<p>Generally, the proposal has addressed all the issues identified in the Pre-lodgement Meeting (provided below) except for some breach in building height for the third storey element of about 0.38m maximum. The additional building height breach will have minor impact on shadows and view-sharing issues.</p> <p>PLM Urban Design Comments:</p> <p>1. The 8.5mm building height has been breached (1m approx.) with the proposed third storey. The height control calls for a built form of a 2 storey building with a roof form. It is recommended that the third storey be treated as a 'room in the roof' well set backed from the 2 storey built form. The 4.2m at 45 degree envelope control should also be complied with. As the site is surrounded by higher residential units, view sharing will be a critical issue. As such the building height and envelope controls should be strictly complied with to pursue an increase in density from 13 permissible to 16 units (pre-DA) proposed. Response: The proposal is now for 14 units and the third storey unit has been further set-back from the edge of the building with planters incorporated.</p> <p>2. The site slopes down to the north-eastern corner where a residential unit is proposed to utilise the exposed section of the basement carpark. Carpark structure should not protrude greater than 1m above natural ground level. The entry door/ lobby to the sunken apartment should be made more generous in-view of the less optimal basement carpark entry point and higher usage by other residents accessing the carpark.</p>

Internal Referral Body	Comments
	<p>Response: The sunken apartment is now part of a maisonette unit which is entered from the ground floor area.</p> <p>3. There is a shortage of landscape area of 2.7% which could be used to further articulate the building facades with big landscape indent areas especially along the eastern façade of the front building and northern façade of the back building. This will help to break down the flatness and monotony of the long facades proposed. Communal open spaces should be incorporated into the landscape concept. The basement ramp should be shifted away from the eastern boundary to create a 2m wide deep-soil landscape buffer.</p> <p>Response: The building facades are now well articulated with landscaped indents (revised landscaping plan 11.9.2020). The basement ramp has been relocated to create a landscaped buffer on the eastern boundary.</p> <p>4. Privacy screens integrated into the architecture of the building design should be incorporated into the upper level residential units to address overlooking issues to next door neighbours. The third storey balconies proposed should be limited in size and well set-backed from the edges and planters incorporated to avoid overlooking and noise nuisance issues to adjacent neighbours.</p> <p>Response: Privacy screen details have been incorporated (revised plans dated 8.9.2020).</p> <p>5. A comprehensive view analysis should be submitted to illustrate the view-sharing strategy.</p> <p>Response: View-sharing analysis have been demonstrated.</p> <p>6. Compliance with the Apartment Design Guide should be demonstrated in future submission.</p> <p>Response: Apartment Design Guide compliances have been demonstrated.</p> <p>Recommendation: No objection to approval.</p>
Traffic Engineer	<p>Revised Traffic Engineering Comments 21.9.2020 (based on Amended Plans / Details)</p> <p>The Applicant has addressed most of the concerns previously raised regarding the access driveway and parking, with the following amendments:</p> <p>- Minimum width of 5.5m for the first 6.0m of the access driveway within the property boundary, to allow vehicles entering from Golf Avenue to wait without queuing on the road and provide a passing bay when vehicles are exiting from the basement car park.</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> - Linemarking of waiting bays on the basement level to provide passing opportunities in the car park. - Provision of convex mirrors at opposite ends of the single lane parking aisle to provide visibility of entering vehicles and minimise conflict within the basement car park. - Relocation of Lift C to improve circulation within the car park. <p>However the Applicant still proposes a standard traffic light system to control entering traffic to the basement car park. Traffic Signal systems should only be considered where other alternatives are not possible, as any issues arising from repair or maintenance of any mechanical/electrical systems would impact safe access to the car park. The request to widen the access driveway to provide a passing bay and provision of an appropriately located convex mirror at the bottom of the ramp, would avoid the need for a traffic signal system.</p> <p>The proposal is acceptable subject to the condition that in lieu of the traffic light system to regulate vehicle entering and exiting the property, indicated on DA100 – Basement Plan Issue B; that an appropriately located convex mirror be provided at the bottom of the ramp to the basement car park in conjunction with the passing bay provided by widening the access driveway to 5.5m for the first 6.0m within the property boundary.</p> <p>Recommendation: No objection to approval, subject to conditions.</p> <p>COMMENTS 25/8/20</p> <p>The Applicant proposes a Traffic Signal system to regulate vehicle entering and exiting the property, with the signals located on the property boundary at the top of the driveway and the corresponding signal located at the bottom of the ramp to the basement car park.</p> <p>The proposal would require that vehicles queue on Golf Avenue when a vehicle exits the property.</p> <p>Traffic Signal systems should only be considered where other alternatives are not possible.</p> <p>Council requires that the vehicular access be widened from 4m to a minimum 5.5m wide for the first 6 metres measured from the property</p>

Internal Referral Body	Comments
	<p>boundary to allow for vehicles to pass and so that vehicles are not encroaching on the Council Public Road Reserve. .</p> <p>Convex mirrors are required at the bottom of the ramp to provide visibility of vehicles entering the property and minimise vehicular conflict.</p> <p>The location of Lift C and Lobby obstruct circulation within the car park and makes manoeuvring into designated parking spaces difficult or requiring multiple reversing manoeuvres. These facilities should be relocated as they cause obstruction to vehicle movement as well as restricts sight lines to other vehicles.</p> <p>Furthermore, the car park layout and reduced aisle width of 4m does not allow 2 vehicles to pass. The limited manoeuvrability within the car park requires that any waiting areas for passing be clearly marked and that the convex mirrors be provided around the carpark where the sight lines to other vehicles is restricted.</p> <p>The current proposal is unacceptable and issues raised should be addressed and resubmitted for consideration.</p>
Waste Officer	<p>Waste Management Assessment has considered the waste details and requirements.</p> <p>Recommendation: No objection to approval subject to conditions.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid and a referral response was provided on 2 July 2020 with comments and requirements in relation to existing electricity assets that have been included with the recommended conditions (external referral Authorities).</p>

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.

In association with the previous nursing home use the installation of 10,000L underground fuel storage tank was approved by Council for the site in 1981. The tank was decommissioned (filled with sand) in 1998.

In response to the above requirements of the SEPP, the applicant has submitted a Preliminary Environmental Site Investigation dated 28 February 2020 and prepared by *EI Australia*. In its conclusion, the investigation states:

"The site and neighbouring properties were free of statutory notices and licencing agreement issued under the Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997 The site was not included in the List of NSW Contaminated Sites Notified to the EPA.

On review of the Conceptual Site Model (CSM) developed as part of this DSI, it was concluded that the model remains valid for the proposed development, however data gaps remain that require closure to satisfactorily characterise the site. These include:

- *Fill materials beneath the footprint of the house.*
- *Quality of soil in vicinity of the identified UST.*

Based on finding from this DSI conducted in accordance with the investigation scope agreed with the Client and with consideration of the Statement of Limitation (Section 12), EI conclude that soil contamination was observed in localised area of the site and will require remediation. In view of the proposed development scope, and currently available information, EI consider that the contamination identified can be remediated to fender the site suitable for the proposed land use, provided recommendations detailed in Section 11 are implemented.

EI note that the site contamination issues can be managed through the development application process in accordance with the State Environmental Planning Policy 55 (SEPP 55) - Remediation of Land, with the requirements for remediation and validation incorporated into conditions of development consent."

Therefore, as the Investigation indicates that there is a potential for contaminants to exist on the site, Clauses 7(1)(b) and 7(1)(c) of the SEPP must be considered.

Clause 7(1)(b) stipulates that *"if the land is contaminated, it [Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out"*.

Given the claimed potential of contamination on the site as noted in the Phase 1 Investigation, a Phase 2 Environmental Site Assessment ("Validation Report") should be provided to confirm whether contamination limits present, at what levels and at what outer locations. The Environmental Site Assessment has been provided which confirms the location and type of contaminants on the site and provides recommendations for the remediation of the site to enable the development to be safely carried out. In this regard, Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the

investigation are included as conditions in the Recommendation of this report.

Clause 7(1)(c) stipulates that *"if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose"*.

Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the Recommendation of this report.

SEPP 65 - Design Quality of Residential Apartment Development

Clause 4 of State Environmental Planning Policy No. 65 – Design Quality for Residential Apartment Development (SEPP 65) stipulates that:

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) the development consists of any of the following:

- (i) the erection of a new building,*
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
- (iii) the conversion of an existing building, and*

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

As previously outlined, the proposed development is for the erection of a part2/part 3 storey residential flat 'housing' development plus basement car parking.

As per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a Design Verification Certificate from the building designer at lodgement of the development application. This documentation has been submitted.

Clause 28 of SEPP 65 requires:

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- (a) the advice (if any) obtained from the design review panel, and*
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and*
- (c) the Apartment Design Guide (ADG).*

DESIGN REVIEW PANEL

The proposal pre-dates the introduction of the Northern Beaches Council Design and Sustainability Advisory Panel (DSAP) and is not required to go to that Panel. Nevertheless, the urban design quality has been assessed by Council's Urban Designer and the Planner has carried out a detailed assessment against the provisions of SEPP 65 and the ADG.

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change."

Comment:

The subject site is located in an area that is characterised by a mix of older style three or four-storey "walk-up" residential flat buildings in the vicinity and the broader area of Mona Vale, interspersed with some smaller housing styles (e.g terrace style) but mostly 3 storey apartment buildings within the medium density residential zone. More recently constructed apartment buildings have basement parking and passenger lift access.

The scale and architecture of the development is distinctly more modern than the adjacent buildings but maintains a consistent height and landscape setting to the street. The older style apartment buildings (Circa 1960-70) tend to lack landscaping in favour of ground level parking. The proposed building maintains a visual outlook toward the street and is a site that has been developed previously for part single storey aged care building within the local medium density area along the northern side of Golf Avenue.

In terms of building bulk, the design has responded to the envelope, streetscape and setbacks, with external appearance including facades with sandstone walls, off-form concrete, rendered walls, deep balconies and using various architectural elements such as curved recesses, giving the building a distinct subtle aesthetic. Consideration of the surrounding context and socio-economic character of the Mona Vale area suggests that the development is designed to be larger (3 and 4 bedroom) style apartments with 14 units in the building.

The provision of landscaping provided around the perimeter of the development contributes to providing a transition / buffer between properties given the large floor plate for the two buildings and single (consolidated) lot site area for an apartment building. The applicant has designed the proposal to retain some trees at the rear and will not adversely impact on the large tree (fig "T7") located on the western side of the site.

For the reasons above, the development is considered to fit contextually with surrounding medium density development and the neighbourhood character.



- Figure 1: Streetscape character proposed / indicative for the subject development.

Principle 2: Built Form and Scale

"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."

Comment:

The site is overlooked by a 4 storey building from the higher land to the west and in turn the subject building overlooks land to the east that is lower than the subject site. Therefore, window placement, internal room layout and the building's height and shape are critical considerations. The shape of the building above ground level is influenced by the built form controls, site shape and depth and need to provide adequate vehicle access, landscaping, side setbacks, building envelope and height. The third storey element has a marginal breach of the height for the roof cladding, parapet and planter box (see Height Limit Diagram DA560 dated 8.9.2020 drawn by PBD Architects). The third storey element has a minor breach of the height limit and may be related as a breach of the PLEP density controls. However the building maintains consistency with the objectives of the control and is not "jarring" in the streetscape or creates excessive bulk that is opposing to adjacent sites, due to the design response addressing floor layout, privacy, wall heights, landscaping, fenestration and building bulk.

Notwithstanding any numerical non-compliances, the development is of a scale that is suitable for the area and provides appropriate setbacks to the front and rear to allow for the establishment of new replacement landscaping (as per the accompanying landscape plan and planting schedule). The side setbacks have private open space and landscaped setbacks (for the most part 4.5m or more above ground) but still maintain deep soil zones suitable for medium size planting to mitigate bulk and assist with landscape privacy screening.

The development is considered to achieve a scale, bulk and height that is appropriate for surrounding

and existing developments and is designed in a manner that is not unreasonable in terms of building form and scale to adjacent medium density housing.

Principle 3: Density

"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."

Comment:

The development provides 13 x 3 bedroom apartments and 1 x 4 bedroom apartment is consistent with many of the larger style apartments in the Mona Vale area, comparable the the variable sizes and scale of existing building complexes in the locality. The site is within convenient proximity to local reserves, schools, community facilities, shops and public transport links from Mona Vale to Manly, Dee Why/Brookvale and the Sydney CBD.

Therefore, the density of the development is considered to be appropriate to the existing and projected population of the area and is adequate in regards to the sustainability of keeping residential longevity by virtue of proximity to services, shops, public open space and transport.

Principle 4: Sustainability

"Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation."

Comment:

The development application is accompanied by a BASIX Certificate which indicates the development achieves an adequate design for water and energy conservation including thermal comfort. The development provides an adequate cross-ventilation and shading devices and balconies, as well as screening devices (including eaves / balcony overhangs) and landscaping to mitigate the impacts of direct sunlight upon large surface areas of glazing.

The development will utilise a Waste Management Plan to recycle and dispose of waste in accordance with Council's Waste management policies and will not detract from the sustainability of the environment or surrounding area.

Principle 5: Landscape

"Good design recognises that together, landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."

Comment:

The site provides a perimeter of landscaping around the two main building elements (that comprise module A, B and C) with the majority of landscaped open space at the front and rear setbacks. Given the width and cross fall of the site, the provision of a full 4.5m (or wider) landscaped side setback is possible for the building above ground and the applicant has designed the proposal with landscaped side setbacks (including consideration for the basement to have 1m soil cover where the basement is closer to the side boundaries). Therefore, consideration has been given to reinstating appropriate landscaping above the basement areas (that encroach into the side setback) and maintaining a full 6.0m deep soil setback to the rear of the site.

The DA is accompanied by a detailed landscaped plan and schedule of plantings as discussed under the Landscape Assessment referral within this report. The landscape plan drawn by *Black Beetle Landscape Architecture*, dated 11.9.2020, demonstrates that the establishment of landscaping will assist to mitigate the building bulk of the development and will assist with privacy screening and amenity outlook, along the side setbacks and particularly toward the rear with appropriate plant selection. The provision of landscaping has been designed for practical establishment and long-term management including the landscaping area to be re-instated in the front setback. A revision to the original landscape plan has been provided to assist with accommodating related public submission issues and Council's Landscape Referral Response matters raised with details provided by the Applicant and prepared by Black Beetle Pty Ltd (see covering letter, dated 15.9.2020).

Principle 6: Amenity

"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility."

Comment:

The development provides an appropriate provision of amenity for residents and neighbours by the design of window/balcony spaces for each apartment, including use of translucent glass, landscape planter boxes, fitted & sliding privacy screens and window design. The setbacks are appropriate for the building height increases with the internal layout and provision of balcony and living area spaces and the surrounding landscaped areas (including courtyards) which contribute to the amenity of privacy for occupants and minimises impacts of overlooking to adjacent land.

The development comprises of appropriately proportioned rooms, natural ventilation, access to sunlight, outlook, privacy, storage, efficient layouts and a good degree of mobility, including internal lift access.

Principle 7: Safety

"Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety."

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose".

Comment:

The development will incorporate an adequate standard of safety features for the comfort and security of residents. The development will provide increased opportunities to what is present for casual

surveillance of the streetscape and adjoining front setback areas. The basement access has a security access for vehicles and there is a ground floor foyer for pedestrian entry.

The access points into the development are well-defined but not visually offensive or dominating and can be easily accessed.

Principle 8: Housing Diversity and Social Interaction

"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets."

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents."

Comment:

The development as a whole, and each apartment, provides features (such a basement parking, lift access, balconies, storage and spacious living areas), that would warrant the value of the apartments and provides opportunities for social interactions between residents of the subject and is appropriate in context to the density of surrounding developments.

Specifically, the development comprises 14 apartments consisting of 13 x 3 bedrooms and 1 x 4 bedroom, each which are suitable for a family or couples with generous living areas and modern internal layouts. The site is located within the Mona Vale medium density area which is dominated by older style apartments from the 1970-90's era with a mix of older style and contemporary apartment buildings. The site contains a vacated aged care building that is no longer fit for use and is located toward the eastern end of Golf Avenue Mona Vale. As such, the development provides opportunity to redevelop the land and provide new apartments (including some adaptable Units) providing high quality apartment style housing that is in demand within the Mona Vale area. The units have large floor plans for each of the apartments and include underground off-street parking making them suitable for families or couples seeking spacious apartment living, in close proximity to the beach and Mona Vale CBD.

Principle 9: Aesthetics

"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."

Comment:

This assessment report details the built form of the development against the control requirements and objectives, as can be found later in the report. The development is considered to be of good design and of proportions that enable the building to provide essential elements of landscaping, carparking, private open space and generous internal amenity. The aesthetics of the external appearance of the building are contemporary and elements of the design serve practical functions to assist with solar access, privacy, minimising view loss, minimising overshadowing and the like.

The use of varying materials, colours and textures combined with the design and provision of landscaping provide a visual appearance that is visually interesting within the streetscape. The development is purposely in contrast to the architecture of adjacent apartment buildings due to the need to address development controls that did not exist when the adjacent flat buildings were constructed.

The overall aesthetic of the apartment building is considered to be appropriate for the urban context and in-fill site within the Mona Vale medium density area.

APARTMENT DESIGN GUIDE

The following table is an assessment against the criteria of the 'Apartment Design Guide' as required by SEPP 65.

Development Control	Criteria / Guideline	Comments
Part 3 Siting the Development		
Site Analysis	Does the development relate well to its context and is it sited appropriately?	<p>Consistent</p> <p>The development of a residential apartment building is appropriate within the context of Mona Vale and surrounding R3 Medium Density Residential zone.</p> <p>The scale and proportion of the development is similar in height and setback to the streetscape which is largely characterised by older-style four storey apartment buildings.</p> <p>Despite the non-compliant setbacks of the development the proposal is assessed as being satisfactory and without unreasonable amenity impacts upon surrounding land.</p> <p>For the reasons above, the development is considered to relate appropriately to its context and the established medium density development in the local surroundings.</p>
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	<p>Consistent</p> <p>The site is constrained in regards to providing an extensive landscaped</p>

area whilst maintaining adequate setbacks to surrounding developments to minimise overshadowing.

The architecture of the site and the building setbacks are appropriate for the streetscape, and the front and rear setback areas maintain a wide landscape component.

Given that the existing development on the site consists of low density housing the redevelopment of this site into a medium density development, appropriate for the R3 zone is inevitably going to have a greater overshadowing impact than that of the existing (predominantly) single storey building.

In regards to the above, the height and shape of the proposed building is considered design response which could be expected upon the land and is without unreasonable detrimental impact upon surrounding land. The proposal has included a number of refinements to ensure no unreasonable privacy and solar access considerations that are influenced by height, setbacks apartment layout, screening and landscaping.

(Solar access is also considered in detail under the heading "Submissions" within this report)

<p>Interface</p>	<p>Does the development transition well between the private and public domain without compromising safety and security?</p> <p>Is the amenity of the public domain retained and enhanced?</p>	<p>Consistent</p> <p>The development provides an appropriate presentation to Golf Avenue and the private domain with a well defined residential character. This includes landscaped treatment, balconies, entry area, including integration of the driveway access and bin / letter box area with the building design.</p> <p>It is considered that the proposal does not create an unreasonable impact on the amenity of the public domain by virtue of visual interest and character of the streetscape.</p>
<p>Communal and Public Open Space</p>	<p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none"> 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principle usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter) 	<p>Does not comply. Satisfactory on merit.</p> <p>1. 324sqm (12.7%) The development has 'communal open space' area, however this is allocated for the pedestrian access and adjacent landscaping from the street entry to the each of the buildings, but does not serve as recreational space.</p> <p>The building proposes 14 Units and the site is located 150m from Mona Vale Beach front (including the coastal link track) and therefore the nexus for a large area of communal open space within the site is less warranted given the close proximity to Robert Dunn Reserve. Therefore, the demand for communal</p>

open space is less warranted than that with a larger unit complex.

Consistent

2. Communal areas will receive a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter) being the central courtyard and entry area along the western boundary.

Deep Soil Zones

Deep soil zones are to meet the following minimum requirements:

Site area	Minimum dimensions	Deep soil zone (% of site area)
Less than 650m ²	-	7%
650m ² – 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Consistent

The site is calculated to have deep soil zones within the region of 16% (390 sqm), thereby complies with the minimum requirement of the ADG.

Visual Privacy

Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

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

Gallery access circulation should be treated as

Consistent

The development is a part 3 storey residential flat building that is below 12.0m in height, thereby requiring the spatial separation of 6.0m to habitable rooms and balconies and 3.0m to non-habitable rooms.

The development is assessed as providing a reasonable level of visual and acoustic privacy to adjoining properties as a minimal number of large living area openings from primary living spaces

	<p><i>habitable space when measuring privacy separation distances between neighbouring properties.</i></p>	<p>facing east or west. The use of fixed and sliding screens allow privacy and internal solar access outlook to be regulated to optimise privacy and amenity for daily residential living.</p> <p>The spatial separation proposed is considered acceptable given the predominant two storey configuration and separation of the building into two distinct modules. The building floor layout and design responds to the surrounding development to minimise overlooking from living areas within the building. In summary, the architecture of the proposal has been designed to minimise impacts where the distance separation is closer to adjacent buildings and to provide and appropriate response to existing adjacent development.</p>
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p>Consistent</p> <p>Pedestrian access into the building is easily identifiable from Golf Avenue.</p>
Vehicle Access	<p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	<p>Consistent</p> <p>The driveway entry to the street has been assessed as satisfactory by Council's Development Engineer.</p>
Bicycle and Car Parking	<p>For development in the following locations:</p>	<p>Consistent</p>

	<ul style="list-style-type: none"> On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	<p>The proposed provision of car parking has been assessed as satisfactory in accordance with the Pittwater DCP.</p> <p>All car parking is provided off street in the basement car park and thereby has minimal visual and environmental impacts on the local area.</p> <p>5 bicycle racks are provided use by occupants / visitors.</p>
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Part 4 Designing the Building

Amenity

<p>Solar and Daylight Access</p>	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter 	<p>Consistent</p> <p>The development achieves a satisfactory provision of solar and daylight access to 72% (4/14) given the orientation of the building, setbacks and topography. The amenity of the principle living areas is enhanced by open plan living spaces and spatial separation to side boundaries.</p> <p>In summary, the building contains 14 apartments, and solar access is addressed to ensure for natural light / internally amenity without undue impact on privacy.</p> <p>Therefore, 10 of the 14 the apartments will receive adequate natural light internally between</p>
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		9am and 3pm on the 21 June. The 4 Units south facing Golf Avenue have large floor to ceiling window spaces to the street and have side windows to allow internal direct sunlight to the living areas to allow morning or afternoon period.												
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none">At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.	<p>Consistent</p> <p>The development comprises of 14 units and has been designed to achieve natural cross ventilation.</p> <p>Therefore, the application is assessed as having 100% of apartments being naturally cross ventilated and satisfying the requirements of this control.</p>												
Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>If located in mixed used areas</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr></table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	<p>Consistent</p> <p>The development achieves satisfactory floor-to-ceiling levels as per the ADG and BCA.</p>
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
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If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													

Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35sqm</td></tr><tr><td>1 bedroom</td><td>50sqm</td></tr><tr><td>2 bedroom</td><td>70sqm</td></tr><tr><td>3 bedroom</td><td>90sqm</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none">• 3.6m for studio and 1 bedroom apartments• 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	Apartment type	Minimum internal area	Studio	35sqm	1 bedroom	50sqm	2 bedroom	70sqm	3 bedroom	90sqm	Consistent <p>The development has a satisfactory apartment size and layout per unit as per the ADG guide.</p> <p>Apartment sizes range from 113 sqm to 218sqm.</p>					
Apartment type	Minimum internal area																
Studio	35sqm																
1 bedroom	50sqm																
2 bedroom	70sqm																
3 bedroom	90sqm																
Private Open Space and Balconies	<p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	Consistent <p>Each apartment within the development has a courtyard area or balcony / terrace that are directly accessible from a living area.</p> <p>Usable* private open</p>
Dwelling Type	Minimum Area	Minimum Depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															

For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.

space / balconies are:

- 1 Unit AG-1 has a terrace and garden area 50sqm (2 level Unit).
 - 2 Unit AG-2 has a principal balcony area 115sqm.
 - 3 Unit AG-3 has a principal balcony that is 95sqm.
 - 4 Unit BG-1 has a principal balcony that is 50sqm.
 - 5 Unit BG-2 has a principal balcony that is 53sqm.
 - 6 Unit CG-3 has a principal balcony that is 56sqm.
 - 7 Unit CG-4 has a principal balcony that is 167sqm (4 Brm / 2 level Unit).
 - 8 Unit A1-1 has a principal balcony that is 15sqm.
 - 9 Unit A1-2 has a principal balcony that is 15sqm.
 - 10 Unit B1-1 has a principal balcony that is 14sqm.
 - 11 Unit B1-2 has a principal balcony that is 19sqm.
 - 12 Unit C1-3 has a principal balcony that is 17sqm.
 - 13 Unit C1-4 has a principal balcony that is 16sqm.
 - 14 Unit B2-1 has a principal balcony that is 37sqm. (Roof terrace)
- (*Areas that are obstructed by walls, infrastructure, narrow access and the like is not included but may be part of additional landscape space allocated to the Unit.)

All apartments contain 3

		or more bedrooms and the principle balconies have minimum dimensions that exceed 3.0m (for the principal circulation space in the central area of the balcony).										
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Consistent</p> <p>Maximum of 3 apartments per floor for shared lift / corridors.</p>										
Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m²</td></tr><tr><td>1 bedroom apartments</td><td>6m²</td></tr><tr><td>2 bedroom apartments</td><td>8m²</td></tr><tr><td>3+ bedroom apartments</td><td>10m²</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	<p>Consistent</p> <p>Each apartment has a satisfactory provision of at least 50% storage located in each apartment. (Additionally the units has walk-in-robos, laundry and kitchen / living and bedroom storage). Internal storage varies from 5.2 to 11.5 cubic metres and basement storage (adjacent carparking) of 8.6 cubic metres per Unit is provided. All Units have between 13.8 to 20.2 cubic metres of storage in compliance with the ADG.</p> <p>As the building has lift access the provision of storage in the apartments (such as cupboard space) and basement storage (such for bicycles) is satisfactory to enable items to be transferred to and from a car.</p>
Dwelling Type	Storage size volume											
Studio apartments	4m ²											
1 bedroom apartments	6m ²											
2 bedroom apartments	8m ²											
3+ bedroom apartments	10m ²											
Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	<p>Consistent - subject to design measures/conditions</p> <p>The design and layout of the building has been composed to minimise</p>										

		<p>acoustic impacts that may arise from the garage door and circulation areas.</p> <p>Given that the development is not large (being only 14 units) it is not anticipated that the circulation spaces would regularly produce noise that could be offensive to adjoining bedrooms. Internal lift access is provided from the basement and the pedestrian entry is located adjacent</p> <p>It is considered that the design of the building, anticipated usage and current construction standards (insulation and the like) would mitigate any unreasonable or detrimental acoustic impact.</p> <p>A condition is included to ensure no unreasonable noise impact from air conditioning or lift motors.</p>
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	<p>Consistent</p> <p>The architecture and layout of the building has been designed to minimise the impacts of external noise and pollution (bins storage) and to mitigate noise transmission. The development is considered acceptable in this respect as the bins are stored in the basement and will be brought up to the street level bin holding area on collection days.</p>

Configuration		
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	<p>Consistent</p> <p>The application proposes 14 'family sized' apartments to accommodate for a potential buyers / tenants suitable for larger units that can accommodate working couples or 'young' families. A total of three (20%) of the 14 apartments are adaptable Units with accessibility design considerations included.</p>
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	<p>Consistent</p> <p>The development incorporates contemporary architecture and design features to enhance compliance with the built form controls and to create a contemporary visual impact on all facades with landscaping to enhance the building setting.</p> <p>The general surrounding area is contextualised by mix of new and older-style brick / concrete apartment buildings, many with parking at their ground floor level or underground with 3 levels of apartments above and internal stair access. The contemporary addition of this proposed site re-development will not detract from the existing medium density streetscape.</p> <p>It is considered that the development respects the desired future character of</p>

		Mona Vale locality in the context of the pattern and style of adjacent and nearby development on the eastern side of Pittwater Road within the R3 Medium Density Zone.
Roof Design	<p>Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features.</p> <p>Test whether the roof space can be maximised for residential accommodation and open space.</p>	<p>Consistent</p> <p>The development provides a low pitched and partly flat roof with a minimal number of elements such as skylights, service installations. Therefore, the roof shape does not create an unreasonable impact on building bulk, views or visual appearance. Neutral low reflective colours are proposed.</p> <p>The lift overrun (which part of the highest elements of the building) is integrated within the south western quarter of the building and not prominent to the street. The rooftop plant areas are also enclosed with low (1m) screens for visual and acoustic considerations.</p>
Landscape Design	<p>Was a landscape plan submitted and does it respond well to the existing site conditions and context.</p>	<p>Consistent</p> <p>The development application is accompanied by a landscaped plan and planting schedule. The landscape plan shows that the large street tree fig ("T7") near the western corner of the site will be retained. This tree is in good vigor and contributes to the amenity</p>

of surrounding land.

The plans and schedule indicate that the provision of plantings proposed is an appropriate response to the scale of development proposed and the adjoining developments.

Selection of trees (6m+ in height) at appropriate spacing / separation includes; Willow Myrtle, Blueberry Ash, Kenia Palm, Cabbage Tree Palm, Water Gum, and Frangipani. See Landscape Plan schedule dated 11.9.2020 drawn by *Black Beetle Pty Ltd.*

Planting on Structures

When planting on structures the following are recommended as minimum standards for a range of plant sizes:

Plant type	Definition	Soil Volume	Soil Depth	Soil Area
Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent
Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent
Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm	3.5m x 3.5m or equivalent
Shrubs			500-600mm	
Ground Cover			300-450mm	
Turf			200mm	

Consistent

As per the landscaped plans accompanying the application is satisfactory to ensure the front rear and side setbacks are to be planted with grasses and small / medium height plants which will be an appropriate landscaped solution.

Selected larger plantings will be used in the front, side and rear setbacks to enhance the visual impact of the development and to maximise landscape setting for the building.

Universal Design	Developments are to achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.	Consistent Greater than 20% of the apartments incorporate the Livable Housing Guidelines silver level universal design features.
Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	Not Applicable Site is to be cleared of all existing structures. No existing building elements of the site are utilised in this development proposal.
Mixed Use	Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	Not Applicable The development is for a residential flat building which is a permissible development within the R3 medium density residential zone.
Awnings and Signage	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development. Signage must respond to the existing streetscape character and context.	Not Applicable Golf Avenue has a constructed footpath to the end of the street and to Pittwater Road.
Performance		
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	Consistent BASIX Certificate commitments are included with architectural plan package.
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Consistent The application has been reviewed by Council's Development Engineers who raises no objections to the proposal, subject to conditions to address stormwater runoff in compliance with Council Policy.
Waste Management	Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and	Consistent A waste management

	recycling.	plan has been provided to accompany the development application and appropriate conditions ensuring compliance with waste management requirements have been included in the recommended conditions of this report.
Building Maintenance	Incorporates a design and material selection that ensures the longevity and sustainability of the building.	Consistent The building materials selected for the subject development are of a high quality and will achieve a longevity that is both sustainable and expected for a development of this nature.

STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

Clause 30 of SEPP 65 Standards that cannot be used as grounds to refuse development consent or modification of development consent states that:

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

Note. *The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.*

Comment: The application is not being refused on any grounds contained within Cl. 30 (1) (a), (b) or (c).

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) the design quality principles, and*
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.*

(3) To remove doubt:

- (a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and
- (b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

Comment: The assessment of this application against the criteria and requirements of SEPP 65 has adequately demonstrated consideration has been given to Cl. 30 (2) (a) and (b) as per the above assessment.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1090600M dated 24 April 2020). The BASIX Certificate is also supported by an ABSA Assessor Certificate 0004780160, dated 23 April 2020 with rating standard for all 14 Units demonstrating a average energy rating standard performance of 6.1.

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	45

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

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* and a referral response was provided on 2 July 2020 with comments and requirements in relation to existing electricity assets that have been included with the

recommended conditions (external referral Authorities).

Other Service Infrastructure Authorities

The proposal was not required to be referred to the *Roads and Maritime Service* and no other Service Authority referral requirements are raised pursuant to the SEPP.

Pittwater Local Environmental Plan 2014

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	9.2m	8.3% 55mm to 710mm	No*
Dwelling Density Site area 2,548.7sqm	1 dwelling per 200 sqm	1 dwelling per 182sqm	9.8%	No*

* Refer to detailed merit assessment pursuant to Clause 4.6 within this report under the heading "Pittwater LEP 2014".

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
4.5A Density controls for certain residential accommodation	No
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

1. VARIATION - Clause 4.3 Height of Buildings

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	9.2m
Percentage variation to requirement:	8.3%

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130.

Clause 4.6 Exceptions to development standards:

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

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

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

Comment:

Clause 4.3 - Height of Buildings development standard is not expressly excluded from the operation of this clause.

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

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

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

(a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

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

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

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

Comment:

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

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

In this regard, the Applicant's written request has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

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

Comment:

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

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*

- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicants written request argues, in part:

"The subject buildings are similar in height to other buildings in this immediate locality as there is a common theme for buildings to be three storeys, and the building immediately to the west, is four storeys. The third storey component of the proposal is not visible from Golf Avenue due to the topography of the land and has minimal impact on any view loss or solar access. This assessment included a comprehensive view sharing analysis undertaken by the project architects. The additional height of the third storey is across a small proportion of the overall floor plate.

When viewed from Golf Avenue, takes the form of a two-storey residential flat building of a highly articulated and modulated development which is compatible with the character of development in this immediate precinct. The proposed development adopts built form and scale in response to its immediate context, adopting a highly sculptural building form composed with splayed balconies that are orientated towards the ocean views to the east while creating visual interest within the immediate context. The forms respond carefully to the need for privacy as well as outlook. This is also designed in a way that it would not affect the streetscape of Golf Avenue.

The scale and bulk of the built form is designed to effectively moderate the scale of the building when perceived from the street and surrounding locations; it includes facades with sandstone walls, off-form concrete, rendered walls, deep balconies and using various architectural elements such as dynamic curved recesses, giving the building a distinct form.

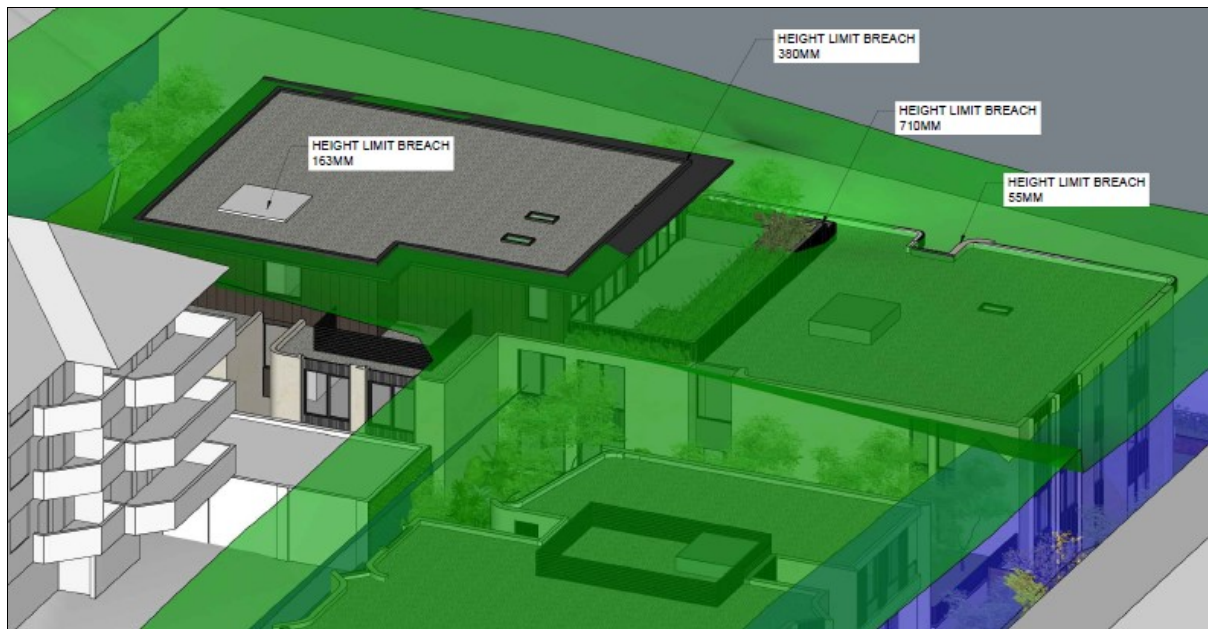
The elevations are varied in expression and designed primarily to respond to significant views, setbacks and the site. The building has a modern and clean aesthetic, tempered by environmental control, site response and landscape elements.

The contemporary form and design will contribute to the immediate context in the form of a development that holds presence with the streetscape of Mona Vale.

The proposal responds well to the topography and greater urban context of the neighbourhood and the desired character of the locality. The proposed residential development has been designed to respond cohesively to the existing neighbourhood and streetscape. Elements such as building form, landscaping and building alignment are used to respond thoughtfully to the immediate locality. The adjoining development, No 48 Golf Avenue, being four storeys in height (approximately 12m), is a dominant built form feature in this area and there is a common theme of residential apartment buildings along Golf Avenue that represent three- to four-storey development such as No 54 Golf Avenue."

Comment:

The height controls were considered as part of a pre-lodgement concept and the proposal has been refined to further minimise non-complying height elements. The extent of non-compliance is illustrated in the image below (Insert 5):



-
- *Figure 2: Height non-compliance occurs at the rear of the site, generally associated with eaves, planter box corner (710mm), roof / parapet 380mm, lift overrun (163mm).*

Potential issues associated with overlooking, solar access, view lines and building bulk have been considered and the height variation does not create any unreasonable impacts from the breach to the building height plane. Therefore, there is sufficient environmental planning grounds to justify the contravention of the development standard.

The upper storey of the building is stepped in from the side and rear boundaries and generally site lower than buildings at No.46-48 Golf Avenue. The non-compliance is minor in height despite covering Unit B2-1 roof profile the non-compliance does not unreasonably detract from the control for the medium density area. The development, although non-compliant, achieves consistency with the Objectives of the Development Standard and will maintain an appropriate appearance in the context of adjacent and newer apartment buildings in the area and when viewed from adjoining properties and the street. The applicants written request outlines reasons as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development.

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

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

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

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

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

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

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the R3 Medium Density Residential zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the PLEP 2014 are:

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

a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment:

The proposed residential flat building is compatible with the height and scale of surrounding and nearby developments which is visible from the streetscape of Golf Avenue and Darley Street East precinct. Variability in building heights characteristic between various residential developments that is often influenced by the larger area of the parent landholding (including width and depth). Examples of height and scale (in many instances) are greater than what is proposed in this application in the character of the area. In this case, the variation does not abandon the control and the variation occurs across a narrow horizontal plane at the rear of the "L" shaped site.

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The proposed buildings represent a contemporary form and design which will contribute to the immediate context in the form of a development that is the right fit for the neighbourhood and consistent with the streetscape of this precinct and is consistent with the scale of surrounding development.

c) to minimise any overshadowing of neighbouring properties,

Comment:

The subject development does not result in adverse impacts by way of overshadowing of neighbouring properties. Shadow diagrams have been prepared by the project architects, being drawings DA610, Shadow Diagrams prepared by PBD Architects to demonstrate compliant solar access.

d) to allow for the reasonable sharing of views,

Comment:

The location of the building height variation does not create an unreasonable impact on views. A detailed view analysis has been provided and assessment made pursuant to Pittwater DCP within this report. The proposal maintains consistency with this objective for view sharing as the variation to the height is located at the rear of the site and principal views to the south east are maintained and overall the view assessment ranks the view impact as 'moderate' for the development as a whole.

e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The proposal takes into consideration the topography of the land and the buildings have been designed to complement the landform, being a slight slope from Golf Avenue to the north-eastern corner where there is existing excavation at the rear. The building, when viewed from Golf Avenue, represents a two-storey development.

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment:

The building is situated adjacent established urban development and does not impact natural areas of the visible beachfront environment or any heritage items.

Zone objectives

The underlying objectives of the R3 Medium Density Residential zone are:

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

Comment:

The variation to the height control is associated with a residential unit at a third storey level and does not prevent the achievement of this objective to provide housing within the medium density zone. The building has been designed with adequate landscape buffers to adjacent land on all sides and detailed landscaping that is appropriate for the coastal environment.

- *To provide a variety of housing types within a medium density residential environment.*

Comment:

The apartments proposed are all 3 bedrooms or more and contribute to the supply of larger ('family' size) apartment suitable for working couples, or young families, including persons that may seek the convenience / lifestyle of the location with accessibility and parking options provided within the building.

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

residents.

Comment:

The variation to the height control is not relevant to this objective as there are no 'other land uses' proposed for the building.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Comment:

The proposal includes no 'other land uses' within the building.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone.

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

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

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Local Planning Panel.

2. VARIATION - Clause 4.5A Density Controls for Certain Residential Accommodation

Description of non-compliance:

Development standard:	Density controls for certain residential accommodation
Requirement:	1 dwelling per 200sqm
Proposed:	1 dwelling per 182 sqm
Percentage variation to requirement:	9.8%

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.5A - Density controls for certain residential accommodation development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards:

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

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

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

Comment:

Clause 4.5A - Density controls for certain residential accommodation development standard is not expressly excluded from the operation of this clause.

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

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

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*

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

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

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

Comment:

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

In doing so, the Applicant's written request has adequately demonstrated that compliance with the

development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

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

Comment:

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

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

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

The applicants written request argues, in part:

"Council has approved other developments with a variation to density control. It is also essential to understand that the character of this area (both Golf Avenue and Darley Street East) is dominated by residential apartment buildings and in this precinct there are no single detached dwellings in Golf Avenue and only two single detached dwellings in Darley Street East.

The residential density of one dwelling per 200sqm of site area has been breached on other developments that have been approved by Council in this immediate locality under this current LEP. These include the following:

- 18 Golf Avenue, Mona Vale (3,542sqm/18 units/ FSR or 1 dwelling per 196 sqm/ minor variation),*
- 22 Golf Avenue (2,362sqm/12 units/ FSR or 1 dwelling per 196sqm / minor variation),*

- 30 Golf Avenue (2,577sqm/13 units FSR or 1 dwelling per 198sqm / minor variation).
These buildings will remain a strong component of the existing character of the area. They are a contributing factor to the character of the area and are not in compliance with the one dwelling per 200sqm of site area, as prescribed under the prevailing LEP Density Control.

There is no FSR control under Pittwater LEP 2014.

- *The adjoining development, being four storeys in height, is a dominant land feature in this area and there is a common theme of residential apartment buildings along Golf Avenue that represent three- to four-storey development.*
- *The development is compliant with landscaping requirements, setbacks, building footprint, massing and scale of development.*
- *The development does not create overshadowing on existing adjacent developments.*
- *The density control aims at achieving a planned density within this immediate precinct; however, Council must appreciate that the density of residential units based on their site area along Golf Avenue represents breaches with this density control.*

The development represents a minor variation by one unit to the stipulated control which equates to 14 apartments. The variation is less than 10% of this control and the end result of the building proposed represents a built form and scale in response to its immediate context.

- *The scale and bulk of the built form have been designed to effectively moderate the scale of the building when perceived from Golf Avenue and surrounding locations.*
- *The contemporary form and design will contribute to the immediate context in the form of a development that holds presence with the streetscape of Mona Vale.*
- *The density of 14 apartments on this site is considered sustainable within the existing and future availability of infrastructure, public transport, community and culturally significant facilities and environmental qualities of the site.*
- *The apartments are generous in size and align with the areas of Mona Vale, which is a reflection on current market demands.*

The development could be reduced by one unit by combining other units into one, resulting in the same footprint, massing and scale of the development that is presented as part of this application. This, indeed, is an important factor in considering the objective of the density control requirement in that one can achieve a building which would possess the same identical scale by enlarging one or two of the apartments and reducing the number. The end result would be the same development that is currently before Council for consideration. The dis-benefit would be an impact on providing a lesser number of dwellings, which impacts upon one of the main objectives of the Department of Planning to increase new housing supply in areas that are readily accessible to public transport, adequate infrastructure and in close proximity to community, retail and recreation facilities.

- To justify the variation to the density control, a view analysis has also been undertaken consistent with the NSW Land and Environment Court Principles established in Tenacity Consulting Pty Ltd v Warringah Council {2004} NSWLEC140 and Davies v Penrith City Council {2013} NSWLEC 1141."

Comment:

An analysis of nearby development demonstrates the following outcomes in applying this development control:

No.10 Golf Avenue – 4,721 sqm / 17 Units having FSR of 1 per 277sqm – complies

No.18A Barrenjoey Road – 1,283 sqm / 6 Units FSR of 1 per 213 sqm – complies

No.49 Darley Street – 4,726 sqm / 20 Units FSR of 1 per 236 sqm – complies

No.32 Golf Avenue – 1,395 sqm / 4 Units FSR of 1 per 348 sqm – complies

No.21 Darley Street – 2,075 sqm / 6 Units FSR of 1 per 345 sqm – complies

No.18 Golf Avenue – 3,543 sqm / 18 Units FSR or 1 per 196 sqm – **variation**

No.22 Golf Avenue – 2,362 sqm / 12 Units FSR or 1 per 196 sqm – **variation**

No.30 Golf Avenue – 2,577 sqm / 13 Units FSR or 1 per 198 sqm – **variation**

No.36 Golf Avenue – 3,113 sqm / 15 Units FSR or 1 per 207 sqm - complies

The site is currently occupied by a nursing home facility that has been vacated for some time and redevelopment of the site for housing (apartments) is consistent with the orderly and economic use of the land which it is zoned for medium density. The site is one of few remaining lots suitable for redevelopment in the vicinity by account of the surrounding number of large existing apartment blocks in Golf Avenue, therefore future further 'abandonment' of the development control is a low risk for further precedent / variations to PLEP.

The streetscape presentation, landscaping, setbacks and overall visual appearance of the building is considered to be consistent with the desired future character whereby the additional unit density is toward the rear of the site and not readily visible (if associated solely with Unit B2.01. The density control is an average calculated across the whole of the site area which generally leads to larger single units rather than the same number of smaller 1 or 2 bedroom Units.

The building presents as a high quality flat building designed and built from internal and external amenity within a landscape setting. The additional density, of 14 units does not dominate the streetscape and the building remains at a 'human scale' with adequate open space areas, privacy, solar access and view sharing maintained.

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

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

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

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

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

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

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the density controls for certain residential accommodation development standard and the objectives of the R3 Medium Density Residential zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of the standard, pursuant to Clause 4.5A – 'Density controls for certain residential accommodation' of the PLEP 2014 are:

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

a) to achieve planned residential density in certain zones,

Comment:

The residential density planned influences development design responses to provide larger spacious apartments, rather than more smaller units for the same area, dependent on the site area. In this case, a residential density is achieved with spacious (3 bedroom or larger) apartments with a landscape setting.

b) to ensure building density is consistent with the desired character of the locality,

Comment:

The projected density for the site is "12.7" Unit or 1 dwelling per 200sqm with the proposal having been designed to have 14 units or 1 dwelling per 182sqm. The proposal achieved the DFC by maintaining a two storey appearance to the street, landscaped setbacks and appropriate design response for parking, access, privacy, wall articulation, view sharing and amenity considerations

Zone objectives

The underlying objectives of the R3 Medium Density Residential zone are:

The underlying objectives of the R3 Medium Density Residential zone are:

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

Comment:

The variation to the density control is associated with 14 units on the site and does not prevent the achievement of this objective to provide housing within the medium density zone. The building has been designed with adequate landscape buffers to adjacent land on all sides and detailed landscaping that is appropriate for the streetscape and surrounding environment.

- *To provide a variety of housing types within a medium density residential environment.*

Comment:

The apartments proposed are all 3 bedrooms or more and contribute to the supply of larger ('family' size) apartment suitable for working couples, or young families, including persons that may seek the convenience / lifestyle of the location with accessibility and parking options provided within the building.

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

residents.

Comment:

The variation to the density control is not relevant to this objective as there are no 'other land uses' proposed for the building.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Comment:

The proposal includes no 'other land uses' within the building.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R3 Low Density Residential zone.

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

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

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the density control for certain residential accommodation Development Standard is assumed by the Local Planning Panel.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m (or established building line - 6.2m)	7.05m Basement	N/A	Yes
		9.1m to 10.0 Front wall	N/A	Yes
		0.0m Bin holding area	100%	No*
		5.8m to 6.8m Blade screen wall / eaves	6%	No*
			6%	No*

		Balcony edge 6.2m to 8.2m		
Rear Building Line	$S = 3 + (H-2) / 4$	6.0m Basement 6.0m Balcony / terrace 7.6m Wall line	N/A N/A	Yes Yes
Side Building Line	$S = 3 + (H-2) / 4$ (Eastern boundary) (4.0m to 4.5m)	0.0m to 1.0m Hydrant enclosure & ramp 4.5m Basement and Lower level 4.2m to 6.2m Ground level 6.0m to 3.8m Wall line 16.4m Level 2	100% N/A N/A N/A	No* Yes Yes Yes
	$S = 3 + (H-2) / 4$ (Western boundary) (4.0m to 4.5m)	2.0m to 5.3m Basement 3.0m to 6.0m Ground level 3.0m to 6.0m Level 1 7.4m to 9.0m Level 2	N/A N/A N/A N/A	Yes Yes Yes Yes
Building envelope	45 degrees at 4.2m	Within envelope	N/A	Yes
	45 degrees at 4.2m	Within envelope	N/A	Yes
Landscaped area (Site area 2,548.7sqm)	50% 1274 sqm	47.3% 1205 sqm	2.7%	No*

*Refer to detailed merit assessment under the heading 'Built Form Controls' within this Report.
(Note: SEPP 65 prevails over Pittwater DCP where there is inconsistency between the built form controls. See assessment details under the heading SEPP 65)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.9 Mona Vale Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.3 Greywater Reuse	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	Yes	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A4.9 Mona Vale Locality

Consistency with the desired future character (DFC) of the Mona Vale Locality is addressed as follows:

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale.

Comment:

- The DFC emphasises that building height limit is a development control measure to ensure the landscape setting is dominant over local trees in this urban zone and the proposal has maintained compliance and allowed landscape space for the amenity provided by new canopy trees adjacent the building. In addition some minor design refinements have been during the assessment to better respond to the DFC and reduce impacts associated with building bulk which is satisfactory.

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like.

Comment:

- The proposal has incorporated appropriate façade modulation to provide visual interest and amenity including a contemporary roof form. This includes the recess sections and window treatment along the side elevations to minimise privacy impacts and incorporate balcony elements and screens where appropriate. A balance of shade elements for windows and screens assist to provide facade modulation and include use of some screens, feature materials and balconies to add to the visual interest of the building and break up building bulk along the

wall planes.

Building colours and materials will harmonise with the natural environment.

Comment:

- The DFC seeks that external colours and materials should include colours and material in a palette style that is in harmony with the coastal environment and the urban locality. The colours and materials selected are represented on the plans which is consistent with the DFC to include sandstone, masonry, concrete walls and materials that provides visual interest and suitable for the urban setting.

In summary, the design of the RFB appropriately responds to the topography and site constraints including the streetscape and context of adjacent land uses. The proposal maintains appropriate separation to the adjacent buildings. There are no natural hazards present on the site such as flooding, slope or acid sulfate residues that are prohibitive for the redevelopment of the site. A landscape setting is provided for the building and the size and scale of the building warrants the use of a basement carparking to provides off street parking for visitors and residents without an unreasonable amenity impact on the surrounding amenity.

C1.3 View Sharing

All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.

Comment:

- The proposal has been considered in the context of surrounding views and adjacent development, in particular potential views toward Mona Vale beach and a detailed consideration of view sharing is provided below. The surrounding and nearby properties have been visited (where access is available) or appropriate nearby vantage points used to consider views.

The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing.

Comment:

- The four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal as follows:

1. Nature of the views affected:

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

Comment:

- A site visit of the subject property, adjacent buildings of No.46 and No.48 Golf Avenue and No.13 Darley Street East investigating potential view lines from the vicinity revealed that the 3 storey flat building at No.54 Golf Avenue and buildings along Surfview Road and dense canopy trees in the vicinity Surfview Road and Darley Street East substantially blocks views of the coastline from the north east to south east with only a minor gap to the north east, however the distant ocean horizon to the is visible above 54 Golf Avenue (RL19.10). A substantial view corridor to the south east existing that includes the beachfront, golf course area, and Warriewood headland. The headland element and foreshore area being a focal (iconic) point to the view (land / water interface). The view is partly interrupted by Norfolk Pine trees in Golf Avenue but includes elements of the fore-dune open space area along the southern end of Mona Vale Beach.



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- *Figure 3: North eastern view toward Surfview Road (First floor level No.48 Golf Avenue).*



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- *Figure 4: Easterly / South easterly view over site toward ocean horizon and Warriewood Headland (First floor level No.48 Golf Avenue).*

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

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

Comment:

- Views from No.48 Golf Avenue are across the side boundary but are interrupted by development and canopy growth on properties to the northeast by development along Surfview Road. Views to the south east from Level 1 within No.48 Golf Avenue are possible from standing position, but the existing concrete balustrades for the balconies obstruct view lines from a sitting position. An alternative view is available from side bedroom windows on the northern elevation at Level 1 (see Insert 1 above) however the view is across a rear boundary (western side of the subject site) and will be obscured by proposed Unit B-2.01. The north-easterly views however are principally retained for Level 2 and above within No.48 Golf Avenue due to the much higher floor level. Views toward Warriewood Headland are gained from kitchen and living areas and balconies within No.48 Golf Avenue. While this view is across a side boundary the building of No.48 Golf Avenue has a staggered balcony arrangement intended to capitalise on the eastern and south-eastern view. Therefore, this water view is highly valued (see Insert 2 above).

Due to the higher topography of No.46 Golf Avenue and high boundary wall the views across the site the proposed building is setback from the rear boundary and is offset from the north-eastern view line.

3. Extent of impact

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

Comment:

- The extent of the impact is greatest for the rear Level 1 Unit (northern) within No.48 Golf Avenue because the viewing angle is diagonally across the depth of the site but the existing view is from balcony / living area and is highly valued since it is more restricted than units closer to Golf Avenue. The alternate view from north facing windows has limited water views due to the pattern and density of development along Darley Street East and Surfview Road. The impact on views for the rear units at Level 1 within No.48 Golf Avenue is assessed as being **moderate**. It is not assessed as minor as there are other elements of the proposal that will affect the view, including parapets, roof top plant enclosures and Unit B-2.01 when considering the whole of the view from northwest to the southeast. The view line to Warriewood Headland will be marginally affected but mostly affects the foreground area where the existing Norfolk Pine trees are located and the land area. The majority of water view area is maintained.

4. Reasonableness of the proposal that is causing the impact

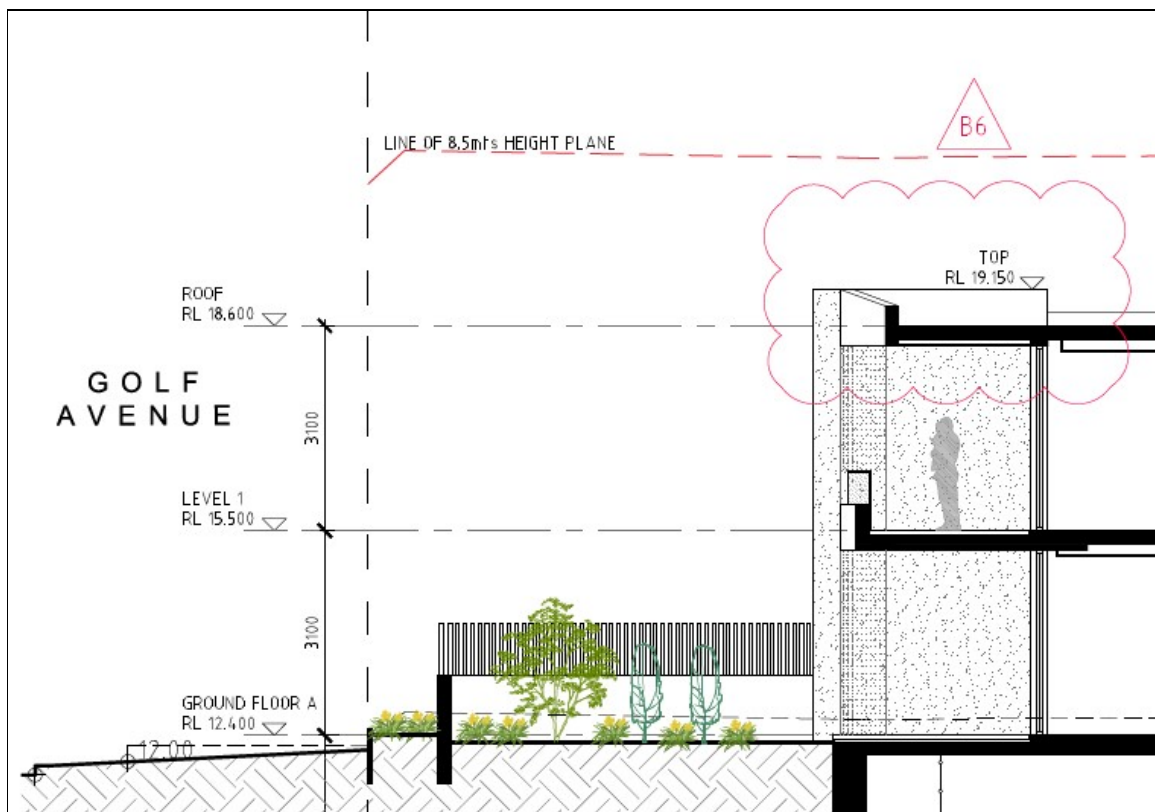
The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls,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

Comment:

- In final consideration of the view assessment criteria pursuant to the NSW Land and Environment Court's planning principles for view sharing, the development has been subject to some minor amendments to ensure water view impacts are minimized by lowering the front of the building roof level and additional view analysis including landscape (tree planting) considerations to provide a reasonable development for the medium density location that is compatible in terms of amenity, views, building bulk, setbacks and spatial separation with a skillful design. In this regard, view sharing impacts are reasonable in context of the surrounding urban environment and location.



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- *Figure 5: View impact reduced by lowering of parapet and clerestory parapet element at the front of the building from RL19.55 shown to RL19.15 (Figure 6 below)*



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- *Figure 6: Parapet level change (reduced by 400mm).*

Pittwater DCP Merit Assessment

Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.

Comment:

- The building has been setback on an appropriate alignment to provide appropriate side setbacks for the development and a low profile roof with acceptable floor to floor heights (that are not excessive). Due to the established pattern of existing residential apartment buildings at No.48 Golf Avenue and development along Surfview and Darley Street East views directly east and north east are limited at first floor level. The applicant has demonstrated that view impacts are not unreasonably affected given the pattern of surrounding development and views considered, in part and as a whole, from surrounding land.

Views are not to be obtained at the expense of native vegetation.

Comment:

- The proposal has included landscaping and around the periphery of the building and the DCP gives priority to canopy trees in terms of views. Notwithstanding the tree planting proposed is appropriate within the setback areas, subject to conditions, including the street frontage whereby a landscape setting is required that is commensurate with the height of the building including native trees have been selected that are suitable to the coastal environment. The existing large fig tree at the rear is to be retained.

Conclusion

The proposal is considered satisfactory in terms of view sharing issues with the design changes made (Issue B dated 8.9.2020, drawn by PBD Architects) and pursuant considerations made pursuant to *Clause 1.3 View Sharing*.

C1.5 Visual Privacy

Merit consideration of residential visual privacy is addressed as follows:

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

Comment:

- The proposal has been designed to ensure balanced privacy for the design by the use of landscaping, window screens, balcony spaces and building separation to adjacent building windows. Additional detail has been provided for privacy screens to demonstrate screening (see Privacy detail DA900, and Section C detail DA301, dated 8.9.2020, drawn by *PBD Architects*). The use of privacy screens includes fixed and sliding screens to enable sunlight and privacy to be increased / optimised throughout the day. At ground floor level privacy is adequately screened by a combination of ground level planting, boundary fencing, separation and window positioning.
- At the upper level bedrooms are generally located toward the side walls with kitchen / dining / living areas oriented toward Golf Avenue or the northern (rear) setback. While bedrooms are generally low use rooms during the day and used for sleeping at night additional details for privacy screening is provided as show on the plans for screening devices (PS-1, PS-2 and PS-3) to minimise privacy impacts toward Units within No.54 Golf Avenue. Spatial separation and

higher floor levels within No.48 and No.48 Golf Avenue provides greater privacy separation and an overlooking advantage to these two properties across the site. With regard to dwellings to the north addressed to Darley Street East, the proposal provides a wide landscape rear setback, privacy screens to all balconies and landscape planters to limit overlooking. This includes the top level Unit B-2.01 and the private open space terrace area provided for that unit that is setback and has a surrounding landscape planter to ensure no unreasonable privacy or overlooking impacts.

A sense of territory and safety is provided for residents.

Comment:

- The proposed flat building has a high level of definition between the public domain and the interior of the building including appropriate use of landscaping, fencing, staff facilities and entry areas to ensure a sense of territory, safety and security for occupants. This includes formal landscaping with pathway connections to clearly defined foyer / entry points and secure basement parking with lift access.

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

Comment:

- The proposal maintains appropriate levels of both visual privacy through design elements integrated to balcony areas (such as dimensions and planter boxes) and orientation of internal living and screening devices relative to adjoining living or bedroom and bathrooms and open space areas to ensure no unreasonable impact. Where terraces / balconies are located toward a side boundary the area / dimensions design of the balcony / terrace includes screening devices and narrow balcony widths are provided to limit usability off bedrooms. Angled and slot style windows are also used along the side elevations, particularly for the upper floors to limit privacy impacts.

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

Comment:

- The proposed building, is within a medium density urban environment and views have been restricted from individual Units to maintain consistency with this objective. No private open space located along eastern side of No.54 Golf Avenue as the balcony are located on the eastern side of this building. However fixed privacy screening devices and landscaping is provided to limit overlooking and viewing opportunities between the subject building and No.54 Golf Avenue. For the properties of No.48 and No. Golf Avenue these properties generally overlook the site from a higher level, and a wider side building separation distance exists due to the existing building positions / orientation. For the properties to the north (addressed to Darley Street East) a wide and commensurate rear setback is provided to maximise landscape buffer. In addition to this privacy screen planter boxes for balconies and privacy screens are to be provided to limited direct views toward the rear yards of these properties.

Within the development itself terrace areas at the lower level are recesses to ensure upper units cannot look into any lower unit terraces. In addition to this the side walls provided for the upper terraces restrict cross views toward adjacent private open space / balconies and terraces.

D9.6 Front building line

The proposal has a partial non-compliance for built form elements forward of the front setback alignment (average), including the bin enclosure / entry awning / front blade wall feature. The minimum required 6.5m or greater corresponding building alignment applies.

Comment:

Merit consideration of the non-compliance with the front setback control and objectives is addressed as follows:

- It is considered that the RFB building proposed satisfies the objectives of the front setback control by a design appearance that is consistent with the desired future character of the Locality that is consistent with other medium density development nearby and the building is in keeping with the height of the natural environment.
- The RFB proposal does not have an unreasonable impact on views and vistas to and/or from public/private places and the setback reinforces and appropriately relates to the spatial characteristics of the existing urban environment.
- The setback does not unreasonably impact on the amenity of residential development adjoining, including pedestrian safety, landscaping and vehicle access / egress, subject to conditions.

D9.7 Side and rear building line

The proposal includes a variation to the side setback for the basement ramp that is setback 1.0m (at 1m deep) along the ramp until it curves back under the building within the main basement area. A hydrant booster is also located on a nil setback adjacent the ramp.

Merit consideration objectives on the control as relevant to the variation to the side setback is addressed as follows:

Comment:

- The variation to the side setback for the basement ramp does not create an unreasonable impact on surrounding amenity. A narrow landscape buffer is provided (adjacent No.54 Golf Avenue) and the ramp area is also utilised for an on-site detention (OSD) tank underneath. The passing bay / driveway width is required to optimise safe access in connection with the traffic engineering / development engineering requirements for vehicle to be able to pass or clear the street frontage prior to entering the basement parking.
- The overall design of the bulk and scale of the building, landscaping setting and spatial separation to adjacent development is considered to be consistent with the desired future character of the Locality in the context of the objectives for the R3 Medium Density Zone.

D9.10 Landscaped Area - General

The proposal has 1,205 sqm of landscaping, which is a 2.7% shortfall of landscaped open space based on the requirements of the DCP, which is 50% of the site area.

Merit consideration of the variation to landscaped open space is addressed as follows:

Comment:

- The proposed RFB building includes a built form that is screened and softened by landscaping which includes canopy trees as well as small, medium plantings within the setback areas to compliment the amenity of the building. Landscaping planting is commensurate with the scale and form of development inclusive of the allows to use ground level open space areas as common open space for the enjoyment of residents and visitors to the RFB.
- An arboricultural assessment report provides a detailed assessment of trees to be retained that those to be removed within the site. The landscape plan prepared by *Black Beetle Landscape Architecture and Design* includes a mix of native landscape planting that used screening plants, massed planting where appropriate and lawn areas with canopy trees to provide a landscape setting for the building.
- Edge planting is also used along the driveway and against the side of the building where appropriate to provide a buffer to adjacent property or the edge of the building (No.48 and No.54 Golf Avenue) to soften the appearance of hard surface areas / pathways / terraces.
- The landscaping proposed will not unreasonably obstruct driver or pedestrian visibility and provides visual interest to the building when viewed from street. Landscaping elements are integrated in to the building design by the use of wide setbacks and building modulation, including planter boxes on balcony spaces at the front and rear elevations.
- The proposed two sections / modules of the RFB includes a built form that is screened and softened by landscaping which includes canopy trees as well as small, medium plantings within the setback areas to compliment the amenity of the building. Landscaping planting is commensurate with the scale and form of development inclusive of the allows to use ground level open space areas as common open space for the enjoyment of residents and visitors to the RFB. Major trees on the site will be maintained on the far western boundary and replacement planting provided where some existing trees are unsuitable to be retained (due to construction work or species type).
- An arboricultural assessment report provides a detailed assessment of trees to be retained that those to be removed within the site. The landscape plan prepared includes a mix of native landscape planting that used screening plants, massed planting where appropriate and lawn / garden areas with canopy trees to provide a landscape setting for the building. Edge planting is also used along the driveway and against the side of the building where appropriate to provide a buffer to adjacent property or the edge of the building to soften the appearance of hard surface areas / wall planes.
- The landscaping proposed will not unreasonably obstruct driver or pedestrian visibility and provides visual interest to the building when viewed from street. Landscaping elements are integrated in to the building design by the use of wide setbacks and building modulation, including planter boxes on balcony / terrace spaces at the front, side and rear elevations.
- Overall a landscape setting is maintained for the curtilage of both buildings with minimal offset in parts of the site such as the driveway entry, pedestrian access and setback zones where the basement is close to the surface.

(Note: In addition, to the above merit assessment see further comments within this report under the

heading "SEPP 65 Design Quality of Residential Apartment Development" regarding non-compliance with the SEPP provisions for landscape open space)

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$95,746 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$9,574,594.

CONCLUSION

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

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

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

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

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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Pittwater Local Environment Plan 2014 seeking to justify a contravention of 'Clause 4.3 Height of Buildings' and 'Clause 4.5A Density controls

for certain residential accommodation' has adequately addressed and demonstrated that:

- a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- b) There are sufficient environmental planning grounds to justify the contravention.

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

The proposed residential flat building is considered to be a suitable and appropriate form of development for the site and is in context with the residential scale and pattern of development in the R3 Medium Density Residential zone. Principal environmental impact considerations with the proposal relate to the dwelling density control (Clause 4.6 variation), views, bulk, private open space, traffic and parking access, building height (Clause 4.6 variation), spatial separation (such as wall height and landscape areas), privacy, overshadowing, urban character, construction impacts (during works) and stormwater management.

The public submissions received have been considered and are addressed within this report, and by plan amendments provided to accommodate those issues, or by way of conditions applied where appropriate to address those concerns, including; landscaping, privacy, bulk, overshadowing, views, traffic safety, parking, access, excavation work and view sharing. The proposal will not have an unreasonable impact in relation to view sharing considerations from adjacent and nearby properties in Golf Avenue. Additional amenity impacts such as may commonly arise during construction works are addressed by standard conditions (including dilapidation, dust, noise, site management and the like). Suitable conditions are recommended to address stormwater engineering, vehicle access and landscape related issues as detailed in this report.

During the assessment period, a number of design changes were made by the applicant to overcome technical issues and assist in ensuring a design response that did not create unreasonable impacts on adjacent land while ensuring acceptable standards of internal amenity for the building as required by SEPP 65 and the ADG. The issues raised by submissions received have been considered in the context of the proposal and some supplementary information / plan changes were provided to further assist engineering, traffic, landscaping, solar access, privacy, view considerations and some technical / compliance issues.

The requirements of the Pittwater LEP and Pittwater DCP apply and in this regard matters relating to desired future character, setbacks, building envelope, density, height, bulk and scale, external materials, overshadowing, privacy, views, stormwater and traffic have been addressed. In this case the non-compliances with the dwelling density and height controls, as well as merit assessment of setbacks and landscaping controls are addressed in accordance with the objectives and requirements of those considerations.

On balance, the proposal (as amended) does not create unreasonable amenity impacts and has appropriate merit for the type of redevelopment of the land proposed. The application has adequately addressed the concerns raised, environmental considerations, including the variations to the planning controls, and is therefore recommended for approval.

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

RECOMMENDATION

That Northern Beaches Council as the consent authority vary clause "4.3 Height of Building" and clause "4.5A Density Controls for certain residential accommodation" development standards pursuant to clause 4.6 of the PLEP 2014 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the Development Standards and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2020/0455 for Demolition works and construction of a residential flat building on land at Lot 1 DP 133456, 50 - 52 Golf Avenue, MONA VALE, Lot 2 DP 133456, 50 - 52 Golf Avenue, MONA VALE, Lot 1 DP 963829, 50 - 52 Golf Avenue, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA004 A Site Plan	9.4.2020	PBD Architects
DA100 B Basement Plan	8.9.2020	PBD Architects
DA101 B Ground Floor Plan	8.9.2020	PBD Architects
DA102 B Level 1 Plan	8.9.2020	PBD Architects
DA103 B Level 2 Plan	8.9.2020	PBD Architects
DA103 B Roof Plan	8.9.2020	PBD Architects
DA200 B Elevations 1	8.9.2020	PBD Architects
DA201 B Elevations 2	8.9.2020	PBD Architects
DA202 B Elevations 3	8.9.2020	PBD Architects
DA300 B Section A	8.9.2020	PBD Architects
DA301 B Section B & C	8.9.2020	PBD Architects
DA400 B Materials Schedule 1	8.9.2020	PBD Architects
DA401 B Materials Schedule 2	8.9.2020	PBD Architects
DA900 B Privacy Screen Details	8.9.2020	PBD Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
Stormwater Management Plan Sheet 1	23.4.2020	Taylor Consulting
Stormwater Management Details Sheet 2	23.4.2020	Taylor Consulting
Driveway Plan Sheet 3	23.4.2020	Taylor Consulting

Driveway Long Sections Sheet 4	23.4.2020	Taylor Consulting
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Construction Traffic Management Plan 19.656r02v02	April 2020	Traffix
Site Investigation Report E24490.E02_Rev01	28.2.2020	EI Australia
Geotechnical Report E24490.G03	12.2.2020	EI Australia
BCA Assessment Report	22.4.2020	Building Group Control
Access Report 20018	April 2020	Access-i
Arboricultural Impact Assessment	April 2020	Urban Forestry Australia
BASIX Certificate 1090600	24.4.2020	Eco Certificates 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
LA LP 01/06 Landscape Plan Basement Plan	11.9.2020	Black Beetle Landscape Architecture
LA LP 02/08 Landscape Plan Ground Floor	11.9.2020	Black Beetle Landscape Architecture
LA LP 03/06 Landscape Plan Level 2	11.9.2020	Black Beetle Landscape Architecture
LA LP 04/03 Landscape Plan Schedule	11.9.2020	Black Beetle Landscape Architecture

Waste / Sediment / Works Management Plan		
Drawing No/Title.	Dated	Prepared By
DA002 A Demolition Plan	9.4.2020	PBD Architects
Operational Waste Management Plan SO469	21.4.2020	EF Recycling Solutions
Waste Management Plan	23.4.2020	PBD Architects
Erosion and Sediment Control Plan Sheet 5	28.4.2020	Taylor Consulting
DA570 Excavation Diagram	20.4.2020	PBD Architects

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.
(In the conditions "interim/final" is intended to allow a Certifier to select the suitable or appropriate time or phase to meet the requirement.)

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	2.7.2020

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

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

3. Roof top installations

Roof top satellite dishes, solar panels, antenna, venting plant and the like are not to be placed in any roof top areas outside the two roof plant enclosures shown on the approved plans (issue B) dated 8.9.2020 drawn by *PBD Architects*.

4. 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.

5. 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) All sound producing lift plant, door motors, air conditioning machinery or fittings and the like, to service the building must not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room (s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

- (o) 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 2008
 - (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.

6. **Demolition Traffic Management Plan; Staff and Contractor Parking**

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

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the

surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.

- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

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

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

Reason: To ensure minimum impact of construction activity on local parking amenity.
(DACTRBOC3)

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$95,745.94 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$9,574,594.00.

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

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

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

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

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

8. 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.

9. Construction, Excavation and Associated Works Bond (Installation of 375mm RCP Drainage Line Golf Parade)

The applicant is to lodge a bond of \$75,000 as security against any damage or failure to complete the construction of the 375mm RCP stormwater drainage line and inlet pits in Golf Parade 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.

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

The developer/applicant must lodge with Council a maintenance bond of \$10,000 for the construction of 375mm RCP Drainage line in Golf parade. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

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

11. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to

RMS standards by an appropriately certified person.

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

12. On-site Stormwater Detention Details

The Applicant is to provide stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's – PITTWATER DCP21, and generally in accordance with the concept drainage plans prepared by *Taylor consulting*, drawing number 1-3, dated 23 April 2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or Professionals Australia RPENG(Civil).

The drainage plans must address the following: i. Provision of basement pumpout plans/details including calculations for sizing of the pumps and sump.

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.

13. Submission Roads Act Application for Civil Works in the Public Road- Construction of 375mm RCP line in Golf Parade

The Applicant is to submit an application for approval for the proposed construction of a 375mm RCP stormwater line in Golf Parade within Council's roadway. Engineering plans for the new development works within the road reserve are to be generally in accordance with the drainage concept plans prepared by Taylor Consulting dated 23 April 2020 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 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 with NER or RPENG (Civil) accreditation. The design must include the following information:

- 1) A catchment and HGL analysis using the DRAINS model is to be prepared to support the sizing of the new 375mm RCP line.
- 2) All service utility locations are to be detailed on the drainage line long section.
- 3) The downstream drainage line running from Pit SPP 54358 to Pit SPP 54357 is to be condition reviewed and the report submitted to Council to determine if this line needs to be renewed as part of this application.

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

The Council 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.

14. Utilities Services

Prior to the issue of the Construction Certificate, the Applicant is to obtain the following:

- (a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and
- (b) Evidence that notification has been received from a utility authority that, requirements for the development can be provided.

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

Reason: To ensure that services have been provided as required by this Consent.

15. 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.

16. Sub-Soil Seepage

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

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

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

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

17. 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.

18. 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

19. Pre-commencement Dilapidation Report

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

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

Reason: Protection of Council's infrastructure during construction.

20. 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 Standards* 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.

21. 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.

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;

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

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. Confirming appropriate measures have been considered for site

access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site. (DACTRCPC1)

22. **Waste and Recycling Requirements**

Details demonstrating compliance with Warringah Development Control Plan – Part C9 Waste Management, including the required Northern Beaches Council Waste Management Plan, 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 Warringah Development Control Plan - Waste Management, 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. (DACWTC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. **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, and in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Urban Forestry Australia dated April 2020.

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.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment under Appendix C Tree Protection Devices, and Appendix D Tree Protection Plan, including:

- i) oversee and approve tree protection measures during all stages of development - demolition, excavation and construction within the tree protection zone, and the location and installation of the tree protection fencing for T1 - Paperbark located within the road verge,
- ii) oversee and approve tree protection measures during all stages of development - demolition, excavation and construction within the tree protection zone, retention of the existing wall and construction of the new wall in front, retention of existing ground levels and ground protection, and the location and installation of the tree protection fencing for T7 - Port Jackson Fig located within the site,
- iii) oversee and approve tree protection measures should existing roots be encountered within the tree protection zone of T2, T3, T4, T13, T14, T15, and T16 within adjoining properties.

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) as listed under items i). ii). and iii) 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: 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.

Reason: tree protection

24. **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.

Property / Properties:

- 46 Golf Avenue
- 48 Golf Avenue
- 54 Golf Avenue
- 17 Darley Street East
- 13 Darley Street East
- 11 Darley Street East
- 9 Darley Street East

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.

25. **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.

26. Tree removal within the property

This consent approved approval to remove the following trees within the property as recommended in the Arboricultural Impact Assessment:

T10 Giant Bird of Paradise, located as shown in Appendix G: Tree Location Plan.

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

T5, T6, T8, T9, T11, T12, T17, T18, T19, T20, T21, T22, and T23, located as shown in Appendix G: Tree Location Plan.

Reason: to enable authorised building works

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

27. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Transport for NSW Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly (DACTRDP1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

28. 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.

29. 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.

30. **Survey Certificate**

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

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

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

(c) At completion of the roof frame confirming the finished roof line, parapet, roof top screening elements and ridge heights are in accordance with levels indicated on the approved architectural plans (Issue B) dated 8.9.2020 drawn by *PBD Architects*.

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

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

31. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site 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.

32. **Progress Certification (Road & Subdivision)**

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by Northern Beaches Council for the following stages of works:

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits

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

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

33. **Civil Works Supervision**

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

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

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

34. **Footpath Construction**

The applicant shall reconstruct the existing concrete footpath in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's engineering drawings.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of the occupation certificate

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

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

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

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits

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

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

36. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with *Northern Beaches Council Drawing No A4-3330/ Normal* and the driveway levels application approval.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

37. **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

38. **Protection of existing street trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages.

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

Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

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

Reason: street tree protection

39. **Tree and vegetation protection**

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture
- iii) removal of existing tree roots greater than 25mm 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 greater than 25mm diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.
- xi) the tree protection measures specified in this clause must:

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

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment prepared by Urban Forestry Australia dated April 2020.

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

40. **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.
(DACTREDW1)

41. **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.

Staff and Contractor Parking - CTMP

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: to ensure compliance of the developer/builder in adhering to the Construction Traffic

Management procedures agreed and are held liable to the conditions of consent.
(DACTREDW2)

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.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

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.
(DACWTE02)

**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 Landscape Plans identified as LP01 (issue 06), LP02 (issue 08), LP03 (issue 06), and LP04 (issue 03), prepared by Black Beetle Landscape Architecture and Design, inclusive of the following conditions:

i) all tree planting shall be located at least 3 metres from any building, located at least 2 metres from common boundaries and at least 4 metres from each and all other trees.

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. Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,

- Should any damage have occurred, suggested remediation methods.

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

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

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

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

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

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

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

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

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

48. 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.

49. Post-Construction Dilapidation Report (Major Development)

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

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

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

50. Garbage and Recycling Facilities

All internal walls of the storage area 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.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

51. House / Building Number

The street address building number is to be affixed to the fence / letterbox point 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.

52. 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.

53. Convex Mirrors

A convex mirror is to be installed at an appropriate location at the bottom of the ramp to the

basement car park in conjunction with a passing bay provided by widening the access driveway to 5.5m for the first 6.0m within the property boundary, in lieu of the traffic light system (indicated on Basement and Ground Floor Plans DA100, DA101 Issue B).

Convex mirrors are also to be installed at opposite ends of the single lane parking aisle. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To provide visibility of entering vehicles and minimise conflict within the basement car park. (DACTRFPOC1)

54. **Linemarking of Waiting Bays– Internal; Accessible Parking Spaces**

Linemarking of Waiting Bays– Internal.

All waiting bays in the basement car park are to be clearly linemarked.

Accessible Parking Spaces

Where accessible parking spaces are provided they must be in accordance with AS2890.6:2009

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

Reason: To ensure compliance with Australian Standards and minimize conflicts in the basement car park. (DACTRFPOC3)

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

The proposal shall be constructed in accordance with Northern Beaches Council Waste Management Plan (WMP) and WMP details provided by the applicant.

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. (DACWTF01)

56. **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. (DACWTF02)

57. **Positive Covenant for Waste Services**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands.

Northern Beaches Council Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

58. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard 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. (DACWTF04)

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

59. Landscape maintenance

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

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

Reason: to maintain local environmental amenity

60. Transfer of Waste Bins between Basement Binroom and 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. (DACHEGOG1)

61. Washing of Vehicles

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or re-used on the site. Any such alternative option is to comply with all relevant Standards.

Reason: To ensure that wastewater is disposed of in a manner that is not harmful to the environment.

