

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-105
DA Number	DA2020/0579
LGA	Northern Beaches
Proposed Development	Construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road
Street Address	Lot 29 DP 5464, 27 Warriewood Road WARRIEWOOD NSW 2102 Lot 28 DP 5464, 25 Warriewood Road WARRIEWOOD NSW 2102
Applicant/Owner	J & G Knowles & Associates Pty Ltd J & G Knowles & Associates Pty Ltd
Date of DA lodgement	03/06/2020
Number of Submissions	2
Recommendation	Deferred Commencement Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Development with a Capital Investment Value (CIV) of more than \$30 million
List of all relevant s4.15(1) (a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulations 2000 • Water Management Act 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy (Infrastructure) 2007 • Pittwater Local Environmental Plan 2014 • Pittwater 21 Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Specialist Reports
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • Overdevelopment • Conditions required to ensure minimal impacts during construction
Report prepared by	Louise Kerr Director, Planning and Place
Responsible Officer	Anne-Marie Young, Principal Planner
Report date	28 October 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

YES

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **YES**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: **N/A**

Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **N/A**

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **YES**

EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of development application DA2020/0579 from J&G Knowles & Associates Pty Ltd for the construction of a mixed residential development, comprising residential flat buildings, semi-detached dwellings and dwelling houses, with associated internal roads, site works, landscaping and Community title subdivision on a yet to be created lot (Lot 2) at 25-27 Warriewood Road, Warriewood. The lot forms part of development application N0611/16, which was approved by the Sydney North Planning Panel (SNPP) on 12 July 2017.

The application is similar to the development approved under DA2018/1826 for the same site by SNPP on 24 June 2019 which has not been acted upon. The main changes to the approved development include a reduction in the basement car parking from 2 levels to 1, air conditioning platform on the roof as opposed to individual units on balconies, new internal road layout to allow for an increase in common open space, a change in the design of the dwellings and deletion of dwelling in lot 12 to be consolidated into landscape area for the residential care facility. The subject application also seeks consent for a staged subdivision, construction and occupation.

The subject site is zoned R3 Medium Density Residential under the provisions of Pittwater Local Environmental Plan 2014 (PLEP 2014), and the proposed development is permissible with consent.

The proposed mixed residential development is well resolved, with well-articulated built form, generous landscaped areas, and a variety of materials and textures that will blend with the proposed landscape solution. Future occupants of the proposed dwellings will enjoy high levels of amenity, commensurate with that of surrounding properties and the proposal is considered to be an appropriate contextual fit for the site, within the Warriewood Valley Release Area. Whilst the proposed residential flat buildings fall shy of the minimum solar access requirements of the ADG and P21 DCP, the amount of solar access received can be optimised with minor refinement of the proposal, which has been addressed in the draft conditions of consent.

The public notification of the application resulted in two submissions in objection to the proposal. The concerns raised in these objections have been addressed in the assessment report. Overall, there were no matters raised in the submissions received that would warrant the refusal of the subject application in the public's interest.

The applicant has indicated a cost of works, or Capital Investment Value, of approximately \$31 million, and as such, the application must be referred to the Sydney North Planning Panel (SNPP) for determination. The SNPP can be satisfied that the proposal meets the aims/objectives and outcomes of all relevant policies/plans, as detailed in the body of this report. On balance, the proposal is recommended for deferred commencement approval having considered relevant issues and the assessment of the design plans submitted.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for the following development at the site:

- 2 x 3 storey residential flat buildings, comprising 32 dwellings and one level of basement car parking for 60 car with access fronting Lorikeet Grove;
- 10 x semi-detached dwellings, with car parking via the rear laneway;
- 1 x dwelling house, with car parking via the rear laneway;
- Internal private road/laneway with at-grade visitor parking;
- Site works;
- Landscaping, and
- Community title subdivision.

The application seeks consent for staged sub-division, construction and occupation as follows:

- Stage 1 will be the consolidation of the small area of land on the southern side of Lorikeet Grove to be part of the residential care facility lot (Future Lot 1). This does not require any physical works and can be consolidated (without development consent) after development consent for this DA has been issued.
- Stage 2 will be a Community Title subdivision of the remainder of Future Lot 2. The subdivision will create 3 lots:
 - Lot 1 will be Community Association Property;
 - Lot 2 will be future Strata Lot for the residential flat building; and
 - Lot 3 will be development lot for future dwellings fronting Warriewood Road.

The residential flat building, laneway and common open space, associated landscaping and stormwater infrastructure on Future Lot 2 will be constructed in Stage 2.

The residential flat building, internal accessway and central open space will all be constructed before this plan is finalised and registered.

- Stage 3 will include the construction of the dwelling and semi-detached dwellings fronting Warriewood Road. Stage 3 will also involve the Community Title Subdivision of Lot 3 into 11 lots. The proposed dwellings will be constructed before this plan is finalised and registered.

Note: The Strata Subdivision of the residential flat building can be undertaken as complying development and therefore does not form part of this DA.

The application is similar to the development approved under DA2018/1826 by SNPP on 24 June 2019 which has not been acted upon. The main changes to the approved development are:

- Replacement of the two level basement of the residential flat building with a single level basement and relocating visitor car parking from the basement to at-grade parking spaces.
- Minor amendments to the residential flat building to address the conditions of DA2018/1826.
- Inclusion of rooftop mechanical plant for air conditioning as opposed to A/C units on the balconies.
- Relocation of the internal roads eastwards and the provision of at grade visitor car parking and the creation of a central common landscape area.
- Deletion of the detached dwelling house (lot 12) to become consolidated as part of the

landscape area to the residential care facility.

- Redesign of the dwellings facing Warriewood Road by incorporating the garages under the dwellings and reducing the depth of the lots upon which they are located which has enabled the creation of the common landscaped area.

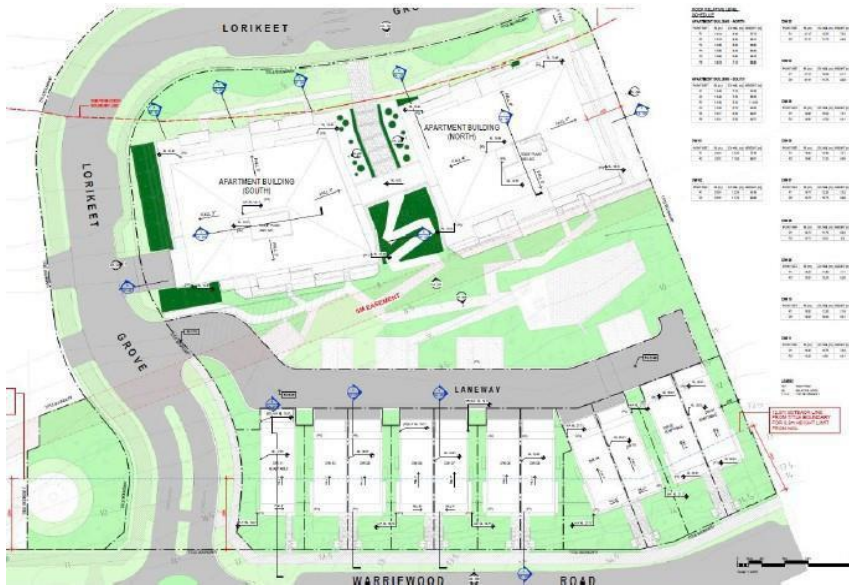
The table below provides a comparison of the key changes to the approved development as a result of this application:

	DA2018/1826	DA2020/0579	Difference
Building Height			
RFB	8.2m to 9.5m	8.0m to 10.3m	+0.8m
Dwellings	6.2m to 7.5m	6.5m to 8.2m	+0.7m
Accommodation			
<u>RFB</u>			
1 Bedroom	4	4	No change
2 Bedroom	22	22	No change
3 Bedroom	6	6	No change
RFB Total	32	32	No change
<u>Dwellings</u>			
1 Bedroom	0	0	
2 Bedroom	0	0	
3 Bedroom	12	11	
Dwelling Total	12	11	-1 Dwelling
TOTAL ACCOMODATION	44	43	-1 Dwelling
<u>Car Parking</u>			
Residential	89	93	+4
Visitor	13	11	-2
Total	102	104	+2
Bike Parking	28	16	-12
Landscape Area	2,912sqm (35.5%)	3,353sqm (41%)	+441sqm

Comparison table of the approved and proposed development



Approved Development (DA2018/1826)



Proposed Development (DA2020/0579)



Proposed Staging Plan

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:

1. 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;
1. 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;
1. 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;
1. A review and consideration of all submissions made by the public and community interest groups in relation to the application;
1. A review and consideration of all documentation provided with the application (up to the time of determination);
1. 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 - 6.1 Warriewood Valley Release Area
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.3 Flood planning
 Pittwater 21 Development Control Plan - A4.16 Warriewood Valley Locality
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - C1.23 Eaves
 Pittwater 21 Development Control Plan - C6.2 Natural Environment and Landscaping Principles
 Pittwater 21 Development Control Plan - C6.4 The Road System and Pedestrian and Cyclist Network
 Pittwater 21 Development Control Plan - C6.7 Landscape Area (Sector, Buffer Area or Development Site)
 Pittwater 21 Development Control Plan - C6.8 Residential Development Subdivision Principles
 Pittwater 21 Development Control Plan - C6.9 Residential Land Subdivision Approval Requirements
 Pittwater 21 Development Control Plan - C6.10 Additional Specifications for development of Buffer Area 1a to 1m
 Pittwater 21 Development Control Plan - D16.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments
 Pittwater 21 Development Control Plan - D16.6 Front building lines
 Pittwater 21 Development Control Plan - D16.7 Side and rear building lines
 Pittwater 21 Development Control Plan - D16.9 Solar access
 Pittwater 21 Development Control Plan - D16.10 Private and Communal Open Space Areas

SITE DESCRIPTION

Property Description:	Lot 29 DP 5464 , 27 Warriewood Road WARRIEWOOD NSW 2102 Lot 28 DP 5464 , 25 Warriewood Road WARRIEWOOD NSW 2102
Detailed Site Description:	The application involves works on a yet to be created superlot (Lot 2), resulting from the subdivision of 23-27 Warriewood Road, Warriewood approved pursuant to development application N0611/16. Lot 2 is comprised of two separate parts, divided by Lorikeet Grove. The smaller of the parts has a 16.4m wide frontage

to Warriewood Road, irregular boundaries to Lorikeet Grove to the north and the adjoining property to the south and west, and a total area of 398m². The larger of the parts has a 95.3m wide frontage to Warriewood Road to the east, a 94.5m long boundary to the adjoining property to the north, is bounded by Lorikeet Grove to the south and west, and has a total area of 7794m².

The site was formerly a rural residential land holding, containing a single storey dwelling house and horse paddocks. The works approved pursuant to development application N0611/16 have commenced on site, and construction is ongoing.

The site is burdened by a 5m wide easement for Sydney Water sewer infrastructure and will ultimately be burdened by restrictive covenants requiring the on-going maintenance of water management facilities approved pursuant to development application N0611/16. Furthermore, a restrictive covenant is also to be imposed upon Lot 2 to require a minimum landscaped area calculation of 41% of the total site area to be maintained in perpetuity.

The site experiences a gentle slope from Warriewood Road towards the west (Narrabeen Creek), with a maximum gradient of approximately 10%. Upon completion of the construction works, Warriewood Road will be a two-lane collector street, with on-street parking, underground infrastructure, footpaths and street trees on both sides of the road. Lorikeet Grove will be a local street, accessed from Warriewood Road via a roundabout. Canopy trees will line both sides of Lorikeet Grove, with a shared pathway along the southern / western side of the street to connect with the wider creekline system.

The site is located within 40m of Narrabeen Creek (to the west). Although the site is currently mapped by P21 DCP as being subject to flooding, the site will not be flood prone following the completion of ground works approved pursuant to development application N0611/16.

The site is identified as Buffer Area 1L of the Warriewood Valley Release Area, as shown on the Warriewood Valley Release Area Map of PLEP 2014. Warriewood Valley is currently in transition from rural residential land holdings to medium density residential development.

The eastern side of Warriewood Road is characterised by low-density one and two storey dwellings. A two-three storey seniors housing development is currently under construction to the south (on Lot 1 approved pursuant to development application N0611/16). Residential subdivisions have recently been completed to the north, including an internal private road along a portion of the common northern boundary.

Map:



SITE HISTORY

N0611/16

On 12 July 2017, the Sydney North Planning Panel approved Development Application N0611/16 at the subject site. Specifically, N0611/16 provided for:

- Demolition of all existing site improvements and removal of canopy trees,
- Earthworks and excavation,
- Subdivision of the site into four lots, as shown in Figure 2 and as follows:
 - o Lot 1, a residential super lot with an area of 9927m²,
 - o Lot 2, a residential super lot with an area of 8192m²,
 - o Lot 3, with an area of 4281m² being the inner creekline corridor to be dedicated to Council,
 - o Lot 4, with an area of 2890m² being the Lorikeet Grove public road reserve to be dedicated t
- Construction of a 2 and 3 storey residential aged care facility on Lot 1, comprising:
 - o 130 sole occupancy, high care rooms,
 - o 67 off-street car parking spaces,
 - o Multiple internal and external living and dining areas,
 - o Staff facilities and administration areas,
 - o Resident amenities, including a salon, gymnasium, café, etc.,
- Construction of the Lorikeet Grove public road reserve,
- Half road reconstruction of Warriewood Road,
- Infrastructure, including water management detention basins, and
- Landscaping.

DA2018/1826

On 18 June 2019, the Sydney North Planning Panel approved Development Application DA2018/1826 at the subject site. Specifically, DA2018/1826 provided for:

- 2 x 3 storey residential flat buildings, comprising 32 dwellings and basement car parking, fronting Lorikeet Grove,
- 10 x semi-detached dwellings, with detached garages and studios, fronting Warriewood Road,
- 1 x dwelling house, with detached garage and studio, fronting Warriewood Road,
- 1 x dwelling house, with attached garage, fronting Warriewood Road,
- Internal private road/laneway,
- Site works,
- Landscaping, and
- Community title subdivision.

PLM2019/0278

On 17 December 2019 a pre-lodgement meeting was held between Council staff and the applicant to discuss the construction of a mixed residential development, comprising two residential flat buildings, 11 semi-detached dwellings, an associated internal road, site works, landscaping and Community and Strata title subdivision.

The proposal was generally supported, and the plans presented at that meeting are the same as those lodged with the current Development Application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	<p>Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has previously been sued for agricultural purposes. Any potential contamination and remediation has been addressed as part of works approved under development consent N0611/16.</p> <p>Furthermore, the application is supported with a Preliminary Site Contamination report describes asbestos in one soil sample, no other contaminants found beyond (health or environment) ‘trigger levels’. The Preliminary Site Contamination report makes recommendations to address issues associated with asbestos. Council's Environmental Health Unit have reviewed the report and have no objections to the proposal subject to compliance with the recommendations of the Preliminary Site Contamination report and additional conditions to address asbestos issues.</p>

Section 4.15 Matters for Consideration'	Comments
	As such, the use of the site for residential purposes is considered to be acceptable and subject to conditions 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 documentation has been submitted.</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 waste management.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter may be 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.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>(iii) Economic Impact</p> <p>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 19/06/2020 to 19/07/2020 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 2 submission/s from:

Name:	Address:
Ms Narelle Beacham	56 Warriewood Road WARRIEWOOD NSW 2102
Charter Hall Social Infrastructure Limited	Level 14 570 Bourke Street MELBOURNE NSW 3000

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

- ***Overdevelopment of the area.***
- ***Not in keeping with the streetscape.***
- ***A request for conditions to be imposed to address construction management.***

The matters raised within the submissions are addressed as follows:

Overdevelopment of the area.

Comment:

The proposed density is consistent with the density anticipated by the Strategic Review and prescribed by clause 6.1 of PLEP 2014. The road system within and around Warriewood Valley

has been designed to accommodate the density proposed, and Council's Traffic Engineer has confirmed that the proposal will not result in any detrimental impact on traffic generation in the area.

Not in keeping with the streetscape the townhouses should be single dwellings to be consistent with those in the street.

Comment:

The proposed built form fronting Warriewood Road comprises a dwelling house and semi-detached dwellings with a two storey presentation to the street. This built form is not dissimilar to the existing dwellings along the high side of Warriewood Road, which is characterised by one and two storey dwelling houses. The character of the development fronting Warriewood Road is considered to be compatible with the existing character of Warriewood Road.

Conditions are require to be imposed to address construction management, particularly given the sensitive nature of the childcare centre located on the opposite side of Warriewood Road .

Comment:

Construction management conditions are included in the recommendation including the requirement for a construction traffic management plan, dust control measures, noise control measures.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application proposes a residential flat building containing 32 dwellings, 10 semi-detached dwellings, a dwelling house and community title subdivision.</p> <p>Recommendation</p> <p>No objections subject to conditions to ensure compliance with the Building Code of Australia (BCA). It is noted that the proposed development may not fully comply with some requirements of the BCA in the absence of fully detailed plans for assessment, however it is considered that these matters may be readily determined at Construction Certificate Stage and by way of an acceptable 'Alternate Solution' Design where required.</p>
Environmental Health (Acid Sulphate)	<p>General Comments</p> <p>No changes in the assessment conclusions made for DA2018/1862 – Acid Sulfate Soils likelihood of exposure is low and perhaps even minimised due to excavation depth reductions.</p> <p>DA2018/18662 condition to be re-instated as it is precautionary -if Acid Sulfate Soils are found/exposed then a management 'plan' is required</p> <p>Recommendation</p> <p>Approval subject to condition.</p>

Internal Referral Body	
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>Preliminary site contamination report describes asbestos in one soil sample, no other contaminants found beyond (health or environment) 'trigger levels'. The report makes some recommendations that environmental health is satisfied with to use as condition/s.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>An updated acoustic report has been provided to review the proposal for rooftop mechanical plant and exhaust systems. Results of the analysis indicate that there may be a breach in Industrial Noise Policy criteria for the dwellings directly north of the proposed north apartment rooftop mechanical units. An acoustic barrier has been proposed to mitigate projected noise impacts.</p> <p>Recommendation</p> <p>APPROVAL - Subject to conditions.</p>
Landscape Officer	<p>The development application is for a proposed residential and subdivision incorporating a residential flat building, and semi-detached dwellings.</p> <p>The landscape referral response is considered against the following planning controls:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development, Principle 6 - Landscape • SEPP 65 Apartment Design Guide, including 3D Communal and public open space, 3E Deep Soil Zones, 4O Landscape Design, and 4P Planting on Structures • Warriewood Valley Landscape Masterplan and Design Guidelines • Pittwater 21 DCP controls, including C1.1 Landscaping; C6.2 Natural Environment and Landscaping Principles; C6.7 Landscape Area; D16.1 Character as viewed from a public place; D16.5 Landscaped

Area for Newly Created Individual Allotments; D16.10 Private and Communal Open Space Areas; and D16.12 Fences.

Principle 6: Landscape, of the State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development requires that design integrate landscape and buildings, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design 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.

This application is similar to the approved development consent DA2018/1862, with the following landscape additions: common landscaped area with playground. The works are proposed in two stages: the first stage will be the construction of the residential flat building and the internal road and its visitor car parking spaces and landscaping of the central open space, and the second stage will be the construction of the dwellings fronting Warriewood Road.

Landscape Plans are provided with the application illustrating the following works:

- landscape treatment immediately surrounding the residential flat building (e.g. front and side setbacks);
- large common open space situated between the residential flat building and dwelling houses fronting Warriewood Road;
- landscape treatment around each of the dwelling houses fronting Warriewood Road; and
- landscape treatment to the former Lot 12 at the south western corner of Warriewood Road and Lorikeet Grove. This landscaped area will be integrated with the residential care facility open space.

The Landscape Plans are conceptual at this stage and demonstrate sufficient design intent to be acceptable to satisfy the landscape planning controls, subject to detail landscape plans at Construction Certificate stage in accordance with the DA Lodgement Requirements.

The Landscape Plans provide ground surface finishes, but do not provide details on the on-structure landscape works including planter construction, waterproofing, drainage, and planting selections/schedules, as well as playground materials selections. The Landscape Plans shall be detailed to provide a set of planting plans with schedules, plant selections, quantities and container sizes for all the landscaped areas, on-structure and within deep soil areas.

Recommendation:

Approval subject to conditions

Internal Referral Body	Comments
Biodiversity)	<p>The subject site has been previously assessed as part of the previous site subdivision, and clearing works have already occurred. Landscaping should be in accordance with the Warriewood Valley controls and requirements</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016 The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Coastal Management) 2018 As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The western part of the subject land has been identified as 'proximity to Coastal Wetlands' on the 'Coastal Wetlands & littoral Rainforest Map' but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by DFP Planning Consultants dated 29 May 2020, works proposed in the submitted DA are not located in this part.</p> <p>As such, assessment under SEPP (CM) 2018 is not required.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>

NECC (Development Engineering)	No objections to the proposed development for apartments, townhouses and subdivision subject to conditions.
NECC (Stormwater and Floodplain Engineering – Flood risk)	All works are located above the Probable Maximum Flood level of 4.88m AHD. The completed Stage 1 subdivision civil works resulted in the subject development to be located outside the areas identified as flood prone. No flood related development controls included.
NECC (Water Management)	<p>The management of water quality was completed under the Stage 1 DA, as noted in the water management report.</p> <p>The basement for the Resident Flat Building is not expected to intercept the main body of the groundwater aquifer for Narrabeen Creek. Dewatering conditions apply in the event groundwater seepage occurs, or the basement excavation fills with tailwater. The basement is not expected to impede groundwater flows, and there is no groundwater dependent vegetation present on the site.</p>
Road Reserve	<p>There does not appear to be any significant impact on existing road assets so no objection from Road Assets.</p> <p>It may be preferable to require the entry into the laneway to be built as a driveway crossing to give priority to pedestrians and avoid the need for kerb ramps and a road crossing. This would also avoid the need to reconstruct the intersection (although it appears to have already been built) Can traffic and development engineers please consider – this was a policy of former Warringah – not sure if this is consistent with Warriewood Valley Plans.</p> <p>The laneway should be named in accordance with Geographical Names Board street naming guidelines and the developer shall be required to install a street name sign to ensure appropriate wayfinding. (development engineers to condition)</p> <p>It appears all public road infrastructure has already been provided as part of the subdivision.</p>

Internal Referral Body	Comments
	<p><u>Planners Comments</u></p> <p>Council's Traffic Engineers have prepared a condition to address the concerns relating to the laneway entry.</p>
Strategic and Place Planning (Urban Design)	<p>The proposed changes to the previously approved Development Application have addressed the issues identified in the Pre-Lodgement Meeting:</p> <ol style="list-style-type: none"> 1. The 3m gaps between the townhouses are treated appropriately with soft landscape and cloth drying areas. Care should be taken to ensure the long, narrow and tall resultant space does not become unusable and become neglected by the residents. Response: Cloth drying areas are provided and big corner windows incorporated to shorten effect of long building gaps. 2. The larger central common garden area proposed as a result of the townhouse lots made shorter is a positive improvement to the overall site layout. Soft landscape treatment to create a semi-public garden spaces for use by the residents would be preferred to physical barriers like fences, walls and gates. Response: Soft landscape treatment/ integrated barriers incorporated. 3. The relocation of the air-conditioner condenser units from the balconies and terraces area to the basement and roof top area should ensure that adequate screenings are provided so that they are hidden and do not create nuisance. Ease of access for maintenance should be considered in the relocation. Response: A/C roof enclosure provided. 4. The proposal to open up the large glazed windows in the apartments on the western elevation to take advantage of the views to the creek corridor should consider the western sun exposure. The substitution of western sun-shading external blinds to other form of sun shading treatment should be accompanied with updated 'BASIX' calculations and specifications. Response: Bifold shutters have been provided to control western sun and updated Basix report has been submitted. 5. The new DA to be submitted should capture the changes from the currently approved DA clearly in the new set of documents to facilitate and expedite the approval and checking process. Response: List of changes provided.

Internal Referral Body	Comments
Strategic and Place Planning (S94 Warriewood Valley)	<p>The site is within Buffer 11 of the Warriewood Valley Release Area. The development application seeks approval for 43 total dwellings comprising the construction of a 32-unit residential flat building, 10 semi-detached dwellings, a dwelling house and community title subdivision.</p> <p>The application form advises that this is not a staged development, notwithstanding the applicant has identified that the development will be sequenced as follows: Stage 1 – Consolidation of land. Stage 2 – Community title subdivision to create three lots, construction of the residential flat building. Stage 3 – Construction of 11 dwellings and community title subdivision to create 11 lots.</p> <p>Development application N0611/16 was approved on the southern portion of the site in 2017 and included subdivision and construction of a 130-bed residential care facility. The application also included the dedication of the inner creek corridor and construction/dedication of a section of Lorikeet Grove and cycleway to Council. The dedication of the creek and construction of the cycleway are identified in the Warriewood Valley Contributions Plan. This application was modified by Mod2019/0171 to update development contributions consistent with the Warriewood Valley Contributions Revision 3, in force from 1 September 2018.</p> <p>DA2020/0579 will create additional demand for local infrastructure. A development contribution will be applied in accordance with the Warriewood Valley Contributions Plan requiring the payment of a monetary contribution.</p>
Traffic Engineer	<p>The proposed residential development contains:</p> <ul style="list-style-type: none"> o 11 residential townhouses (including 3 adaptable units). o 32 residential units (including 8 adaptable units): <ul style="list-style-type: none"> ▪ 4 x one bedroom units ▪ 22 x two bedrooms units ▪ 6 x three bedrooms units ▪ One basement level car park. <p>The proposed basement car park has a total of 60 car parking spaces (including 8 adaptable spaces) and 1 car wash bay.</p> <p>11 visitor parking spaces (including one accessible space) will be provided on the proposed laneway adjacent to the residential flat building.</p> <p>16 bicycle parking spaces are proposed in addition to the car parking</p>

Internal Referral Body	Comments
	<p>spaces.</p> <p>Each townhouse will be allocated with three car spaces within a garage as part of each lot.</p> <p>Traffic: In comparison to the previously approved layout, the proposed layout in fact reduces the amount of development and hence reduces the expected traffic generation of the site.</p> <p>Therefore no objections are raised.</p> <p>Parking: Parking provisions are compliant with the applicable DCP.</p> <p>Therefore no objections are raised.</p> <p>Car Park and Access: The proposed lane way, along the rear of the townhouses introduces an approach angle that is not deemed inefficient and may pose a safety concern.</p> <p>Serviceability: No concerns are raised.</p> <p>Pedestrians: No concerns are raised.</p> <p>Recommendation: Council raises no objection subject to conditions.</p>

Waste Officer	<p>Updated comments 1 September 2020</p> <p>A roller door would be acceptable as long as it can opened easily by one person and has a head clearance of 2.1 metres the same as the bin room ceiling.</p> <p>Note: Council's preferred position is for the roller door to be shown on the amended drawings. As past experience is that "what is on the drawing is what gets built" despite what the conditions of consent might say.</p> <p>The bin transfer arrangement shown on DA2020/0579 is acceptable to Council.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

External Referral Body	Comments
Nominated Integrated Development – Natural Resources Access Regulator - Water Management Act 2000 (s91 Controlled Activity Approval for works within 40m of watercourse)	<p>The application was referred to the Natural Resources Access Regulator (NRAR). NRA have reviewed documents for the development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.</p> <p><u>Exemption</u></p> <p>Water Management Act (General) Regulation Schedule 4, 31 - Activities on 1st, 2nd & 3rd order streams where the works are separated from the river by a) a public road, b) a hard stand space, c) a levee.</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. Whilst the site was formerly used for agricultural purposes, any potential contamination and remediation has been addressed as part of the works currently occurring on site pursuant to development application N0611/16. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7(1)(b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use proposed

Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018.

The subject site has previously been sued for agricultural purposes. Any potential contamination and remediation has been addressed as part of works approved under development consent N0611/16.

Furthermore, the subject application is supported with a Preliminary Site Contamination report which describes asbestos in one soil sample, no other contaminants found beyond (health or environment) 'trigger levels'. The Preliminary Site Contamination report makes recommendations to address issues associated with asbestos. Council's Environmental Health Unit have reviewed the report and have no objections to the proposal subject to compliance with the recommendations of the Preliminary Site Contamination report and additional conditions to address asbestos contamination. As such, the use of the site for residential purposes is considered to be acceptable and subject to conditions is not considered a contamination risk in accordance with Clause 7 of SEPP 55.

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 includes the erection of a 2 / 3 storey residential flat 'housing' development plus basement car parking for the provisions of 32 self-contained dwellings.

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.

DESIGN REVIEW PANEL

Northern Beaches Council have established the Design & Sustainability Review Panel (DSAP). The Panel has been created to provide independent design advice for large scale applications lodged after 1 August 2020 including SEPP 65 applications, multi-unit housing developments, boarding houses, student housing, seniors housing, mixed use developments and shop top housing. The application was lodged on 3 June 2020 prior to the 1 August 2020 date which requires a referral to DSAP. The application was reviewed by Council's Urban Design who supports the proposal. Furthermore the residential flat building is generally consistent with the development approved under DA2018/1826.

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 proposed development is located within the Warriewood Valley Release Area, which is an area that is currently transitioning from rural residential landholdings to medium density development. The desired character of the Warriewood Valley Release Area locality is identified in clause A4.16 of P21 DCP, which states:

Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.

Two / three storey residential flat buildings are anticipated on the site, and the proposed built form will not be at odds with other recent developments approved on adjoining sites. The proposed residential flat buildings have been designed to appropriately relate to Lorikeet Grove and the neighbouring Seniors Housing development. The design of the residential flat building is generally consistent with that approved under DA2018/1826 and given its siting in the western portion of the site which sits at a lower level than the street it will have limited visual impact from Warriewood Road.

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 proposed residential flat buildings are consistent with the scale, bulk and height approved in the earlier scheme pursuant to DA2018/1826. The residential flat building sits below the maximum prescribed 10.5m height limit and is well articulated by virtue of the degree of modulation and varied materiality proposed. The siting and scale of the development is consistent with the Strategic Review, which allows for 3 storey development lower portion of the site towards the creekline, with development of a lesser height and scale on the higher area of the site presenting to Warriewood Road.

The design has evolved to incorporate two separate buildings connected by a ground floor central entranceway, which allows for views through the buildings and for the incorporation of more vegetation to soften the visual impact of the built form. The form and scale of the development is considered to be appropriate as seen from the public domain.

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 proposed residential flat buildings are consistent with the density approved under DA2018/1826. The proposed residential flat buildings contain apartments with a high internal amenity, and contribute to a total density on the site (32 dwellings) that is consistent with the density range prescribed by clause 6.1(3) of PLEP 2014, the Strategic Review and Strategic Review Addendum.

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 proposed development is supported by BASIX and NatHERS Certificates, which include recommendations to ensure that the building performs in accordance with industry standards. Furthermore, the majority of apartments achieve natural cross ventilation with adequate levels of natural daylight, such that the amenity and livability of apartments is high, without excessive reliance upon air-conditioning and artificial lighting. It is noted that proposed scheme re-locates the air conditioning units off the balconies to the basement and roof tops. Screening to roof top plant is required to ensure that there will be no adverse visual impacts as a result of the re-design.

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, co-ordinating 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 subject application is similar to the approved development consent DA2018/1862, however, as a result of changes to the internal road layout the current scheme has the advantage of providing a larger common landscaped area with playground and BBQ facilities to the benefit of the residents in both the residential flat development and the dwellings.

The works are proposed in two stages: the first stage will be the construction of the residential flat building and the internal road and its visitor car parking spaces and landscaping of the central open space, and the second stage will be the construction of the dwellings fronting Warriewood Road.

The application is supported by a landscape plan that demonstrates an appropriate landscape solution for the site, consistent with the Landscape Masterplan for the Warriewood Valley Release Area and the desired character of the locality. The landscaped solution comprises an appropriate scale of plantings to ensure that the visual impact of the built form will be screened and softened as seen from the public domain and adjoining properties. Council's Landscape Officer supports the proposal subject to conditions.

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:

As detailed in the assessment against the ADG and P21 DCP, the proposed development provides a high level of amenity for future occupants of the development, without unreasonably compromising the amenity of adjoining residences. The layouts of individual apartments are well resolved and appropriately dimensioned, with adequate natural ventilation and access to natural daylight. Furthermore, the development is designed to relate to the adjacent multipurpose creekline corridor, providing both a pleasant outlook and a direct connection to other development within the release area, the nearby Warriewood Wetlands and local services and infrastructure

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 proposed development is considered to maximize safety of future occupants of the development through clearly defined secure access points, active street edges and opportunities for maximum passive surveillance.

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 proposed development comprises a mix of one, two and three bedroom apartments, inclusive of 8 adaptable apartments interspersed throughout the development. The development provides an appropriate balance of different housing options for a variety of living needs and household budgets.

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:

The proposed development incorporates varied, high-quality finishes that will blend with the existing surrounding urban environment. The size and scale of the proposed development is well articulated and appropriate for the context of the site, and the landscaped solution will ensure that the built form is screened and softened. Overall, the development is considered to be an appropriate design response for the site and the local context.

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?	Yes

Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	Yes The siting of the RFB is the same as that already approved). The building responds to the streetscape and the creek corridor.						
Public Domain Interface	Does the development transition well between the private and public domain without compromising safety and security? Is the amenity of the public domain retained and enhanced?	Yes. The siting of the dwelling provides an appropriate transition between the public and private domain. There is no change to this treatment to that already approved.						
Communal and Public Open Space	Appropriate communal open space is to be provided as follows: <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 principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter) 	Yes The site of the residential flat building has an area of 5539sqm (including the communal open space, parking and lane) requiring a total area of communal open space of 1384.75sqm. A communal open space of 1849sqm is provided in the form of the common open space shared with the dwelling houses fronting Warriewood Road. This represents 33.4% of the site area. As a result of changes to the road layout the amount and quality of common open space is far greater than that of the previously approved scheme. Further the area will receive more than 50% of the required 2 hours of sunlight and is designed to allow a range of activities including the play park, BBQ area and seating.						
Deep Soil Zones	Deep soil zones are to meet the following minimum requirements: <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum</th><th>Deep soil</th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td></tr> </tbody> </table>	Site area	Minimum	Deep soil				Yes The site of the residential flat building has an area of
Site area	Minimum	Deep soil						

	<table> <tr> <th></th><th>dimensions</th><th>zone (% of site area)</th></tr> <tr> <td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² – 1,500m²</td><td>3m</td></tr> <tr> <td>Greater than 1,500m²</td><td>6m</td></tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </table>		dimensions	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	5539sqm requiring 387.73sqm of deep soil zone. A total of 1836sqm (32.2%) is provided (refer DA-051). The areas have dimensions of at least 6m in width.
	dimensions	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													
Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	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	<p>Yes</p> <p>The sitting of the RFB is the same as the approved scheme.</p> <p>A setback to the northern boundary of 4.5m is proposed to the ground floor and level 1 and 6.2m to level 2.</p> <p>The northern elevation adjoins Baz Retreat and the road reserve provides an additional 10m separation to the nearest residential lots.</p>
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												
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>Yes</p> <p>The building entry is from either the western side directly from Lorikeet Grove (as previously approved) or from the communal open space.</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>Yes</p> <p>The vehicle access points are from the southern arm of Lorikeet Grove</p>												

		consistent with the approved development.
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> 1 Onsites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or 1 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>Yes</p> <p>The site is not located in a metropolitan, regional or sub-regional centre. The car parking is provided in accordance with the Pittwater DCP.</p>
Part 4 Designing the Building		
Amenity		
Solar and Daylight Access	<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"> 1 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. 	<p>No (assessed as acceptable)</p> <p>Condition 20(f) of DA2018/1826 required a 1.2m setback of the master bedroom to Units G.11 and 1.13 on the western elevation. This has been incorporated into the new design to improve solar access to the private open and living room of those dwellings. The amended design will result in 68% of apartments received compliant solar access. Refer to discussion at the end of this table.</p>
	<ul style="list-style-type: none"> 1 A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter. 	Yes

Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <p>1 At least 60% of apartments are naturally cross ventilated in the first nine storeys of</p>	<p>Yes</p> <p>21 or 65% of dwellings are corner apartments and are therefore naturally cross ventilated.</p>												
	<p>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.</p> <p>1 Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.</p>	<p>NA</p> <p>No cross over apartments are proposed</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>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</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	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>No (assessed as acceptable)</p> <p>2.7m ceiling height to habitable rooms is generally achieved, however, there are some dwellings that have bulkheads lowering the ceiling height in certain areas to 2.4m. The minor breach of the 2.7m ceiling heights to some areas of these apartments is assessed on merit as acceptable. Refer to discussion at the end of this table.</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													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
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>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Yes</p> <p>All apartments exceeds the requirement</p>		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m 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.	Yes															
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Yes															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	No (assessed as acceptable) 7 apartments vary from this requirement. Whilst these do not meet the design criteria, they do meet the design guidance of the ADG (refer to discussion at the end of this table).															
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Yes															
	Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension.	Yes															
	Living rooms or combined living/dining rooms have a minimum width of: 1 3.6m for studio and 1 bedroom apartments 1 4m for 2 and 3 bedroom apartments	Yes															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	NA															
Private Open Space and Balconies	<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr> </thead> <tbody> <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> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</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	Yes
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 15m ² and a minimum depth of 3m.	No (assessed as acceptable) The ground floor balconies facing Lorikeet Grove depart from these requirements (refer to discussion at the end of this table).										
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Yes Max 7 apartments off the circulation core										
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	NA										
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <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>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	Yes
	Dwelling Type	Storage size volume										
Studio apartments	4m ²											
1 bedroom apartments	6m ²											
2 bedroom apartments	8m ²											
3+ bedroom apartments	10m ²											
At least 50% of the required storage is to be located within the apartment.												
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.	Yes Apartment layouts generally have non-habitable rooms adjoining each other and adjacent to the common circulation, stairs and lifts.										
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	NA										
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.	Yes The apartment mix comprises: <ul style="list-style-type: none">• 4 x 1 bedroom• 22 x 2 bedroom• 6 x 3 bedroom This is the same unit mix as previously approved and provides a reasonable mix of dwelling types to suit different household needs. Yes										

Ground Floor Apartments	Do the ground floor apartments deliver amenity and safety for their residents?	Yes				
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	Yes The building façade utilises a variety of materials to provide interest. The use of timber feature panels on the southern elevation (as required by Condition 20(g) of the previous approval) has been incorporated into the new design.				
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.	A low pitched roof is proposed (as originally approved). A roof plant and air conditioning platform is now proposed as part of the roof structure. The location of the roof plant within the roof footprint will minimise its visibility. Low screens approximately 1m in height are utilised where the roof plant might be visible (refer to DA-260 for details).				
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	Yes				
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes:					Yes There are 3 locations where landscape is above structure. The Architectural Design Report and Landscape Plans detail the soil depth in the 3 locations: 1. The courtyard between the 2 wings of the building has soil depth of approximately 600mm on the eastern side and a 300-500mm on the western side.
	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	2. To the south of the building there 1m depth of soil above the basement car park. 3. To the south east of the building there is 1m depth of soil above the car park (services room). The soil depths are consistent with the ADG in terms of the landscape treatments proposed for those areas.
	Shrubs			500-600mm		
	Ground Cover			300-450mm		
	Turf			200mm		
Universal Design	Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features					A total of 8 dwellings are adaptable dwellings.
Adaptable Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.					N/A
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.					N/A
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.					N/A
Performance						
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?					Yes

Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	<p>Yes</p> <p>A rainwater tank is proposed to will be used for irrigation of the landscaped areas.</p> <p>Stormwater plans which detail the WSUD measures to be constructed as part of the development. Importantly, the development maintains the 41% landscaped area which is a requirement of development consent N0611/16 to achieve the water quality requirements of the Pittwater 21 DCP.</p>
Waste Management	Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?	<p>Yes</p> <p>A waste storage room is located in the basement of the building. A building manager will transfer the bins to the hold room located on Lorikeet Grove. This waste management arrangement is the same as that previously approved.</p>
Building Maintenance	Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?	<p>Yes</p> <p>buildings material that require little maintenance have been selected where practicable</p>

Detailed Assessment

4A Solar access and daylight access

Solar analysis has been prepared at 15 minute intervals and measures the area of the room receiving sunlight as required under the ADG. The amount of solar access received has been calculated in line with the 'Solar Access Requirements in SEPP 65' planning circular prepared by the NSW Department of Planning and Environment and the following design guidance of Objective 4A-1 of the ADG:

To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.

The analysis confirms that the proposed development does not achieve a minimum of 2 hours of direct sunlight between 9am and 3pm in midwinter to 70% of the apartments proposed. Twenty-six (26) of the thirty-two (32) units (68.75%) achieve consistency with the minimum requirements. The six (6) non-compliant apartments are listed below which confirms that while the living areas do not received solar access the areas of private open space (POS) generally exceed the 2 hour minimum requirement.

Apartment	Living Area (hours of solar access)	POS hours of solar access
G.01	0	2
G.02	0	1.75
G.03	0	6
1.01	0	2
1.02	0	2.25
1.03	0	1.5

The current scheme allows for improved solar access to the approved scheme given that the amended design incorporates design changes, required under condition 20 (a) of DA2018/1826 namely:

The setback between Lorikeet Grove and the western façade of the Master Bedroom of Apartments G.11 and 1.13 (and the balcony above) is to be increased by 1.2m, with the internal division between the Master Bedroom and the associated robe to be adjusted accordingly

The changes results in improve solar access to a further 2 units. On merit the minor breach of the control has been assessed as acceptable given that the non-compliant west facing apartments will have adequate indirect natural light, with an outlook towards the multi-functional creekline corridor and to the Ingleside escarpment beyond. Four of the six non-compliant apartments are cross-ventilated or cross-through apartments and three apartments have areas of private open space that will receive in excess of 2 hours of direct sunlight in midwinter. Further, all apartments are well proportioned, with good practical layouts, such that the amenity of each apartment is not compromised or inadequate

4C Ceiling heights

The dwellings on the top floor all achieve a compliant 2.7m ceiling height. All apartments on the ground and first floor levels meet the 2.4m ceiling height to non-habitable rooms however parts of the habitable areas of the apartments on those levels have a 2.4m ceiling height in order to accommodate bulkheads for services.

A total of 16 apartments have the bulkhead located above the kitchen (10 units on the ground floor and 5 units on the first floor). The variation with the design criteria of Objective 4C in respect of floor to ceiling height has been assessed on merit as acceptable given the following:

- The 2.4m ceiling height is confined to the kitchens which are located in a corner of the room and the bulkhead does not divide or interrupt the 2.7m ceiling height to the living spaces.
- The living rooms have rooms widths that are more generous than the ADG minimums (3.6m for a 1- bedroom apartments or 4m for a 2 or 3 bedroom dwelling) providing a more spacious rooms with good outlooks and access to daylight.
- 2.7m ceiling height extends down the length of the corridor to the front door providing an open outlook upon entering the apartment.
- Apartments G.04, G.06, G.09, 1.04, 1.07, 1.08 have dual aspect living rooms providing a second aspect and outlook, creating a greater sense of space to the living room.

4D Apartment size and layout

Apartments G.09 and 1.06 are inconsistent with the design criteria of Objective 4D-2 of the ADG that limits the depth of an open plan living area to 8m, with a maximum depth of 8.32m and 8.36m respectively. The 320-360mm non-compliance does not compromise the amenity of the apartments and the minor area of non-compliance is not considered to warrant the refusal of the subject application.

4E Private Open space and balconies

Each of the proposed apartments incorporate a balcony in excess of the minimum area and depth requirements prescribed by the first design criteria of Objective 4E-1 of the ADG. However, apartments G.01, G.02, G.09, G.10 and G.11 do not meet requirements of the second design criteria of Objective 4E-1 of the ADG, which require a minimum depth of 3m and a minimum area of 15m² for ground floor apartments.

These apartments are located on the western side of the proposed development and have direct access to the adjoining area of communal landscaped open space fronting Lorikeet Grove, in addition to the multipurpose creekline corridor on the opposite side of the street. Despite minor areas of non-compliance, the depth and areas of these ground floor apartments are in excess of minimum dimensions prescribed for upper floor units, and are well oriented and sited to maximise livability and amenity for residents. As such, the design of the ground floor balconies is considered acceptable on merit.

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:

(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 proposal demonstrates that adequate regard has been given to the design quality principles and

the objectives of the ADG. The proposal provides compliant parking and the internal areas exceed the minimum requirement. The minor variation in the floor to ceiling height in the kitchen areas has been assessed on merit as acceptable and Council's Building Assessment Unit raise no issues with the proposal in terms of compliance with the ADG.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 964173M_02).

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

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

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate. The condition also requires that the substitution of western sun-shading external blinds to other form of sun shading treatment should be accompanied with updated 'BASIX' calculations and specifications as per the advice of Council's Urban Designer.

SEPP (Infrastructure) 2007

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 5m of an overhead power line;
- includes installation of a swimming pool and any part of which is: within 30m of a structure supporting an overhead electricity transmission line and / or within 5m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. A letter was received from Ausgrid on 15 July 2020 advising that they have no objections to the proposed development subject to conditions relating to care being taken in area of close proximity to existing electrical network assets (underground cables). A condition has been included in the recommendation requiring compliance with Ausgrid's advice.

SEPP (Coastal Management) 2018

Portions of 25-27 Warriewood Road are identified as "proximity area for coastal wetlands" on the Coastal Wetlands and Littoral Rainforest Map of the CM SEPP. However, the works proposed at the subject site (the yet to be created Lot 2) are located outside this area, and as such, the provisions of the CM SEPP are not applicable to this application.

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
Minimum subdivision lot size. The site is zoned within the Warriewood Urban Valley Release Area and is identified as Buffer 1L	Clause 6.1(3) of the PLEP allows not more than 67 dwellings or less than 43 dwellings	43	N/A	Yes
Height of Buildings:	8.5m/10.5m	8.17m and 10.35m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision - consent requirements	Yes
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

6.1 Warriewood Valley Release Area

Clause 6.1(3) of PLEP 2014 prescribes a dwelling yield for land within the Warriewood Valley Release Area. This dwelling yield is not a development standard that can be varied, but rather a threshold that must be met for the development to be permissible on the land. The subject site is located within Buffer Area 1L, with a nominated dwelling yield of “not more than 67 dwellings or less than 43 dwellings”. The proposed residential development will provide 43 dwellings at the subject site, consistent with this dwelling yield, and as such, the proposal is permissible with consent.

Clause 6.1(4) prescribes that development consent must not be granted unless the consent authority is satisfied that the proposed development will not have any significant adverse impact upon opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within the creekline, water quality and flows within the creekline, and the stability of the bank within the creekline. The consent authority can be satisfied that the proposed development will not result in any adverse impacts upon the creekline.

7.2 Earthworks

Clause 7.2 requires the consent authority to consider the following matters before granting consent:

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

Comment

The proposal involves earthworks to create suitable levels for the proposed development and to construct the basement. The proposed development addresses the provisions of clause 7.2 as follows:

- 1 The drainage infrastructure has been established as part of development consent N0611/16 and the proposed development will connect with that infrastructure.
- 1 Any fill (e.g. topsoil for landscaping) will be clean fill.
- 1 The earthworks are unlikely to have an adverse impact on adjoining properties as the excavated areas are 3m off the boundary.
- 1 The site is already disturbed from past market gardening land uses and a work site. The likelihood of disturbing relics is negligible.
- 1 The landscaped area of 41% of the site area achieves the water quality targets of the DCP and the stormwater infrastructure controls water quantity and velocity entering the creek.
- 1 There are no heritage items.

The proposal has been supported with a geotechnical report, prepared by Geotechnique dated 28 May 2020 which has been reviewed by Council's Engineer. Subject to compliance with the recommendations of the risk assessment required to manage the hazards identified in the report which will be incorporated into the construction plans Council's Engineer has no objections to the proposal.

In summary, subject to conditions the proposal addresses the provisions of clause 7.2 and it is unlikely that the development will cause a disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality.

7.3 Flood planning

The site is currently identified as being prone to flooding. However, the earthworks approved pursuant to development application N0611/16 will result in an increase to levels across the site, such that the site will not be flood affected once subdivided/created. Council's Flooding Engineer has confirmed that all works are located above the Probable Maximum Flood level of 4.88m AHD. The completed Stage 1 subdivision civil works resulted in the subject development to be located outside the areas identified as flood prone.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Controls for Dwellings (Dwelling 11)

Control	Requirement	Proposed	Variation	Complies
Front Building Line	Warriewood Road 5.0m Articulation Zone 6.5m (Dwelling)	6.0m to 7.9m	0.5m	No
	Lorikeet Grove 1.0m Articulation Zone 2.0m (Dwelling)	Nil to 3.4m	1.0m	No
Rear Building Line	Internal Road 0.5m	Nil to 3.4m	0.5m	No
Side Building Line	Nil to 25m	Nil to 3.0m	N/A	Yes
Landscaped Area	35%	50.1% (129m ²)	N/A	Yes

Built Form Controls for Semi-Detached Dwellings (Dwellings 4 to 13)

Control	Requirement	Proposed	Variation	Complies
Front Building Line	Warriewood Road 5.0m Articulation Zone 6.5m (Dwelling)	6.0m to 9.2m	0.5m	No
Rear Building Line	Internal Road 0.5m	Nil to 1.8m	0.5m	No
Side Building Line	Ground level Nil & 0.9m Upper level 1.5m	Nil to 7.9m 1.5m to 7.9m	NA	Yes
Landscaped Area	25%	Dwelling 4 46% Dwelling 5 23.5% Dwelling 6 24.1% Dwelling 7 43.9% Dwelling 8 17.8% Dwelling 9 18.1% Dwelling 10 18.1% Dwelling 11 18.1% Dwelling 12 18.1% Dwelling 13 18.1%	N/A 3.0m ² 1.7m ² N/A 13.2m ² 12.5m ² 12.5m ² 12.5m ² 12.5m ² 12.5m ²	Yes No No Yes No No No No No No

Built Form Controls for Residential Flat Buildings

Control	Requirement	Proposed	Variation	Complies
Front Building Line	Lorikeet Grove 3.0m Articulation Zone 4.5m (RFB)	4.0m to 9.4m	0.5m	No
	Baz Retreat 3.0m Articulation Zone 4.5m (RFB)	4.5m	N/A	Yes

Control	Requirement	Proposed	Variation	Complies
Rear Building Line	Internal Road 3.0m	7.3m to 27m	N/A	Yes
Landscaped Area	25%	33.2%	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	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
C1.3 View Sharing	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.23 Eaves	No	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.4 The Road System and Pedestrian and Cyclist Network	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.7 Landscape Area (Sector, Buffer Area or Development Site)	Yes	Yes
C6.8 Residential Development Subdivision Principles	Yes	Yes
C6.9 Residential Land Subdivision Approval Requirements	Yes	Yes
C6.10 Additional Specifications for development of Buffer Area 1a	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
to 1m		
D16.1 Character as viewed from a public place	No	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments		
D16.6 Front building lines	No	Yes
D16.7 Side and rear building lines	No	Yes

D16.8 Spatial Separation	Yes	Yes
D16.9 Solar access	No	Yes
D16.10 Private and Communal Open Space Areas	No	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

C1.23 Eaves

Clause C1.23 (Eaves) requires 450mm eaves except for residential flat buildings.

Comment

The dwellings fronting Warriewood Road do not have eaves. This design outcome is the same as the previously approved development and has been assessed as being consistent with the outcomes of clause C1.23 as follows:

- The proposed dwellings and semi-detached dwellings will reflect the coastal heritage and character of the locality,
- The proposed roof forms are optimised, and
- Appropriate solar access and shading will be achieved.

C6.2 Natural Environment and Landscaping Principles

Clause C6.2 requires;

25% of the site area is to be provided as communal open space within residential flat buildings, shop top housing, mixed use and multi dwelling housing developments.

Areas of communal open space should be co-located with deep soil areas. They are to provide amenity for residents and are to receive a minimum of 50% direct sunlight to the principle usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June.

Comment

More than 25% of the site is provided as communal open space for the residential flat building and dwellings fronting Warriewood Road. This is in the form of a large central open space which allows for planting in deep soil and compliant solar access. The proportions of the communal area and facilities provided, including a play park and BBQ area, allow for enhance amenity for future residents.

C6.4 The Road System and Pedestrian and Cyclist Network

Clause C6.4 includes compliance with the following requirements:

A single access point to each sector, buffer area or development site serviced by a roundabout or other on-street traffic management facilities (if necessary) is to be provided with vehicular access to individual lots within the subdivision being from internal roads within that subdivision. Internal roads linking separate existing sites are to be provided.

The street pattern must provide direct, safe, and convenient pedestrian and cyclist access from housing and employment areas to public transport stops and to areas of open space, services and other

facilities. Connectivity within the sector, buffer area or development site is required to ensure the majority of dwellings are within walking distance to bus stops.

The street layout and design is to consider opportunities for the retention of existing significant trees within the road reserve where possible. Trees may be incorporated with small, informal spaces that provide opportunities for 'greening of the street'.

All roads in Warriewood Valley must be designed with traffic calming devices to lower vehicle speeds, which may incorporate pavement treatment and enhanced landscaping. The provision of safe crossing areas is required. All roads and any traffic calming devices in Macpherson Street, Warriewood Road, Ponderosa Parade, Garden Street and Boondah Road must be able to cater for ultra-low floor articulated buses. The road system is to cater for adequate vehicular access for waste removal services.

Driveway locations on Sub-arterial Roads, Collector, Local and Access Streets are to consider the impact on street trees and on street parking opportunities.

Laneways

For residential lots with double frontages, laneways should be used to provide rear loaded access. Laneways are not suitable for single frontage lots.

The design, dimensions and materials of the laneway should promote a slow speed driving environment, distinctively different from a street. Laneways are to be provided with a suitable level of passive surveillance.

Garbage collection areas are to be incorporated into the design of laneways to ensure access along the laneway is not hindered during garbage collection periods. Garbage bins are to be located in designated collection areas only during the collection period. The garbage collection area(s) is not to be used for parking or storage.

Comment

The proposed internal road / laneway layout is generally consistent with the design requirements of the Roads Masterplan and provisions of Clause C6.4. It is noted that the layout has been amended from the approved scheme and in comparison the proposed layout reduces the amount of development and hence reduces the expected traffic generation of the site. Council's Transport Unit have however raised some concern regarding the safety of the proposed laneway along the rear of the townhouses which introduces an approach angle that is not deemed inefficient. In order to address this safety issue a deferred commencement condition requires the laneway to be designed with a 6.0m clear width from Lorikeet Grove to at least the first town house.

In regards to other aspects relating to the laneway it is noted that the proposal provides a compliant amount of landscaping along the west of the laneway with opportunities for good surveillance from the dwellings and the common open space.

C6.7 Landscape Area (Sector, Buffer Area or Development Site)

Clause C6.7 requires

Where the sector, buffer area or development site has no frontage to a creek, a minimum 25% of the site area is to be landscaped area.

The minimum landscaped area directly impacts on site storage requirements for the overall water cycle management of a sector, buffer area or development site based on the Warriewood Valley Urban Land Release Water Management Specification (2001). This policy assumes 50% impervious area for a

sector, buffer area or development site, therefore the Water Management Cycle model must account for the quantum of built upon area. Where the proposal's impervious area exceeds 50%, a reassessment of the site storage requirements should be undertaken and measures to address the difference must be clearly outlined.

Comment

The proposal provides an area of communal open space which represents 33.4% of the site area (1848sqm) which exceeds the minimum 25% landscaped area is required for the site under clause C6.7.

The development is proposed on a yet to be created superlot (Lot 2) which was approved pursuant to development application N0611/16. The original consent imposed a restriction requiring a minimum landscape area of 41% on lot 2 to ensure that any future development of the lot remains consistent with the water management infrastructure required under Condition B2 of DA N0611/16, namely:

Lot 2, any future lot within the land currently known as Lot 2, must be developed in a manner such that a minimum landscaped area (as defined by PLEP 2014) of 41% of the total site area of Lot 2 is retained in perpetuity.

The applicant's landscape calculations on drawings DA062 demonstrate consistency with this requirement, with a landscaped area calculation of 3353m² or 41.8% of Lot 2. For the purpose of calculating the total landscaped area the applicant has included the permeable area associated with the playground and the visitor parking areas. The definition of landscaped area as defined in Pittwater LEP 2014 has been applied. The definition reads as follows:

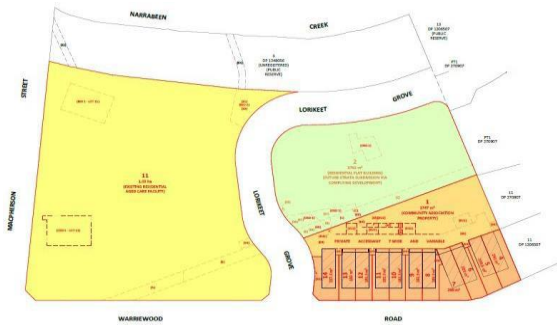
"landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area."

The DCP states that *"landscaped areas are to be predominately areas of deep soil to allow the infiltration of rain water to the water table to reduce stormwater runoff, promote the healthy growth of large trees with large canopies and protect existing mature trees."* Given that the permeable paving will allow water to penetrate the soil the inclusion of these permeable areas in the calculation has been assessed as acceptable and Council's Development Engineer and Water Management Officer are satisfied that the proposed development will be consistent with the water management solution developed for the site and in turn, the intent of the landscaped area.

C6.8 Residential Development Subdivision Principles

Future Lot 2 upon which the proposal is to be constructed has already been approved under DA N0611/16 but has not yet been registered. As part of that approval the road, pedestrian and open space network in this part of Buffer Area 1L has already been established and is not changed as a consequence of the subject DA.

A community title subdivision is proposed as illustrated in the draft subdivision plans prepared by Survey Plus below and will be carried out in stages. It is noted that the previous scheme DA2018/1826 sought Torrens Title subdivision which was not endorsed and a condition in the previous consent required a community title plan for subdivision.



Draft Sub-Division Plan

The proposed community title subdivision creates lots that reflect the proposed buildings, namely the RFB, dwelling and semi-detached dwellings to be constructed on them. The design of the development has responded to topography and solar orientation to ensure dwellings are appropriately sited and then the subdivision created accordingly.

Dwellings

There are no driveways proposed from Warriewood Road. The site areas for these lots are generally less than 225sqm and they are rear loaded as per the DCP. All lots have widths greater than 7.5m exceeding the minimum lots width of 4.5m for rear loaded lots.

Dwellings are in a semi-detached form to provide breaks in the built form, consistent with the DCP. The design of the dwellings fronting Warriewood Road have their garages facing the laneway and have varied setbacks from the laneway alignment. The siting of the dwellings allows landscaped elements to be provided between buildings to avoid continuous runs of garages to the laneway. Articulation zones and elements such as balconies provide interest and variation in the streetscape.

Residential Flat Building

The lot upon which the Residential Flag Building is proposed has dimensions of greater than 30m in any direction in compliance with the DCP control. The apartment mix complies with the minimum 10% for 1 and 2 bedroom dwellings with 12.5% and 69% respectively

C6.9 Residential Land Subdivision Approval Requirements

The development involves the subdivision to create lots less than 225sqm and less than 9m in width. The construction of a dwelling, or semi-detached dwellings is proposed on each of those lots and detailed floor plans, elevations and sections are provided for those dwellings.

C6.10 Additional Specifications for development of Buffer Area 1a to 1m

The site is located within Buffer Area 1L. Clause C6.10 has largely been addressed as part of the DA N0611/16 for the residential care facility, roads and subdivision of land into 4 lots. That consent approved road layout, creek corridor works consistent with the proposed layout.

D16.1 Character as viewed from a public place

Clause D16.1 includes a requirement to achieve the following:

Presentation to a public place

The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements (such as roof forms, textures,

materials, arrangement of windows, modulation, spatial separation, landscaping etc.) that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.

Plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. All noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar are to be located and designed to protect the acoustic privacy of workers, residents and neighbours. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement. Council does not encourage air conditioning units on the roof of development.

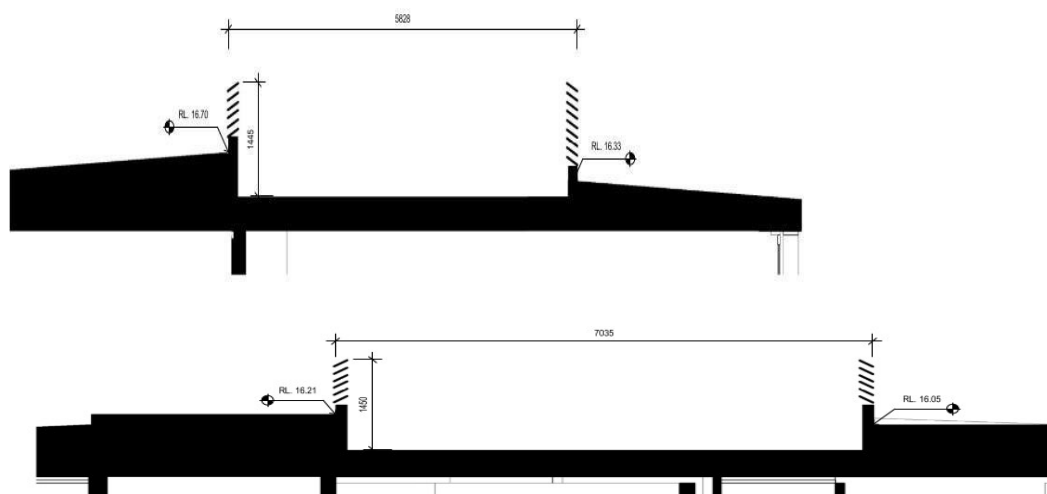
Comment

Residential Flat Building

The design of the residential flat building is similar to that previously approved under DA2018/1826 in terms of its character and street presentation. The design of the building addresses the public places in terms of the articulation and modulation of the facades, spatial separation of the blocks, legible pedestrian / public entrances and interface and integrated landscaping. The building has its main entrance off Lorikeet Grove and ground floor apartments have individual street entrances. All units either address the street or Narrabeen Creek Corridor.

The design of the building is however inconsistent with the DCP in terms of the requirement to conceal plant given the lift overruns and roof top air conditioning (A/C) platforms. The lift overruns have previously been approved by the SNPP subject to a condition (Condition No. 18) which required the lift over runs to be finished in the same colour as the roof. A similar condition has been imposed in the subject recommendation.

The roof top A/C platforms are a new element to the previously approved scheme which will remove the individual AC units from the balcony or courtyard of each dwelling. The A/C platforms on the roof footprint are setback between 6m to 11.9m from the edge of the roof to minimise any potential visual impact. In addition, low screens are provided along the edge of the A/C platform where there may be some potential visual impact, refer to image below.



Roof Plant Section North and South

On balance, the removal of the individual AC units from the balconies and courtyards to the roof will improve the functionality of the private open space and subject to conditions to ensure sufficient

screening Council's Urban Designer has no objections to the variation of the DCP control relating to plant.

Town Houses

The town houses address Warriewood Road with integrated garages located to the rear accessed via the laneway in accordance with the requirement for rear loaded lots. All dwellings face Warriewood Road with front doors facing the street in keeping with the existing character of the area.

The proposed development has been assessed as resulting in an improved relationship to the public domain in respect of the following:

- The communal open space is significantly larger and has an interface with Lorikeet Grove providing a green open space that is visible from the street.
- The south-western corner of Lorikeet Grove and Warriewood Road was previously approved as detached dwelling house (TH 11). This house has been deleted and converted to an open space area that will be integrated into the landscape of the residential care facility. This achieves an improved streetscape for Warriewood Road and the houses opposite.

D16.5 Landscaped Area for Newly Created Individual Allotments

Clause D16.5 requires the following landscape areas:

- 25% of the site area for Residential Flat Buildings (RFB) with a minimum dimension 3m (at ground level);
- 25% of the site area for dwellings on lots less than 9m wide with a minimum dimension of 3m;
- 35% of the site area for dwellings on lot 9m to 14m wide minimum dimension 3m.

Comment

Residential Flat Building

The residential flat building occupies a total site area of 5539sqm therefore a total area of 1384.75sqm common open space is required. The proposal provides a total area of 1849 (33.4%) which exceeds the requirement.



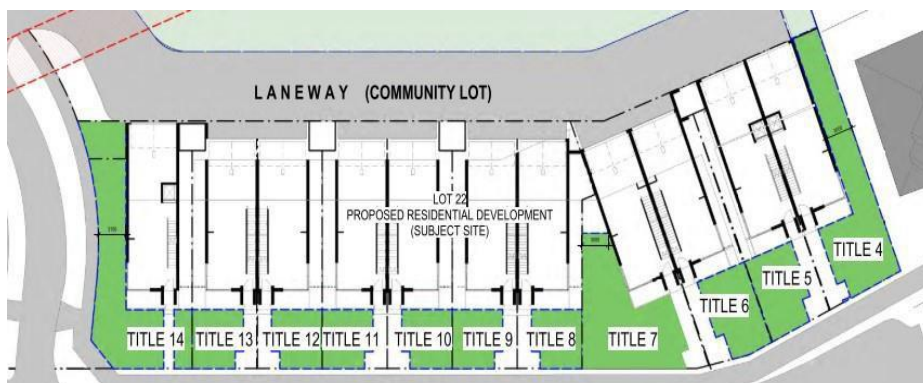
Common Open Space Diagram

Lot 21 provides an additional 328sqm of landscaped area (83% of the site area). This was previously approved as a residential dwelling.

Dwellings

Lot 22 (dwellings community titled lots 4 - 14) provide between 50.1% - 17.8% landscape area. With the exception of Lots 4 and 7 all other lots are less 9m wide or less and therefore require 25% of the site to be landscaped. Lots 4 and 7 provide 46% and 43.9% open space which exceeds the 35% minimum requirement. Lot 14 also exceeds the landscape requirements with 50.1% of the site being retained for landscaping. However, all other lots are deficient in achieving 25% of the site area as landscaping as detailed below:

Lot 5 = 23.5%
 Lot 6 = 24.1%
 Lot 8 = 17.8%
 Lot 9 = 18.1%
 Lot 10 = 18.2%
 Lot 11 = 18.1%
 Lot 12 = 18.1%
 Lot 13 = 18.1%



Open space diagram for community titled lots.

Despite the technical non-compliance with the landscaped area in respect of 8 lots the development is considered to be supportable on merit, as it otherwise achieves consistency with the outcomes of the landscape area control as follows: The proposal has been assessed as achieving the outcomes of the provision as discussed below:

Conservation of significant natural features of the site and contribution to the effective management of biodiversity.

Comment: The site does not contain any significant features, and the proposed development will result in a significant enhancement of native vegetation to contribute to the effective management of biodiversity.

- Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.

Comment: Subject to minor refinement in proposed conditions of consent, the proposed landscape solution will be consistent with the Landscape Masterplan, the landscape guideline prepared and adopted by Council to ensure a unified and high quality landscape solution throughout the Warriewood Valley Release Area.

Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.

Comment: Despite minor technical non-compliances arising as a result of the minimum dimension of landscaped area prescribed by this control, the landscaped solution is comparably generous and will actively promote ecologically sustainable outcomes and an enhancement of biological diversity and

ecological processes. Whilst the development will result in more hard surfaces on the site than that which previously existed (as the site was generally free of development), the proposal will result in a significant improvement in the landscaped treatment of the site.

The area of site disturbance is minimised.

Comment: The proposed development will disturb the majority of the area of the site. However, this level of site disturbance is not excessive or unreasonable in light of the nature of the medium density development proposed

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Comment: 41% of the total site will be landscaped or comprise permeable surface treatments, to maximise water infiltration on the site, consistent with the water management solution approved pursuant to development application N0611/16.

Landscaped areas should be predominately areas of deep soil.

Comment: All of the nominated landscaped area is deep soil landscaping.

New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.

Comment: The proposed development will result in a significant enhancement of vegetation on the site, minimising the visual impact of the development and ensuring consistency with the Warriewood Road streetscape.

To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.

Comment: The proposed development comprises adequate setbacks and spatial separation to ensure landscaped buffers between properties. The proposed landscaping is well designed to ensure a high level of amenity for future occupants.

Privacy and amenity for neighbouring properties is achieved by creating a strong landscape character and landscaping in the central common open space will be visible from the immediately adjoining residential properties providing them with a green open outlook.

In summary, the proposal meets the objectives of the clause and the large central common landscaped area which amounts to an area of 1849sqm (33.4% of the site area) on balance compensates for the shortfall of landscaped area within the individual lots.

It is also noted that the open space shortfall to the residential dwellings is similar to the approved scheme DA2018/1826 which supported a variation of the open space requirements for 7 of the approved 14 lots.

D16.6 Front building lines

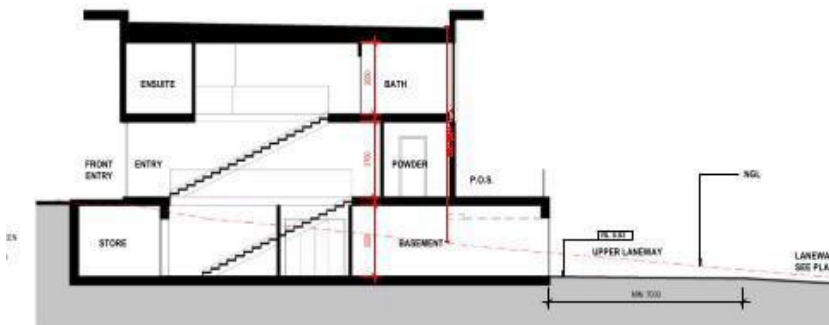
Clause D16.6 requires:

All development fronting Warriewood Road to have a minimum 5m front setback to the articulation zone from the front boundary and a minimum 6.5m setback of the dwelling from the front boundary.

Comment

The lower ground floor of all dwellings fronting the footpath along Warriewood Road have a setback of

6m. The setback increases to between 7.6m - 9.2m on the upper floors. The minor 0.5m variation of the front setback control on the lower floor has been assessed as acceptable given that store at basement level and will not be visible from the streetscape. The front wall of the dwellings on the mid level plan are set back a minimum 7.6m from the footpath and achieves a consistent built form alignment in the streetscape with a spacious attractive landscaped setting in the front setback in accordance with the outcomes of the control and consistent with the established setback of existing dwellings to the north.



Section showing the lower ground level store and mid level entrance



Mid level plan showing setback to the footpath fronting Warriewood Road and the rear laneway.

Residential Flat Building

The south-western corner and south-eastern corners of the southern residential flat building are inconsistent with the 4.5m minimum setback prescribed for residential flat buildings presenting to streets other than Warriewood Road, Garden Street and Macpherson Street, with minimum setbacks of 4m and 4.25m respectively. The areas of non-compliance are limited to the outer most corners, with the majority of the facades presenting to Lorikeet Grove well in excess of the 4.5m minimum requirement. Furthermore, similar to the setbacks discussed above, the development control anticipates minor elements of built form forward of the 4.5m minimum setback, with an articulation zone up to 25% of the width of the façade permitted within 3m of the Lorikeet Grove front boundary.

Despite minor areas of non-compliance (250-500mm), the setbacks provide sufficient space for landscaping of an appropriate scale to screen and soften the proposed built form, such that the minor protrusions are not considered to be unacceptable in the streetscape.

The siting of the RFB is consistent with that approved under DA23018/1826. Overall, the siting of the proposed development is consistent with the outcomes of the front building line development control, as

follows:

- *To achieve the desired future character of the Locality.*

Comment: The proposed development will contribute to the desired mix of low to medium density housing throughout the Warriewood Valley Release Area, and will complement the wider creekline corridor system. The proposal is generally in accordance with the adopted planning strategy for the area, and as such, the proposal is consistent with the desired future character of the locality.

- *The area of site disturbance is minimised and soft surface is maximised.*

Comment: On balance, the front setbacks are generally more generous than necessary, and are comprised almost entirely of landscaping and soft surfaces. As such, site disturbance within the front setbacks is considered to be minimised.

- *The bulk and scale of the built form is minimised.*

Comment: The bulk and scale of the proposed development is appropriately minimised by virtue of modulation and varied use of materials. The minor 300-500mm areas of non-compliance do not contribute to the perception of excessive built form.

- *To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.*

Comment: The proposed development will create a consistent alignment of built form along the streetscape. Despite the minor non-compliances proposed, appropriate setbacks are provided to allow the scale of plantings necessary to screen the associated built form and provide an attractive streetscape.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The siting of the development in relation to the front setbacks do not result in any unreasonable impacts upon views from nearby public or private places.

- *Vegetation and natural features of the site are retained and enhanced within the site design to screen the visual impact of the built form.*

Comment: The subject site was generally free of any significant vegetation and as such, the proposal will result in a significant enhancement of native vegetation on the site to ensure that the visual impact of the proposed built form is appropriately softened.

- *Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.*

Comment: The proposed dwelling/semi-detached dwellings are rear loaded, to reduce the visual prominence of parking structures from the public domain. Furthermore, parking associated with the residential flat buildings is located within the basement, behind a roller door with only visitor parking being visible from within the site along the laneway and not visible from the primary street frontage.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment: The setbacks proposed provide a reasonable level of privacy, amenity and solar access for future occupants of the development and do not contribute to any unreasonable impacts upon adjoining properties.

In summary, the minor breach of the front-set of the residential flat building addresses the outcomes of the clause and it consistent with the setback of the building approved under DA2018/1826.

D16.7 Side and rear building lines

Clause D16.7 requires a 0.5m rear setback from garages for rear loaded lots.

Comment:

Dwellings 3-10 achieve a rear setback of 2m that exceeds the 0.5m DCP setback required. Dwellings 1, 2 and 11 have no setback to the rear lane. Despite the minor non-compliance the siting of the proposed development is consistent with the outcomes of the rear setback development control, as discussed below.

- *The siting of the dwellings maintained the desired future character of the Locality.*

Comment: The proposed development will contribute to the mix of low to medium density housing throughout the Warriewood Valley Release Area and is generally in accordance with the adopted planning strategy for the area.

- *The area of site disturbance is minimised and soft surface is maximised.*

Comment: The zero setback to the rear for 3 dwellings will not change the area of site disturbance.

- *The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised.*

Comment: The minor breach of the rear setback will not result in any material impact on the bulk and scale of the development or impacts on adjoining properties.

- *To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places.*

Comment: The minor breach of the rear setback to three (3) dwellings will add some variation in the presentation of the town-houses of the rear lane.

- *To create usable curtilage areas around buildings for viable access, landscaping and open space.*

Comment: The minor breach in the rear setback will not have any material impact on the availability of usable curtilage to the rear of the three dwelling in terms on landscaping and open space.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The minor breach in the rear setback will not impact on views.

- *Vegetation and natural features of the site is retained and enhanced within the development site design to screen the visual impact of the built form.*

Comment: There is no significant vegetation or natural features in the area to which the town houses are proposed.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment: The minor breach in the rear setback will not impact on neighbouring amenity in terms of a loss of privacy or solar access.

In summary, the minor breach in the rear setback to three town houses has been assessed on merit as acceptable as the non-compliant dwellings are located at either end of the row and sufficient space has been provided to access the garages including a turning area at the northern end of the laneway. In addition, the minor variation of the control will not prejudice the development achieving the outcomes of the rear setback control as demonstrated above.

D16.9 Solar access

Clause D16.9 requires residential development to achieve a minimum 2 hours solar access to windows to the principal living areas and areas of private open space between 9am and 3pm on June 21.

Comment

Each of the proposed dwelling house and semi-detached dwellings will receive a minimum of 2 hours of direct sunlight to the primary area of private open space and to windows associated with living rooms, consistent with this development control. However, as discussed above with respect to the ADG, only 68.75% of the proposed apartments within the residential flat buildings will receive compliant levels of solar access, inconsistent with the 70% minimum prescribed. Nonetheless, the development is sited and designed to provide adequate sunlight, daylight and ventilation to habitable rooms during midwinter, and does not contribute to any unreasonable overshadowing of adjoining development. As such, the proposal is considered to be consistent with the outcomes of the solar access development control and the proposal is readily supportable despite technical non-compliance in this regard. The proposed residential flat building is also generally consistent with that approved under DA2018/1826.

D16.10 Private and Communal Open Space Areas

Clause D16.10 requires development lots between 9m and 14m wide to have a minimum 20sqm private open space (POS) with a minimum dimension of 4m.

Comment

Six lots have areas of POS which are less than 20sqm. As discussed elsewhere in this report on balance the slight shortfall in the amount of POS to the individual lots has been assessed as acceptable given the quantity and quality of the common open space throughout the site.

WARRIEWOOD VALLEY DEVELOPMENT CONTRIBUTIONS PLAN 2018

The site is within Buffer 1I of the Warriewood Valley Release Area. The development application seeks approval for 43 total dwellings comprising the construction of a 32-unit residential flat building, 10 semi-detached dwellings, a dwelling house and community title subdivision.

Development application N0611/16 was approved on the southern portion of the site in 2017 and included subdivision and construction of a 130-bed residential care facility. The application also included the dedication of the inner creek corridor and construction/dedication of a section of Lorikeet Grove and cycleway to Council. The dedication of the creek and construction of the cycleway are identified in the Warriewood Valley Contributions Plan. This application was modified by Mod2019/0171 to update development contributions consistent with the Warriewood Valley Contributions Revision 3, in force from 1 September 2018.

The subject application will create additional demand for local infrastructure. A development contribution has therefore been applied in accordance with the Warriewood Valley Contributions

Plan requiring the payment of a monetary contribution and is included in a condition of consent.

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.

CONCLUSION

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

- 1 Environmental Planning and Assessment Act 1979;
- 1 Environmental Planning and Assessment Regulation 2000;

- 1 All relevant and draft Environmental Planning Instruments;
- 1 Pittwater Local Environment Plan;
- 1 Pittwater Development Control Plan; and
- 1 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:

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Sydney North Planning Panel as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Section 95 of the EP&A Regulation 2000 to DA2020/0579 for Construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road on land at Lot 29 DP 5464, 27 Warriewood Road, WARRIEWOOD, Lot 28 DP 5464, 25 Warriewood Road, WARRIEWOOD, subject to the conditions outlined in Attachment 1.

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

ATTACHMENT 1

DEFERRED COMMENCEMENT CONDITIONS

1. Deferred Commencement – Laneway Dimensions

- (a) The laneway shall be designed with a 6.0m clear width from Lorikeet Grove to at least the first town house.
- (b) Design plans and vehicular swept paths demonstrating two (2) B99 class vehicles passing one another through the 'bend' are to be submitted to and approved by Council's Traffic Team prior to the consent becoming active.

Reason: To ensure access is efficient and safety risks are minimized (DACTRADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. Approved Plans and Supporting Documentation and Staged Construction and Occupation

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
DA-020 Rev 4 Proposed Site Plan	28 May 2020	V/A Architects
DA-021 Rev 4 Site Plan - Northern Boundary	28 May 2020	V/A Architects
DA-030 Rev 3 Subdivisions Staging Plan	28 May 2020	V/A Architects
DA-053 Rev 4 Site Plan Landscape Area	28 May 2020	V/A Architects
DA-100 Rev 7 Proposed Apartment Ground Floor Plan / Dwelling Lower Level Plan	12 August 2020	V/A Architects
DA-101 Rev 7 Proposed Apartment First Floor Plan / Dwelling Mid Level Plan	12 August 2020	V/A Architects
DA-102 Rev 6 Proposed Apartment Second Floor Plan / Dwelling Upper Level Plan	12 August 2020	V/A Architects

DA-104 Rev 6 Proposed Overall Roof Plan	12 August 2020	V/A Architects
DA-105 Rev 7 Overall Basement Plan	12 August 2020	V/A Architects
DA-120 Rev 4 Typical Dwelling Layouts	28 May 2020	V/A Architects
DA-200 Rev 3 Proposed Elevations	28 May 2020	V/A Architects
DA-201 Rev 4 Proposed Elevations	28 May 2020	V/A Architects
DA-250 Rev 4 Proposed Sections	28 May 2020	V/A Architects
DA-251 Rev 5 Proposed Sections	28 May 2020	V/A Architects
DA-260 Rev 3 Section Details - Roof Plant and Bi-fold shutters	28 May 2020	V/A Architects
Materials Palette Project 1510121	19 May 2020	V/A Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
SW101 Rev D Stormwater Concept Design Specification Sheet	26 May 2020	SGC Engineering Value
SW200 Rev D Stormwater Concept Design Basement Plan	26 May 2020	SGC Engineering Value
SW201 Rev D Stormwater Concept Design Ground Floor Plan	26 May 2020	SGC Engineering Value
SW202 Rev D Stormwater Concept Design Level 1 Plan	26 May 2020	SGC Engineering Value
SW203 Rev D Stormwater Concept Design Level 2 Plan	26 May 2020	SGC Engineering Value
SW204 Rev D Stormwater Concept Design Roof Plan	26 May 2020	SGC Engineering Value
SW300 Rev D Stormwater Concept Design Details Sheet 1 of 2	26 May 2020	SGC Engineering Value
SW301 Rev D Stormwater Concept Design Details Sheet 2 of 2	26 May 2020	SGC Engineering Value
SW400 Rev D Erosion and Sediment Control Plans and Details	26 May 2020	SGC Engineering Value
SW500 Rev D Stormwater Concept Design Music Catchment Plan	26 May 2020	SGC Engineering Value
EW201 Rev C Civil Works General Arrangement Plan Stage 2 Laneway	26 May 2020	SGC Engineering Value
EW301 Rev C Civil Works Longitudinal Section along KR1, KR2 and Laneway Control Line	26 May 2020	SGC Engineering Value
EW401 Rev C Civil Works Cross Section along Laneway Control Line	26 May 2020	SGC Engineering Value

Subdivision Plans		
Ref 18442_Sub_1B Rev B Proposed Subdivision Plan Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 1 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2A - Facilitating Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 2 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2A Facilitating Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 3 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2B - Community Titled Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 4 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2C - Community Titled Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 5 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Detail Survey Plan of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 6 of 6.	15 April 2020	Survey Plus

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Phase 1 Preliminary Site Contamination Investigation Ref 11356.01aPSCA	29 May 2020	GETEX Pty Ltd
Water Management Report Issue 10 Ref 20160112-R02	26 May 2020	SGC Engineering Value
Geotechnical Risk Management Report	28 May 2020	Geotechnique Pty Ltd
Noise Impact Assessment	15 August 2017	WSP Australia Pty Ltd
Noise Impact Assessment Addendum Letter	3 July 2020	WSP Australia Pty Ltd
Operational Waste Management Plan Rev 9	25 May 2020	TTM

BCA Compliance Report Rev C	May 2020	McKenzie Group
Access Design Review Report Ref 171022 Rev 2	27 May 2020	3D Access

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
TP01D Rev D Landscape Plan - Composite Ground, First and Second Floor	27 May 2020	CDA Design Group
TP02_P1 Landscape Detail	March 2020	CDA Design Group

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	15 May 2020	Janelle Pirone

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

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

Staged Sub-Division, Construction and Occupation

(e) The following conditions refer to the staged subdivision, construction and occupation of the development as detailed in the approved plans, including:

(i) Stage 1 – the consolidation of the small area of land on the southern side of Lorikeet Grove to be part of the residential care facility lot Future Lot 1.

(ii) Stage 2 – Community Title Subdivision of the remainder of Future Lot 2. The subdivision will create 3 lots:

- Lot 1 – Community Association Property;
- Lot 2 future Strata Lot for the residential flat building; and
- Lot 3 development of lot for the future dwellings fronting Warriewood Road.

The residential flat building on Future Lot 2 will be constructed in Stage 2. *The laneway and common open space, associated landscaping and stormwater infrastructure will be constructed on Lot 1.*

The residential flat building, internal accessway and central open space will all be constructed before this plan is finalised and registered.

(iii) Stage 3 – the construction of the dwelling and semi-detached dwellings fronting Warriewood Road and Community Title Subdivision of Lot 3 into 11 lots. The proposed dwellings will be constructed before this plan is finalised and registered.

Staged construction and occupation of the development

(f) This development consent permits the staged construction and occupation of Stages 2 and 3 of the development hereby approved, as indicated on the approved plans that identify specifics relating to each construction stage.

An occupation certificate for the residential flat building approved as part of Stage 2 shall not be issued until the Principal Certifying Authority is satisfied that the following work has been completed:

- (i) Stormwater infrastructure for all stages.
- (ii) The internal road.
- (iii) All landscaping associated with the residential flat building (Lot 2) and that part of the Community Association Property (Lot 1) between the accessway and Lot 2.

(g) An occupation certificate for the dwellings fronting Warriewood Road approved as part of Stage 3 of this consent shall not be issued until such time as all relevant conditions have been satisfied and all works associated with Stage 3 have been completed to the satisfaction of the Principal Certifying Authority or Council.

3. 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	15 July 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.

4. Prescribed Conditions

- (a) All building works involved in Stage 2 and 3 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 involved in Stage 2 and 3 are restricted to:

- 1 7.00 am to 5.00 pm inclusive Monday to Friday,
- 1 8.00 am to 1.00 pm inclusive on Saturday,
- 1 Nowork on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 1 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works

commence.

- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
 - (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
 - (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
 - (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
 - (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
 - (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
 - (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
 - (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992

- (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 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.

FEES / CHARGES / CONTRIBUTIONS

6. Security Bond

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

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

All bonds and fees shall be deposited with Council prior to the issue of the Construction Certificate for Stage 2.

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

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

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

7. Construction, Excavation and Associated Works Security Bond (Road damage)

The applicant is to lodge a bond with Council of \$40000 as security against any damage to Council's adjoining road and footpath network.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

Reason: Protection of Council's infrastructure.

8. Warriewood Valley Contributions Plan - No creekline corridor

A cash contribution of \$2,998,580.06 (subject to (a) below) is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Warriewood Valley Development Contributions Plan (as amended). This is calculated based on the applicable rate of \$69,734.42 per lot/dwelling, for the creation of 43 dwellings.

- a. Written evidence (receipt/s) from Council for the payment of the monetary contribution of is to be provided to the Certifying Authority prior to issue of the 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 in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution amount or a part thereof) will increase on a quarterly basis in accordance with the applicable Consumer Price Index.
- b. The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) may be viewed at 725 Pittwater Road, Dee Why or on Council's website Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

9 Subdivision Works Certificate

A Subdivision Works Certificate is to be approved by Certifying Authority for the provision of engineering works.

Engineering plans for the subdivision works within this development consent are to be submitted to the Certifying Authority for approval under Section 6.13 of the Environmental Planning and Assessment Act 1979.

Civil Engineering plans for the subdivision works are to be designed in accordance with the Council's specification for engineering works – AUS-SPEC #1. The plans shall be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

The Subdivision Works Certificate (*Stage 2*) must be supported by engineering plans, calculations, specification or any certification relied upon.

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

10 Utilities Services

Prior to the issue of the Subdivision Works 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 Subdivision Works Certificate (Stage 1).

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

11 Pre-Commencement Dilapidation Report

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

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the any Subdivision Works Certificate (Stage 2) and the commencement of any works including demolition.

Reason: Protection of Council's Infrastructure during construction.

12 Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Subdivision Works Certificate for Stage 2. 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.

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

13 Geotechnical Report Recommendations have been incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Geotechnique dated 28 May 2020 are to be incorporated into the construction plans for Stage 2 and Stage 3. Prior to issue of the Subdivision Works Certificate for Stage 1 and the Construction Certificate for Stage 2 and 3, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 2 and 3.

Reason: To ensure geotechnical risk is mitigated appropriately.

14 On-site Stormwater Detention Details

The Applicant is to submit stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Warriewood Valley Water Management Specification Plan dated 2001, and generally in accordance with the concept

drainage plans prepared by SGC Project No 20160112, drawing number SW101, SW200, SW201, SW202, SW203, SW204, SW300, SW301 (all issue D), dated 26 May 2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to National Professional Engineers Register (NER) or RPENG (Professionals Australia) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification relating to each stage, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for Stage 2 and 3.

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

15 Vehicle Driveway Gradients

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for Stage 2 and 3.

Reason: To ensure suitable vehicular access to private property.

16 Tanking of Basement Level

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

17 Utilities Services

Prior to the issue of the Subdivision Works Certificate for Stage 1 and the Construction Certificates for Stage 2 and 3 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 Construction Certificates for Stage 2 and 3.

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

18 Underground Services

All services for the proposed dwellings/lots are to be located underground. The location of any trenching for underground services is to take into account future/proposed landscaping. Details demonstrating compliance with this requirement are to be submitted to the certifying authority

prior to the issuance the Construction Certificates for Stage 2 and 3.

Reason: To protect services and minimise visual clutter.

19 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 Certificates for Stage 2 and 3.

Reason: To provide public and private safety.

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

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

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificates for Stage 2 and 3.

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

21 Construction Certificate Drainage Details

The applicant is to provide drainage plans including specifications and details showing the site stormwater management to the Accredited Certifier for approval prior to the issue of the Subdivision Works Certificate for Stage 2 and the Construction Certificates for Stage 2 and 3. Such details are to be accompanied by a certificate from qualified practicing Civil Engineer with NER or RPENG accreditation, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage and Pittwater DCP 21-Stormwater management.

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

22 Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans

The Applicant is to submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) and is to be completed and submitted to the Accredited Certifier, prior to issue of the Construction Certificate for Stage 2 and 3.

Reason: To ensure geotechnical risk is managed appropriately.

23 Roller door to bin room

A roller door shall be provided to the bin room to the residential flat building with a head clearance of 2.1 metres, the same as the bin room ceiling.

Plans shall be submitted to and approved by the Certifying Authority demonstrating compliance with the condition for the requirement of a 2.1m high roller door to the bin room prior to the issue of a Construction Certificate for Stage 2.

Reason: To comply with Councils Guidelines for Residential Waste Facilities.

24 Detailed Asbestos Investigation

Prior to the issue of the Construction Certificates for Stage 2 and 3.

Engage appropriately qualified and experienced persons to assess the nature and extent of any asbestos contamination on the premises and prepare a detailed methodology and plan (the Clean-up Plan) for the lawful removal of any asbestos from the premises (the Clean-up works). The plan must be submitted to the Principal Certifying Authority.

Reason: To ensure compliance with relevant regulations, protection of environment and human health.

25 Detailed Landscape Plans

Prior to the issue of a Construction Certificate for Stage 2, the following landscape details and amendments shall be documented on the landscape plans to be approved by Council to satisfy the requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines (WVLMDG), and all other landscape controls (SEPP No.65 - Design Quality of Residential Flat Development; SEPP 65 Apartment Design Guide; Pittwater 21 DCP controls, including C1.1; C6.2; C6.7; D16.1; D16.5; D16.10; and D16.12:

A) Landscape treatment to Residential Apartment:

i) the on structure area between the two residential buildings shall include planters of sufficient soil volume to support small tree planting to soften the built form,
ii) all tree planting shall be preferably located 5 metres from buildings, with a minimum of 2 metres away from the edge of the sewer easement,

iii) a landscape buffer planted with mixed shrubs and small trees shall be planted between the Laneway and the Apartment building open space area, with consideration to safe visual surveillance of the common open space areas and play area,

iv) the nominated 'garden bed' areas shall be mass planted with a mix of small trees, shrubs, accents and groundcovers,

v) detailed planting design including layout, species selection, quantities and container sizes shall be provided in a plant schedule.

vi) a shade canopy structure for the play area over the BBQ area shall be provided incorporating seating and picnic amenities,

vii) details are to be submitted indicating the proposed method of waterproofing to concrete slabs and planters to which soil and planting is proposed, including compliance to the required soil depths listed in C1.1,

viii) details are to be submitted by a structural engineer that the structural slab upon which landscape works shall be installed is designed to support the 'wet weight' of the landscape materials.

Prior to the issue of a Construction Certificate for Stage 3, the following landscape details and

amendments shall be documented on the landscape plans to be approved by Council to satisfy the requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines (WVLMDG), and all other landscape controls Pittwater 21 DCP controls, including C1.1; C6.2; C6.7; D16.1; D16.5; D16.10; and D16.12:

B) Landscape treatment to 11 x Semi-Detached Dwellings:

- i) small and medium canopy tree planting in accordance with the WVLMDG shall be planted in the front and rear setbacks to achieve a 50% screening of the buildings, and shall be preferably located 5 metres from buildings, except for the small narrow trees nominated to the Laneway area,
- ii) a shrub screen buffer capable of attaining 2 metres in height at maturity shall be planted between the Warriewood Road and the Dwellings along the frontage,
- iii) the nominated 'garden bed' areas shall be mass planted with a mix of small trees, shrubs, accents and groundcovers,
- iv) detailed planting design including layout, species selection, quantities and container sizes shall be provided in a plant schedule.
- v) no fences are permitted forward of the building line along Warriewood Road, and boundaries between public and private land shall be delineated by vegetation, such as low hedges, garden beds or the like.

Prior to the issue of the Construction Certificates for Stage 2 and 3 the following plans shall be submitted and approved by Council.

C) Detailed Landscape Plans:

- i) hardscape plans shall be submitted including layout and design of pavements, ramps, planters, walling, playground surfaces and materials, and the like,
- ii) planting plans shall be submitted including design layout and a planting schedule,
- iii) the following Large canopy trees shall be incorporated into the planting scheme, as listed in the Plant List within WVLMDG: Angophora costata, Eucalyptus punctata, Syncarpia glomulifera, and at least one Ficus rubiginosa to be located within the common open space area,
- iv) the following Medium canopy trees shall be incorporated into the planting scheme, as listed in the Plant List within WVLMDG: Eucalyptus haemastoma, Melaleuca styphelioides, and Tristaniopsis laurina,
- v) the following Small canopy trees shall be incorporated into the planting scheme, as listed in the Plant List within WVLMDG: Backhousia myrtifolia, Elaeocarpus reticulatus, Hymenosporum flavum, and Melaleuca linariifolia.

D) The Detailed Landscape Plans shall be approved and certified by Council as compliant to the above requirements.

Reason: to satisfy the landscape requirements of the landscape controls.

26 Permeable Surfaces

All paving located within the areas coloured green on the diagrams on the Site Diagram - Landscaped Area plan are to be constructed in a manner to allow the infiltration of water (ie: shall not be constructed on a slab). Details demonstrating compliance are to be provided to the certifying authority prior to the issuance of a construction certificate for Stage 2.

Reason: To ensure consistency with the pervious area calculations relied upon in relation to the approved stormwater management solution for the site.

27 Adaptable Housing

Prior to the issuance of the construction certificates for Stage 2 and 3, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all adaptable dwellings (and access thereto) have been designed to meet the Class B

requirements of AS4299:1995 Adaptable Housing.

Reason: To provide adaptable housing.

28 Residential Apartment Development

Prior to the issuance of the construction certificate for Stage 2, a statement by the qualified designer is to be submitted to the certifying authority to verify that the plans and specifications of the development achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

Reason: Legislative requirement.

29 Car Wash

The car wash bay is to incorporate a tap/hose for use by residents. The car wash bay is to be graded to drain to the sewerage system. The perimeter of the wash bay is to be suitably bunded to prevent stormwater entering the sewer.

Reason: To provide a usable area for car washing.

30 Compliance with Standards

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
 - (l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
- (m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm). <www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificates for Stage 2 and 3.

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

31 Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to the issue of the Subdivision Works Certificate for Stage 1 and works commencing for Stage 2 and Stage 3, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

32 External Finishes

The external finishes of the development are to be consistent with the materials nominated on the approved 'Proposed Elevations'. For the avoidance of doubt:

- (a) "Render Finish – Mid Tone" shall be a grey tone equivalent to or darker than Colorbond "Windspray",
- (b) "Render Finish – Dark Grey Tone" shall be a grey tone equivalent to or darker than Colourbond "Basalt", and
- (c) "Roof Sheeting – Colorbond – Dark Grey" shall be a tone equivalent to Colorbond "Monument".

(d) The lift overruns are to be finished in the same colour as the roof sheeting.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificates for Stage 2 and 3.

Reason: To ensure that the visual impact is appropriately minimised.

33 BASIX Requirements

BASIX affected development must comply with the schedule of BASIX commitments specified within the BASIX Certificate.

Details demonstrating compliance are to be included on the plans/specifications is required prior to the issue of the construction certificate for Stage 2 and 3.

Reason: Legislative requirement.

34 Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate stage 2 and 3.

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

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

35 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 the Construction Certificates for Stage 2 and 3.

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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

36 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 for Stage 2 and 3 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.

37 Permit Applications

All necessary permits shall be submitted to and approved by Council prior to associated works commencing. These works include, but are not limited to:

- (a) Concrete Pours
- (b) Traffic Control
- (c) Stand Plant (equipment or vehicles on Council property)
- (d) Work Zones
- (e) Crane over airspace
- (f) Building Waste Container (Skip Bin)

Reason: To ensure necessary permissions have been obtained to undertake works

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

38 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.

39 Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the work involved to facilitate the Subdivision of the site and the excavation and demolition process involved in Stage 2 and 3 shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulations;
- 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));
- 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.

40 Traffic Control During Road Works

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

Reason: Public Safety.

41 Cleaning Vehicles Leaving Site

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken off site.

42 Compliance with the Clean-up Plan

Engage appropriately qualified and experienced persons to carry out and supervise the Clean-up Works in accordance with the Clean-up Plan and relevant policies, procedures and requirements of NSW Safework.

Reason: To ensure compliance with relevant regulations, protection of environment and human health.

43 Dust during works

Measures shall be, documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: To prevent air pollution from dust and comply with legislation.

44 Noise reduction measures

Construction is to be undertaken in accordance with the recommendations contained within the Noise Impact Assessment Report for site works, building design and equipment. Specifically before any work commences, the proponent should inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details. Additionally Council requires a documented record of any complaints and any action taken to be kept on site during site works and be freely accessible to Council, if required. Equipment and methodology used to reduce noise during site works shall be best practice.

Reason: To minimise noise to internal and external residential receivers.

45 Construction Traffic Management Plan

The Construction Traffic Management Plan (CTMP) required by this consent is to be implemented and adhered to throughout the construction phase of the development on site.

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

46 Acid Sulfate Soils Management

If Acid Sulfate Soils are exposed during remediation, excavation or construction works associated with the works to facilitate the subdivision (Stage 1) and Stage 2 and 3 the Principle Certifying Authority must be notified as soon as reasonably practicable. An Acid Sulfate Soil Management Plan must be submitted to the Principle Certifying Authority before works continue and complied with during works. The Acid Sulfate Soils Management Plan is to be accordance with the New South Wales 'Acid Sulfate Soil Manual' (1998) written by Acid Sulfate Soil Management Advisory Committee.

Reason: To reduce the risk of harm to environment.

47 Protection of existing street trees

All existing street trees in the vicinity of the works and the street tree at the site frontage shall be retained during all construction stages (stages 1, 2 and 3). Existing tree guards shall be maintained in place.

Should any street tree along the site frontage not contain a tree guard or the existing tree guard is damaged during works, tree protection fencing consisting of a four sided 1.8m high x 2.4m length standard wire mesh construction fence, in accordance with Australian Standard AS 4687-2007: Temporary Fencing & Hoardings, shall be installed around the tree for the duration of the works.

Any street tree damaged or removed shall be replaced at a container size of 400 litres or 200 litres as determined by Council, subject to ground conditions, and planting shall occur in accordance with guidelines provided by Council.

Reason: to retain and protect street tree planting on development sites.

48 Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by SGC Consulting Engineers prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment

49 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.

50 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.

51 Dewatering Management

Council proactively regulates construction sites for sediment management.

Where a one-off instance of dewatering of groundwater or tailwater is required during works, Council's Catchment Team must be notified of your intention to discharge. Discharges should meet the water quality requirements below. Notification must be via the Team's email address - catchment@northernbeaches.nsw.gov.au.

If continuous dewatering or dewatering on multiple events is expected, a dewatering permit is required from Council's Catchment Team at catchment@northernbeaches.nsw.gov.au.

To obtain a permit, the following information must be contained in a dewatering management plan and provided to Council's Catchment Team. The dewatering management plan must be certified by a suitably qualified civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER). Council will issue a permit based on the plan and general terms of approval from WaterNSW, and a dewatering permit provided by WaterNSW prior to dewatering commencing.

1. Preliminary testing of groundwater/tailwater must be conducted by a NATA accredited laboratory to establish a correlation between NTU and TSS. This will allow the use of grab sampling at short notice prior to planned discharges.
2. Grab samples from at least three locations must be collected within 1 hour of discharge that comply with the parameters in the table below.
3. The groundwater/tailwater to be discharged must be compliant with the water quality requirements below, the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Water Quality (<one hour of planned discharge)

Oil and grease, not visible

pH, 6.5-8.5

Total Suspended Solids (TSS), <50mg/L NTU from a meter/grab sample

4. All records of approvals, water discharges and monitoring results are to be documented and kept on site. Records must include a diagram showing testing locations, and photos of the water to be discharged at the time of testing. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

5. Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted. Where there is no stormwater pit within 100 metres of the site, Council's Catchment Team must be contacted to discuss alternative arrangements.

On receipt of a satisfactory dewatering management plan, Council's Catchment Team will issue a permit that will allow dewatering for up to one year.

Reason: Protection of the receiving environment

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

52 Waste and Recycling Facilities Certificate of Compliance

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate for Stage 2 or 3.

Reason: To ensure waste and recycling facilities are provided.

53 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 for Stage 2 or 3.

Reason: To ensure waste is minimised and recycled.

54 Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate for Stage 2.

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

55 Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of the Occupation Certificate for Stage 2 requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

56 Authorisation of Legal Documentation Required for Waste Services

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate for Stage 2. 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.

57 Registration of community title subdivision

Prior to issuing an occupation certificate for Stage 2 (residential flat building lot) the community title subdivision is to be registered to create the Community Association Property Lot 1, Lot 2 (apartment lot) and Lot 3 (dwellings fronting Warriewood Road) as illustrated on the Community Titled Subdivision prepared by Survey Plus.

58 Landscape completion

Landscaping shall be completed in accordance with the Detailed Landscape Plans, certified as approved as part of the works to facilitate the Subdivision and the Construction Certificate stage.

Prior to the issue of an Occupation Certificate for Stage 2 and 3, 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 the approved Landscape Plan and inclusive of any conditions.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

59 Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes and the Warriewood Valley Water Management Specification 2001 by a suitably qualified Civil Engineer with NER or RPENG accreditation (Civil). Details demonstrating compliance including certification and work as executed plans are to be submitted to the Principal Certifying Authority for review prior to the issue of any Occupation Certificate for Stages 1 and 2.

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

60 Post-Construction Road Reserve Dilapidation Report (Major Development)

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

A Post Construction Dilapidation Report after the completion of all building works for stage 2 and 3 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.

61 Post-Construction Dilapidation Report

Prior to the issue of an Occupation Certificate for Stage 2 and 3 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:

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

62 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 for Stage 2.

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.

63 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 for Stage 2 and 3.

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

64 Removal of Sediment and Erosion Controls

Before demobilising from the site and once vegetation cover has been re-established across 70 percent of the site, the applicant is to remove all temporary sediment and erosion controls.

Any area of the site that requires ongoing stabilisation must have jute mesh or matting incorporated into the revegetated area. Mulch may be used on slopes subject to sheet flow with a gradient of no more than 1 metre in height for every 3 horizontal metres. Mulch must be laid to a depth of 50-100mm. If using mulch within two metres of the top of bank of a waterway, coir logs or similar must be placed at the downslope edge of the mulched area to prevent migration of the mulch to the waterway.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate for Stage 2 and 3.

Reason: Protection of the receiving environment

65 Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate for Stage 2 and 3.

Reason: To ensure geotechnical risk is mitigated appropriately.

66 Environmental Reports Certification

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

- (a) Phase 1 Preliminary Site Contamination Investigation Ref 11356.01aPSCA, dated 29 May 2020, prepare by GETEX Pty Ltd.
- (b) Water Management Report Issue 10 Ref 20160112-R02, dated 26 May 2020, prepared by SGC Engineering Value.
- (c) Geotechnical Risk Management Report, dated 28 May 2020 prepared by Geotechnique Pty Ltd.
- (d) Noise Impact Assessment Addendum Letter dated 3 July 2020 prepared by WSP Australia Pty Ltd.
- (e) Operational Waste Management Plan Rev 9, dated 25 May 2020 prepared by TTM.
- (f) BCA Compliance Report Rev C, dated May 2020 prepared by McKenzie Group.
- (g) Access Design Review Report Ref 171022 Rev 2, dated 27 May 2020 prepared by 3D Access.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate for Stage 2 and 3.

Reason: To ensure compliance with standards.

67 Asbestos Clearance Certificate

Prior to the issue of an Occupation Certificate for Stage 2 and 3.

Submit to the Principal Certifying Authority documentation and certification from appropriately qualified and experienced persons confirming that the Clean-up Works have been carried out and completed in accordance with the Clean-up Plan. This documentation is to include an

asbestos clearance certificate.

Reason: To ensure compliance with relevant regulations, protection of environment and human health.

68 Noise Barrier

Prior to the issue of an Occupation Certificate for stage 2.

As per the recommendations on page four of the Acoustic Report entitled “25-27 Warriewood Road, Warriewood Noise Impact Assessment Addendum” prepared by WSP and dated 3 July 2020: a noise barrier is to be installed the length of the entire northern edge of the north apartment rooftop platform. The noise barrier must have a height of minimum 100 mm beyond the top of the installed VRF (variable refrigerant flow) units, shall be constructed as a solid element without any gaps, and have a minimum surface mass of 10 kg/m squared.

Reason: To protect the acoustic amenity of adjacent residences and comply with the Industrial Noise Policy.

69 House / Building Number

Prior to the issue of an Occupation Certificate for Stage 2 and 3 respectively house/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

70 Unit Numbering for Multi-Unit Developments (Residential, Commercial and Industrial)

Prior to the issue of an Occupation Certificate for Stage 2. The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

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

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

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

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

Reason: To ensure consistent numbering for emergency services access.

71 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation prior to the Issue of an Occupation Certificate for Stage 2 and Stage 3 respectively.

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 for Stage 2 and 3.

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

72 Materials

Prior to the issuance of the occupation certificate for Stage 2 and 3, written certification is to be provided by the project architect that the finishes of the as-built development are consistent with those shown in the Approved Plans, and any conditions of this consent.

Reason: To ensure that the as-built finishes of the development are consistent with the high quality finishes approved.

73 Fire Safety Matters

Prior to the issue of an Occupation Certificate for Stage 2 and 3.

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

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

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

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

74 Environmental and priority weed control

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

Reason: preservation of environmental amenity.

75 Roof Top Plant

Air-conditioning units on the roof shall be screened so that it will not be visible from the public domain.

Reason: To avoid additional visual clutter.

76 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 Plans.

Reason: to maintain local environmental amenity.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

77 Positive Covenant for On-site Stormwater Detention

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure and rainwater re-use tank in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2 and 3).

Reason: To ensure ongoing maintenance of the on-site detention system.

78 Provision of Services for Subdivision

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2 and 3).

Reason: To ensure that utility services have been provided to the newly created lots.

79 Right of Carriageway

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2).

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

80 Services

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2 and 3).

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

81 Easement for Drainage

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2).

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

82 Easement for Services

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage2).

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

83 Community Title Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Community Title Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

84 Community Management Statement

Prior to the issuance of the subdivision certificate for Community Title subdivision (Stage 2), a Community Management Statement is to be prepared to:

- (a) Require/ensure consistency with all 'on-going' conditions of consent over the life of the development.
- (b) Bi-laws are to be created outlining the required maintenance responsibilities for all private infrastructure, including the on site stormwater detention tanks, rainwater reuse tanks, common vehicle accessway and landscaping.
- (c) Restrict any additional non-landscaped areas from being introduced on the site.
- (d) Prescribe space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the maintenance of lighting and landscaping,

85 Title Encumbrances

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

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

to the issue of the Community Title Subdivision Certificate (Stage2).

Reason: To ensure proper management of land.