Statement of Environmental Effects

Development Application

349 Barrenjoey Road, Newport 2106

26 August 2020

PREPARED BY

HAMPTONS PROPERTY SERVICES Pty Ltd

Head Office: Suite 404 | Level 4 | 203-233 New South Head Road | Edgecliff NSW 2027

Tel (02) 9386 7000 | Fax (02) 9386 7001

www.hamptonspropertyservices.com.au

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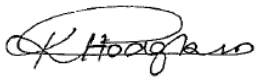
PROJECT PARTICULARS

Project No.	2020037
Client	Summit Build Pty Ltd C/o Crawford Architects
Site Address	349 Barrenjoey Road, Newport 2106
Document Name	Statement of Environmental Effects

Date	Document Name	Authorisation	
		Name/Position	Signature
01 July 2020	Report 001(Draft)	Vidhya Ramesh *Associate*	
22 July 2020	Report001_KH_V2	Kristy Hodgkinson *Director*	
24 August 2020	Report001_KH_V3	Kristy Hodgkinson *Director*	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.

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TABLES

FIGURES

1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Summit Build Pty Ltd in relation to the site known as 349 Barrenjoey Road, Newport 2106 (the site).

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application to Northern Beaches Council (the Council) on behalf of the Applicant.

The Site

The site is located at 349 Barrenjoey Road, Newport on the corner of Barrenjoey Road and Robertson Road. The legal description of the land is Lot 6 Section 5 in Deposited Plan 6248. The site has total area of 772m², with a primary frontage of 19m to Barrenjoey Road and a secondary frontage of 46m to Robertson Road.

The site is located within the core commercial area of Newport in the B2 Local Centre zone pursuant to the Pittwater Local Environmental Plan 2014 (LEP).

The site is opportune for its purpose, that is well serviced by public transport, particularly bus services, directly proximate to the site, as well as local facilities and services. It is therefore ideally positioned to provide a mixed-use development in an appropriate and suitable location.

The Proposal

The proposed use, for *shop-top housing*[1] is permissible in the zone with development consent from the Council (Clause 1.6). A detailed description of the proposal is provided in Section of this report. The proposal includes:

> *Demolition of the existing structures on the site; excavation for the purpose of one level of basement with 20 car parking spaces; construction of a three storey shop top housing development comprising of 4 ground floor retail units and 6 apartments and roof terrace located above; streetscape improvements and landscaping, and extension of services and infrastructure; strata subdivision of the site.*

The purpose of the development application is to utilise the economic opportunity of the site that is afforded by the relevant environmental planning controls. This is enabled by providing a shop top housing development in the core commercial area of Newport. The proposal will reinvigorate the section of the urban block within which the site is located. In relation to the built form context of the site, the proposed building is of a suitable scale and form within the streetscape and therefore in harmony with the desired character of the locality.

[1] **shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of residential accommodation.

Most importantly, the proposal has taken into consideration the above development approvals and seeks to provide an integrated response in relation to building separation, amenity and compatibility with the design, bulk and scale of the approved developments adjoining the subject site to create a holistic residential community in this location.

Planning Controls

The site is subject to a maximum building height of 11.5m above the maximum height above the flood planning level. The proposal complies with this control.

The site is not a heritage item, nor in a heritage conservation area. It is, however, in the vicinity of listed heritage items to the north of the site.

Conclusion

The SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (EP & A Act) and Clause 50 of the Environmental Planning and Assessment Regulation 2000 (EP & A Regulation).

This report has been prepared with the assistance of the following technical reports, prepared by specialist disciplines, as set out below.

Table 1: Consultant Team

Discipline	Consultant
Surveyor	C & A Surveyors NSW Pty Ltd
Architecture	Crawford Architects
Landscape	Site Image
Stormwater & Flooding	Demlakian Pty Ltd
Traffic & Parking	Traffix Pty Ltd
Accessibility	Lindsay Perry Access
Geotechnical & Site Investigation	Asset Geo Enviro
BASIX	Damian O'Toole Town Planning Pty Ltd
Photomontage & Modelling	Urbaine Architecture
Waste Management	Crawford Architects

This report provides the following:

- a description of the site and the locality surrounding this
- a description of the proposed development
- the proposal's response to the relevant environmental planning controls
- conclusions and recommendations relating to the proposal.

This application should be supported, and the Applicant looks forward to working with Council during their assessment of the development application.

2. THE SITE & ITS LOCALITY

The Site

The site is located at 349 Barrenjoey Road, Newport in the Local Government Area (LGA) of Northern Beaches. The subject site comprises a total area of 772m² and is an irregular shaped allotment with dual street frontages. The site's south eastern boundary fronts Barrenjoey Road (primary frontage) and is approximately 19m in length and the north eastern boundary fronts Robertson Road (secondary frontage) and is 46m in length. There is a cross fall of approximately 2m from east to west, across the site at the Robertson Road boundary.

Existing on the site is a single storey commercial building with multiple tenancies. There are no existing trees or vegetation within the boundaries of the site. The public domain, on both street frontages, contain planting adjacent the site boundary, but not contained therein. Photos of the site are provided below.

Table 2, below, provides the key information relating to the site.

Table 2: Site Details

Property Address	**349 Barrenjoey Road, Newport 2106**
Legal Description	Lot 63 Sec 5 in Deposited Plan 6248
Site Area	772m²
Slope	2m east to west
Existing Use	Retail/commercial
Critical Habitat	No
Contribution Plan	No
Environmental Heritage	No
Conservation Area	No
Coastal Protection	No
Mine Subsidence	No
Road Widening or Realignment	No
Hazard Risk Restriction	No
Flood Planning	Yes, development on the land or part of the land is subject to flood related development controls.
Acquisition	No
Contribution Plans	Yes, Pittwater Section 94 Plan for residential development applies to the land.

Biodiversity Certified Land	No
Biobanking Agreements	No
Bushfire Prone Land	No
Property Vegetation Plan	No
Contamination	No

Note. Information above retrieved from Section 10.7(2) Certificate No 17/0700 dated 14/09/2017

Figure 1: Site Location

Figure 2: Aerial Location

Source: https://www.nearmap.com/au/en

Photograph 1: View of subject site fronting Barrenjoey Road

Photograph 2: The site, viewed from the corner of Barrenjoey Road and Robertson Road

Physical Site Conditions

Soil Conditions

The site has a general slope of between 1 and 2 degrees and the site is generally underlain by peaty quartz, sand, silt and clay.

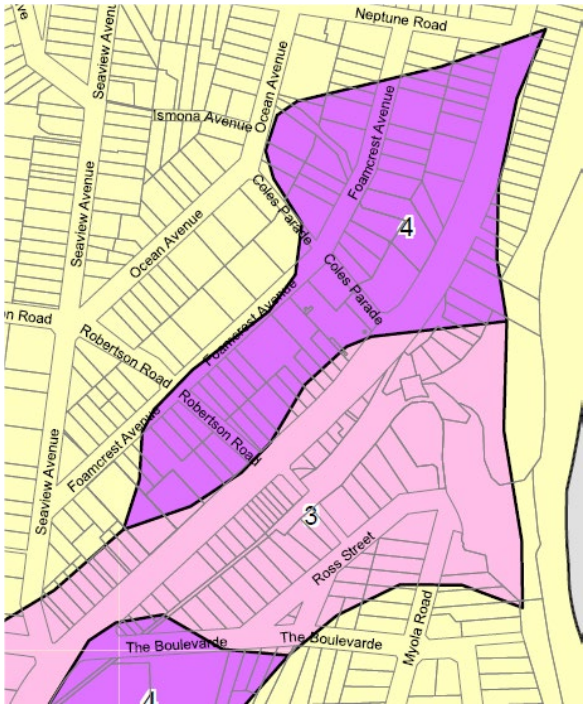
Geology

The depth of bedrock anticipated by to between 3.2m and 6.8m below ground level.

Water Courses & Groundwater

Groundwater is anticipated between 1.1m and 7.9m below ground level.

Acid Sulphate Soils (ASS)



The subject site is identified as containing Class 4 ASS.

Acid Sulfate Soils

1	Class 1
2	Class 2
3	Class 3
4	Class 4
5	Class 5

Figure 3: Acid Sulfate Soils

Road Network Conditions & Access

The site is accessible from Robertson Road, which is located aligning the north-western boundary of the site. Access is not available to the site from Barrenjoey Road, which is a classified road.

In terms of the road network surrounding the site, the report prepared by Traffix provide the following:

> *The road hierarchy in the vicinity of the site is shown in **Figure 3** with the following roads of particular interest:*
>
> *Barrenjoey Road: part of an RMS Main Road (MR 164) that traverses north-south between Beach Road in the north and Pittwater Road in the south. In the vicinity of the site, Barrenjoey Road is subject to a speed zoning of 50km/h and accommodates two (2) lanes of traffic in either direction. Kerbside parking is permitted along Barrenjoey Road, subject to various time restrictions.*
>
> *Bardo Road: a local collector road that traverses east-west direction between Barrenjoey Road in the east and Nooal Street in the west. In the vicinity of the site, Bardo Road is subject to a speed zoning of 50km/h and accommodates a single lane of traffic in either direction. Kerbside parking is permitted along either side of the road.*
>
> *Robertson Road: a local road that traverses south-east to northwest between Barrenjoey Road in the southeast and Nullaburra Road in the northwest. In the vicinity of the site, Robertson Road is subject to a speed zoning of 50km/h and permits a single one-way lane of traffic between Barrenjoey Road and Foamcrest Avenue north-west direction. 45 degree angled parking is permitted along the southern side of Robertson Road.*

Public Transport

The report prepared by Traffix Pty Ltd provides the following in relation to available public transport services within the vicinity of the site:

> *The subject site is within optimal walking distance (400 metres) of several bus services operating in the locality. These bus services are presented in **Figure 4** and are summarised as follows:*
>
> - *188 – Mona Vale to City Wynyard*
> - *188X – North Avalon Beach to City Wynyard (Express Service)*
> - *189X – Avalon Beach to City Wynyard (Express Service)*
> - *190X – Palm Beach to City Wynyard (Express Service)*
> - *199 – Palm Beach to Manly*
>
> *In addition, the subject site is within 800 metres of the Mona Vale B-Line stop along Barrenjoey Road. The B-Line Program is a turn up and go service 7 days a week, operating from 4:30am until 12:30am and aims to provide more reliable journeys between Mona Vale and the Sydney CBD*

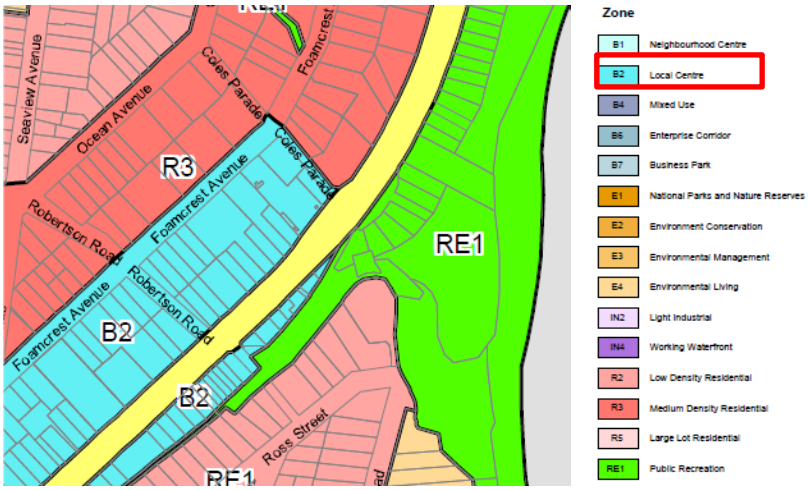
Key Planning Considerations

The key planning considerations that affect the site are detailed below.

Zoning

The subject site is in the B2 Local Centre zone.

Figure 4: Zoning Map



Building Height

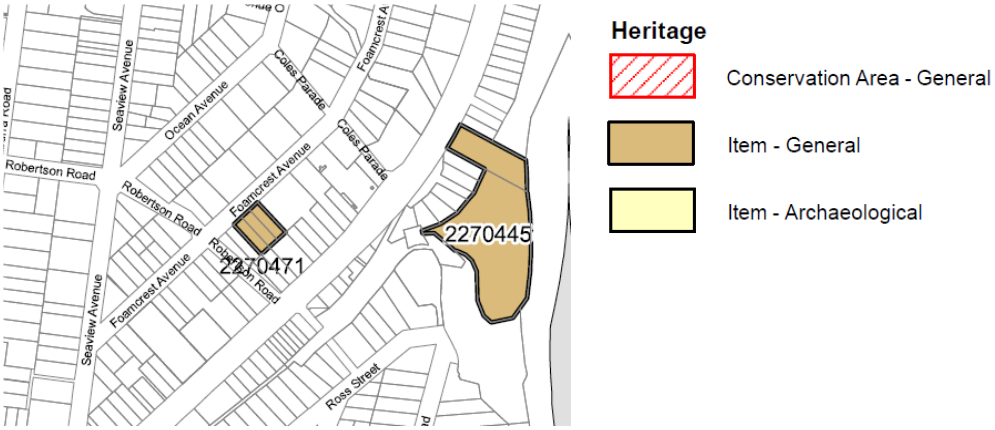
The site is subject to a height limit of 11.5m, above flood planning level.

Figure 5: Height Map

Heritage

The subject site is not a listed heritage item, nor is it located in a heritage conservation area or adjacent to a heritage item.

Figure 6: Heritage Map



Character of the Locality & Developments Surrounding the Site

The site is located in a mixed-use environment and the locality is characterised by a mixture of residential and commercial uses, the latter of which are found predominately aligning Barrenjoey Road, as well as a smaller degree of activity along Robertson Road, which directly aligns the north-eastern boundary of the site. Built form comprises single, through to three storey buildings, generally with the upper levels of higher buildings set back from the street frontage.

The block within which the site is located comprises of irregular shaped allotments in shape (**Error! Reference source not found.**) and is predominantly characterised by single and two storey commercial buildings that are of dated architectural design. In terms of surrounding developments, 29 Robertson Road, located directly north-west of the site, is a corner allotment and comprises of a single storey commercial building with multiple retail tenancies.

Photograph 3: 29 Robertson Road, located to the north of the site

On the opposite side of Robertson Road, to the north of the site, is 351-353 Barrenjoey Road which is currently subject to a development application with the Council for a two and three storey shop top housing development (Council Ref: DA2019/1157).

Photograph 4: Developments to the north of the site

There are a range of facilities and services within walking distance to the site that cater for the residential population. These are further integrated with a number of public and private recreational facilities located in close proximity to the site. The site is highly accessible in terms of public transport, with a bus stop located within 200m walking distance of the site, on both the northern and southern sides of Barrenjoey Road. This provides services heading both east and west, to Avalon, Palm Beach and Manly (#199), Narrabeen (#713N) and Wynyard (L90). This provides a significant opportunity for the proposal to provide medium density residential accommodation within walking distance of public transportation infrastructure.

3. THE PROPOSED DEVELOPMENT

The proposed development seeks consent for the following:

> *Demolition of the existing structures on the site; excavation for the purpose of one level of basement with 20 car parking spaces; construction of a three storey shop top housing development comprising of 4 ground floor retail units and 6 apartments and roof terrace located above; streetscape improvements and landscaping, and extension of services and infrastructure; strata subdivision of the site.*

The Proposed Use

The proposed use is defined as a 'shop top housing' development and is permissible with consent in the B2 Local Centre zone. The use is defined in the LEP as:

> ***shop top housing*** *means one or more dwellings located above ground floor retail premises or business premises.*
>
> ***Note. Shop top housing*** *is a type of residential accommodation*[2]

The use of the retail tenancies will be the subject of separate development applications. In terms of satisfying the B2 zone objectives, the proposed development will achieve these as set out in the Table below.

Table 3: Assessment of the Proposal having regard to the B2 Objectives

Zone Objective	Comment
○ To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. ○ To provide for residential uses above street level where they are compatible with the characteristics and uses of the site and its surroundings.	The proposed development will provide for a range of retail and businesses uses that will serve the needs of the local area. Four separate tenancies are offered of varying sizes, to accommodate a diversified combination of business interests. The residential component of the site will be able to utilise those facilities and services which are available and further enhance their economic viability. The proposed residential use, above street level, will be compatible with the characteristics surrounding the site. The proposed number of dwellings is moderate and designed and orientated such that interference with ground floor uses will not result, particularly given the intended setback distances from the street frontages, as well as materials treatment that will ensure adequate acoustic provision.

[2] ***residential accommodation*** *means a building or place used predominantly as a place of residence, and includes any of the following: ...*

(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Zone Objective	Comment
	The intention of the zone is to combine living and working environments and this site provides a suitable opportunity to achieve this.
To encourage employment opportunities in accessible locations.	The *in-situ* population will support the creation of new jobs in the locality, driven by additional demand for goods and services in the immediately surrounding vicinity.
To maximise public transport patronage and encourage walking and cycling.	As outlined previously, the proposal is near public transport facilities. The development also includes bicycle parking spaces to encourage alternative transport modes and avoid private car use. Given the proximity to the general commercial and retail facilities, the opportunity for walking and cycling is easily maximised in association with this development.
To provide healthy, attractive, vibrant and safe local centres.	The proposed development will provide a significant outcome in terms of attractive, vibrant and safe communities. The architectural design will provide a contemporary response and, in particular, the ground floor level provides a good urban design response and incorporates a public plaza to ensure that the degree of vibrancy is promoted and the extensive openings of the retail tenancies that allow for an understanding of activity therein. The proposal maximises opportunities for passive surveillance over the surrounding street frontages, which is a substantial improvement over the existing situation.
To strengthen the role of centres as places of employment.	The proposed retail tenancies will provide new employment opportunities within the commercial centre.
To provide an active day and evening economy.	The introduction of tenancies that will be attractive to food and drink premise operators and particularly the public and outdoor dining opportunities on the Robertson Road frontage which will assist to provide an active day and evening economy.

The proposal thus satisfies the objectives of the zone.

The Proposed Works

The development incorporates 4 retail tenancies, 6 residential units and 20 car parking spaces. The proposed works are set out below.

Demolition and Excavation

This stage will include the following works:

- Site establishment and protection of adjoining development (including dilapidation reporting)
- Erection of perimeter fencing, hoarding, gantry, scaffolding and site offices
- Establishment of temporary access and pedestrian arrangements

- Protection, diversion and/or temporary establishment of services infrastructure
- Utility services diversions and terminations
- Demolition of all structures to the underside of slab on ground, removal of footings and removal of any in-ground obstructions

Once completed, the excavation works will be undertaken for the basement of the building. This will include the removal of excess material and the construction of required piling and retaining walls to support the building structure.

A detailed construction methodology is provided in the Geotechnical Report.

Basement

- A single basement level is proposed which will contain 20 car parking spaces and bicycle parking spaces.
- The car parking spaces will comprise four (4) accessible spaces (with an adjacent shared area), three (3) visitor spaces, including one accessible parking space, nine (9) spaces for retail including one accessible parking and nine (9) car share spaces for residential use, including two (2) accessible parking.
- 10 bicycle spaces for use by residents of the building.
- Vehicular access to the basement will be *via* a ramp.

In term of the car parking design and layout, the following is provided by Traffix:

> *The basement car park and ground level loading bay generally complies with the requirements of AS 2890.1 (2004), AS 2890.2 (2018), AS 2890.3 (2015) and AS 2890.6 (2009), with the following characteristics noteworthy:*
>
> - *All residential and staff car parking spaces have been designed in accordance with AS 2890.1 (2004) User Class 1A, being a minimum width of 2.4 metres, length of 5.4 metres, and providing an aisle width of 5.8 metres.*
> - *All retail customer parking spaces have been designed in accordance with AS 2890.1 (2004) User Class 3A, being a minimum width of 2.6 metres, length of 5.4 metres, and providing an aisle width of 5.8 metres.*
> - *Four (4) accessible parking space are provided within the basement level. Reference is to be made to accessibility report which addresses compliance with AS 2890.6 (2009)*
> - *All spaces adjacent to obstructions greater than 150mm in height are to be provided with an additional width of 300mm.*
> - *All blind aisles have been extended by a minimum of 1.0 metre beyond the last car parking space.*
> - *A turning area is provided adjacent to the accessible parking space in the event that car parking spaces are occupied, vehicles are able to exit in a forward direction.*

- *A minimum clear head height of 3.5 metres is to be provide for 6.4m SRV trafficable and loading areas.*
- *A minimum clear head height of 2.2 metres is to be provided for all trafficable areas.*
- *A minimum clear head height of 2.5 metres is to be provided for the single accessible parking space and adjacent shared zone.*
- *All columns are located outside of the parking space design envelope as shown in Figure 5.2 of AS 2890.1 (2004).*
- *A swept path analysis of all critical movements has been undertaken to confirm geometry and compliance with the relevant standards. This swept path analysis is included in* ***Attachment 2****.*

In summary, the internal configuration of the basement and ground level car park has been designed in accordance with AS 2890.1 (2004), AS 2890.2 (2018), AS 2890.3 (2015) and AS 2890.6 (2009). It is however envisaged that a condition of consent would be imposed requiring compliance with these standards. As such, any minor amendments considered necessary (if any) can be dealt with prior to the release of a Construction Certificate.

Ground Floor

- A public plaza is provided along the northern section of the site.
- The ground floor comprises four retail tenancies with toilet facilities. Two retail tenancies fronting Barrenjoey Road will be provided with split floor levels due to flooding constraints.
- A separate entrance to the lobby from the public plaza is provided from the street to access the residential units located in the levels above.
- Vehicular ingress and egress are *via* a driveway, located on Robertson Road.
- A service loading area is located at the central section of the site, behind the street frontage. Separate waste storage areas for residential and commercial use is provided adjacent to the loading area.
- A substation is located on the Robertson Road frontage so that its location is directly accessible from the street. However, it is situated behind the landscape area and positioned to ensure that it does not compromise, nor dominate, the streetscape, nor the common facilities associated with the site.
- Public domain upgrade will be provided to soften the general appearance of the building form and ensure that it is integrated with the overall character of the streetscape. In terms of the interface with the front boundaries, the development is setback on both street frontages.

First Floor

The level comprises a combination of two, one-bed, two two-bedroom and one three-bedroom apartments, totalling five units, of which three units are crossover apartments. The units are accessible from the lobby through a corridor which is setback 3m from south-western boundary of the site.

Second Floor

Apart from three cross over apartments, one additional unit containing two bedrooms is located on this level, at the western end and is accessible by staircase. The level also comprises of a communal roof top terrace at the north-western end of the site and is accessible by a lift to ensure equitable access to this. The communal space is also designed to overlook Roberson Road, thus increase opportunities for passive surveillance, while locating this at a quieter interface with the surrounding context, such that it is not positioned on Barrenjoey Road. This will enhance the amenity and enjoyment of this passive recreational area.

This is also located where the height limit is restricted to ensure a better urban interface with surrounding development and to appropriately respond to the plaza space.

Roof

The roof level comprises of the lift overrun only. This is, however, within the permitted height of the building in accordance with the LEP.

Landscaping

The proposed landscaping works are demonstrated on the Landscape Plans prepared by Site Image Landscape Architects.

Infrastructure and Services

The site contains adequate facilities which will be retained and upgraded where required, to cater for the proposed development.

A new substation has been proposed to service the development and the distribution network will be extended into the development through the substation located on the Robertson Road frontage.

Appropriate allowances have been made to provide telecommunication services to this development.

The proposed stormwater and drainage works are in accordance with the plans prepared by Demlakian Pty Ltd. The Conclusions of the assessment are as follows:

> *The existing fully paved site drains into the Council system. Therefore, as the discharge rate of the proposed development will not increase from that of the existing site, all collected stormwater from the proposed development will drain into Barrenjoey Road in accordance with section B5 of the Northern Beaches Council.*
>
> *As the existing development is fully paved, there is no requirement by Council to implement an OSD within the proposed development.*
>
> *Furthermore, all stormwater collected on site will pass through a Gullypit with 1x690 Stormfilter as specified by Ocean Protect in order to meet the stormwater quality treatment requirements as specified by the Northern beaches Council.*

Flooding

As identified previously, the site is located on flood prone land. The impact of this, in terms of the development design, has been considered in the Flood Management Report, the Conclusions of this which provide as follows:

> *While the property is located within flood prone land of low to medium risk, the proposed development will not have any adverse effects on the flood levels, velocities and the surrounding properties.*
>
> *Proposed floor levels are either located above the flood planning level or comply with the requirements of the Flood Prone Land Design Standard.*
>
> *Although the basement carpark and driveway are located below the natural ground level, this area has been designed to prevent the ponding and flooding of water through the implementation of retaining walls and a driveway hump that extends to a suitable freeboard.*
>
> *As the height of all habitable floor levels of the proposed dwelling are above the 1% AEP and the Flood Planning levels, no evacuation will be necessary during the occurrence of this flood events that lead to flooding up to these levels. However, despite the level of the ground floor being lower than the probable maximum flood level, the first floor provides sufficient residing space during this flood event, meaning that the evacuation of the property will therefore not be necessary.*
>
> *In accordance with the above, the proposed site complies with the flood requirements of the Northern Beaches Council Pittwater 21 DCP and Flood Prone Land Design Standard.*

The proposal is therefore acceptable in terms of flooding constraints, based on the design as proposed.

Access

An Access Report has been prepared by Lindsay Perry Access. The conclusion of that assessment are that the proposed development is capable of complying and a series of recommendations are provided, as required to ensure that compliance is achieved.

Design Consideration

Design consideration has been given to the scale, size, and form of the proposal in relation to the characteristics of the site and considering the location and contextual considerations of this. The size of the site permits a comprehensive redevelopment and the design facilitates an orderly development of the land in conjunction with the adjoining developments approved within the block in which the site is located. The design responds to broader amenity issues including solar access, ventilation, privacy, communal open space, vehicular and pedestrian movements.

The proposal has taken into consideration the above development approvals and seeks to provide an integrated response in relation to building separation, amenity and compatibility with the design, bulk and

scale of the approved developments adjoining the subject site to create a holistic residential community in this location.

Most importantly, design consideration has been given to ensure a positive urban design outcome that will result in active streetscapes with the building directly addressing both of its street frontages. The proposal allows for public domain attributes by enabling a public plaza, rejuvenation of the street frontage with landscape treatments and outdoor dining spaces, as well as natural surveillance from the adjacent properties. The ground floor plane will be provided with entrances to individual tenancies on both frontages to ensure that the site provides a strong and vibrant relationship with the public domain facing this. It will also assist to provide a safe, local environment and create a sense of place.

Key Development Metrics

The area of the apartments range in size from 53.5m^2, through to 125.3m^2, with terraces ranging in size from 9.6m^2 to 38.7m^2.

The units are designed to maximise solar access, natural light and ventilation. All apartments have a living room width that is 4m or greater.

Table 4: Key Design Metrics

Design Metrics	Comments
Building Height	<11.5m from flood planning level
Total number of apartments	6 apartments across 2 levels, the breakdown of which is provided below: ○ 1 Bedroom – 2 ○ 2 Bedroom – 3 ○ 3 Bedroom - 1
Parking Spaces	20 spaces including 3 accessible spaces
Deep soil	The site is in a business zone and therefore the proposal does not incorporate a deep soil zone. Aside from the public plaza, which is located on the north-western corner of the site, facing Robertson Road, the proposed development covers the extent of the site with non-residential uses on the ground floor; therefore, opportunities for deep soil landscaping are not available. However, the design response will provide a forecourt area interfacing with the public domain that will increase opportunities for passive surveillance and meeting spaces for residents of the development, while also benefiting the broader community.
Communal Open Space	69.82m^2 (including lift and fire stair access)

Design Metrics	Comments
Solar access	○ All units receive a minimum of 3 hours of sunlight to the living area glazing and POS on June 21 Further information may be found on the Solar Access Assessment accompanying this application.
Cross Ventilation	○ All units will be cross ventilated.

4. SECTION 4.15 EVALUATION

The proposal is subject to the requirements of section 4.15 of the Environmental Planning & Assessment Act 1979 (EP &A Act), which are the matters for consideration in assessing a development application. These matters are addressed below.

Table 5: Section 4.15 of EP & A Act

Title/Clause	Comment
Evaluation	
Matters for consideration—general	
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a) the provisions of:	
(i) any environmental planning instrument, and	○ Section 4.46 of the EP & A Act (Integrated Development) ○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64) ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) ○ State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ The LEP The proposal is considered below having regard to these requirements.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has	Not applicable.

Title/Clause	Comment
been deferred indefinitely or has not been approved), and	
(iii) any development control plan, and	○ Apartment Design Guide (Appendix 1) ○ Pittwater Development Control Plan 2014 (Appendix 2)
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable.
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable.
that apply to the land to which the development application relates,	
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Matters of environmental impact have been addressed extensively in this report. The proposed development will have limited environmental, social and economic impacts and instead provide returns, as a result of its implementation. In terms of impact on the built environment, the proposed development is responsive to its context, particularly the topography of the land, while being designed to ensure that it does not compromise the future development potential of the adjoining sites in the event of future redevelopment on those allotments. As such, boundary conditions have been carefully considered. Given the orientation of the site, solar access has also been carefully managed, with their being limited change to the solar access enjoyed to the neighbouring properties, particularly from 12 noon onwards. In terms of social and economic impacts, these may only be described as positive. The proposal provides retail spaces on both street frontages that will provide opportunities for the local community to meet and interact through the spaces offered by this development. This is reinforced by the outdoor seating area on the Robertson Road frontage, which is not located on the

Title/Clause	Comment
	main road, thereby improving the amenity attached to such experience. The proposed use will result in employment generation during the construction and occupation phase of the development, having positive economic outcomes for the community through localised spending. The creation of an *in situ* population at the site will also create an inherent community in its own right, particularly with the proposed common open space area within the development, as well as the outdoor seating area that is afforded at the ground level, both of which will allow for interaction between residents within the development, as well as the broader community. Most importantly, the proposed retail tenancies, in conjunction with an *in situ* population will also rely upon existing businesses within the Newport Commercial Centre to assist in underpinning their commercial viability. It is considered that the recommendations outlined in the consultant reports will assist the consent authority in formulating conditions to be imposed on any future development consent to ensure that the environmental impacts of the proposed development are suitably managed. Therefore, the proposed development will not result in adverse impacts on the site itself, nor the immediate locality, as a result of its implementation.
(c) the suitability of the site for the development,	The site is suitable for the proposed development for the reasons summarised below: 1. It seeks to provide a mixed-use development in a location that is accessible and can accommodate a building form that is suited to the desired character of the locality. 2. The proposed uses, density and scale are consistent with the environmental planning provisions applying to the land, for a mixed-use development within the commercial centre of Newport, without undue pressure on the capability of the site. 3. The proposal will not compromise the amenity of surrounding land uses and, where there is any degree of risk, mitigation measures are recommended. The proposal is therefore suitable for the site.

Title/Clause	Comment
(d) any submissions made in accordance with this Act or the regulations,	Should submissions be made during assessment of this application, the Applicant would be willing to respond to these accordingly.
(e) The public interest.	As demonstrated throughout the report, the proposal does not present any issues that are contrary to the public interest. The proposed use is permissible within the zone. The proposed development is responsive to the public interest. The condition of the existing building forms is deteriorated, and the proposed development provides the opportunity for a contemporary architecturally designed outcome to be achieved on the site. The design of the proposal will increase opportunities for passive surveillance to the surrounding street frontages and will result in retail tenancies that open to the street frontages. The rejuvenation of this site will also ensure that the character of the Newport Commercial Centre is upheld and reinforced, providing local meeting places and employment opportunities. The opportunity to provide residential accommodation also means that living spaces are provided proximate to public transport opportunities. The proposal generally accords with the relevant environmental planning instruments, consistent with community expectations for the site. Therefore, the proposed development is the public interest.

Section 4.46 Integrated Development

Clause 4.46 of the EP & A Act addresses circumstances where referral to another government agency is required, such that general terms of approval are to be issued by an authority other than the consent authority, to enable development to proceed.

As the proposed development will intercept the water table, this would result in an aquifer interference. As such s.91 of the of the Water Management Act would apply. The application is required to be referred to Water NSW and General Terms of Approval.

SEPP 55

Clause 7 requires an applicant to demonstrate whether a parcel of land is contaminated.

Table 6: Assessment criteria for contamination and remediation to be considered in determining development applications

Title/Clause	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	Noted.
(a) it has considered whether the land is contaminated, and	The site has been used for commercial purposes for a significant period and there is no suggestion that any of the uses have involved activities that may result in contamination of the site.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	There is no suggestion that the land is contaminated; as such, it is suitable for the intended residential and commercial purposes.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	No known remediation is required, given the long term and consistent use of the property for commercial purposes.
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	The site is currently used for commercial purposes. The application proposes to change the use of the land for commercial and residential purposes.
(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the	Not applicable; no investigation is deemed necessary.

Title/Clause	Comment
preliminary investigation warrant such an investigation.	
(4) The land concerned is:	
(a) land that is within an investigation area,	Not applicable
(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,	Not applicable
(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land:	Not applicable
(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	

Therefore, no further consideration is required under SEPP 55.

SEPP 64

This Policy aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish.

Clause 8(b) of the SEPP states that '*a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1'.*

As outlined previously, the tenancy application and the corresponding signage would be subject to separate development applications. Therefore, no further consideration is warranted at this stage.

SEPP 65

The Aims of SEPP 65 seek to ensure improvement in the design quality of residential apartment development, having regard to high quality outcomes that contribute to economic, environmental, cultural and social development.

The proposal provides a mixed-use development in a location that is accessible to facilities and services, as well as diverse public transport opportunities. The proposal employs a high quality of architectural standard and design through the layout, proposed materials and finishes treatment, extent of building articulation and diversity in apartment mix assists to provide for a diverse range of economic and social outcomes.

Most importantly, the proposal has been prepared taking into consideration the above development potential of the adjoining properties and provides an integrated response in relation to building separation, amenity and compatibility with the design, bulk and scale of the adjoining sites. The proposal provides a sound urban design response for this corner block by creating visual interest along the ground plane and demarcating the entries to the building that are legible and clear. The proposal will thus provide a long-term asset to the neighbourhood through an active streetscape and improved public domain outcomes.

The proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase to 1, 2- & 3-bedroom housing stock in the area.

The proposal will therefore achieve the Aims of the SEPP.

Schedule 1 of the SEPP outlines 9 design quality principles that provide a guide to achieving a good quality design. An assessment of the proposed development, against these design principles is contained in the SEPP 65 Design Verification Statement prepared by Crawford Architects.

Overall, the proposed development has been assessed in accordance with the provisions of SEPP 65 and in accordance with the Apartment Design Guide accompanying the State Policy.

The ADG

Clause 28 of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to residential apartment developments.

In addition, the ADG compliance table provides a detailed assessment of development controls that aid the achievement of the design principles. This is provided at **Appendix 1**.

In summary, the proposed development is consistent with the requirements of the SEPP.

SEPP BASIX

The aim of the policy is to encourage sustainable residential development and requires the submission of a BASIX certificate with an application of this nature.

Clause 6 deals with Buildings to which Policy applies and states:

(1) This Policy applies to buildings arising from the following development:

(a) Proposed BASIX affected development for which the regulations under the Act require a BASIX certificate to accompany a development application or an application for a complying development certificate or construction certificate.

The proposal involves *BASIX affected development* and the relevant BASIX certificate accompanies this application.

SEPP (Infrastructure)

Division 5 of Part 3 addresses Electricity transmission and distribution. The need for a new substation has been identified in association with this development. It is therefore assumed that the works would be undertaken on behalf of an electricity supply authority or public authority and thus development consent for the substation would not be required in accordance with s.41(1) and (2)(d).

Division 17 addresses Roads and traffic. S.101 addresses *Development with frontage to a classified roa*d. In this case, Barrenjoey Road is a classified road (#164). Therefore, the consent authority must consider certain matters as addressed below.

Table 7: Assessment Criteria for Developments with Frontage to Classified Road

No.	Title/Clause	Comment
Division 17 Roads and Traffic		
Subdivision 2 Development in or adjacent to road corridors and road reservations		
101	Development with frontage to a classified road	
	(1) The objectives of this clause are:	
	a) to ensure that new development does not comprise the effective and ongoing operation and function of classified roads, and	The proposed development will not compromise the effective and ongoing operation of Barrenjoey Road. The proposed development does not introduce any opening onto that roadway, with all movements taking place along Robertson Road, which is the secondary frontage to the site. In terms of the traffic generation associated with the proposed development that may affect the road

		network, the Traffic & Parking Assessment concludes that: *Taking into consideration the existing retail use of the site, results in the following net traffic generation:* ○ *1 vehicle per hour during the morning peak period (-1 in, 2 out); and* ○ *-12 vehicles per hour during the evening peak period (-5 in, -7 out).* *Therefore, there is a net decrease in traffic generation in the evening peak period and an increase of one (1) vehicle per hour in the morning peak period. This increase is considered minor and would not adversely affect the local and surrounding road network*
	b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	The proposed development provides a quantum of car parking that is consistent with the DCP requirements such that the generation of movement will not adversely impact traffic noise or vehicle emission on the adjoining classified road.
	(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:	
	a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Vehicular access to the site is provided from Robertson Road; access is not proposed (nor available) from Barrenjoey Road (which is the classified road) and therefore complies with this requirement.
	b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:	Not applicable
	i. the design of the vehicular access to the land, or	Not applicable
	ii. the emission of smoke or dust from the development, or	Not applicable

	iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	Not applicable
	c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	Appropriate acoustic treatment will be provided to the openings of the development to ensure that there are no adverse resulting impacts in terms of traffic noise and vehicle emissions.
102	Impact of road noise or vibration on non- road development	
	(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:	RMS data for Barrenjoey Road reflects 44,348 vehicle trips per day.
	(a) residential accommodation	Applies
	(b) a place of public worship	Not applicable
	(c) a hospital	Not applicable
	(d) an educational establishment or centre-based childcare facility	Not applicable
	(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.	Noted.
	(3) If the development is for the purposes of residential accommodation, the consent	

	authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:	
	(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,	These matters are achievable and can be addressed through conditions of consent.
	(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	These matters are achievable and can be addressed through conditions of consent.
	(4) In this clause, freeway, tollway and transit way have the same meanings as they have in the Roads Act 1993	Noted

Clause 104 deals with *Traffic-generating development.* The proposed development fronts Barrenjoey Road and comprises of 6 dwellings. It is therefore not classified as *traffic generating development* under Schedule 3; therefore, concurrence from the RMS is not required.

The LEP

The proposal is consistent with the Aims (Clause 1.2) as set out below.

Table 8: Aims of the Objectives

Aims of Plan	Comments	Compliance
(2) The particular aims of this Plan are as follows:		
(a) to promote development in Pittwater that is economically, environmentally and socially sustainable,	As addressed at s.4.15 of the EP & A Act, the proposed development is economically, environmentally and socially sustainable.	Yes
(b) to ensure development is consistent with the desired character of Pittwater's localities,	The proposed development accords with the future character description of the Newport Commercial Centre and will provide a complementary interface with this. This is further addressed in the DCP. The proposed design seeks to provide a contemporary built form which will contribute to the immediate urban context of the neighbourhood and the desired	Yes

Aims of Plan	Comments	Compliance
	future character of the locality. The proposal allows for public domain attributes and rejuvenation of the street frontages surrounding the site.	
(c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,	The proposed development supports the mixed-use arrangement of the commercial centre of Newport with retail tenancies provided at the ground floor, and residential dwelling above, to support both the immediate locality of Newport and further afield.	Yes
(d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,	The proposed development will ensure the economic use of the site is enhanced. The proposal increases the amount of retail space provided by utilising a larger proportion of the site area than is currently the case, ensuring the economic and employment needs of the current and future community are aided by this development.	Yes
(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,	The proposed development encourages sustainable transport opportunities, including walking and cycling, by maximising access to, and connectivity with, surrounding areas. Essentially, the proposal thus takes advantage of the public transport infrastructure in the immediate locality which provides access from Palm Beach to Manly and on to the Sydney CBD.	Yes
(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,	The proposal demonstrates strategic merit in its objective to contribute to the provision of housing for Sydney's growing population. The proposal will reinvigorate the section of the urban block within which the site is located and will provide increased housing supply in an appropriate and suitable location. The proposed development will provide a range of dwelling types, including one, two- and three-bedroom apartments, within close proximity to services and facilities, as well as transport. The design of the built form, which includes lift access, also ensures that the building is accessible to a range of diverse user groups.	Yes
(g) to protect and enhance Pittwater's natural environment and recreation areas,	The proposed development has been designed and oriented to ensure that the amenity of the natural environment is protected.	Yes

Aims of Plan	Comments	Compliance
	The proposal has no impact on recreational areas, other than by potentially increasing the use of these due to the *in situ* population that will accrue as a result of the proposed residential accommodation.	
(h) to conserve Pittwater's European and Aboriginal heritage	The development will not propose any adverse impacts on nearby heritage items, ensuring Pittwater's heritage is conserved.	Yes
(i) to minimise risks to the community in areas subject to environmental hazards including climate change,	The site is not located in an area of environmental hazards, such that any risk to the community would accrue.	Yes
(j) to protect and promote the health and well-being of current and future residents of Pittwater.	The proposed development will protect and promote the health and well-being of existing and future residents. The proposed development is modest in scale, consistent with the relevant environmental planning controls and therefore public expectations associated with the development and provides access to facilities that will maintain the quality of the natural environment, such as public transport. The size and scale of the proposed apartments is consistent with market demand and the size of retail tenancies ensures that a diversity of business types may be accommodated, the size of which does not cause undue pressure in terms of economic return.	Yes

The relevant matters applicable to the proposal are addressed in the table below.

Table 9: LEP Compliance

Development Standard	Controls	Comment	Compliance
Part 2 Permitted or prohibited development			
2.1 Land use zones	B2 Local Centre Zone	*Shop top housing* is permissible with development consent.	Yes
2.6 Subdivision—consent requirements	Development consent required	Consent is sought for strata subdivision.	Yes

Development Standard	Controls	Comment	Compliance
2.7 Demolition	Development consent required	Consent is sought for the demolition of the existing structures on site.	Yes
Part 4 Principal development standards			
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height of 11.5m. (2C) Despite subclause (2), development on an area of land shown in Column 1 of the table to this subclause and identified as such on the Height of Buildings Map, may exceed the maximum building height shown on the Height of Buildings Map for that land, if the height of the development is not greater than the height shown opposite that area in Column 2. Area 1 – 11.5m above flood planning level.	The proposed development complies with the height of buildings standard, taking account of the flood level and is below the maximum height limit of 11.5m.	Yes
Part 7 Additional local provisions			
7.1 Acid Sulfate Soils	2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class 4 Works more than 2 metres below the natural ground surface. Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface	The relevant map shows the site likely contains Class 4 Acid Sulphate Soils, and lies within 500m of Class 3 soils. Further testing is recommended in accordance with the Preliminary Geotechnical Assessment. The Geotechnical Report demonstrates that the soil conditions are appropriate for the proposed development.	Yes

Development Standard	Controls	Comment	Compliance
7.2 Earthworks	(2) Development consent is required for earthworks unless: a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given	Council consent is sought for the proposed earthworks which are ancillary to the proposed development. The extent of earthworks proposed is to ensure that sufficient onsite car parking and building services are provided in association with the proposed development. The stormwater drainage plan demonstrates that the proposed development has been designed to take account of the quantum of excavation proposed. The effect of the excavation will not adversely impact the amenity of adjoining properties; instead, it will allow for sufficient on-site parking to ensure that the development does not place undue pressure on the surrounding street network, causing inconvenience to other residences or businesses within the immediate vicinity of the site.	Yes
7.3 Flood Planning	(2) This clause applies to land at or below the flood planning level.	The subject site is subject to flood planning controls.	Yes
	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: a) is compatible with the flood hazard of the land, and b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other	The proposal incorporates appropriate flood mitigation measures outlined in the Flood Impact Assessment prepared by Demlakian Pty Ltd. The conclusions of that report are set out previously.	Yes

Development Standard	Controls	Comment	Compliance
	development or properties, and c) incorporates appropriate measures to manage risk to life from flood, and d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.		
7.10 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	The site contains adequate facilities which will be retained and upgraded where required, to cater for the proposed development. A new substation is proposed to service the development and the distribution network will be extended into the development through the substation located on the Robertson Road frontage. Stormwater services will be in accordance with the stormwater management plan accompanying this application. Vehicular access is proposed from Robertson Road, to ensure that the development does not cause disruption to the classified road (Barrenjoey Road), in accordance with the provisions of the SEPP (Infrastructure).	Yes

The proposal therefore achieves the requirements of the LEP.

The DCP

The DCP provides detailed guidelines for development in the Council's area, set out in the form of objectives and controls. The matters that require consideration under the DCP are addressed at Appendix 2.

5. CONCLUSIONS & RECOMMENDATIONS

Hamptons Property Services (Hamptons) has been retained by Summit Build Pty Ltd to provide planning consultancy services in relation to the land known as 349 Barrenjoey Road, Newport.

Specifically, the proposal includes:

> *Demolition of the existing structures on the site; excavation for the purpose of one level of basement with 20 car parking spaces; construction of a three storey shop top housing development comprising of 4 ground floor retail units and 6 apartments and roof terrace located above; streetscape improvements and landscaping, and extension of services and infrastructure; strata subdivision of the site.*

The site is located in the B2 Local Centre zone pursuant to the LEP. The proposed development, for *shop top housing* is permissible with development consent in the zone. The proposed development satisfies the relevant environmental planning controls, without impact either on the site itself, or on neighbouring properties in proximity to the site.

In summary, the proposal:

- provides an opportunity to provide mixed use development within Newport's commercial core and close to public transport
- provides a good urban design response by facilitating a high degree of interaction with the public domain and will reinvigorate the section of the urban block within which the site is located
- provides a design which is an appropriate response to the desired character of the locality. This includes maintaining an appropriate scale to the street frontages without adverse overshadowing or amenity impact on surrounding properties
- provides an increase in housing supply and choice within the area consistent with the environmental planning controls
- provides high quality residential apartments which provide a high level of amenity and privacy to the future occupants
- provides an appropriate response to the context, setting, planning instruments and preliminary assessment as required under the heads of consideration under Section 4.15(1) of the *EP & A Act*
- will have no adverse environmental impacts on adjoining properties and more importantly has been designed to provide an integrated response to adjoining development in relation to building separation, amenity and compatibility with the design, bulk and scale of the approved development.

This being the case, it is recommended that the development application be approved in accordance with the accompanying plans.

APPENDIX 1: NSW Apartment Design Guide Assessment

Part 2 - Developing the controls

Provision	Design Guidelines	Comments	Compliance
2C Building height	Ensure that building height controls respond to the desired number of storeys, the minimum floor to floor heights required for future building uses and include generous ground floor heights.	A maximum of three storeys is permitted. The proposal comprises a total of three storeys and allows for sufficient floor to floor heights. Refer detailed discussions under Part 4 – Ceiling Heights.	Yes
	• Ensure the maximum building height allows for articulated roof planes and building services or that architectural roof features are enabled by the LEP. • Where rooftop communal open space is desired, ensure adequate maximum height is provided and consider secondary height controls for lift/stair access and shade structures	Refer discussions in the LEP.	Yes
2F Building Depth	• Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. • Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length.	The maximum depth of the units is 10.5m.	Yes
2F Building Separation[3]	Up to four storeys (approximately 12m): • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable room	The proposed development is three storeys in height with dual street frontages. Blank party walls are proposed at the ground floor; as such, no separation is required. The development is built to the boundary on the ground floor. In terms of the levels above, the proposed	Yes, on merit

[3] Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary to distribute the building separation equally between sites.

Provision	Design Guidelines	Comments	Compliance
	• No building separation is necessary where building types incorporate blank party walls. Typically, this occurs along a main street or at podium levels within centres.	building is setback at 3m from the south-western boundary. The first floor comprises of a corridor at this interface which is classified as a non-habitable room and is compliant with the separation distances. In terms of the first floor, habitable rooms and balconies are located at this interface and therefore, a minimum separation distance of 4.5m is required. The proposed development compliance with a 6m setback from the boundary line and bedroom glazing. Apart from this, the fire stairs, built to boundary is located along this boundary. Given the stairs incorporate blank walls, no setbacks are required. In terms of the north-western boundary, the proposed development is built to the boundary and incorporates a blank wall on the first floor. The second floor is setback at a minimum of 14m from this boundary.	
2G Street setbacks	Determine street setback controls relative to the desired streetscape and building forms	<u>Barrenjoey Road Frontage</u> Ground floor: 3.5 m from the property boundary. First floor: 7.5 m from the property boundary; 4 m from the ground floor building alignment. <u>Robertson Road Frontage</u> Ground floor: Built to boundary First floor: 3m from ground floor building alignment.	Yes
	To improve passive surveillance, promote setbacks which ensure a person on a balcony or at a window can easily see the street	The building has been designed to ensure a positive urban design outcome that will result in active streetscapes and passive surveillance, being far	Yes

Provision	Design Guidelines	Comments	Compliance
		superior over the existing situation. The ground floor plane will be provided with entrances to the commercial tenancies on both street frontages, as well as a public plaza to ensure that the site provides a strong and vibrant relationship with the public domain which will assist to provide a safe, local environment and create a sense of place. This is further reinforced with the introduction of balconies and terraces on the facades fronting the street to provide visual modulation of the building and ensure passive surveillance.	
2H Side and rear setbacks	Test side and rear setbacks with the requirements for: • building separation and visual privacy • communal and private open space • deep soil zone requirements	Refer previous discussions.	Yes, on merit.

Part 3 – Siting the Development

Provision	Design Guidelines	Comment	Compliance
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	A site analysis plan has been prepared by Crawford Architects is provided in the architectural drawings accompanying this application.	Yes
3B Orientation			
	Building to define the street, by facing it and incorporating direct access from the street	The proposed development has been designed to address both street frontages with direct access from the street.	Yes
	Where the street frontage is to the east or west, rear buildings should be orientated to the north	The Barrenjoey Road frontage is oriented on a south-east axis. However, the buildings are oriented north-east/south-west to maximize solar access.	Yes
	Where the street frontage is to the north or south, overshadowing to the	The Robertson Road frontage is oriented to the north-east. The	Yes

Provision	Design Guidelines	Comment	Compliance
	south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2	units are oriented north-east south-west to maximize solar access.	
	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access	Solar access to living areas and private open space is optimised having regard to site constraints, with 77.1% of apartments receiving more than 2 hours sunlight during the winter solstice.	Yes
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	Design responses have been carefully considered to minimise the proposal's impact on adjoining properties.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Refer to Solar Access Diagrams	Yes
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy	Refer to Solar Access Diagrams	Yes
	Overshadowing should be minimised to the south or downhill by increased upper level setbacks.	Refer to Solar Access Diagrams	Yes
	It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development	The buildings are oriented to the boundary.	Yes
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Not applicable. Adjoining properties do not contain solar collectors.	Yes
3C Public Domain Interface			
	• Terraces, balconies should have direct street entry, where appropriate.	The proposal is a shop-top housing development.	Not applicable.

Provision	Design Guidelines	Comment	Compliance
	• Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.		
	Upper level balconies and windows should overlook the public domain	The upper level balconies and window openings overlook the surrounding street network to ensure natural, passive surveillance over the public domain.	
	Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m	No fences proposed on the street frontages.	Not applicable
	Length of solid walls should be limited along street frontages	There are no blank walls proposed on the street frontages.	Yes
	Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets	The proposed common open space area, as well as the public plaza that is afforded to the development, will allow for interaction between residents within the development.	Yes
	Opportunities for people to be concealed should be minimised	The building layout and treatment to the street frontages ensures that concealed areas are minimised.	Yes
	Mailboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mailboxes are provided within the lobby on the ground floor.	Yes
	The visual prominence of underground car park vents should be minimised and located at a low level where possible	Underground car parking vents do not appear to the street frontage and the carpark exhaust is located on the rooftop, therefore ensuring that these aspects are not visually prominent from the street frontages.	Yes

Provision	Design Guidelines	Comment	Compliance
	Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	An existing substation is located on the Robertson Road frontage and its location is accessible. However, it is situated behind the landscape area and positioned to ensure that it does not compromise the streetscape, nor the common facilities associated with the site. The garbage storage area is located adjacent to the loading dock and is not visible from the street. The building service areas are located in the basement carpark.	Yes
	Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	The public domain areas are designed to ensure accessibility through the extent of the site.	Yes
	Durable, graffiti resistant and easily cleanable materials should be used	The building will be constructed of high-quality materials and finishes.	Yes
3D Communal and Public Open Space			
Design Criteria	Communal open space (COS) has a minimum area equal to 25% of the site	The proposal provides a communal roof area with a total area of 69.92m^2. The attributes of the site do not allow for an area greater than this in size that would be provided with sufficient solar access and amenity. The space provided is a quality outcome as part of the development.	No
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	The COS is located on the roof and achieves the minimum solar requirements.	Yes
Design Guidelines:	Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	The common open space has a minimum width of 3.65m.	Yes
3E Deep Soil Zones			

<table>
<tr><th>Provision</th><th>Design Guidelines</th><th>Comment</th><th>Compliance</th></tr>
<tr><td>Design Criteria</td><td>A deep soil zone equivalent to 7% of the site area must be provided with a min dimension of 3m.

Achieving the design criteria may not be possible on some sites including where:
• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)
• there is 100% site coverage or non-residential uses at ground floor level

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved, and alternative forms of planting provided such as on structure.</td><td>The site is located in a business zone. The proposal does not incorporate a deep soil zone. With the exception of the public plaza, the proposed development covers the extent of the stie with non-residential uses on the ground floor; therefore, opportunities for deep soil landscaping are not available. However, the design response will provide a landscaped area on the public domain and the roof slabs ensure an improved outcome, in landscape terms, over the existing situation.
Stormwater management plans accompany the development application.</td><td>Yes</td></tr>
<tr><td>3F Visual Privacy</td><td></td><td></td><td></td></tr>
<tr><td>Design Criteria</td><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:
<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></table>
No separation is required between blank walls</td><td>The proposed building is setback 3m from the south-western boundary. The first floor comprises of a corridor at this interface which is classified as a non-habitable room and is compliant with the separation distances. In terms of the first floor, habitable rooms and balconies are located at this interface and therefore, a minimum separation distance of 6m is required. The proposed development is non-complaint by 1.5m, given the constraints of the site,
Apart from this, the fire stairs, built to boundary is located along this boundary. Given the</td><td>No, complies on merit</td></tr>
</table>

Provision	Design Guidelines	Comment	Compliance
		stairs incorporate blank walls, no setbacks are required. In terms of the north-western boundary, the proposed development is built to the boundary and incorporates a blank wall on the first floor. The second floor is setback at a minimum of 14m from this boundary.	
Design guidelines	New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: • site layout and building orientation to minimise privacy impacts • on sloping sites, apartments on different levels have appropriate visual separation distances Direct lines of sight should be avoided for windows and balconies across corners.	The design seeks to provide an architectural response to ensure the privacy of the adjoining properties is not compromised while maximizing the development potential of the site.	Yes
	Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: ○ setbacks ○ solid or partially solid balustrades to balconies at lower levels ○ fencing and/or trees and vegetation to separate spaces ○ screening devices ○ bay windows or pop out windows to provide privacy in one direction and outlook in another ○ raising apartments/private open space above the public domain or communal open space	A range of design techniques are used to achieve reasonable privacy within the development and with neighbouring sites. These include the following: • Habitable rooms are separated by hallways, bathrooms and kitchens in all apartments. • Bedrooms and bathrooms do not directly face any living/dining rooms or kitchens. • All balconies and terraces are delineated by vertical fins for visual and acoustic privacy.	Yes

Provision	Design Guidelines	Comment	Compliance
	○ planter boxes incorporated into walls and balustrades to increase visual separation ○ pergolas or shading devices to limit overlooking of lower apartments or private open space ○ on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies		
	Balconies and private terraces should be located in front of living rooms to increase internal privacy	The private open spaces in the form of balconies and the private open terraces are directly accessible from the living rooms. The bedrooms of Apartment 1 open onto the balcony; however, a full height partition wall ensures that adequate privacy is achieved.	Yes
	Windows should be offset from the windows of adjacent buildings	The adjacent sites are currently not developed.	Not applicable
	Recessed balconies and/or vertical fins should be used between adjacent balconies	All balconies are recessed with vertical fins or are alternately arranged to provide articulation to the built form.	Yes
3G Pedestrian Access and Entries	Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	As discussed previously, the ground floor plane will be provided with multiple entries to the commercial tenancies. The building provides a clearly distinguishable main entry area to the residential apartments accessible from the public plaza.	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall facade. Design solutions may include: ○ the materials and colour palette to minimise visibility from the street ○ security doors or gates at entries that minimise voids in the façade where doors are not provided,	The entry, as required by the SEPP Infrastructure, is located on Robertson Road and only one ingress/egress point is provided to service the development. The vehicular access point is appropriately integrated into the buildings design and a gate is	Yes

Provision	Design Guidelines	Comment	Compliance
	the visible interior reflects the facade design and the building services, pipes and ducts are concealed	provided to minimise voids in the façade.	
	Car park entries should be located behind the building line	The basement entry door is sufficiently setback at 5.8m from the building line to reduce its prominence from the street.	Yes
	Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout	Vehicular access into the site has to be balanced with flooding constraints which affect the land. Access to basement parking is located along the eastern portion of the north-eastern face of the building.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	Vehicular access to the basement car park is *via* Robertson Road which is a secondary street.	Yes
	Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided		Not applicable
	Access point locations should avoid headlight glare to habitable rooms		Yes
	Adequate separation distances should be provided between vehicle entries and street intersections	The car park entry is adequately separated away from the street intersections.	Yes
	The width and number of vehicle access points should be limited to the minimum	Only one vehicle access point is proposed *per* frontage.	Yes
	Visual impact of long driveways should be minimised through changing alignments and screen planting		Not applicable
	The need for large vehicles to enter or turn around within the site should be avoided,	Given the nature of scale of the proposed development, large vehicles are not required to service the development.	Yes
	Garbage collection, loading and servicing areas are screened	Garbage storage areas are located adjacent to the loading dock and are not visible from the street.	Yes
	Clear sight lines should be provided at pedestrian and vehicle crossings	Pedestrian walkways are clearly delineated at street level. The basement level car parking area will be painted with zebra	Yes

Provision	Design Guidelines	Comment	Compliance
		markings to delineate pedestrian and vehicular circulation areas.	
	Traffic calming devices such as changes in paving material or textures should be used where appropriate	Noted.	
	Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: ○ changes in surface materials ○ level changes ○ the use of landscaping for separation	The access points for vehicles and pedestrians are separated and distinguishable.	Yes
3J Bicycle and car parking			
Design criteria	For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area: or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	The site is located in the B2 Local Centre zone. The development comprises of 20 car parking spaces, 10 bicycle and no motorcycle spaces. A Traffic and Parking Assessment accompanies the development application.	
Design guidance	Where less car parking is provided in a development, council should not provide on street resident parking permits	Sufficient car parking has been provided.	Yes
	Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters	The proposal incorporates motorbike parking spaces and	Yes, Refer to Traffic

Provision	Design Guidelines	Comment	Compliance
		are located in the basement level.	Impact Assessment
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	The proposal provides appropriate undercover and secure bicycle parking spaces within the basement.	Yes
	• Direct, clearly visible and well-lit access should be provided into common circulation areas. • A clearly defined and visible lobby or waiting area should be provided to lifts and stairs • Excavation should be minimised through efficient car park layouts and ramp design • Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles	The proposed development provides an efficient and functional basement layout. The lift core is clearly visible and provided in a safe and accessible location. Parking levels are uniform, and the car parking layout follows a grid pattern. Refer to architectural drawings.	Yes
	Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites	The car parking area does not protrude above the ground level.	Yes
	Natural ventilation should be provided to basement and sub basement car parking areas		Yes
	Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design	The proposed grills and screening devices are integrated into the building design and located behind feature battening along the ground level façade.	Yes
	• On-grade car parking should be avoided • Exposed parking should not be located along primary street frontages	All parking is contained within the basement of the building.	Yes

Part 4 – Designing the Building

Provision	Design Guidelines	Comments	Compliance
AMENITY			
4A Solar and daylight access			
Design Criteria	• Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas • A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	The apartments are designed to maximise solar and daylight access. Given the orientation, all the units receive a minimum of 2 hours of direct sunlight to the living area glazing and POS on June 21.	Yes
4B Natural Ventilation			
Design Criteria	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	100% of the units benefit from natural cross ventilation.	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	The maximum depths of cross-over apartments in 11.26m.	Yes
Design Guidelines	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	Development has a mix of dual aspect apartments, cross through apartments and corner apartments.	Yes
	In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side).	This has been incorporated, where possible.	Yes
	Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow	Where possible, the units have a rectangular configuration to maximise airflow.	Yes
	The area of unobstructed window openings should be equal to at least 5% of the floor area served.	Window placement and size optimise the ability to capture north-easterly summer breezes.	Yes
4C Ceiling Height			

<table>
<tr><th>Provision</th><th>Design Guidelines</th><th>Comments</th><th>Compliance</th></tr>
<tr><td>Design Criteria</td><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table><tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</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 storeys 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></table>
These minimums do not preclude higher ceilings if desired</td><td>The floor to floor height between the ground and first floor level is 3.5m and 3.1m for the levels above.
The ceiling height for all units will be at least 2.7m which means the 0.2~0.3m space above the ceiling level will allow sufficient space for the concrete floor slab and utility services.</td><td>Yes</td></tr>
<tr><td>4D Unit Sizes</td><td></td><td></td><td></td></tr>
<tr><td>Design criteria</td><td>Apartments are required to have the following minimum internal areas:
<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>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each</td><td>The following is a summary of internal areas
1-bedroom units range between 53.5m^2 - 55.8m^2
2-bedroom units are between 80.2m^2 to 86.4m^2
3-bedroom unit is 125.3m^2
A maximum of three bedrooms is proposed. All units comply with the minimum internal area requirements, with many units exceeding the minimum. Where additional bathrooms have been provided, unit sizes have been increased by at least 5m^2.</td><td>Yes</td></tr>
<tr><td></td><td>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</td><td>All habitable rooms are provided with a window on the external wall. Daylight and air will not be borrowed from other rooms. All windows have a minimum area greater than 10% of the floor area of the room.</td><td>Yes</td></tr>
<tr><td></td><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</td><td>All units comply, having a depth ranging between 5.5m - 6m.</td><td>Yes</td></tr>
<tr><td></td><td>In open plan layouts (where the living, dining and</td><td>All apartments are designed in an ‘open plan’ arrangement and</td><td>Yes</td></tr>
</table>

<table>
<tr><th>Provision</th><th>Design Guidelines</th><th>Comments</th><th>Compliance</th></tr>
<tr><td></td><td>kitchen are combined) the maximum habitable room depth is 8m from a window
• Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)
• Bedrooms have a minimum dimension of 3m (excluding wardrobe space)
• Living rooms or combined living/dining rooms have a minimum width of:
• 3.6m for studio and 1-bedroom apartments
• 4m for 2- and 3-bedroom apartments
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</td><td>are rectangular in shape to allow flexibility for rearranging furniture and to maximize circulation between spaces. The proposal complies with these design requirements in terms of minimum size and dimensions.</td><td></td></tr>
<tr><td>4E - Private open space and balconies</td><td></td><td></td><td></td></tr>
<tr><td>Design criteria</td><td>All apartments are required to have primary balconies as follows:
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>The residential units comply with the minimum requirements for private open spaces.</td><td>Yes</td></tr>
<tr><td></td><td>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</td><td>The proposal is a shop top housing development and comprises of commercial units on the ground level.</td><td>Not applicable</td></tr>
<tr><td>4F - Common circulation and spaces</td><td></td><td></td><td></td></tr>
<tr><td>Design criteria</td><td>The maximum number of apartments off a circulation core on a single level is eight.</td><td>The proposed development has a maximum of six units and is served by one lift.</td><td>Yes</td></tr>
</table>

<table>
<tr><th>Provision</th><th>Design Guidelines</th><th>Comments</th><th>Compliance</th></tr>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td>Design guidance</td><td>Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:
a series of foyer areas with windows and spaces for seating
wider areas at apartment entry doors and varied ceiling heights</td><td>Corridors are greater than 12m in length; however, wider entries are provided for each unit. Daylight and natural ventilation are provided to all common circulation spaces that are above ground.</td><td>Yes</td></tr>
<tr><td>4G Storage</td><td></td><td></td><td></td></tr>
<tr><td>Design criteria</td><td>In addition to storage in kitchens, bathrooms and bedrooms, the following is provided:<table><tr><th>Dwelling type</th><th>Storage size v</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>At least 50% of the required storage is to be located within the apartment.</td><td>All storage will be provided within the apartments themselves to comply with the minimum requirements.
This will be further refined as part of the construction certificate and design development process.</td><td>Yes</td></tr>
<tr><td>4H - Acoustic privacy</td><td></td><td></td><td></td></tr>
<tr><td>Design guidance</td><td>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy)</td><td>Building separation requirements are complied with to ensure that sufficient acoustic attenuation is achieved. Refer to previous discussions.</td><td>Yes</td></tr>
<tr><td>4J - Noise and pollution</td><td></td><td></td><td></td></tr>
<tr><td>Design guidance</td><td>To minimise impacts the following design solutions may be used:
physical separation between buildings and the noise or pollution source
residential uses are located perpendicular to the noise source and where possible buffered by other uses
non-residential uses are located at lower levels vertically separating the residential</td><td>The main potential noise sources in the vicinity are Barrenjoey Road and the proposed public plaza. The recommendations and the external treatments to attenuate adverse noise conditions will be provided in accordance with any conditions of development consent.</td><td>Yes</td></tr>
</table>

Provision	Design Guidelines	Comments	Compliance
	component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry		
CONFIGURATION			
4K Apartment mix			
Design guidance	The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing different cultural and socioeconomic groups	The proposal is designed with a composition of units to provide a variety of housing choices that respond to market demands, noting that the bedroom numbers and size of units are varied and will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.	Yes
4M Facades			
Design guidance	Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements. Added interest is facilitated with the	Yes

Provision	Design Guidelines	Comments	Compliance
	• revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements	implementation of wall materials, colours, geometric features and the like. Further, the balconies and terraces will cast shadows and provide depth and texture to the façade composition. The building entries are clearly defined and visible from the public domain areas. Overall, the proposed façade presents a high quality and design finish that is consistent with the desired character of the locality outlined in the DCP. Refer to detailed discussions in the SEE.	
4N – Roof design			
Design guidance	Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings	The proposed roof design is low pitched and is well articulated to create some visual interest and a carried roofscape. The proposed materials will complement the building and the service elements shall be well integrated so as not to be obtrusive from the streetscape.	Yes
	Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations	The proposal comprises of roof top communal space which is set back from the street and incorporates sufficient privacy and security measures.	Yes
4O Landscape design			
Design guidance	Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees	The landscape areas are incorporated both internally and externally and has been designed to create an attractive and high-quality landscape for the amenity of the residents with the intention of creating a cohesive transition from internal to external spaces.	Yes

Provision	Design Guidelines	Comments	Compliance
	• areas for residents to plant vegetables and herbs • composting • green roofs or walls Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards Tree and shrub selection considers size at maturity and the potential for roots to compete.	Further, this will be complemented by the existing/proposed street front trees and public domain works. Refer Landscape Plans prepared by Site Image accompanying the development application.	
4Q Universal design			
Design guidance	Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	The development incorporates a total of 6 dwellings and therefore 1.2 adaptable dwellings are required. 1 unit is designed to be an adaptable unit and other measures are incorporated in the design to ensure DDA accessibility throughout.	Yes
	Adaptable housing should be provided in accordance with the relevant council policy		Yes
4R Adaptive reuse			
Design guidance	Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include: • generously sized voids in deeper buildings	The proposed development complies with the relevant Australian Standards; the Building Code of Australia access requirements; and the Disability Discrimination Act 1992. An Access Report accompanies this application.	Yes

Provision	Design Guidelines	Comments	Compliance
	• alternative apartment types when orientation is poor • using additions to expand the existing building envelope		
4S Mixed use	Residential circulation areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided concealment opportunities are avoided	The proposal has been designed to comply with these requirements.	Yes
4T Awnings and signage			
	Awnings are well located and complement and integrate with the building design	The proposed awnings are provided to the full width of the lot at ground floor on both street frontages in accordance with the DCP guidelines.	Yes
	Signage responds to the context and desired streetscape character	Building identification signage is incorporated into the feature batten cladding adjacent to the lobby entrance as demonstrated on the Architectural Drawings.	Yes
PERFORMANCE			
4U Energy efficiency			
	• Development incorporates passive environmental design. • Adequate natural ventilation minimises the need for mechanical ventilation. • Development incorporates passive solar design to	Refer previous discussions.	Yes

Provision	Design Guidelines	Comments	Compliance
	optimise heat storage in winter and reduce heat transfer in summer		
4V Water Management & Conservation			
Design Guidance	Water efficient fittings, appliances and wastewater reuse should be incorporated.	Refer to BASIX assessment	Yes
	Drought tolerant, low water use plants should be used within landscaped areas	Refer to details provided on the landscape plans.	Yes
	• Water sensitive urban design systems are designed by a suitably qualified professional • On-site stormwater and infiltration systems are to be installed. • Detention tanks should be located under paved areas, driveways or in basement car parks.	Refer hydraulic /stormwater management plans accompanying the application.	Yes
4W Waste Management			
Design guidance	• Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. • Waste and recycling storage areas should be well ventilated. • Circulation design allows bins to be easily manoeuvred between storage and collection points • Temporary storage should be provided for large bulk items such as mattresses • A waste management plan should be prepared • All dwellings should have a waste and recycling	The waste storage area is located immediately adjacent to the loading dock and shielded from the public domain. Refer to Waste Management Plan.	Yes

Provision	Design Guidelines	Comments	Compliance
	cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling • Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core • Alternative waste disposal methods such as composting should be provided		
4X Building maintenance			
	○ Building design detail provides protection from weathering. ○ Systems and access enable ease of maintenance. ○ Material selection reduces ongoing maintenance costs	These matters to be addressed during design development and construction certificate stage.	Yes

APPENDIX 2: DCP Compliance

Section A Shaping Development in Pittwater

The site is located within Newport Commercial Core as shown in the Figure below.

Figure 7: Newport Locality Map, the subject site identified in red

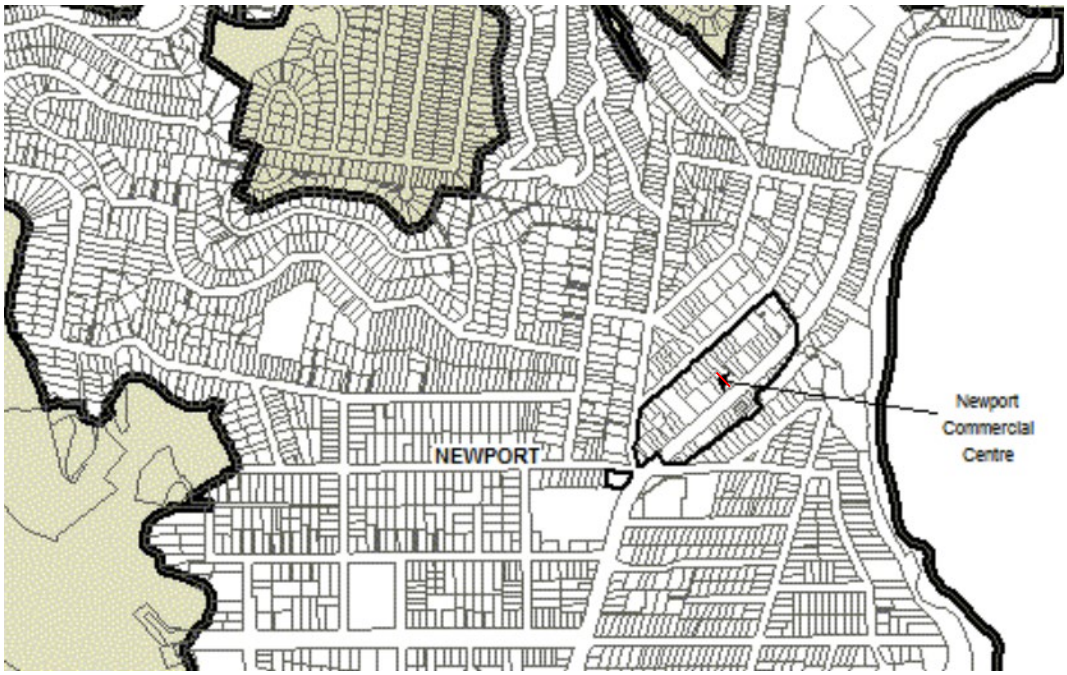


Table 10: DCP Compliance

Provision	Comments	Compliance
A4 Localities		
A4.10 Newport Locality		
Desired Character Within the Newport Commercial Centre	The proposed development has been designed in accordance with Newport Masterplan. Refer to detailed discussion in Section D	Yes
○ Diversity rather than uniformity of building type and style is a desirable part of the existing character and is encouraged to continue. Strategies to achieve this include modulating buildings in both the vertical and horizontal plane, and enabling a variety of fenestration, awning treatments and roof forms. This diversity, including the mix of new and remodelled buildings, will be	The design seeks to provide a contemporary built form in a corner location which will contribute to the immediate urban context of the neighbourhood and the desired character of the locality. The proposal will thus provide a long-term asset to the neighbourhood through an active streetscape and improved public domain outcomes.	Yes

Provision	Comments	Compliance
unified by the streetscape and public domain treatments. ○ At the topmost level of buildings, setbacks to front, sides and rear will break down the overall scale of the street, support view sharing, and will also provide useable roof terraces and garden areas. Views from the upper slope down and across the roofscape will be significantly improved by thoughtful roof design. The permeability of the centre will be further improved by both protecting and creating views through and between buildings. ○ The architectural character will be expressed strongly through the design of facades, including shading and screening devices, lightness and transparency of materials, and elements that promote natural ventilation.	The proposed façade design represents a well-articulated and modulated design with appropriate materials and finishes. The proposed façade incorporates a variety of materials and textures which relate sympathetically to existing buildings in the vicinity, particularly with the use of brickwork which characterises the area. The basement structures are integrated into the facade and landscape design, so these do not visually dominate the streetscape nor pedestrian areas adjoining the site. The design concept indicates an acceptable level of compliance with the principles of the Apartment Design Guide and will not compromise the potential future development of the adjoining site. The design maximises residential amenity for future occupants (views, solar access, cross ventilation), as well as ensuring that impacts on amenity to the adjoining properties are minimised, whilst allowing the site to achieve the maximum development potential. The third storey is setback to achieve a visual separation between the lower and upper levels of the building.	
○ Building orientation, internal layouts, the location and design of balcony and courtyard areas, should all optimise people's ability to use and enjoy the spaces.	The proposed development has been designed to maximise accessibility, natural ventilation, solar orientation, and energy efficiency.	Yes
○ Shop fronts will be largely transparent, with large openings, connecting directly with the footpath areas, to contribute to a sense of permeability.	The ground floor plane will be provided with large transparent openings on both street frontages to ensure that the site provides a strong and vibrant relationship with the public domain. Activity is achieved by locating the private open space fronting the street to ensure casual surveillance over the adjoining public domain.	Yes

Provision	Comments	Compliance
○ Building users will benefit from terraces, balconies and openings with a pleasant outlook, while the space benefits from passive surveillance and from being attractively edged.	The upper level balconies, terraces and window openings overlook the surrounding street network to ensure natural, passive surveillance over the public domain. This will assist to provide a safe, local environment and create a sense of place.	Yes
The desired future character for the commercial centre includes an increased diversity and range of retail, commercial and community activities for the Newport community. Barrenjoey Road and Robertson Road will be consolidated as the primary retail streets, and the role of Robertson Road as an activity hub for the village will be enhanced. Further development of shop top housing will enliven the village, particularly at nights and weekends, and increase the retail customer base. The Newport Commercial Centre will have increased patronage from visitors as well as local residents, due to: ○ Retention and enhancement of the clusters of cafe/dining uses on Barrenjoey Road and Robertson Road. ○ Active land uses on highly visible sites at the northern and southern ends of the commercial centre, with a high degree of interaction with the public domain	The proposed development will provide for a range of retail and businesses uses that will serve the needs of the local area. Four separate tenancies are offered of varying sizes, to accommodate a diversified combination of business interests.	Yes

Section B General Provisions

Provision	Comments	Compliance
B2 Density Controls		
B2.6 Dwelling Density and Subdivision – Shop Top Housing		
The commercial/retail component of the development must be a minimum of 25% of the gross floor area of the building.	The commercial component of the building provides a total area of 229.1m^2 which equates to 27.4% of the total GFA of the building.	Yes

Provision	Comments	Compliance
	The composition of floor space, in terms of density and scale is appropriate to the capabilities of the site and the surrounding area.	
The re-subdivision of individual or groups of dwellings subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the dwelling. Landscaped areas, access areas and signage not forming part of an individual dwelling must be included as common property.	Consent is sought for Strata subdivision of the site. These matters will be addressed during subdivision certification stage.	Yes
B3 Hazard Controls		
B3.6 Contaminated Land and Potentially Contaminated Land		
Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.	Refer to discussions in Table 6.	Yes
B3.11 Flood Prone Land		
The purpose of this Part is to guide development in accordance with the objectives and processes set out in the NSW Government's Flood Prone Land Policy as outlined in the NSW Government, Floodplain Development Manual, 2005.	A Flood Impact Assessment accompanies this application. The proposal incorporates appropriate flood mitigations measures, with a raised floor level to that specified by Council. The floor levels are set at an appropriate height to reduce the frequency of inundation of structures and floors to an acceptable probability. Therefore, utilising design outcomes the risks associated with the development are sufficiently minimised.	Yes
Form A and A1 (Attachment A of Northern Beaches Council's Guidelines for preparing a Flood Management Report) is to be completed and submitted to Council	This accompanies the application.	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)		

Provision	Comments	Compliance
This control applies where 'intensification of development' is proposed. 'Intensification of development' includes but may not be limited to: ○ an increase in the number of dwellings (but excluding dual occupancies and secondary dwellings). ○ an increase in commercial or retail floor space.	The proposal involves a mixed-use development and includes residential accommodation.	
2) Climate Change Assessment for Land Identified on Flood Hazard Maps. For land identified on Council's Flood Hazard Maps involving development to which this control applies, a Flood Risk Management Report shall be prepared in accordance with Appendix 8 - Flood Risk Management Policy for Development in Pittwater, which includes an assessment of climate change. This assessment shall include the impacts of climate change on the property over the life of the development and the adaptive measures to be incorporated in the design of the project. The following climate change scenarios shall be considered: ○ Scenario 1: Impacts of sea level rise only ○ Scenario 2: Impacts of sea level rise combined with increased rainfall volume Flood Planning Levels for Scenario 1 and 2 have not been adopted by Council to date. Applicants should contact Council to be directed to the source of the best available information to determine the likely increase in Flood Planning Levels as a result of climate change.	Refer to Flood Impact Assessment	Yes
3.2.1 Improving the public domain		

Provision	Comments	Compliance
(1) Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.	The proposed development will enhance the public domain by ensuring adequate sun access to publicly accessible spaces.	Yes
(2) Shadow diagrams are to be submitted with the development application and indicate the existing condition and proposed shadows at 9am, 12 noon and 2pm on 14 April and 21 June. If required, the consent authority may request additional detail to assess the overshadowing impacts.	Complies, shadow diagrams accompany the development application.	Yes
B4 Controls Relating to the Natural Environment		
B4.22 Preservation of Trees and Bushland Vegetation	No tree removal is proposed.	Not applicable
B5 Water Management		
B5.1 Water Management Plan		
An Integrated Water Management approach must be undertaken on all land subject to development for the effective water management of all water on the site including: ○ rainwater ○ stormwater ○ greywater, and ○ wastewater in accordance with: ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ The Pittwater 21 Development Control Plan (this DCP) ○ All relevant legislation A Water Management Plan is required to be submitted setting out the proposed Integrated Water Management System	Refer to Stormwater Management Plan and BASIX Certificate	Yes

Provision	Comments	Compliance
B5.5 Rainwater Tanks – Business, Light Industrial and other development		
All development creating an additional hard (impervious) roof area of greater than 50m^2 must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.	Refer to Stormwater Management Plan and BASIX Certificate.	Yes
B5.9 Stormwater Management – Water Quality – other than low density residential	Matters relating to stormwater and drainage are prepared by Demlakian and accompany this application. Existing stormwater and drainage conditions, proposed design and relevant impacts associated with development are contained in the Stormwater Concept Plans and indicate that development will achieve the water quality specified in the DCP.	Yes
B6 Access and Parking		
B6.1 Access driveways and Works on the Public Road Reserve		
Access Driveway Design The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards: ○ Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking. ○ Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control.	Refer to Traffic and Parking Report.	Yes
Number of Access Driveways per Allotment The number of permissible Access Driveways to an allotment is as follows:	The development proposes one (1) access driveway, from Robertson Road.	Yes

Provision	Comments	Compliance
○ where the frontage of an allotment to a local public road is less than 30m, one only access driveway. ○ where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit. ○ where the allotment has a frontage to a second local public road, one additional access driveway to the second local road frontage will be considered on merit, based on Council's consideration of the site constraints. ○ Council, under the Local Government Act 1993, may direct as to which frontage access is to be gained where traffic safety issues are a consideration.		
Access Driveway for Service Vehicles to Loading Dock ○ Access Driveways providing access for service vehicles to loading docks must be separated from access used by the general public for access to public parking areas. ○ Access Driveways providing access for service vehicles to loading docks shall, where practical, be located on a rear public road frontage providing separation from pedestrian activity. ○ Where Access Driveways are located on the same frontage, the minimum distance between an Access Driveway for service vehicles and an Access Driveway for the general public shall be 5 metres from the inside edge to the inside edge of the Access Driveways.	Given the constraints of the site, a combined driveway is provided from service vehicles and the tenants/residents of the building.	Yes
Access Driveway Location Access Driveways shall be designed and located to provide adequate sight distance	The location of the access driveway is in the most practical and suitable location, setback at a minimum of 10m from the	Yes

Provision	Comments	Compliance
to maximise pedestrian and vehicular safety as follows: ○ minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 kph speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and ○ minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary. For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb. The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.	north-eastern boundary, ensuring the maximum distance from Barrenjoey Road.	
For corner allotments adjacent to traffic signals, the location of the Access Driveway will be subject to the approval of the Roads and Maritime Services as the authority responsible for traffic signal facilities.	Not applicable	Yes
For developments in commercial centres where separate entry/exit vehicular access is required, access driveways for entry and exit are to be separated by a minimum distance of 2 metres.	The proposed development provides a single driveway for both ingress and egress to the site.	Not applicable
Access Driveway Profile and Gradient ○ Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles. ○ Access Driveway Construction and Finishes	Refer to Architectural Plans.	Yes

Provision	Comments	Compliance
○ All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction. ○ Gutter crossings are to be in plain concrete. ○ Access Driveways are to be in plain concrete. Cosmetic Access Driveways on a public road reserve are not permitted. ○ Access Driveways are to match with the adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition. ○ The Access Driveway is to be structurally adequate for its intended use. ○ Suspended driveways must not use the existing road structure for support.		
Ancillary Structures within the Road Reserve ○ Ancillary structures within the Road Reserve will be supported for the purposes of structurally supporting the access driveway only. Ancillary structures include retaining walls. ○ Encroachment into the road reserve is to be minimised. ○ Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes. ○ All structural elements within the Road Reserve must be certified by a Structural Engineer. ○ In addition, where the land is identified on the Landslip Hazard Map, the design of all structural		Yes

Provision	Comments	Compliance
elements must satisfy the Landslip Hazard Controls.		
Access Driveway - Stormwater Drainage All Access Driveways on the low side of the road are to be designed and constructed such that stormwater drainage is directed away from the Access Driveway.		Yes
Access Driveway and Public Utilities Costs The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.		Yes
B6.2 Internal Driveways		
Internal Driveway Stormwater Drainage Internal Driveway grades, cross falls and grated drains are to be designed to reduce discharge into the public drainage system and to maximise stormwater discharge into adjacent landscape areas by the use of grass swales and soakage pits.	Refer to Stormwater Drawings.	Yes
Internal Driveway Construction/Finishes Internal Driveways shall have a stable surface for all weather construction. Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.	Refer to Schedule of Materials and Finishes.	Yes
Internal Driveway Design The design of all Internal Driveways and ramps shall be in accordance with the current edition of the following Australian Standards: o Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.	Refer Traffic and Parking Assessment.	Yes

Provision	Comments	Compliance
○ Australian Standard AS/NZS 2890.2-2002: Parking Facilities - Off-Street Commercial Vehicle Facilities except as qualified in this control. Internal Driveway and Driveway Corridor ○ Internal Driveways shall be designed and constructed to the minimum practical pavement width needed to facilitate access and turning movements. ○ Internal Driveways shall be designed and constructed to minimise the area of impervious pavement within the land. Track style driveways are encouraged where practical. ○ Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking).		
B6.3 Off-Street Vehicle Parking Requirements		
The minimum number of vehicle parking and service spaces to be provided within the development site for new development and extensions to existing development is to be in accordance with the following: The total number of spaces as set out in TABLE 1 below; PLUS the number of on-street parking spaces lost as a direct result of the development due to access and traffic facilities requirements.	Refer to Traffic & Parking Assessment The proposal does not involve any loss of on-street parking.	Yes
Bicycle Storage For residential development (other than a dwelling house, dual occupancy, secondary dwellings, exhibition homes and rural workers' dwellings), secure bicycle storage facilities must be provided within the	Secure bicycle parking is located in the basement car park and provision is made in accordance with the DCP requirements.	Yes

Provision	Comments	Compliance
building at the rate of 1 bicycle rack per 3 dwellings. For Business/Industrial development or additions, comprising of 200m² GFA or more, secure enclosed bicycle storage facilities must be provided within the building at the rate of 1 bicycle rack per 1000m² GFA, or a minimum of 4 bicycle racks, whichever is the greater.		
Motor Cycle Parking For Business/Industrial development or additions, comprising of 200m² GFA or more, provision is to be made for motor cycle parking at a rate of 1 motor cycle parking space per 100 motor vehicle spaces.	Refer to Traffic and Parking Assessment	Yes
Shop Top Housing The provision of parking is to be in accordance with the associated land use parking requirements i.e. parking must be provided at the requirement rate for the commercial floor space requirements if commercial floor space is proposed.	Refer previous discussions.	Yes
Location of patron parking for Retail and/or Commercial land use should not be restricted or obstructed (for example behind roller doors).		
On-Site Car Parking Facilities The design of all parking areas shall be in accordance with the current edition of the following Australian Standards: o Australian Standard AS/NZS 2890.-12004: Parking Facilities Part 1: Off Street Car Parking; o Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities; o Australian Standard AS/NZS 2890.3-1993: Parking Facilities Part 3: Bicycle Parking Facilities; and	These matters are discussed in the Traffic & Parking Assessment.	Yes

<table>
<tr><th>Provision</th><th>Comments</th><th>Compliance</th></tr>
<tr><td>o Australian Standard AS/NZS 2890.6-2009: Parking Facilities – Part 6: Off-Street Parking for People with Disabilities except as qualified in this control.</td><td></td><td></td></tr>
<tr><td><u>Residential Car Parking for Shop Top Housing</u></td><td></td><td></td></tr>
<tr><td>TABLE 1: Onsite Car Parking requirements</td><td></td><td></td></tr>
<tr><td>Shop-Top Housing
<table><tr><th colspan="2">Minimum Number of. Car Spaces</th></tr><tr><td>1 bedroom dwellings</td><td>1 space per dwelling</td></tr><tr><td>2 or more bedroom dwellings</td><td>2 spaces per dwelling</td></tr><tr><td>Adaptable Housing in accordance with control C1.9 of the Pittwater 21 Development Control Plan.</td><td>1 space per dwelling in accordance with AS 4299-1995: Adaptable Housing.</td></tr><tr><td colspan="2">The provision of parking for people with disabilities must be provided at a rate of 3% of the required parking spaces, excluding parking required for Adaptable Housing.</td></tr><tr><td colspan="2">Separate visitor parking is to be provided at a rate of 1 space per 3 dwellings rounded up.</td></tr><tr><td colspan="2">Provision must be made for garbage collection, removalist vans and emergency vehicles.</td></tr><tr><td colspan="2">For developments with 10 or more dwellings, a vehicle wash bay is to be provided.</td></tr></table></td><td>Refer to Traffic and Parking Assessment</td><td>Yes</td></tr>
<tr><td>Commerical Component

Business Premises and Office Premises - 2.5 car parking spaces per 100m² Gross Lettable Area (GLA)

Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of required car parking spaces and must be appropriately signposted.

Where the Gross Floor Area (GFA) exceeds 400m², provision is to be made for:

o Delivery vehicles at 1 space per 4000m² GFA or 1 space whichever is greater;
o Courier parking at 1 space per 1000m² GFA or 1 space, whichever is greater.</td><td>Refer to Traffic and Parking Assessment</td><td>Yes</td></tr>
<tr><td>Retail Premises 1 per 30m² GLA

Parking spaces are to be accessible to the public.

o Adequate space for delivery vehicles is to be provided.</td><td></td><td></td></tr>
</table>

Provision	Comments	Compliance
○ Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of the required car parking spaces or part thereof, or 1 space, whichever is greater.		
B6.5 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road		
Approval for works on the public road reserve under Section 138 of the Roads Act 1993	These matters will be dealt during construction certificate stage.	Yes
Egress from an Access Driveway All Access Driveways with access to a Main Road shall be designed to ensure vehicles enter and leave in a forward direction.	All vehicles will enter and exit the site in a forward direction.	Yes
Access Driveways in Newport Commercial Precinct and Mona Vale Commercial Precinct ○ An Access Driveway from allotments adjoining a Main Road in the Newport Commercial Precinct and Mona Vale Commercial Precinct is not permitted onto the Main Road where alternative access to a local road is available or can be made available via a right-of-way or easement. ○ The number of Access Driveways is to be minimised within the Commercial Precincts to enhance the pedestrian amenity. Access Driveways are to be combined with adjoining allotments where practical. ○ Access Driveways for allotments adjoining a Main Road providing access for service vehicles to loading docks are not permitted onto the Main Road.	The site is located on a corner allotments and vehicular access is provided from Robertson Road.	Yes
B6.6 On-Street Parking Facilities	The proposal provides parking in the basement to service the proposed	Not applicable

Provision	Comments	Compliance
	development and does not rely on street parking facilities.	
B6.7 Transport and Traffic Management		
<u>Transport and Traffic Planning</u> Where development generates pedestrian, cyclist, traffic and transport requirements in excess of the capacity of the existing road and transport network, the capacity of the surrounding public infrastructure and transport network is required to be upgraded to at least match the additional demands generated by the development.	The proposed development will not generate development that is in excess of the capacity of the road network.	Yes
Any improvement works external to the development site, required to ensure the development complies with this control, must be provided as part of the development at the full cost to the applicant.	Such matters may be addressed as Conditions of Consent.	Yes
All traffic assessments are to be undertaken in accordance with the Roads and Maritime Services Guidelines for Traffic Generating Developments or similar guidelines. All proposed traffic facilities must comply with the Roads and Maritime Services and/or relevant Australian Standards. An assessment of the impact of traffic generated by the proposed development on the local street system must be undertaken.	Refer to Traffic & Parking Assessment.	Yes
Adequate vehicular entrances to and exits from the site are to be provided so that vehicles using those entrances and exits will not endanger persons using adjoining roads.		Yes
Adequate space is to be provided within the site of the building or development for the loading, unloading or fueling of vehicles, and for the picking up and setting down of passengers.		Yes

Provision	Comments	Compliance
<u>Traffic and Transport Facilities and Public Utilities Costs</u> The cost for traffic and transport facilities and adjustment of any utility service is the responsibility of the Applicant.	Such matters may be addressed as Conditions of Consent.	Yes
B8 Site Works Management		
B8.1 Construction and Demolition - Excavation and Landfill		
Excavation and landfill on any site that includes the following: ○ Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation; ○ Any excavation greater than 1.5 metres deep below the existing surface; ○ Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property; ○ Any landfill greater than 1.0 metres in height; and/or ○ Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.	The proposed excavation will be greater than 1.5m. Refer to Geotechnical Assessment.	Yes

Provision	Comments	Compliance
B8.2 Construction and Demolition - Erosion and Sediment Management	Refer to Stormwater Drainage Plans/Construction Management Plans.	Yes
B8.3 Construction and Demolition - Waste Minimisation		
Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Refer to Waste Management Plan.	Yes
B8.4 Construction and Demolition - Site Fencing and Security		
○ All sites are to be protected by site fencing for the duration of the works. ○ Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act 1993.	Such matters may be addressed as Conditions of Consent and dealt with during the construction certificate stage.	Yes
B8.5 Construction and Demolition - Works in the Public Domain		
○ All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times. ○ All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance. ○ All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.	Such matters may be addressed as Conditions of Consent and dealt with during the construction certificate stage.	Yes
B8.6 Construction and Demolition - Traffic Management Plan		

Provision	Comments	Compliance
○ For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m^3 or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works. ○ All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.	Such matters may be addressed as Conditions of Consent and dealt with during the construction certificate stage.	Yes

Section C Development Type Controls

Provision	Comments	Compliance
C1 Design Criteria for Residential Development	This part contains general design criteria relating to residential portion of the development only.	
C1.2 Safety and Security		
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements	The proposal has been designed to provide a high level of amenity, casual surveillance and ultimately public safety within the building and the adjacent public domain. The proposal will assist in revitalising the section of the block in which the site is located and will provide appropriate lighting and security measures to protect the safety of neighbouring premises, residents and the local community. **Surveillance:** The development has been designed to directly front the street with surveillance over the public domain. Most importantly the upper level dwellings and window openings overlook the surrounding street network to ensure natural, passive surveillance over the public domain to both frontages.	Yes

Provision	Comments	Compliance
	The building entries are clearly visible and identifiable from the public areas of the site and will be appropriately lit at night to enhance safety, visibility and legibility. The internal areas within the development such as the entrances, lobbies, and communal areas that will be used by residents, will be well lit. CCTV cameras will be installed to monitor the entry to the basement and sensor lighting is to be installed that activates when someone enters this area. **Access Control:** This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime. The main entry doors will be accessed *via* a security door and intercom system to identify residents/visitors entering the residential components of the development. **Territorial Reinforcement:** There is a clear delineation between the public street and footpath verge and a clearly defined transitional space is provided between the public and private areas. **Space Management:** The building will be appropriately maintained in order to reduce the risk of crime and any antisocial behaviour.	
C1.4 Solar Access	Refer discussions in the ADG Assessment (Appendix 1).	Yes
C1.5 Visual Privacy	Refer discussions in the ADG Assessment (Appendix 1).	Yes
C1.6 Acoustic Privacy	Refer discussions in the ADG Assessment (Appendix 1).	Yes
C1.7 Private Open Space		

Provision	Comments	Compliance
Minimum area of 15% of the floor area of the dwelling (not including the floor area of garages or internal laundries), with no dimension less than 2.5 metres and a grade no steeper than 1 in 10 (10%).	The residential units comply with the minimum requirements for private open space.	Yes
Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	Each unit incorporate private open space that is directly accessible and serve as an extension of the living area.	Yes
Walled enclosure of private open space is prohibited. Such areas shall not be modified to be incorporated into the dwelling.	No enclosures are proposed on the balconies/terrace.	Yes
Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constrains this orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access and Natural Light).	The proposed development has been designed to facilitate good solar access to both internal and external living spaces. With the exception of the private open space of Unit 1, all balconies and terraces face north.	
For Shop Top Housing, residential flat buildings and multi dwelling housing, private open space at upper levels in the form of front/rear or internal courtyard balconies and terraces are required. The dimension of the balcony should be sufficient so that the area can be usable for recreational purposes (ie a minimum area of $10m^2$ and a minimum width of 2.4 metres).		Yes
First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residences.	Given the configuration of the site, the balconies are designed in a stepped configuration separated by walls and do not directly overlook into adjoining dwellings within the development.	Yes
Balconies are prohibited from overhanging public property.	The balconies are proposed within the extent of the site boundaries.	Yes
C1.9 Adaptable Housing and Accessibility		

Provision	Comments	Compliance
The design of residential development shall meet the criteria of Australian Standard AS 4299:1995 Adaptable Housing: 20% of the total units are required to be adaptable.	The development incorporates a total of 6 dwellings. 1 unit is designed to be an adaptable unit and other measures are incorporated in the design to ensure DDA accessibility throughout.	Yes
The development application must be accompanied by certification from an accredited access consultant confirming that the nominated adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 4299:1995 Adaptable Housing.	The proposed development complies with the relevant Australian Standards; the Building Code of Australia access requirements; and the Disability Discrimination Act 1992. An Access Report accompanies this application.	Yes
Accessibility for all development Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain. Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.	The public domain areas are designed to ensure DDA accessibility through the extent of the site. Such matters may further be addressed as Conditions of Consent	Yes
C1.10 Building Facades		
Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.	The services are integrated into the design of the building and are not visible from public areas surrounding the site.	Yes
For multi dwelling housing, residential flat buildings or seniors housing and similar development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.	For security reasons, mailboxes are located within the lobby.	Yes
C1.12 Waste and Recycling Facilities		

Provision	Comments	Compliance
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	A Waste Management Plan accompanies the development application and is consistent with the Council's guidelines. The report details the waste management measures during the demolition, construction and occupation phases of the development.	Yes
C1.13 Pollution Control		
All developments must be designed, constructed, maintained, and operated in a proper and efficient manner to prevent air, water, noise or land pollution.	The proposed development has been designed to comply with the relevant guidelines and has minimal environmental impact.	Yes
Development and business operation must comply with the Protection of the Environment Operations Act 1997, and any relevant legislation. Compliance with the NSW Environment Protection Authority Industrial Noise Policy (January 2000).	The use of each tenancy will be subject to separate development applications. That said, it is anticipated that the commercial premises on the ground will be operated as retail premises with no industrial activity taking place.	Yes
C1.15 Storage Facilities	Refer to discussions in the ADG Assessment (Appendix 1).	TBC
A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.		Yes
C1.20 Undergrounding of Utility Services		
All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.	The building services are integrated into the design of the development.	Yes
○ All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road. Design and construction of the undergrounding of utility services is to be at full cost to the developer.	Such matters may be addressed as Conditions of Consent.	Yes

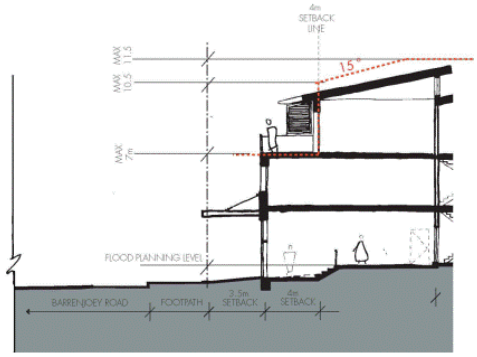
Provision	Comments	Compliance
C1.24 Public Road Reserve - Landscaping and Infrastructure	Refer to public domain works plan/landscape drawings. Further, these matters may be addressed as Conditions of Consent.	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run		
Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement. Locate and design 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 to protect the acoustic privacy of workers, residents and neighbours.	Services and lift over-runs are integrated into the design of the roof and will not impose any adverse visual impacts. Noise generating equipment will be installed and insulated to protect the acoustic privacy of the subject and adjoining properties.	Yes
C2 Design Criteria for Business Development		
C2.1 Landscaping		
For shop top housing, a planter or landscaped area with minimum area of $4m^2$ is to be provided as a feature at the ground floor of the front building facade. This feature is to be positioned to soften any hard edges of the building including any ramps, podiums or changes in levels.	Refer to Landscape Plans.	Yes
C2.2 Safety and Security	Refer to previous discussions in Section C1. The provision of residential accommodation provides for passive surveillance; additionally, security cameras will be installed.	Yes

Provision	Comments	Compliance
C2.3 Awnings	Refer to discussions in Part D.	
C2.6 Adaptable Housing and Accessibility		
Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access. The siting and design of a building to which the general public has access shall comply with Australian Standard AS 1428-2009.1: Design for access and mobility – General requirements for access – New building work, and shall incorporate the following: ○ continuous accessible path of travel to all areas that the public or a section of the public is entitled or allowed to enter or use; and ○ walkways, ramps and landings at a reasonable gradient and width, with handrails and kerbs provided on all ramps, and slip-resistant materials on all floor surfaces; and ○ accessible toilet facilities, tactile ground surface indicators, effective signage and illumination, and adequate circulation space through passageways and doorways; and ○ carparking for people with a disability.	As discussed previously, the proposed development complies with the relevant Australian Standards including provision of accessible car parking spaces; the Building Code of Australia access requirements; and the Disability Discrimination Act 1992. An Access Report accompanies this application.	Yes
This clause applies to development that involves: ○ a new building to which the general public has access; ○ major alterations and additions to an existing building to which the general public has access; and ○ alterations to the shopfront/entrance of an existing building to which the general public has access.	The public domain areas are designed to ensure DDA accessibility through the extent of the site. Such matters may further be addressed as Conditions of Consent.	Yes

Provision	Comments	Compliance
Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain. Development shall include design and construction of the footpath, cycleway, kerb and guttering, drainage facilities, street furniture, street lighting and landscaping and make good the adjacent road and pavement for the full frontage of the site to any public road at full cost to the developer. The design and construction shall be in accordance with the Village Streetscape Masterplans. See Section 94 Contributions Plan. Development within areas subject to flooding must provide access on land within private ownership. In this regard ramps must not encroach into the public domain		
C2.7 Building Facades	Refer previous discussions in C1	Yes
C2.8 Energy and Water Conservation	The environmental sustainability of the building shall be considered during detailed design and strategies to reduce water consumption, energy use and improve stormwater quality will be reviewed and implemented.	
C2.9 Waste and Recycling Facilities *C2.10 Pollution Control*	These matters are discussed previously in Section C1 of this table.	Yes
C2.11 Signage	Any signage application would be subject to separate development applications.	Yes
C2.12 Protection of Residential Amenity	These requirements relate to solar access and privacy which are superseded by virtue of Clause 6A of SEPP 65. Refer to discussions in the ADG Assessment (Appendix 1).	Yes

Provision	Comments	Compliance
C2.16 Undergrounding of Utility Services *C2.20 Public Road Reserve - Landscaping and Infrastructure* *C2.22 Plant, Equipment Boxes and Lift Over-Run*	These matters are discussed previously in Section C1 of this table.	Yes
Section D Locality Specific Development Controls		
D10 Newport Locality		
D10.1 Character as viewed from a public place		
Outcomes ○ To achieve the desired future character of the Locality. ○ To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment. ○ To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment. ○ The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. ○ High quality buildings designed and built for the natural context and any natural hazards. ○ Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. ○ To preserve and enhance district and local views which reinforce and protect Pittwater's natural context. ○ To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.	As outlined previously, the proposal provides a sound urban design and architectural response. The built form is designed to sensitively respond to the surrounding context and the constraints of the site through articulation and modulation within the facades. The impact has been two-fold, firstly allowing a well-designed building in a prominent precinct and secondly allowing the tailoring of daylighting, views and privacy from within. The retail component and public plaza are is consistent with the master plan for the precinct and provides an improved urban design outcome for the site at both street frontages resulting in active streetscapes and passive surveillance, being far superior over the existing situation. Car parking facilities are located within the basement levels, thereby out of view from the public domain. The proposal incorporates landscaping which allows for softening of the built form and contributes significantly to the streetscape, creating visual interest along the ground plane and the public domain areas.	Yes

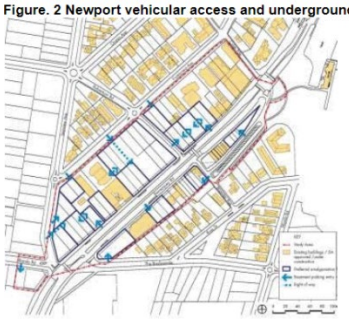
○ To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land		
D10.2 Character - Newport Commercial Centre	Note. To avoid repetition, only compliance with the relevant controls have been indicated for matters have been discussed previously in the report.	
Development in the Newport Commercial Centre shall be in accordance with the approved Masterplan for the Newport Commercial Centre (refer to Appendix 12 of this DCP).		Yes
Small retail facilities are encouraged in Newport Commercial Centre.		Yes
All parking structures shall be below finished ground level at the street boundary or as otherwise specified in the adopted Newport Masterplan at Appendix 12 of this DCP.		Yes
Arcades and through-site links are to be provided in accordance to clause D10.22 and the Masterplan for the Newport Commercial Centre at Appendix 12 of this DCP.	Not applicable	
Light wells are not permitted in any development.	No light wells are proposed.	
D10.4 Building colours and materials		
Bright colours and highly reflective materials may be used as highlight items only. The colour white can be used on trims. Mid and light grey may be used for roofs, framing elements (columns, handrails) and for no more than a 20% portion of the wall area ONLY where the finish is uncoated metal. Painted surfaces must be mid-tone or darker.	Refer accompanying schedule of materials and finishes.	Yes

D10.6 Street Frontage Building Envelope (Newport Commercial Centre)		
On Barrenjoey Road, development must be sited within a building envelope determined in accordance with the diagram at Figure 1. **Figure 1. Barrenjoey Road street frontage**  	The building is setback 3.5m from the Barrenjoey Road frontage.	Yes
D10.9 Setbacks (Newport Commercial Centre)		
The front building line of new development on Barrenjoey Road is to be set back 3.5 metres from the front boundary		Yes
Design the 3.5 metre front setback to be at the same level as and integrate with the footpath (in particular with the use of paving material) to visually extend the public domain.	Refer architectural drawings.	Yes
On the south side of Robertson Road (at 29 Foamcrest Avenue and 349 Barrenjoey Road), provide a small public plaza formed by a widened setback in the centre of the street, with a minimum depth of 6 metres at its narrowest point (as referenced in the Newport Masterplan at Appendix 12 of this DCP).	The proposed development has been designed in accordance with the Newport Masterplan.	Yes
To create the plaza:		
○ The distance along the southern side of Robertson Road from each corner boundary where a nil setback is allowed is a maximum 30 metres; and	The extent of the building with nil setback on the Robertson Road frontage is 26.5m and 30m the from the south-eastern boundary (Barrenjoey Road) frontage.	Yes
○ The minimum dimension of the length of the widened setback to create the plaza in the centre of the	The masterplan indicates the plaza is located between two properties, being the subject site and 29 Foamcrest Avenue. The	Yes

southern side of Robertson Road is 30 metres.	length of the proposed public plaza on the subject site is 15.72m.	
○ On all street frontages the third (topmost) level is to be set back a minimum 4.0 metres from the front building line.	The third storey is setback 4m from the Barrenjoey Road frontage and 6m from the Robertson Road frontage.	Yes
Side setbacks	It is noted that the building separation controls in the ADG are applicable given the nature of the proposed development. However, the following indicates that the proposed development is also compliant with the DCP controls.	
No side setbacks are required for ground or 1st floor.	Noted.	Yes
Spaces between buildings at the topmost (3rd) level are required. A minimum 3 metre side setback is required.	The third storey is setback at a minimum of 3m of the respective side boundaries.	Yes
In addition, the maximum length of the topmost floor of a 3 storey building is 24 metres, with side setbacks of minimum 6 metres width in accordance with Residential Flat Design Code building separation standards for non-habitable rooms.	Refer discussions in the ADG Assessment (Appendix 1).	Yes
Where habitable rooms and their balconies are located at the side boundary, side setbacks for adjoining properties will be determined in accordance with the building separation controls (Refer to Part D10.24 of this DCP).	Refer discussions in ADG Assessment (Appendix 1) for separation distances for habitable rooms.	Yes
Buildings at ground level are to have nil setbacks to the boundary except where arcades or through site links are introduced and for boundaries adjoining land at No. 335 Barrenjoey Road.	The proposed development is built to the boundary on the Robertson Road frontage and is set back at 3.5m from the Barrenjoey Road frontage in accordance with the Newport Masterplan.	Yes
Where arcades are provided, design the entry and the arcade itself to a minimum 6 metre width and generous height.	Not applicable	Not applicable.
Upper level setbacks The ground and first floor on Barrenjoey Road are to be built to the 3.5 metre front	Refer previous discussions.	Yes

setback building line (except Nos. 358-386 Barrenjoey Road where a nil front setback is required). The ground and first floor on Robertson Road are to be built to the front boundary except where a setback from the public plaza is required. The topmost (3rd) level is to be set back a minimum of 4 metres from the front setback that the lower levels are required to achieve under the front setback requirements of this DCP. All elevations of buildings adjoining the Robertson Road plaza (refer to the controls in this clause or the adopted Newport Masterplan at Appendix 12 for the location of the plaza) have a maximum 2 storey building height at their front building line to the plaza, with the topmost (3rd) level set back a minimum of 3 metres from the front facade of the lower floors.		
Rear Setbacks	Not applicable, as the site is a corner allotment.	Not applicable
D10.12 Landscaped Area - General		
Residential Flat Buildings, Multi Dwelling Housing and Shop Top Housing Provided the outcomes of this control are achieved, and the bulk and scale of the development is not increased, the following may be permitted: Areas with soil depth greater than 800mm above built structures (excluding drainage and waterproof membranes) may be included as landscaped area. Soil depths above built structures less than this will not be included as landscaped area.	Refer discussions in the ADG Assessment (Appendix 1).	No
D10.17 Character of the Public Domain - Newport Commercial Centre		
○ Development with frontages within the Commercial Centres shall include the design and construction of works in the public domain including the footpath zone, footpath paving finish, kerb and	As discussed previously, the proposed development provides an improved urban design outcome for the site at both street frontages with improved amenity resulting in active streetscapes and passive	Yes

gutter, drainage facilities, street furniture, street lighting and landscaping and making good the adjacent road formation and pavement for the full width of the development site on all public road reserve frontages at the full cost to the developer. ○ The design and construction of all works in the public domain must be in accordance with the: • Roads, Footpaths and Nature Strip Guidelines and: • Newport Masterplan included at Appendix 12 of this DCP ○ Refer to additional controls for landscaping in commercial centres in Part C - C2.20 Public Road Reserve - Landscaping and Infrastructure.	surveillance, being far superior over the existing situation. Refer to architectural and landscape plans for further details.	
D10.19 Subdivision and Amalgamation (Newport Commercial Centre)		
An integrated development of the "car park precinct" is required as shown on the diagram below. New development is to be designed in accordance with the indicative amalgamation pattern and vehicular access and underground parking arrangements (including the provision of right of access through some sites) shown in the figures below.	The subject site is located in the car park precinct. Car parking for the proposed development is provided in the basement. However, in terms of realising Council's vision for the Town Centre in terms of vehicular access and underground parking arrangements including the provision of rights of access through some sites, there are numerous challenges associated with the feasibility of redevelopment and the likelihood of such a scale of renewal/ redevelopment outcomes. Given numerous parcels of land have to be amalgamated prior to development and this is further coupled with unrealistic landowner expectations regarding price, tenant and occupier interests which may not align with redevelopment, all of which cumulatively influence the ability to accommodate feasibility of this option. Therefore, the proposed arrangement is a realistic outcome for the site.	Yes, on merit

 Figure. 2 Newport vehicular access and underground parking arrangements 		
D10.20 Design of Mixed Use Developments		
Buildings are to be designed with:		
○ flexible layouts to enable a variety of uses and tenancies, and whose use can change over time,		Yes
○ floor to ceiling heights for ground floor retail uses of a minimum of 3.3 metres (for flood affected buildings this is to be measured from the flood planning level), ○ first and second floor ceiling heights of a minimum of 2.7 metres.	The floor to floor height of the ground floor is 4m. The ceiling height for all residential units will be at least 2.7m which means the 0.2~0.3m space above the ceiling level will allow sufficient space for the concrete floor slab and utility services.	
○ Avoid the use of blank walls at ground level.	There are no blank walls proposed.	Yes
○ Clearly distinguish commercial entries from residential entries; ensure that any residential entries off Barrenjoey Road and Robertson Road are secondary to retail and commercial entries and arcades.	Residential entrance to the site is *via* the lobby that is accessible from the public plaza. Retail entrances will be clearly defined and separated on Barrenjoey and Robertson Roads.	Yes
○ Achieve acoustic privacy by separating uses where possible, ensuring that loading bays, garbage disposal and other service areas are buffered from residential areas and openings, and by careful location of noise-generating services.	The waste storage area is located immediately adjacent to the loading dock and is shielded from public domain and the commercial and residential units.	Yes

D10.21 Active Frontages		
○ Buildings shall be designed with active uses fronting streets, and with openings overlooking streets and public spaces.	The retail shops provided on the ground floor will contribute to the active frontages along both Barrenjoey and Robertson Roads. Additionally, residential balconies provided on the first and second floors overlooking the public streets will contribute to the active uses fronting the streets.	Yes
○ Internalised uses and/or uses that do not activate and engage the street will not be permitted on key entry sites to the commercial centre (key entry sites are identified in Figure 4.6 of the adopted Newport Masterplan at Appendix 12 of this DCP).	The development provides for active and engaging uses within the Newport Commercial Centre.	Yes
○ Building fronts and entries are to be designed to be clearly visible from the street.		Yes
○ Awnings are to be provided to the full width of the lot at ground floor on Barrenjoey Road and Robertson Road (including to the public plaza to a minimum depth of 2 metres), and over entries to buildings on Seaview Parade, Foamcrest Avenue, Coles Parade and Bramley Avenue. Refer to adopted Masterplan at Appendix 12 for the location of the public plaza. ○ Awnings are to be stepped with the topography. ○ Transparent awnings are permitted (so long as they are glass with solar control, not perspex or other material that transmits heat) to contribute to a sense of openness.	Awnings provided are in accordance with the controls. Refer to architectural drawings.	Yes
○ Shop fronts are to be wrapped around corners into side streets to increase the area of active frontage. ○ For cafe/dining uses, openable window areas in association with		Yes

seating overlooking the street is to be provided.		
D10.23 Building Entries		
○ Retail entries are to be no more than 10 metres apart. ○ Design all retail entries to be fully accessible. ○ Provide awnings over all building entries (where they are not already to be provided to the primary retail streets)		Yes
D10.24 Building Depth and Separation	Refer discussions in the ADG Assessment (Appendix 1).	
D10.25 Roof Form		
○ Use skillion, low pitched, folded, curved or 'floating' roof forms. ○ Large unbroken areas of roofs are discouraged; articulate roofs to create a multi-planar, varied roofscape.	The proposed roof design is low pitched and is well articulated to create some visual interest and a carried roofscape.	Yes
○ Gable end and hipped roofs forms are not permitted on Barrenjoey Road or Robertson Road. They may be used on Foamcrest Avenue where the existing neighbouring context is primarily residential.		Yes
○ Green roofs that provide landscaped area and are designed for rainwater collection (harvesting) and re-use are strongly encouraged.	The proposal provides a communal roof top terrace which includes landscaped area.	Yes
D10.26 Views		
○ Align the entries to arcades with breaks in buildings, as far as possible. ○ Limit the building height and bulk of buildings in visually prominent locations. ○ Break up building mass. ○ Step buildings with the topography on sloping sites.		Yes

○ Side setbacks to the topmost level of buildings are to be in accordance with the building separation controls of D10.24 of this DCP. ○ 3D modelling of the built form is required to determine the optimum arrangement of the building bulk on the site to meet view controls. ○ The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.		
D10.27 Design for Flooding		
Design the ground floor of flood-prone buildings with two levels: one level directly related to the footpath and front setback, and accessed from it without steps; and one level within the premises above the Flood Planning Level.	Refer to Flood Impact Assessment	Yes
D10.28 Open Space		
○ A consolidated communal open space area for residential developments is provided. The area must be 15% of the site area with a minimum dimension in one direction of 6 metres. ○ Provide private open space at upper levels (in the form of balconies and terraces), with a minimum area of 10 metres squared and a minimum dimension in one direction of 2.4 metres.	The proposal provides a communal roof space with a total area of 69.82m^2. Apart from this, each apartment incorporates a private open space area and complies with the minimum dimension.	Yes
D10.29 Landscaping		
No landscaped area is required on lots with only one frontage to Barrenjoey Road.	The lot has dual frontage.	Not applicable
D10.30 Facades		
○ Avoid large expanses of flat, blank facades. ○ Locate and size windows and openings appropriately for the building orientation and outlook.	The proposed façade design represents a well-articulated and modulated design with appropriate materials and finishes. The proposed façade incorporates a variety of materials and textures and relate	Yes

○ Design facades to both contribute positively to the streetscape and to protect the amenity of building users, for example with verandahs, balconies, pergolas, sun shading devices, awnings over windows, entry awnings, blade walls, recesses and moveable shutters. ○ Provide horizontal shading devices to north-facing openings, and vertical shading devices (preferably moveable) to west-facing openings. ○ Building facades to any public place including balconies and carpark entry points must not obtain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.	sympathetically to existing buildings in the vicinity, particularly by use of brickwork which characterises the area. The basement structures are integrated into the facade and landscape design, so these do not visually dominate the streetscape or pedestrian areas adjoining the site.	
D10.31 Ecological Sustainable Development Responsive Design (Newport Commercial Centre)		
○ Site and design buildings to balance the need for active, lively streetscapes with the need to benefit from orientation, views and breezes. ○ Discourage the use of mechanical cooling in favour of natural ventilation. ○ Provide solar panels and/or provide or plan for future photovoltaic panels through careful roof design. ○ Promote the use of stormwater and grey water use through capture and re-use of rainwater and /or innovative roof design.	Achieving a high level of amenity is also balanced with the requirements to satisfy thermal comfort requirements and providing an interesting architectural form which maximises good solar access and ventilation to internal areas of the dwellings. All the window modules are designed to maximise daylight and solar access and are sufficiently shaded. Solar control to prevent excessive heat gain on the façades has been provided in the form of high-performance glazing.	Yes
D10.32 Solar Access and Ventilation (Newport Commercial Centre	Refer discussions in the ADG Assessment (Appendix 1).	
D10.33 Privacy		
○ Design buildings with adequate building separation within the site and from neighbours (Refer to	Refer discussions in the ADG Assessment (Appendix 1).	

D10.24 of this DCP for controls for building separation). ○ For ground floor retail / commercial uses, provide appropriate rear setbacks to adjacent residential uses, and design building layout to avoid overlooking of private spaces.		
Use design elements such as landscaping, screening, offset windows, recessed balconies, louvres, planter boxes, pergolas or shading devices to increase visual privacy.	Refer to landscape plans.	Yes
Locate and design 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 to protect the acoustic privacy of workers, residents and neighbours.	The building service areas are located in the central section of the site, behind the street frontages to ensure that the acoustic privacy of the subject site and the adjoining properties are protected. This has been achieved through the careful consideration of the layout of the development including the setbacks and appropriate measures incorporated to minimise noise emission from mechanical equipment and service areas.	Yes
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.	The proposed development has been designed to ensure the visual privacy of the lower level dwellings is maintained.	Yes