

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0327
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 23 DP 270907, 65 - 69 Lorikeet Grove WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent DA2018/0607 granted for construction of a Residential Flat Building
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Colonial Credits Pty Ltd Colonial Credits Pty Ltd
Applicant:	Colonial Credits Pty Ltd

Application Lodged:	27/07/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New multi unit
Notified:	06/08/2020 to 20/08/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification seeks to amend the approved architectural and landscape plans as a result of post-approval design changes. The proposed modification includes:

- Approved glazed balcony balustrades to be changed to metal (vertical battens) on all balconies;
- Changes to selected landscaping elements including rooftop communal open space;
- Relocation of Hydrant Booster assembly relocation;
- Extension of the Air conditioner condenser room; and
- Addition of a rooftop exhaust adjacent the lift overrun.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 23 DP 270907 , 65 - 69 Lorikeet Grove WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The site is irregular in shape and has a site area of 2,917 square metres (sqm) and a 35 metre (m) frontage to Lorikeet Grove. The subject site is located within the Warriewood Valley Land Release Precinct, 1 kilometre (km) south of Mona Vale shopping area and 21 Km north of Sydney CBD.</p> <p>The site is located within a changing area of Warriewood, with recent completed developments to the west of the site, which include low to medium density residential developments. The site is also opposite an established low-density residential area and is 1 km south of the Mona Vale Shopping precinct. Land to the south east of the site has recently been developed and includes low to medium density residential development. The subject site is currently under construction for a 3 storey residential flat building with basement carparking.</p> <p>The surrounding area includes: Established low-density residential dwellings characterise the area to the north and east of the site. South of the site is the Warriewood Wastewater Treatment Plant which is buffered by Macpherson Street and a number</p>

of vacant lots. Further south is Warriewood Square Shopping Centre. To the west of the site is an Anglican Retirement Village (Seniors Housing) development known as Warriewood Brook.

Map:



SITE HISTORY

A detailed site history is provided under the original development assessment report for DA2018/0607. In summary, the site was part of a larger holding and subject to new roadworks and subdivision as part of the Warriewood release area. The approval formed part of the overall development of the site previously known as 29-31 Warriewood Road, Warriewood which has included the subdivision of the site into a 40 lot subdivision including the construction of two (2) new roads.

On 21 November 2018, Council granted consent for DA2018/0607 for the construction of a three (3) storey residential flat building consisting of:

- Consolidation of eight (8) lots to form a single parcel;
- 27 apartments;
- 1 level of basement car parking for 62 cars;
- Associated infrastructure works; and
- Extensive landscaping, including provisions for new trees throughout the site, landscaping associated with the communal open space on the roof structure of the development.

The building is currently under construction.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2018/0607, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
<p>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</p>	
<p>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</p>	<p>Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The general built form remains unchanged in terms of floor space and density • The modifications works are partly associated with design changes required to address BCA requirements or construction related considerations as works-in-progress proceed to final completion of the building. • The proposed modification works do not have an unreasonable impact on views, overshadowing, privacy, streetscape, traffic, water quality, flora and fauna or the surrounding amenity.
<p>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2018/0607 for the following reasons:</p> <ul style="list-style-type: none"> • The building footprint and setbacks are unchanged • The general appearance including external colours and materials remain consistent with the approved DA plans. • The balance of landscaped open space at ground level retains a landscape setting and consistent area. • Access areas for pedestrians and driveways remain consistent. • Ancillary works for engineering works, drainage, retaining walls and the like is not compromised by the modification

Section 4.55(1A) - Other Modifications	Comments
	<p>works.</p> <ul style="list-style-type: none"> The elements are generally in response to practical limitations or design refinements and available products to complete the construction works.
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater Local Environment Plan 2011 and Pittwater 21 Development Control Plan.</p> <p>The regulations previously required advertising of the development as integrated (pursuant to Section 100B of the <i>Rural Fires Act 1997</i>). This was due the original development application also invoking subdivision work. The subdivision has been registered to legally create the new land Title which the flat building is situated on and this lot is marginally overlapped by the bushfire buffer in the southwest corner. The modification is not nominated integrated but remains subject to the original "Bushfire Safety Authority" issued by the <i>NSW Rural Fire Service</i> on 15 June 2018.</p> <p>The subject land is shown as partly subject to flooding pursuant to Council's flood planning map, adjacent Narrabeen Creek. The subdivision to create Lorikeet Grove required extensive civil earthworks to address flood planning. The works to reduce flood impacts have not been updated to accord with the reformed and raised land levels / embankments however the modification is associated with minor elements of landscaping (including roof top areas), balustrade, exhaust systems and fire hydrants that will not affect flood planning considerations.</p>
<p>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>No submissions were received in relation to this modification application. The original DA submissions received by council have been reviewed in context of the modification consideration. No matters have been identified that warrant refusal of the modification.</p>

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed modification to the development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – 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 in the original 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 was submitted with the original application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter has been addressed via a condition in the original consent.</p>
<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>	<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. The reasons for approval of the original development consent remain consistent with the Pittwater 21 DCP controls, including no unreasonable impact for the urban environment that the development is permissible within the Warriewood Valley Release area, including consistency with the DFC.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed modifications to development, and no change is proposed to the occupancy capacity of the building or essential elements of carparking, natural ground level landscaping. Changes to communal open space areas are of benefit to the future occupants for a more usable suitably designed space. The area (and dimensions) of private open space balconies remains consistent with the approved DA plans.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The NSW RFS provided a referral response on the 15.9.2020 with the following advice:

There is no objection to the proposed modification subject to compliance with the General Terms of Approval of the original Bush Fire Safety Authority issued dated 15 June 2018.

(Note: The original DA was subject to RFS referral due to including subdivision works in bushfire prone area which applied part of the original site area. The fire buffer mapped overlaps the landscaped open space in the south west corner of the site.)

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 06/08/2020 to 20/08/2020 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Landscape Officer	<p>This application is for a minor modification to the approved development DA2018/0607, which granted consent for the construction of a three (3) storey residential flat building consisting of rooftop garden, basement car parking and 27 apartments at the then vacant site known as 29-31 Warriewood Road, Warriewood.</p> <p>The proposed landscape modifications include:</p> <ul style="list-style-type: none"> ▪ Ground Floor and Level 1: additional native and locally found species throughout; changes to some proposed plant species; additional plant species to lobby entries and communal areas; and increase in number of trees within both levels. ▪ Level 3: minor amendments to seating, dining and play elements due to use of alternative products and improvements to the layout; changes to plant species including introduction of exotic and hardy plant species that are considered more suitable for a rooftop environment; and amendments to the communal roof area through improvements to the quality of the landscape spaces, including lush aesthetics which soften the built form and create points of interest. <p>In review of the amended landscape plans, no objectives are raised with the landscape modifications as documented in drawing number 000, 101, 102, 103, 501, and 502 prepared by Site Image, and the proposed modifications to Condition 7, Condition 42, and Condition 56, as outlined in the Statement of Modifications.</p>
Strategic and Place Planning (Urban Design)	<p>Please see below Urban Design Response</p> <p>The proposed modification seeks to amend the approved architectural and landscape plans as a result of post-approval design changes. The proposed modification includes:</p> <p>Approved glazed balcony balustrades to be changed to metal (vertical</p>

Internal Referral Body	Comments
	<p>battens) on all balconies; Changes to selected landscaping elements including rooftop communal open space; Relocation of Hydrant Booster assembly relocation; Extension of the Air conditioner condenser room; and Addition of a rooftop exhaust adjacent the lift overrun.</p> <p>Balustrade The proposed modifications represent improvements to the scheme in terms of increased visual surveillance and improved architectural detailing of the balustrade with flat metal bar balustrading proving further articulation and modulation. This aspect of the proposed modification can be supported.</p> <p>Rooftop Landscape The proposed modifications to the rooftop landscape communal open space area will have no adverse impacts to the proposed development or surrounding neighbour amenity. This aspect of the proposed modification can be supported.</p> <p>Extension of Roof Plant Any proposed addition to roof plant area is to ensure adequate screening to the additional plant proposed and provide an integrated and aesthetic architectural response that seeks to minimise any increased bulk and scale.</p> <p>Additional Rooftop Exhaust Adjacent Lift Overrun As above, any additional rooftop exhaust in combination with other rooftop plant should look to provide an integrated response to the screening of all rooftop plant including exhaust and lift overrun. Any screening or modification to rooftop plant is to provide an integrated architectural response so as not become an unsightly addition. Additionally, any future additions required to extend rooftop plant capacity is to provide similar if not same integrated architectural response to the screening of any such additions.</p> <p><u>Planning Comment</u> Balustrade comments and roof top landscape comments are concurred with from Urban Design. Roof plant comments and lift overrun comments are addressed as shown on the plans whereby these elements are setback and not readily visible due to the surrounding building elements height, screens, building width, configuration and placement.</p>

External Referral Body	Comments
Integrated Development – NSW Rural Fire Service - Rural Fires Act (s100B Subdivisions and Special Fire Protection Purposes under)	<p>The NSW RFS provided a referral response on the 15.9.2020 with the following advice:</p> <p><i>There is no objection to the proposed modification subject to compliance with the General Terms of Approval of the original Bush Fire Safety Authority issued dated 15 June 2018.</i></p>

External Referral Body	Comments
	<p>Therefore no change / modification is required to the original external referral authorities conditions as it refers to the same GTA dated 15 June 2018.</p> <p>(Note: The original DA was subject to RFS referral due to including subdivision works in bushfire prone area which applied part of the original site area)</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. Council records indicate that the subject site is currently being developed for residential purposes having been previously a semi-rural use (urban fringe). 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 modification of consent and continued residential land use.

SEPP 65 - Design Quality of Residential Apartment Development

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

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

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

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

(b) the building concerned is at least 3 or more storeys (not including levels below ground level

- (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

As previously outlined the proposed development is for the erection of a three-storey residential flat 'housing' development plus basement car parking for the provisions of 27 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 does not have an appointed Design Review Panel.

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 modification changes proposed are consistent with this principle and as assessed in the original ADG considerations as a new building in a new subdivision Neighbourhood context for Warriewood.

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 modification changes proposed are consistent with this principle and as assessed in the original ADG considerations as the general built form, height and setbacks appearance is retained.

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 modification changes proposed are consistent with this principle and as assessed in the original ADG considerations as the density is unchanged.

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 proposal is consistent with this principle and remains compliant with BASIX.

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 proposal is consistent with this principle, as demonstrated in the revised plans. Modification changes will improve / reconfigure selected elements of landscaping for more practical design, including roof top common open space areas.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

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

Comment: The modification changes proposed are consistent with this principle and as assessed in the original ADG considerations. Balcony and landscaping changes retain amenity considerations.

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 modification changes proposed are consistent with this principle and as assessed in the original ADG considerations, including bushfire safety.

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 modification changes proposed are consistent with this principle and as assessed in the original ADG considerations.

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 modification changes proposed are consistent with this principle and as assessed in the original ADG considerations. The modification includes minor changes to selected materials and landscape treatments that are appropriate for the site and building design.

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	The modification is

	is it sited appropriately?	satisfactory in relation to this clause. The proposal relates well to its context (being an area zoned for medium density residential developments) and is sited in order to address the street frontage and its remaining boundaries well.															
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	The modification is satisfactory in relation to this clause.															
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?	The modification is satisfactory in relation to this clause.															
Communal and Public Open Space	Appropriate communal open space is to be provided as follows: 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)	The modification retains 720sqm of the 2,917sqm site as communal open space. This equates to 24.6% of the site. The communal open spaces are located so that the solar access requirements are achieved. The non-compliance with this clause is minor. The modification is considered to meet the intention of this clause and is satisfactory.															
Deep Soil Zones	Deep soil zones are to meet the following minimum requirements: <table border="1" data-bbox="427 1675 1075 2139"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td>7%</td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> <td></td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> <td></td> </tr> <tr> <td>Greater than 1,500m² with</td> <td>6m</td> <td></td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7%	650m ² – 1,500m ²	3m		Greater than 1,500m ²	6m		Greater than 1,500m ² with	6m		The modification retains deep soils zones that are consistent with the approved plans and is satisfactory in relation to this clause being 8% of the site. The areas noted as deep soil zones include dimensions of at least 6m.
Site area	Minimum dimensions	Deep soil zone (% of site area)															
Less than 650m ²	-	7%															
650m ² – 1,500m ²	3m																
Greater than 1,500m ²	6m																
Greater than 1,500m ² with	6m																

	<table border="1"> <tr> <td>significant existing tree cover</td> <td></td> <td></td> </tr> </table>	significant existing tree cover												
significant existing tree cover														
Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <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> </tbody> </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	The modification is satisfactory in relation to this clause and retains visual privacy considerations that are consistent with the approved plans.
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>	The modification is satisfactory in relation to this clause as per the approved plans.												
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>	The modification is satisfactory in relation to this clause with clearly defined vehicle access of the newly created Lorikeet Grove.												
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents</p>	This clause is not applicable, as the subject site is not located within 80m of a railway station or light rail stop in the Sydney Metropolitan Area and is not on land zoned or within 400m of land zoned, B3 Commercial Core, B4 Mixed Use. See comments in relation to Clause B6.3 of												

	<p>and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	<p>the Pittwater 21 DCP 2014.</p>								
<p>Part 4 Designing the Building</p>										
<p>Amenity</p>										
<p>Solar and Daylight Access</p>	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter. • A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter 	<p>The proposal retains 18 units with compliant solar access. The modification is satisfactory in relation to this clause as per the original design assessment.</p>								
<p>Natural Ventilation</p>	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none"> • At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. • Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line. 	<p>The proposal includes 15 units with compliant natural cross-ventilation. The modification is satisfactory in relation to this clause as per the original design assessment.</p>								
<p>Ceiling Heights</p>	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="427 1865 1075 2139"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <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</td> <td>2.7m for main living area floor</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey	2.7m for main living area floor	<p>The proposal is satisfactory in relation to this clause. The proposal includes floor to ceiling heights of 2.7m at each level.</p>
Minimum ceiling height										
Habitable rooms	2.7m									
Non-habitable	2.4m									
For 2 storey	2.7m for main living area floor									

	<table border="1"> <tr> <td data-bbox="427 273 603 416">apartments</td> <td data-bbox="603 273 1075 416">2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td data-bbox="427 416 603 600">Attic spaces</td> <td data-bbox="603 416 1075 600">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 data-bbox="427 600 603 788">If located in mixed used areas</td> <td data-bbox="603 600 1075 788">2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> </table>	apartments	2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area					
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<p>Apartment Size and Layout</p>	<p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th data-bbox="427 943 695 981">Apartment type</th> <th data-bbox="695 943 1075 981">Minimum internal area</th> </tr> </thead> <tbody> <tr> <td data-bbox="427 981 695 1025">Studio</td> <td data-bbox="695 981 1075 1025">35m²</td> </tr> <tr> <td data-bbox="427 1025 695 1070">1 bedroom</td> <td data-bbox="695 1025 1075 1070">50m²</td> </tr> <tr> <td data-bbox="427 1070 695 1115">2 bedroom</td> <td data-bbox="695 1070 1075 1115">70m²</td> </tr> <tr> <td data-bbox="427 1115 695 1160">3 bedroom</td> <td data-bbox="695 1115 1075 1160">90m²</td> </tr> </tbody> </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> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>The modification retains satisfactory internal areas, glazing dimensions, bedroom dimensions and living room dimensions.</p>
Apartment type	Minimum internal area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											

	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts																
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>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</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	The modification is satisfactory in relation to this clause as per the original design assessment for private open space and balconies.
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															
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p> <p>Longer corridors greater than 12m in length from the lift core should be articulated.</p>	The modification is satisfactory in relation to this clause as per the original design assessment.															
Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	The modification retains compliant storage for the apartments.					
Dwelling Type	Storage size volume																
Studio apartments	4m ²																
1 bedroom apartments	6m ²																
2 bedroom apartments	8m ²																
3+ bedroom apartments	10m ²																
Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	The modification is satisfactory in relation to this clause as per the original design assessment which included consideration of various living and bedrooms to units including relevant Building Code of Australia															

		requirements in relation to acoustic privacy. The proposal is therefore considered satisfactory in relation to this clause.
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	The proposal is satisfactory in relation to this clause. The proposal is sited in such a way that mitigates the impacts of noise and pollution on the subject site and adjacent sites.
Configuration		
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	<p>The proposed modification remains satisfactory in relation to this clause. The proposal includes:</p> <ul style="list-style-type: none"> • Three x 1-bedroom/1-bathroom apartment; • Eight x 2-bedroom/2-bathroom apartments; • Fourteen x 3-bedroom/2-bathroom apartments; and • Two x 4-bedroom/3-bathroom apartments.
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	<p>The modification includes articulation and modulation along each of the building facades in order to create visual interest. Minor changes to selected external material do not detract from the original design.</p> <p>The proposal is consistent with the Warriewood Valley Locality statement at Clause A4.16 of the</p>

		Pittwater 21 DCP 2014, so is consistent with the desired character of the area.																																			
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Test whether the roof space can be maximised for residential accomodation and open space.	The modification is satisfactory in relation to this clause as per the original design assessment.																																			
Landscape Design	Was a landscape plan submitted and does it respond well to the existng site conditions and context.	The modification is satisfactory in relation to this clause. A landscape plan that responds well to the existing site and its context was submitted with the application.																																			
Planting on Structures	<p>When planting on structures the following are recommended as minimum standards for a range of plant sizes:</p> <table border="1"> <thead> <tr> <th>Plant type</th> <th>Definition</th> <th>Soil Volume</th> <th>Soil Depth</th> <th>Soil Area</th> </tr> </thead> <tbody> <tr> <td>Large Trees</td> <td>12-18m high, up to 16m crown spread at maturity</td> <td>150m³</td> <td>1,200mm</td> <td>10m x 10m or equivalent</td> </tr> <tr> <td>Medium Trees</td> <td>8-12m high, up to 8m crown spread at maturity</td> <td>35m³</td> <td>1,000mm</td> <td>6m x 6m or equivalent</td> </tr> <tr> <td>Small trees</td> <td>6-8m high, up to 4m crown spread at maturity</td> <td>9m³</td> <td>800mm</td> <td>3.5m x 3.5m or equivalent</td> </tr> <tr> <td>Shrubs</td> <td></td> <td></td> <td>500-600mm</td> <td></td> </tr> <tr> <td>Ground Cover</td> <td></td> <td></td> <td>300-450mm</td> <td></td> </tr> <tr> <td>Turf</td> <td></td> <td></td> <td>200mm</td> <td></td> </tr> </tbody> </table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm	3.5m x 3.5m or equivalent	Shrubs			500-600mm		Ground Cover			300-450mm		Turf			200mm		The modification is satisfactory in relation to this clause. The proposal includes adequate soil volume, depth and dimensions, as detailed in the submitted landscape plans.
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																																	
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Turf			200mm																																		
Universal Design	Developments are to achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.	The modification is satisfactory in relation to this clause as per the original design assessment.																																			

Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	This clause is not applicable as adaptive reuse is not proposed.
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.	This clause is not applicable as the proposal is for residential use only.
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.	The pedestrian entry is located under the proposed first floor balconies and is therefore covered. No signage is proposed. The modification is considered to meet the intention of this clause and is satisfactory.
Performance		
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	The modification is satisfactory in relation to this clause as per the original design assessment.
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	The modification is satisfactory in relation to this clause as per the original design assessment.
Waste Management	Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and recycling.	The modification is satisfactory in relation to this clause as per the original design assessment.
Building Maintenance	Incorporates a design and material selection that ensures the longevity and sustainability of the building.	The modification is satisfactory in relation to this clause as per the original design assessment.

STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

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

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

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

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

Comment: The above parking rate does not apply in this case, as the site is not within 800 metres of a railway station or light rail stop and is not zoned or within 400 metres of land zoned B3 Commercial Core, B4 Mixed Use. The proposed internal areas of each apartment is greater than or equal to the requirement. The ceiling heights are 2.7m as required.

(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 application demonstrates that adequate regard has been given to design quality principles and the objectives of the Apartment Design Guide, as it provides a Design Verification Statement outlining the proposed works.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 747311M_03 dated 23 February 2018).

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

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

A condition has been included in the recommendation of this report requiring compliance with the

commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

The requirements for SEPP (Infrastructure) 2007 have been address by conditions of consent (that remain applicable and unchanged) including requirement for Sydney, Water, Ausgrid and telecommunications. The modification of consent does not require referral to *Transport NSW* and no further service infrastructure referral issues are raised pursuant to the SEPP.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	10.5m	10.64m	10.64m (Existing)	1.6% (No change)	No (As approved)

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
4.5A Density controls for certain residential accomodation	Yes
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	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

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	3m to articulation zone	Min. 2.4m	Existing - No change	No

(Southwest)	4.5m to dwelling	(varies) Min. 4.8m (varies)	Existing - No change	As approved Yes
Front building line (Northeast)	3m to articulation zone	Min. 3m (varies)	Existing - No change	Yes
	4.5m to dwelling	Min. 5.7m (varies)	Existing - No change	Yes
Side building line	3.0m	Min. 3.86 (varies)	Existing - No change	Yes
	3.0m	Min 5.7m (varies)	Existing - No change	Yes
Landscaped area (Site area 2,917sqm)	25% (729.2sqm) & 3m at ground level (Clause 16.5)	25% (849sqm)	Landscape area maintained 29% (849sqm)	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
B3.2 Bushfire Hazard	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.14 Separately Accessible Structures	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes
C1.23 Eaves	Yes	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
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.8 Spatial Separation	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	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

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:

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Inconsistent 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

THAT Council as the consent authority grant approval to Modification Application No. Mod2020/0327 for Modification of Development Consent DA2018/0607 granted for construction of a Residential Flat Building on land at Lot 23 DP 270907,65 - 69 Lorikeet Grove, WARRIEWOOD, subject to the conditions printed below:

A. Add Condition No.7A - Modification of Consent - Approved Plans and supporting Documentation, to read as follows:

"7A - Modification of Consent - Approved Plans and supporting Documentation

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA202 Ground Floor Rev C	16 July 2020	DKO Architects
DA203 Level 1 Rev C	16 July 2020	DKO Architects
DA205 Level 3 Rev C	16 July 2020	DKO Architects
DA206 Roof Plan Rev C	16 July 2020	DKO Architects
DA301 Elevation & Sections Rev C (Including External colours and materials)	16 July 2020	DKO Architects
DA302 Elevation & Sections Rev C (Including External colours and materials)	16 July 2020	DKO Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Basix Certificate 747311M_03	23 February 2018	Ecomode Design

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
000 Landscape Coversheet Rev A (Planting Schedule)	11 June 2020	Site Image
101 Landscape Plan Ground Rev A	11 June 2020	Site Image
102 Landscape Plan - Level 1 Ref A	11 June 2020	Site Image
103 Landscape Plan - Level 3 Rev A	11 June 2020	Site Image
501 Landscape Details Rev A	11 June 2020	Site Image
502 landscape Details Rev A	11 June 2020	Site Image

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

B. Modify Condition 42 Landscape Completion, to read as follows:

"42. Landscape Completion

Landscaping is to be implemented in accordance with the Landscape Documents prepared by *Site Image*, drawings 000 – 502 inclusive, all listed as revision A, to be completed prior to the issue of the final Occupation Certificate.

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

C. Modify Condition 56 Landscape Maintenance, to read as follows:

"56. Landscape Maintenance

All landscape components as documented on the Landscape Plans 000 - 502 inclusive, and as required by this Consent are to be maintained for the life of the development. Landscape works shall be maintained for a minimum period of 12 months following practical completion. Landscape materials are to be replaced when damaged or if they fail. 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 and ensure landscaping continues to soften the built form."

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Alex Keller, Planner

The application is determined on 06/10/2020, under the delegated authority of:



Steven Findlay, Manager Development Assessments