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Town Planners

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Residential Flat Development

4 BROOKVALE AVENUE BROOKVALE

Statement of Environmental Effects

PROPOSED RESIDENTIAL FLAT DEVELOPMENT

4 BROOKVALE AVENUE, BROOKVALE

Prepared under instructions from

Lotus Projects

And

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By

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1.0 INTRODUCTION

This document accompanies a development application that proposes the demolition the existing site improvements and the construction of a stepped multi-level residential flat building containing 11 apartments and basement parking for 17 vehicles on the subject site. The application also proposed the implementation of an integrated site landscape regime.

The architect has responded to the client brief to provide for a residential development of exceptional design quality which provides superior levels of amenity to future occupants whilst maintaining appropriate levels of amenity to the adjoining and nearby residential properties. The built form outcome acknowledges the constraints imposed by geometry and landform and provides for a highly articulated and modulated building which steps down the site in response to topography and which provides for the retention of large areas of rock outcrop. The integrated site landscape regime will ensure that the building sits within a landscape setting.

We note that there is no minimum lot size standard applicable to this form of development on this particular site or within the R3 Medium Density Residential zone generally. No. 2 Brookvale Avenue has a similar lot size and geometry to that of the subject site and has already been developed for residential flats in accordance with a similar suit of built form controls. The development of this adjoining site clearly demonstrates that the subject property is capable of being developed as a stand-alone site without the need to consolidate with adjoining properties. Further, the development of this particular site does not impact the development potential of No's 6 and 6A Brookvale Avenue which can be developed concurrently or consolidated with other adjoining sites.

Given the design and orientation of the development and its highly articulated and stepped building form we have formed the considered opinion that the proposed development is contextually appropriate, will afford a high level of amenity to future occupants and will not give rise to any unacceptable environmental, residential amenity or streetscape consequences. We confirm that the final design outcome responds to the issues and considerations identified as a result of formal pre-DA discussions and has been developed having regard to the following statutory planning regime:

- The Environmental Planning and Assessment Act, 1979 as amended ("The Act");
- The Environmental Planning and Assessment Regulation ("The Regulation");
- Warringah Local Environmental Plan 2011 ("The LEP"); and
- Warringah Development Control Plan ("The DCP").

- State Environmental Planning Policy No. 55 – Remediation of Land; and

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.

Architectural drawings including floor plans, elevations and sections have been prepared in relation to the development proposed. The application is also accompanied by a survey plan, shadow diagrams, traffic and parking report, arborist report, landscape plan, geotechnical report, construction traffic management plan, schedule of finishes, waste management plan, concept drainage plans, access report, BCA report, BASIX certificate, QS report, photomontage and a model.

The proposal is permissible and in generally in conformity with the development standards applicable to this form of development on this relatively steep allotment. In this regard, the development does not defeat the objectives of the zone or applicable controls/ development standard and accordingly strict numerical compliance with the height of building development standard has been found to be both unreasonable and unnecessary under the circumstances with the accompanying clause 4.6 variation request well founded.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document succeeds on merit and is worthy of the granting of development consent.

2.0 SITE DESCRIPTION AND LOCATION

The site is legal described as Lot 45, DP 6040, No. 4 Brookvale Avenue, Brookvale. The allotment is splayed in geometry having a front boundary width of 15.24 metres before splaying out to a rear boundary width of 30.48 metres and a variable depth of between 55.285 and 60.04 metres. The site has an area of 1298m^2. The site is relatively steep rising approximately 22 metres across its surface from the street frontage. The property contains a number of exposed rock outcrops which extend onto adjoining properties. A number of tress are located around the permitter of the property none of which are considered significant in terms of their species, form or landscape contribution. The established site circumstance is depicted in the survey plan at Figure 1 below

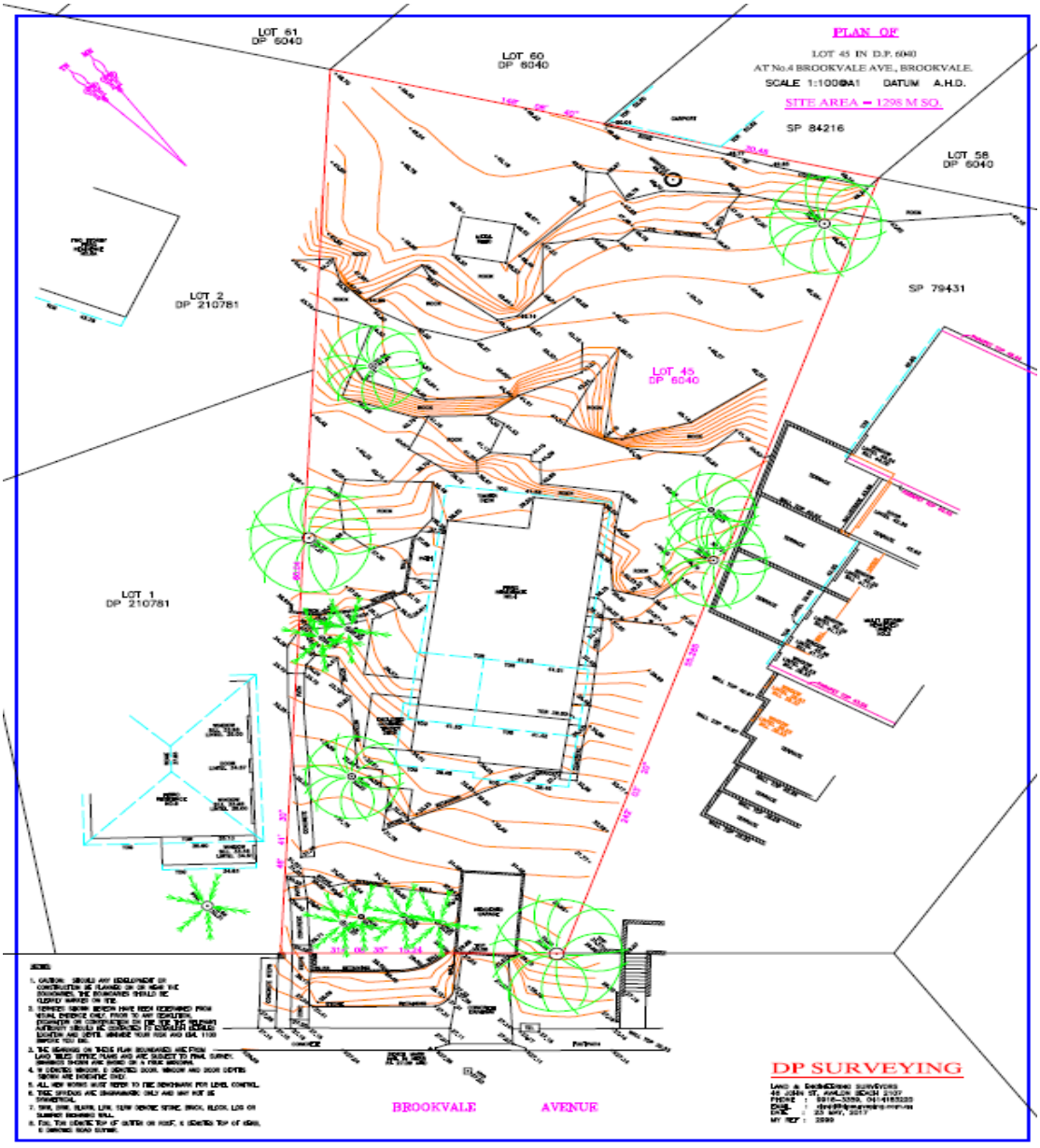

Figure 1 – Site survey

The property is occupied by a fibro clad residence located on the central part of the property. A single detached garage is located immediately adjacent to the property frontage and excavated into the site with vegetation at the front of the site screening the majority of dwelling house as viewed from the street.

Figure 2 - Subject property as viewed from Brookvale Avenue

The property to the south-east known as No. 2 Brookvale Avenue is occupied by a multilevel rendered residential flat building with basement car parking accessed from the Brookvale Avenue frontage. This property is similar in geometry to the subject allotment with an exposed area of rock outcrop maintained in its north-western corner. The properties to the north-west, comprising No's 6 and 6A Brookvale Avenue are occupied by detached dwelling houses No. 6A located on a battle axe-allotment.

The properties to the rear are occupied by detached dwellings and located at a much higher elevation with frontage and address to Beacon Hill Road. A residential flat building is located opposite the subject site in Brookvale Avenue with such property extending through to Old Pittwater Road. The subject site is located within short walking distance of Westfield Warringah Mall and the Brookvale Local Centre which extends along Pittwater Road. The site also has immediate access to a number of open space recreational areas and regular B-Line bus services along Pittwater Road.

Figure 3 – Adjoining residential flat building at No. 2 Brookvale Avenue

Figure 4 – Aerial context photograph

3.0 DEVELOPMENT PROPOSAL

The scope of works is depicted on architectural drawings prepared by Barry Rush and Associates Pty Limited. Specifically the works involve:

- Demolition of the current site improvements and clearing of the land;
- Site excavation and basement construction incorporating 17 car spaces and storage;
- Construction of 11 x 2 bedroom residential apartments over 6 floor plates; and
- Implementation of an integrated landscape regime.

The basement is split over 2 levels with garbage and bulk goods storage areas conveniently accessed from Brookvale Avenue and integrated into the building design. The basement area also includes required bicycle storage, under ramp motor cycle parking spaces and a common WC.

Each of the floorplates are internally accessed via a common lift and stair core with each of the apartments having direct access to south-west facing terraces. The 2nd, 3rd and 4th floor levels also incorporate large storage areas for each of the apartments. Apartments 10 and 11 have been specifically designed and sited to retain the exposed rock formation towards the rear of the property consistent with that achieved at No. 2 Brookvale Avenue.

The application proposes the removal of a number of trees as detailed in the accompanying arborist report prepared by Tree Survey Pty Limited which identifies the need to remove 5 of the 6 reported trees and contains recommendations in relation to the retention and protection of Tree 1. The report also recommends compensatory plantings as detailed on the accompanying landscape plans prepared by Conzept Landscape Architecture. Such landscaping includes appropriate perimeter plantings to ensure that the building will sit within a landscape setting and a large north facing rear communal open space area.

All stormwater will be directed via an onsite stormwater detention system to the Brookvale Avenue frontage as depicted on the accompanying stormwater plans prepared by Civil and Structural Engineering Design Services Pty Limited.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.2 Warringah Local Environmental Plan 2011

4.2.1 Zone and Zone Objectives

The subject property is zoned R3 Medium Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (WLEP). Residential Flat Buildings are permitted with consent in the zone.

The stated zone objectives are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

The built form and the land use functions provided for by this application are consistent with the objectives of the zone and as anticipated by the zoning. The zoning of the land anticipates a medium density housing form with the topography of the site necessitating excavation and benching to accommodate off street parking and a 2 storey stepped building form as anticipated by the height standard/ control.

The resultant building form strikes a balance between overall building heights and excavation with a highly articulated stepped building form adopted together with a split-level parking outcome. The setbacks, building design and landscape regimes proposed will ensure that the building sensitively relates to the environmental characteristics of the site, will appear to sit within a landscaped setting and will not be perceived as inappropriate or jarring in a streetscape context.

The proposal is consistent with the zone objectives as outlined.

4.2.2 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5 metres above existing ground level as detailed on the heights of building map. The stated objectives of this clause are as follows:

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

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The dictionary to the LEP defines building height to mean:

> ***building height*** *(or* ***height of building****) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*
>
> ***ground level (existing)*** *means the existing level of a site at any point.*

The leading case authority which considers the definition of "ground level (existing)" is *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 which was followed in the recent decision of *Stamford Property Services Pty Ltd v City of Sydney & Anor* [2015] NSWLEC 1189.

In *Stamford Property Services*, the Court followed the reasoning adopted in *Bettar* and confirmed that "ground level (existing)" must relate to the levels of the site, and not to the building presently located on the site. In this regard the Court preferred the Council's method to determining the "ground floor (existing)" from which building height should be measured.

Council's approach required that the proposed height be measured from the ground level of the site where known and from the footpath level at the site boundaries extrapolated across the site, as this would reflect the sloping topography of the land, consistent with the approach adopted in *Bettar*.

In these proceedings the Court was satisfied that even though there was limited survey information available for the site, there was enough information to determine the "ground level (existing)" for the site based on actual and surveyed levels in the public domain (footpaths) which could be extrapolated across the site. In summary, the Court has confirmed that the definition of "ground level (existing)" from which building height should be measured:

- is not to be based on the floor levels of an existing building located on a site. This includes the entrance steps of an existing building.

- is not to include the basement floor or the soil beneath the basement following construction of the building or artificially modified levels.

- is to be based on the existing surveyed surface of the ground. For sites where access to the ground surface is restricted by an existing building, natural ground levels should be determined with regard to known boundary levels based on actual and surveyed levels.

From an analysis of the architectural plans and available survey information we confirm that the development has a maximum building height of 10.6 metres measured to the southern edge of the roof form over apartments 10 and 11. This represents a maximum non-compliance of 2.1 metres 24%. The southern edge of the Level 5 and 6 balconies also breach the height control with the balance of the development sitting comfortably below the 8.5 metre height standard as depicted in Figures 5 and 6 over page.

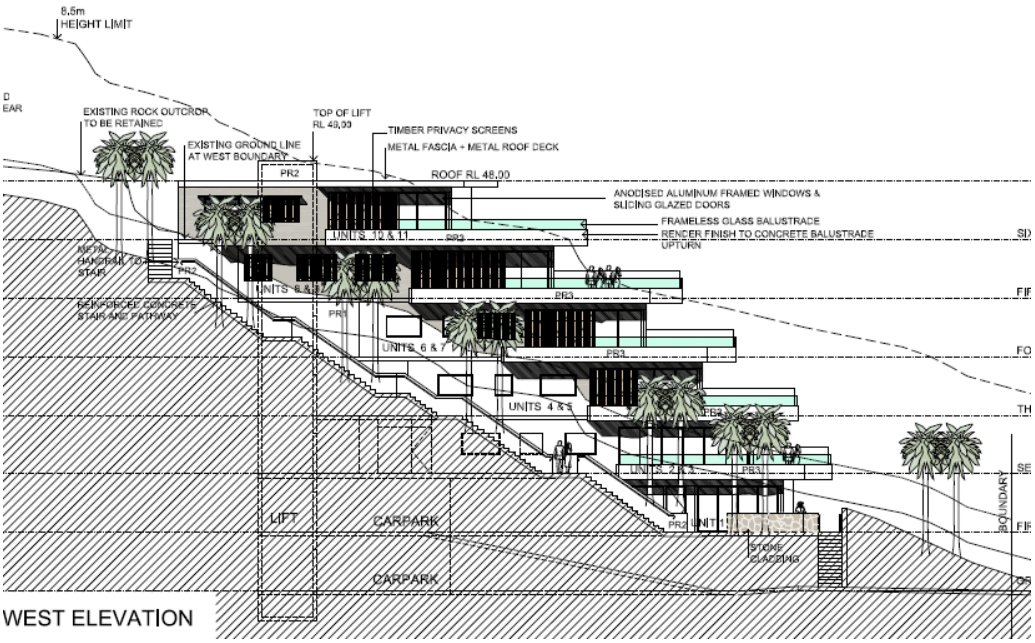

Figure 5 – Plan extract showing building height breach along western façade

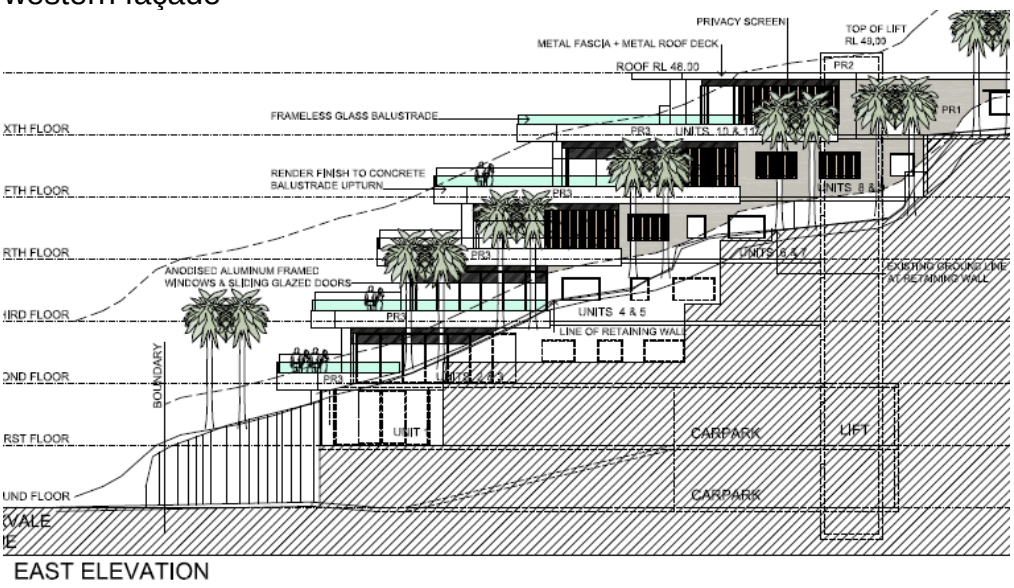

Figure 6 – Plan extract showing building height breach along eastern façade

Clause 4.6 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

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

Pursuant to clause 4.6(2) 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. This clause applies to the clause 4.3 Height of Buildings Development Standard.

Clause 4.6(3) states that 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.

Clause 4.6(4) states 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 Director-General has been obtained.

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Claim for Variation

Zone and Zone Objectives

The development permissibility and consistency with the zone objectives has been previously identified with there being no statutory planning impediment to the granting of consent.

Building Height Objectives

The development responds to the building height objectives as follows:

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

Comment: The subject site is located within an R3 Medium Density Residential precinct which is in transition and undergoing change with original detached dwelling houses being replaced with new medium density residential building typologies. An example of how a medium density form can be appropriately designed ono a steeply sloping site exists at No. 2 Brookvale Avenue, the property immediately to the south east of the subject site.

Design cues have been taken from this building with the design approach adopted resulting in a complimentary and compatible building form consistent with that anticipated in the R3 Medium Density Residential zone. In this regard, we have formed the considered opinion that the height, bulk and scale of the development are entirely consistent with the height and scale of surrounding and nearby medium density development.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development by virtue of its height offensive, jarring or unsympathetic in a streetscape and urban context. In this regard, it can be reasonably concluded that the development is compatible with surrounding and nearby development and accordingly this objective is satisfied.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment: Having undertaken a detailed site and context analysis and identified available view lines over the site we have formed the considered opinion that the height of the development, and in particular the non-compliant height components, will not give rise to any unacceptable visual, views, privacy or solar access impacts. We rely on the accompanying shadow diagrams (Plans A15 and A16) in this regard.

This objective is not defeated.

(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment: The non-compliant building height will not adversely impact on the scenic quality of Warringah's coastal and bush environments. This objective is not defeated.

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

Comment: The non-compliant building height elements will not significantly contribute to the visual bulk of the development as viewed from the street or any public area and certainly not to the extent where an observer would find the buildings height inappropriate or jarring in the context of surrounding medium density building forms.

Again, consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development, in particular the non-compliant building height elements, offensive, jarring or unsympathetic in a streetscape context.

We have formed the considered opinion that the proposal will maintain appropriate amenity in terms of solar access and privacy and will not give rise to any adverse public or private view affectation. In this regard, the development satisfies the objectives of the height of buildings standard and accordingly strict compliance is unreasonable and unnecessary under the circumstances.

In our opinion there are sufficient environmental planning grounds to justify the variation given the topography of the land which makes strict compliance difficult to achieve without excessive levels of excavation. The consistency of the building height proposed with that of other 2 storey stepped medium density building forms within the sites visual catchment and the general paucity of associated streetscape and residential amenity impacts also contribute to the acceptability of the variation sought.

In accordance with Clause 4.6(5) the contravention of the development standard does not raise any matter of significance for State or regional environmental planning with the public benefit maintained by Council's adoption of an application specific merit based assessment as it relates to building height within the 8.5 metre height precinct in which the site is located.

Conclusions

Having regard to the clause 4.6 variation provisions we have formed the considered opinion:

(a) that the site specific and contextually responsive development is consistent with the zone objectives, and

(b) that the site specific and contextually responsive development is consistent with the objectives of the building height standard, and

(c) that there are sufficient environmental planning grounds to justify contravening the development standard, and

(d) that having regard to (a), (b) and (c) above that compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case, and

(e) that given the design quality of the development, and the developments ability to comply with the zone and building height standard objectives that approval would not be antipathetic to the public interest, and

(f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning; and

As such, we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a building height variation in this instance.

4.2.3 Development on sloping land

Pursuant to Clause 6.4 WLEP 2011 the subject site is identified on the Landslip Risk Map. In this regard, the application is accompanied by a geotechnical site investigation report prepared by Civil and Structural Engineering Design Services Pty Limited.

The report addressees the extent of excavation proposed and confirms that subject to standard excavation support methodology that the level of excavation proposed is acceptable. No objection is raised to a condition requiring compliance with the findings of such report. Council can be satisfied that the clause 6.4 WLEP 2011 provisions have been achieved.

4.3 Warringah Development Control Plan

4.3.1 Built Form Controls

The following built form controls are applicable to the development as proposed pursuant to Part B of WDCP:

Standard	Control	Proposed
Storeys	2 storeys	We note that whilst the DCP storeys control derogates from the 8.5 metre height of buildings development standard that the building generally maintains a 2/3 storey stepped building form on a steeply sloping site. The objectives of the control are: • The building is not to visually dominate its surrounds • Minimise visual impact • Equitable sharing of views • Amenity of adjoining dwellings • Innovative roof design • To complement the building height control These objectives are consistent with those applicable to the clause 4.3 WLEP height of building standard and to that extent we rely on the clause 4.6 variation prepared in support of the relatively minor building height breaches previously identified.
Side boundary envelope	4m	With the exemption of the eastern and western edges of the building elements previously identified as breaching the 8.5 metre building height standard (Figures 5 and 6) the balance of the development is fully compliant with the side boundary envelope control. We have formed the considered opinion that the boundary setbacks and wall heights proposed are reasonable and appropriate given the steep topography of the site and the acceptability of residential amenity outcomes and landscape opportunities afforded around the perimeter of the

		building. The side boundary setbacks and associated wall heights maintain an appropriate spatial relationship with the adjoining development and provide opportunity for landscaping which will minimise the impact of the development when viewed from neighbouring properties. The development potential of adjoining properties is not compromised. Accordingly, strict compliance has been found to be both unreasonable and unnecessary under the circumstances having regard to the section 4.15 consideration which require Council to apply DCP provisions with a degree of flexibility having regard to the associated objectives.
Front Setback	6.5m	The entre development, including the basement, complies with the 6.5m front setback control with appropriate landscape treatments softening and screening the development in a streetscape context. This includes the retention of Tree 1 at the front of the site.
Side boundary setback	4.5m to building and 2.0m to basement	The basement has been setback between 2.1 and 2.8 metres from the side boundaries in strict accordance with the control. The above ground building components, with the exception of minor wrap around balcony projections and associated privacy attenuation screens, maintain a minimum 4.5 metre setback to both side boundaries in strict accordance with the control. The objectives of this control are as follows: • *To provide opportunities for deep soil landscape areas.* • *To ensure that development does not become visually dominant.* • *To ensure that the scale and*

		bulk of buildings is minimised. To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained. • *To provide reasonable sharing of views to and from public and private properties.* We have formed the considered opinion that the boundary setbacks and wall heights proposed are reasonable and appropriate given the steep topography of the site and the acceptability of residential amenity outcomes and landscape opportunities afforded around the perimeter of the building. The side boundary setbacks and associated wall heights maintain an appropriate spatial relationship with the adjoining development and provide opportunity for landscaping which will minimise the impact of the development when viewed from neighbouring properties. The development potential of adjoining properties is not compromised. Accordingly, strict compliance has been found to be both unreasonable and unnecessary under the circumstances having regard to the section 4.15 consideration which require Council to apply DCP provisions with a degree of flexibility having regard to the associated objectives.
Rear boundary setback	6.0m	The development complies with the 6 metre rear setback control as nominated on the architectural plans. The rear setback is available for deep soil landscape elements as nominated on the accompanying landscape plan.

4.3.2 Design Factors

D1 Landscaped Open Space

The control requires a minimum 40% site landscaping. The development provides for 518.7 square metres or 40% landscaped area in strict accordance with the control as depicted on the landscape plan LPDA-18 (Page 1) prepared by Conzept Landscape Architects.

The landscape plan provides for a landscape outcome that will ensure that the development sits within a landscaped setting and that the development is softened and screened when viewed from outside the site. It is considered the development also satisfies the objectives of the control.

D2 Private Open Space

All units achieve a minimum $10m^2$/unit and 2.5m dimension.

D3 Noise

It is considered the performance obligation in relation to the operation of plant associated with the development can be conveniently conditioned as a component of any consent.

D4 Electromagnetic Radiation

There are no generating facilities within the immediate vicinity of the site.

D5 Orientation and energy efficiency

A BASIX certificate accompanies the application. The orientation of the individual apartments and access to sunlight and natural ventilation is discussed in D6. The details of the individual apartments layout is designed in conjunction with the detail of the landscape design to ensure the relationship of the apartments to neighbouring dwellings and the provision of an effective landscape separation to the site boundaries is satisfactory and consistent with the objectives of the control.

D6 Access to Sunlight

The south facing aspect and topography of the site are not ideal in relation to the provision of compliant levels of solar to all apartments. That said, the ADG requires that living rooms and private open space of at least 70% of apartments are to receive a minimum of 2 hours of solar access between 9am and 3pm on 2st June.

The accompanying shadow diagrams confirm that Apartments 1, 2, 4 6, 8, 10 and 11 will receive 2 hours of solar access between 9:00am and 3:00pm on 21st June representing 64% of apartments. There are no single aspect south facing apartments.

The ADG acknowledges that achieving the design criteria may not be possible on some sites including south facing sloping properties and, in such circumstances, it will be necessary to demonstrate that the objective of the control, being to optimise the number of apartments receiving sunlight, has been achieved. In this regard it is evident that the south facing sloping nature of the site prevents strict compliance from being reasonably achieved whilst realising the orderly and economic use and development of the land. In such circumstances achieving compliance to 64% of apartments is an acceptable outcome particularly where a generously sized north facing communal open space area is provided.

The shadow diagrams also indicate the shadowing effects of the development in relation to the neighbouring residential apartments at No. 2 Brookvale Avenue. The shadow diagrams confirm that compliant levels of solar access will continue to be received to all adjoining apartments 9:00am and 3:00pm on 21st June.

D7 Views

The floor plan drawings indicate the proximity and relationship of the proposed building to the neighbouring buildings. It is not considered this proposal will have any significant detrimental impacts on established views with a view sharing outcome maintained.

The consent authority can be satisfied that a view sharing scenario is maintained between adjoining development consistent with the view sharing principles established by the Land and Environment Court in the matter of Tenacity Consulting v Warringah [2004] NSWLEC 140.

D8 Privacy

The relationship of the proposed building across the common residential boundaries conforms to the spatial standards of the Council DCP. Spatial separation across side boundaries is maximised reinforcing the effectiveness of the building separation and the ability to provide secondary intervening landscape screening.

D9 Building Bulk

The built form outcome acknowledges the constraints imposed by geometry and landform and provides for a highly articulated and modulated building which steps down the site in response to topography and which provides for the retention of large areas of rock outcrop. The integrated site landscape regime will ensure that the building sits within a landscape setting.

D10 Building Colours and materials

Building materials and colours are detailed and conform to the palate of finishes considered acceptable in this locality.

D11 Roofs

Building materials and colours are detailed on the elevation drawings with the building incorporating traditional parapeted and articulated roof forms.

D12 Glare and Reflection

The indicated materials and colouring will not give rise to reflected light and glare nuisance.

D13 Front fences and front walls

The application does not propose any front fencing however does propose access structures and associated retaining walls within the front setback. Such structures are reasonably anticipated for a development of this nature and will not be perceived as inappropriate or jarring in a streetscape context.

D14 Site Facilities

The plans detail garbage bin store, letterbox, communal bulky storage, plant areas and individual storage spaces. The location of these facilities is in accordance with the policy requirements it being noted that the design of the bin storage area ensures that it will be perceived as an integrated architectural element which will not be perceived as inappropriate or jarring in a streetscape context.

D15 Side and rear fences

The existing side and rear boundary fencing is retained.

D18 Accessibility

The application is accompanied by an access report prepared by Ergon Consulting which addresses the particular requirements of the BCA and the relevant Australian Standards relating to accessibility. The report contains the following conclusion:

> *With reference to the minimum applicable access requirements of Part D3, Clause E3.6 and Clause F2.4 of the Building Code of Australia 2016, Disability (Access to Premises – Building) Standards 2010, relevant Australian Standards as applicable to this project (i.e. AS1428.1-2009, AS1428.4.1-2009, AS1735.12-1999), SEPP65 Apartment Design Guide Part 4Q, Liveable Housing Design Guidelines and Northern Beaches Council Warringah DCP 2011 Section D18.*
>
> *This statement confirms accessibility can be appropriately achieved within this development with the provided comments and recommendations. This report confirms the client's commitment to providing an equitable and accessible environment for all.*
>
> *As such we believe the development approval may be issued without any concern that the development cannot achieve a reasonable level of access and meet statutory requirements, subject to further assessment of the construction design documentation.*

D19 Site Consolidation

We note that there is no minimum lot size standard applicable to this form of development on this particular site or within the R3 Medium Density Residential zone generally. No. 2 Brookvale Avenue has a similar lot size and geometry to that of the subject site and has already been developed for residential flats in accordance with a similar suit of built form controls.

The development of this adjoining site clearly demonstrates that the subject property is capable of being developed as a stand-alone site without the need to consolidate with adjoining properties. Further, the development of this particular site does not impact the development potential of No's 6 and 6A Brookvale Avenue which can be developed concurrently or consolidated with other adjoining sites.

The proposal is consistent with the applicable planning regime demonstrating that consolidation is not required in order to achieve acceptable urban design and numerical policy compliance outcomes.

D20 Safety and Security

The building addresses the street and provides for casual surveillance of the public spaces adjacent to the site. The building relies upon communal lobby and entry details from a common entrance forecourt are providing for an effective casual surveillance by all unit occupants.

D 21 Provision and Location of Utility Services

The site has access to all reticulated services.

D22 Conservation of Energy and Water

A BASIX certificate and report accompanies the DA submission.

E6 Retaining Unique Environmental Features/ Archaeological Assessment

As previously indicated the site contains a number of exposed rock outcrops with Apartments 10 and 11 specifically designed and sited to retain the exposed rock formation towards the rear of the property consistent with that achieved at No. 2 Brookvale Avenue. Under such circumstances we have formed the considered opinion that:

- The proposed development has been designed to address any distinctive environmental features of the site and on adjoining nearby land.
- The proposed development does respond to these features through location of structures, outlook, design and materials.

Further, we confirm that we have walked the site and inspected the exposed rock outcrops and did not find any presence of any archaeological rock carvings, paintings or middens.

4.4 State Environmental Planning Policy No. 55 – Remediation of Land

Council shall not consent to the carrying out of any development on land unless it has considered the provisions of SEPP No. 55 – Remediation of Land ("SEPP 55"). In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.

- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.

- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential flat building development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

4.5 State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics to improve the design quality of residential flat building in the State.

SEPP 65 applies to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential apartment buildings and conversion of an existing building to a residential flat building.

The proposed development is for the erection of a multi storey residential flat building, as defined, containing 11 dwellings. As per the definition of a 'Residential Flat Building' and the provisions of Clause 4 outlining the application of the Policy, the provisions of SEPP 65 are applicable to the proposed development.

Clause 28(2)(b) SEPP 65 requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 1. The proposal's compliance with the design quality principles is detailed in the Design Verification Statement at ANNEXURE 1.

Pursuant to clause 28(2)(c) of SEPP 65 in determining a development application for consent to carry out residential flat development the consent authority is required to take into consideration the Apartment Design Guide. In this regard an Apartment Design Guide compliance table is attached at ANNEXURE 2.

4.7 Section 4.15(1) EP&A Act Considerations

Following is an assessment pursuant to guidelines prepared by the former Department of Urban Affairs and Planning. Relevant matters nominated for consideration are:

4.7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposal is permissible and in generally in conformity with the development standards applicable to this form of development on this relatively steep allotment. In this regard, the development does not defeat the objectives of the zone or applicable controls/ development standard and accordingly strict numerical compliance with the height of building development standard has been found to be both unreasonable and unnecessary under the circumstances with the accompanying clause 4.6 variation request well founded.

4.7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.

Context and Setting

i) What is the relationship to the region and local context on terms of:

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters are addressed in detail in the body of this report. The proposed development is contextually appropriate, will afford a high level of amenity to future occupants and will not give rise to any unacceptable residential amenity or streetscape consequences.

ii) What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

There is no unreasonable impact apparent with respect to any of these matters.

- *Access, transport and traffic*

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The proposed development has good access to services and facilities with transport, retail and urban services within immediate proximity of the site. The development provides adequate car parking facilities as assessed in the accompanying traffic report prepared by APEX Engineers.

- *Public domain*

The proposed development will have no adverse impact on the public domain and addresses the design recommendations of the DCP.

- *Utilities*

Existing utility services will adequately service the development.

- *Flora and fauna*

The application provides for the removal and retention of a number of trees as identified in the accompanying arborist report prepared by Tree Survey Australia Pty Limited. Subject to appropriate tree protection and construction management measures the development will not give rise to any adverse impacts in the trees nominated for retention.

The integrated landscape regime proposed incorporates perimeter landscape planting which will collectively soften the edges of the development and ensure the development sits within a relatively informal landscape setting.

- *Waste*

Domestic waste collection applies to this development and will proceed accordingly. A waste management plan accompanies this application.

- *Natural hazards*

The application is accompanied by the required geotechnical report.

- *Economic impact in the locality*

There will be an economic benefit derived during the construction phase. No adverse impact will be apparent from any other perspective.

- *Site design and internal design*

i) Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

We refer to the detailed considerations in the report and the accompanying material which covers matters related to design, building location, height, visual impact, landscaping and open space.

ii) How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

Compliance with the Provisions of the BCA can be achieved without difficulty with the appropriate detailing provided at Construction Certificate stage as detailed in the report prepared by Private Building Certifiers.

Construction

i) What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures as required by Council will ensure that no site safety or environmental impacts will arise during construction. It is envisaged that appropriate conditions of consent will be applied.

4.7.3 The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The site is very well located with regards to public transport and the full range of required urban services utility services. The development will not cause an excessive or unmanageable level of transport demand.

The site has been designed with respect to site analysis which takes into account the relationship of the building to adjacent and abutting development with which it will integrate sympathetically.

- *Are the site attributes conducive to development?*

The site has no special physical or engineering constraints that preclude its development and as such the site is suitable for the proposed development.

4.7.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that Council will appropriately regard any submissions made in relation to the proposed development.

4.7.5 The public interest.

The architect has responded to the client brief to provide for a residential development of exceptional design quality which provides superior levels of amenity to future occupants whilst maintaining good levels of amenity to the adjoining and nearby residential properties.

The built form outcome is highly articulated and modulation in both the horizontal and vertical planes with the integrated site landscape regime ensuring that the building sits within a landscape setting.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly approval of the development would be in the public interest.

5.0 CONCLUSION

The proposal is permissible and in generally in conformity with the development standards applicable to this form of development on this relatively steep allotment. In this regard, the development does not defeat the objectives of the zone or applicable controls/ development standard and accordingly strict numerical compliance with the height of building development standard has been found to be both unreasonable and unnecessary under the circumstances with the accompanying clause 4.6 variation request well founded.

The architect has responded to the client brief to provide for a residential development of exceptional design quality which provides superior levels of amenity to future occupants whilst maintaining appropriate levels of amenity to the adjoining and nearby residential properties. The built form outcome acknowledges the constraints imposed by geometry and landform and provides for a highly articulated and modulated building which steps down the site in response to topography and which provides for the retention of large areas of rock outcrop. The integrated site landscape regime will ensure that the building sits within a landscape setting.

We note that there is no minimum lot size standard applicable to this form of development on this particular site or within the R3 Medium Density Residential zone generally. No. 2 Brookvale Avenue has a similar lot size and geometry to that of the subject site and has already been developed for residential flats in accordance with a similar suit of built form controls. The development of this adjoining site clearly demonstrates that the subject property is capable of being developed as a stand-alone site without the need to consolidate with adjoining properties. Further, the development of this particular site does not impact the development potential of No's 6 and 6A Brookvale Avenue which can be developed concurrently or consolidated with other adjoining sites.

Given the design and orientation of the development and its highly articulated and stepped building form we have formed the considered opinion that the proposed development is contextually appropriate, will afford a high level of amenity to future occupants and will not give rise to any unacceptable environmental, residential amenity or streetscape consequences.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the relevant considerations pursuant to S.79C of the Environmental Planning & Assessment Act 1979 (as amended) it has been demonstrated that the proposed development is appropriate for approval.

Greg Boston
Director

ANNEXURE 1

Architect Design Verification

Proposed Residential Apartment Building at 4 Brookvale Avenue Brookvale

SEPP 65 DESIGN VERIFICATION STATEMENT
4 BROOKVALE AVENUE BROOKVALE

Barry Rush and Associates Pty Ltd Architects 1

DESIGN STATEMENT
4 BROOKVALE AVENUE BROOKVALE

1 INTRODUCTION

This application involves the redevelopment of land at 4 Brookvale Avenue Brookvale for Lotus Projects to provide 11 apartments over 6 levels and 2 levels of carparking at ground and first levels.

The existing lot is occupied by a fibro clad residence located on the central part of the property with a single detached garage located immediately adjacent to the property frontage.

2 THE SITE AND ITS LOCALITY

2.1 The locality

The locality of the site is in Brookvale Avenue on the eastern side of the Avenue, with the rear of the site adjoins 2 storey residential buildings fronting Beacon Hill Road. To the south the site adjoins multi storey residential apartment building and to the north two levels residence.

Developments along Brookvale Avenue are residential only. Recent developments are multi storey apartment building similar to the one we are proposing.

2.2 Site features and analysis

The site has an area of 1298 sq.m. with a frontage to Brookvale Avenue of 15.24m and a depth of 60.04/55.285m. The site has a significant fall from east to west towards Brookvale Avenue of around 20.5m.
The adjoining building to the south at 2 Brookvale Avenue is recent development set back from the boundary with a number of large windows facing the site. To the north at 6 Brookvale Avenue there is a lower scale building also set back more than 1500mm from the boundary with windows along this side.

There are 6 mature trees located around the perimeter of the property none of which is considered significant.

Site Analysis

A site analysis plan is included.

Site Location

Location map (source Google)

The site is on the eastern side of Brookvale Avenue in Brookvale, Nothern Beaches Council LGA. The site is in reasonably close proximity to Warringah Mall Shopping Centre.

3 THE PROPOSAL

3.1 General

See Architectural plans. The layout comprises a whole of site redevelopment with 2 levels of carpark, at ground and first levels, and 11 units above, one unit on the first floor and additional 5 levels of units. There is a lift providing access. Levels are stepped to follow natural configuration of the site and reduce bulkiness and visual impact to streetscape.

3.2 Design

The design while contemporary in terms of construction methods and materials, is sympathetic to the style of the existing adjoining buildings in the close vicinity. The appearance of the building will complement the streetscape.

SEPP 65 REVIEW

PRINCIPLE 1: CONTEXT
Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The site is splayed in geometry having a front boundary width of 15.4 metres before splaying out to a rear boundary width of 30.48 metres.

The proposal is generally in conformity with the development standards. The adjoining building to the southeast has already been developed in comparable manner and clearly demonstrates that the subject property, similar in size, is capable of being developed as such. It is expected that the adjoining building to the northwest will at some stage be also redeveloped in a similar manner in the future and will provide some further continuity of terms of height and setback.

The proposed development is consistent with the continuing and changing scale and character of the locality and will be reasonably in keeping with the existing scale and character.

PRINCIPLE 2: SCALE
Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The proposed building is described on the architectural drawings accompanying the application. The building is set back 6.5m from Brookvale Avenue. There is 2 - 4.5m setback for the side neighbours and a larger rear setback.

The relatively minor non-compliant building height elements will not significantly contribute to the visual bulk of the development as viewed from the street or any

public area. The proposed building generally maintains a 2/3 storey stepped building form on a steeply sloping site.

PRINCIPLE 3: BUILT FORM
Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type 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.

The intention with the design of the building was to provide a typology that would suit the site topography and be a good example for developments further along the street.

Landscaping to the side and rear area will help to provide visual relief, privacy and soften the appearance of the building elements.

PRINCIPLE 4: DENSITY
Good design has a density appropriate for a site and its context, in terms of floor space yields (or numbers of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The project sets out to utilize the FSR allowable for the site, while at the same time providing a high standard of accommodation for the future residents.

The proposed density is consistent with the likely future density of development in the area and consistent with the availability of supporting public infrastructure and services.

PRINCIPLE 5: RESOURCE, ENERGY AND WATER EFFICIENCY
Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The proposal intends to:

- recycle excavation, building waste and resident waste material;

- use concrete for floors and bricks for walls to create thermal mass and insulation;
- use insulation where possible to reduce heat loss in winter and provide cool rooms in summer;

It is further proposed that:

- The majority of apartments enjoy cross ventilation and have solar access to living areas;
- all apartments will achieve a high NATHERS rating;
- there will be adequate deep soil zones for landscaping;
- building be compact and that car parking be contained under that building with efficient driveway access allowing upper areas of the site to be pedestrian areas with good landscaping.

The proposal represents good practice in sustainable development.

PRINCIPLE 6: LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long-term management.

The landscape design of the proposal is described on the landscape plan.

The plan proposes to provide the following:

- A pleasing edge to the street frontages and the neighbouring properties.
- Privacy of private open spaces and neighbouring properties.
- A landscaped buffer between the neighbour to the rear and the proposed development.
- Usable areas of communal open recreational space.
- Softening of views of the proposed building in a manner characteristic of the locality.
- Use of new plant/tree species that are known to be water and soil efficient as well as manageable in their plan locations.

PRINCIPLE 7: AMENITY
Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all groups and degrees of mobility.

The proposed building contains a variety of apartment layouts and orientations with attached balconies, terraces or private open space areas. Access to the building and common spaces, room dimensions and circulation spaces of apartments designated manageable satisfy the requirements for wheelchair users and at the same time provide appropriate dimensions and shapes for achieving a high degree of amenity.

64% of the apartments will have living or outdoor spaces that receive at least 3 hours sunlight on 21st June. Most apartments have natural cross ventilation and have spaces that are located sufficiently distant from neighbouring properties or buildings to ensure visual and acoustic privacy.

The proposal achieves a reasonably high degree of amenity as a result of the planning and design of the units themselves and their location in a landscaped and treed setting.

PRINCIPLE 8: SAFETY AND SECURITY
Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The windows, balconies and terraces of the apartments have views to other areas of the development including pathways. There will be an internal security system restricting access where required to ensure safety and security for residents.

Each apartment will be equipped with a security door viewer through which visitors may be viewed without the need to open the door.

All building entrances, pathways and driveway will have automatic night lighting. The basement and stairwells will have timer controlled on demand/movement triggered lighting as the case requires. This will optimise safety, security and energy efficiency in those areas.

There is a clear definition between public and private spaces.

PRINCIPLE 9: SOCIAL DIMENSIONS
Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

The size and style of the proposal apartments should appeal to the local market and will increase the local housing stock in the area thus fulfilling a useful social function.

The locality has easy walking access to bus stops and a wide range of shops, restaurants and facilities at the nearby centres. There is also a wide range of schools, local parks, playing fields and sporting activities available in close proximity.

PRINCIPLE 10: AESTHETICS
Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The detailed design of the proposed buildings is of high quality and is likely to appeal to potential inhabitants. The proposal is a modern contemporary style and incorporates a moderate degree of external building detail that will complement existing surrounding buildings or buildings.

The building elements, materials and colours to be used are consistent with those generally found in the locality. The colours proposed will also blend in with the colours of the surrounding natural environment. The colours and materials serve to define and break up the forms of the design creating an interesting building of a more intimate scale. This will assist in creating a distinct identity for the building while using colours that are compatible with but different from neighbouring properties.

The trees that are to be removed are generally in poor condition, are not native and are exempt They will be replaced by native tree plantings as shown on the accompanying landscape plan and are more suitably located.

CONCLUSIONS

In summary, I consider that the proposed development is of a good design, and is in compliance with the aims and standards of the LEP and DCP and will be of a scale and appearance which is not out of character with surrounding development, and compatible with the streetscape and landscape of this locality.

For these reasons I support the proposal.

Barry Rush
Architect

DESIGN VERIFICATION

I verify that the proposed design has been designed by me, Barry Rush (registration No 3753 with the NSW Architect's Registration Board). I verify that I have designed the proposal in accordance with the design quality principles set out in Part 2 of State Environmental Planning Policy 65 and that the design achieves those principles.

ANNEXURE 2

Apartment Design Guide Compliance Table

APARTMENT DESIGN GUIDE COMPLIANCE TABLE				
	OBJECTIVE & DESIGN CRITERIA	**DESIGN CRITERIA**	**PROPOSED**	**COMMENT**
Part 3, Siting the Development				
Site Analysis	**Objective 3A-1** Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationships to the surrounding context		**Complies**	**Refer to Site Analysis Plan. Orientation to maximize solar access and views to the north.**
Orientation	**Objective 3B-1** Building types and layouts respond to the streetscape and site while optimising solar access within the development		**Complies**	**Building appropriately addresses the street frontage.**
	Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter		**Complies** **A minimum of 2hours of solar access will be maintained to the north facing principle living room windows and adjacent private open space areas of all adjoining properties between 9am and 3pm on 21st June.**	**Refer accompanying shadow diagrams.**
Public Domain Interface	**Objective 3C-1** Transition between private and public domain is achieved without compromising safety and security		**Complies**	**Building entrances clearly marked and public/ private domain interface appropriately defined.**
	Objective 3C-2 Amenity of the public domain is retained and enhanced		**Complies**	**Significant streetscape and landscaping improvements.**
Communal and Public Open Space	**Objective 3D-1** An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	**1. Appropriate communal open space areas provided within the front setback area given the sites location directly opposite the Manly Beach Reserve and the substantial size of private open space areas.** **2. Development achieves a minimum of 50% direct sunlight to the principal usable part of the communal open**	**Complies** **Complies**	**Appropriate communal open space areas provided around the perimeter of the development with the northern communal open space area receiving excellent levels of solar access throughout the day.**

		space for a minimum of 2 hours between 9am and 3pm on 21 June		
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting		Complies	-
	Objective 3D-3 Communal open space is designed to maximise safety		Complies	-
	Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood		Complies	-
Deep Soil Zones	**Objective 3E-1** Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	7% site area deep soil zone minimum dimension 3 metres.	Complies Approximately 27.6% of the site affords compliant deep soil landscaping opportunity.	-
Privacy	**Objective 3F-1** Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal privacy.	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear are as follows: Up to 12m (4 storeys): Habitable Rooms and Balconies: 6m Non-habitable rooms: 3m	No however satisfy objective.	The proposal maintains a 4.5 metre setback to both side boundaries. These setbacks are considered appropriate on this site and are deemed to satisfy the objective for the following reasons: • The side and rear boundary setbacks comply with the WDCP provisions • The setbacks will not restrict the future development potential of the adjoining properties or give rise to unacceptable visual privacy impacts given that no living areas are orientated towards side boundaries.

				• **The proposed landscaping along both side boundaries will provide secondary intervening privacy attenuation between properties which when coupled with the spatial separation proposed will afford acceptable levels of privacy between properties.** • **Under such circumstances, the side boundary setbacks proposed will not restrict the future development potential of the adjoining properties or give rise to unacceptable visual privacy impacts.** • **Again, the proposed landscaping along both side boundaries will provide secondary intervening privacy attenuation between properties which when coupled with the spatial separation proposed will afford acceptable levels of privacy between properties.** • **Such variation succeeds pursuant to section 4.15 (3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that**

				achieve the objects of controls/ standards for dealing with that aspect of the development.
	Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		**Complies**	-
Pedestrian Access and Entries	**Objective 3G-1** Building entries and pedestrian access connects to and addresses the public domain		**Complies**	**The development provides a clearly identifiable entry and identity to the building.**
	Objective 3G-2 Access, entries and pathways are accessible and easy to identify		**Complies**	**Refer to Access Report and Landscape Plan**
	Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations		**n/a**	-
Vehicle Access	**Objective 3H-1** Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		**Complies**	-
Bicycle and Car Parking	**Objective 3J-1** Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	**For development in the following locations:** • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less **The car parking needs for a development must be provided off street.**	**Compliant resident and visitor basement parking provided as indicated in the accompanying traffic and parking report.**	

	Objective 3J-2 Parking and facilities are provided for other modes of transport		**Complies**	**Bicycle parking is available within the basement as required.**
	Objective 3J-3 Car parking design and access is safe and secure		**Complies**	**Refer to Traffic Impact Statement. Both entry and egress in a forward direction.**
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised		**Complies**	**Refer to Geotechnical Investigation Report for matters regarding environmental impacts**
	Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised		**Complies**	**Concealed in basement**
	Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimized		**Complies**	**Concealed in basement**
Part 4, Designing the Building				
Solar and Daylight Access	**Objective 4A-1** To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	**1.** Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas **2.** In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter **3.** A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	**7 of 11 (64%) apartments receive 2 hours of solar access between 9am and 3pm.** **The ADG acknowledges that achieving the design criteria may not be possible on some sites including south facing sloping properties and, in such circumstances, it will be necessary to demonstrate that the objective of the control, being to optimise the number of apartments receiving sunlight, has been achieved.**	**Satisfactory given site constraints and compliance with objective**

			In this regard it is evident that the south facing sloping nature of the site prevents strict compliance from being reasonably achieved whilst realising the orderly and economic use and development of the land. In such circumstances achieving compliance to 64% of apartments is an acceptable outcome particularly where a generously sized north facing communal open space area is provided.	
	Objective 4A-2 Daylight access is maximised where sunlight is limited		**Complies**	-
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months		**Complies**	-
Natural Ventilation	**Objective 4B-1** All habitable rooms are naturally ventilated		**Complies**	-
	Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation		**n/a**	-
	Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	**1.** 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 **2.** Overall depth of a cross-over or	**Complies** **11 of 11 (100%) of apartments are naturally cross ventilated**	-

		cross-through apartment does not exceed 18m, measured glass line to glass line		
Ceiling Heights	**Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access**	**Measured from finished floor level to finished ceiling level, minimum ceiling heights are:** **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**	**Complies**	**All ceiling heights 2.7m**
	Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms		**Complies**	
	Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building		**Noted**	
Apartment Size and Layout	**Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity**	**1. Apartments are required to have the following minimum internal areas:** **Studio – 35m2** **1 bedroom – 50m2** **2 bedroom – 70m2** **3 bedroom – 90m2** **The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each** **2. 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**	**Complies**	**-**
	Objective 4D-1 Environmental performance of the apartment is maximised	**1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height**	**Complies**	**-**

		2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	**Complies**	
	Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	**1. Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)** **2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)** **3. . Living rooms or combined living/dining rooms have a minimum width of:** • 3.6m for studio and 1 bedroom **apartments** • 4m for 2 and 3 bedroom apartments **4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts**	**Complies** **Complies** **Complies** **n/a**	**Bedrooms dimensions are all at least 3m excluding wardrobes, living rooms are all over 4m wide.**
Private Open Space and Balconies	**Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity**	**1. All apartments are required to have primary balconies as follows:** **Studio - min. area, 4m2 / depth -** **1 Bed. - min. area, 8m2 / depth, 2m** **2 Bed - min. area, 10m2 / depth, 2m** **3 Bed - min. area, 12m2 / depth, 2.4m** **2. 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**	**Complies**	**All balconies are of complaint size and dimension.**
	Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents		**Complies**	**All private open space is accessed directly from the principle habitable room.**

	Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building		**Complies**	**Balconies and terraces contribute to the overall building design and form.**
	Objective 4E-4 Private open space and balcony design maximises safety		**Complies**	-
Common Circulation Spaces	**Objective 4F-1** Common circulation spaces achieve good amenity and properly service the number of apartments	**1.** The maximum number of apartments off a circulation core on a single level is eight **2.** For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	**Complies**	-
	Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents		**Complies**	-
Storage	**Objective 4G-1** Adequate, well designed storage is provided in each apartment	**1.** In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio - 4m3 storage volume 1 Bed. - 6m3 storage volume 2 Bed - 8m3 storage volume 3+ Bed - 10m3 storage volume At least 50% of the required storage is to be located within the apartment	**Complies** **Complies**	**Appropriate storage is available in each apartment and within dedicated storage areas.**
	Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments		**Complies**	-
Acoustic Privacy	**Objective 4H-1** Noise transfer is minimised through the siting of buildings and building layout		**Complies**	-
	Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments		**Complies**	-
Noise and Pollution	**Objective 4J-1** In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings		**Complies**	-
	Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to		**Complies**	-

	mitigate noise transmission			
Apartment Mix	**Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future**		**Complies**	**An appropriate mix is proposed.**
	Objective 4K-2 The apartment mix is distributed to suitable locations within the building		**Complies**	**-**
Ground Floor Apartments	**Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located**		**Complies**	**-**
	Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents		**Complies**	**-**
Facades	**Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area**		**Complies**	**Refer to commentary throughout SoEE**
	Objective 4M-2 Building functions are expressed by the facade		**Complies**	**As above**
Roof Design	**Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street**		**Complies**	**The roof is integrated into the building design.**
	Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised		**N/A**	
	Objective 4N-3 Roof design incorporates sustainability features		**Complies**	**-**
Landscape Design	**Objective 4O-1 Landscape design is viable and sustainable**		**Complies**	**Refer to Landscape Plan and BASIX submitted with the Application.**
	Objective 4O-2 Landscape design contributes to the streetscape and amenity		**Complies**	**Refer to Photomontage and Landscape Plan submitted with the Application.**
Planting on Structures	**Objective 4P-1 Appropriate soil profiles are provided**		**Complies**	**Refer to Landscape Plan submitted with the Application.**
	Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance		**Complies**	**Refer to Landscape Plan submitted with the Application.**
	Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public		**Complies**	**-**

	open spaces			
Universal Design	**Objective 4Q-1** Universal design features are included in apartment design to promote flexible housing for all community members		Complies	Refer to Access Report submitted with the Application.
	Objective 4Q-2 A variety of apartments with adaptable designs are provided		Complies	Refer to Access Report submitted with the Application.
	Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs		Complies	Refer to Access Report submitted with the Application.
Adaptive Reuse	**Objective 4R-1** New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place		n/a	-
	Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse		n/a	-
Mixed Use	**Objective 4S-1** Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement		n/a	-
	Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		n/a	-
Awnings and Signage	**Objective 4T-1** Awnings are well located and complement and integrate with the building design		n/a	-
	Objective 4T-2 Signage responds to the context and desired streetscape character		n/a	-
Energy Efficiency	**Objective 4U-1** Development incorporates passive environmental design		Complies	All habitable rooms receive adequate natural light, highly efficient appliances are to be provided to all units, solid concrete floors and masonry wall construction provide thermal mass, overhanging roofs shade the units and sea

				breezes will minimise reliance on air conditioning.
	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		**Complies**	**Refer to BASIX Report submitted with the Application**
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation		**Complies**	**All apartments receive adequate natural ventilation.**
Water Management and Conservation	**Objective 4V-1** Potable water use is minimised		**Complies**	**Refer to Stormwater Plans**
	Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters		**Complies**	**Refer to Stormwater Plans**
	Objective 4V-3 Flood management systems are integrated into site design		**n/a**	**-**
Waste Management	**Objective 4W-1** Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents		**Complies**	**A large and easily accessible bin store is provided adjacent to the frontage for general waste and recycling. The structure is located behind the front building line and screened with landscaping.**
	Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling		**Complies**	**As above.**
Building Maintenance	**Objective 4X-1** Building design detail provides protection from weathering		**Complies**	**-**
	Objective 4X-2 Systems and access enable ease of maintenance		**Complies**	**-**
	Objective 4X-3 Material selection reduces ongoing maintenance costs		**Complies**	**-**