

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0347
Responsible Consultant:	Geoff Goodyer, planning consultant, Symons Goodyer Pty Ltd
Land to be developed (address):	Lot 1A, DP 382200, 49 Forest Way, FRENCHS FOREST NSW 2086
Proposed development:	Demolition of existing structures, construction of a housing for seniors' development containing 4 units, basement car parking for 6 cars, and strata subdivision.
Zoning:	Warringah LEP 2011 – Land zoned R2 Low Density Residential
Development permissible:	Yes, under SEPP (Housing for Seniors or People with a Disability)
Existing use rights:	No
Consent authority:	Northern Beaches Council
Delegation level:	Northern Beaches Local Planning Panel
Land and Environment Court action:	No
Owner:	Sayed Jalaledin Ziaolhagh, Rezvan Saket and Arvin Saket
Applicant:	Sayed Jalaledin Ziaolhagh
Application lodged:	14 April 2020
Integrated development:	No
Designated development:	No
State reporting category:	Residential – Housing for Seniors
Notified:	24/4/2020 – 13/5/2020
Advertised:	24 April 2020
Submissions received:	Five (5)
Recommendation:	Approval
Estimated cost of works:	\$1,215,908

EXECUTIVE SUMMARY

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is suitable and an appropriate development for the subject site.

The site, with an area of 923m², does not comply with the development standard in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 SEPP (HSPD) 2004 relating to minimum site size of 1,000m². The applicant has submitted a written request to vary the development standard which, for reasons discussed in this assessment report, is considered to be well founded.

The proposal has been assessed pursuant to the relevant planning controls including SEPP (HSPD) 2004, Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan 2011 (WDCP) 2011. It is considered that the proposal satisfies the aims and objectives of all relevant planning controls.

Five (5) submissions were received from neighbours objecting to the proposal and raising a number of issues. The submissions raised concerns including overdevelopment, traffic, parking, privacy, overshadowing, tree removal, streetscape, stormwater, waste management, loss of property value, height of building at the rear of the site, and insufficient information. The assessment of these submissions concludes that none of them are of determining weight.

The application was referred to external consultants with regards to traffic, access, safety and parking provision. The external consultants consider the proposal to be satisfactory in this regard subject to conditions. In addition, Council's Traffic Engineer has requested a condition requiring a widening of Adams Street for part of the frontage of the property, but it is not recommended that this condition be imposed for reasons discussed in this assessment report.

The application has been assessed against the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulations 2000 (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs) and Council policies. The outcome of this assessment is detailed within this report.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be approved. One of the owners of the site is an employee of Northern Beaches Council, so hence the assessment and Traffic comments were done by external consultants.

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (ie: this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- An inspection of the subject site and neighbouring sites was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;

- Notification to adjoining and surrounding properties, advertisement and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination); review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Clause 40(2) Site size
- Warringah Local Environmental Plan 2011 – Clause 4.6 Exceptions to development standards
- Warringah Development Control Plan 2011 – C2 Traffic, Access and Safety
- Warringah Development Control Plan 2011 – D1 Landscaped open space and bushland setting
- Warringah Development Control Plan 2011 – D6 Access to Sunlight
- Warringah Development Control Plan 2011 – D8 Privacy
- Warringah Development Control Plan 2011 – D9 Building bulk

STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land and Draft SEPP
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

SITE DESCRIPTION

Property description:	Lot 1A DP 382200, 49 Forest Way FRENCHS FOREST NSW 2086
Detailed site description:	<p>The site is located on the south-eastern corner of Forest Way and Adams Street. It is an irregularly shaped allotment, with a frontage of 48.205m to Adams Street, 23.775 to Forest Way and a splay corner boundary of 6.335m. The site has a southern boundary of 46.95m and an eastern boundary of 1.74m. The site area is 923m².</p> <p>The site contains a part 1-storey, part 2-storey dwelling house of brick construction with a tile roof. The area around the building contains lawn, shrubs and trees. Vehicular access to the site is from Adams Street.</p>

	<p>Adjoining the site to the south is a two-storey dwelling house and to the east is a single-storey dwelling house. There is a bus stop on Forest Way in front of the site.</p> <p>Surrounding development comprises predominantly dwelling houses in landscaped settings interspersed with other development.</p>
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Figure 1 – Location of Site

SITE HISTORY

The site has been used for residential purposes for approximately 70 years prior to which it was vacant. A search of Council's records has revealed the following relevant history:

A previous Development Application (DA2019/0811) was lodged on 29/7/2019 for demolition works and construction of 4 Seniors Housing Units, with basement parking and strata subdivision. The application was withdrawn on 15/10/2019.

A pre-lodgement meeting (PLM2020/0013) was held with the applicant, their project team, Council's officer and the independent assessing officer on 12/2/2020.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is to demolish the existing dwelling house and construct a building containing four dwellings as housing for seniors or people with a disability. The building comprises 2 storeys over basement car parking. Each dwelling has 2 bedrooms plus "study / flex space". A lift connects all three levels of the building.

Basement carparking is provided for 6 cars. Access to the basement car parking area is from Adams Street. Pedestrian access to the site is from Forest Way. The area around the building is to be landscaped.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 4.15 of the EPAA are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	See discussion on “Warringah Development Control Plan 2011” in this report.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, enable Council to request additional information in relation to a development application. The applicant was requested to provide amended plans regarding waste storage (13/5/2020) and building height (15/5/2020). Amended information was received on 15/5/2020 and 18/5/2020.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98(1)(b)</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98(1)(a)</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on	(i) Environmental Impact

Section 4.15 'Matters for Consideration'	Comments
the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. The provision of housing for seniors and people with a disability is considered to result in a positive social impact.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the proposed works.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered to be of sufficient size for the proposed development, as discussed below. The site is not subject to natural constraints such as landslip, flooding or bushfire risk that would make it unsuitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 4.15 (1) (e) – the public interest	The public interest is considered to be served by providing housing for seniors or people with a disability in a manner that protects the amenity of the area.

EXISTING USE RIGHTS

Existing use rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS

The subject application was notified to surrounding and nearby properties in accordance with the EPA Regulation 2000 and Warringah Development Control Plan 2011.

In response, Council received five (5) submissions. All of the submissions raised objections. The issues raised in the submissions are summarised as follows:

Name:	Address:
Mr Neil Bennett	47 Forest Way FRENCHS FOREST NSW 2086
Ms Bronwyn Tucker	9 Greendale Avenue FRENCHS FOREST NSW 2086

Name:	Address:
Mr Andrew Tripet	25 Adams Street FRENCHS FOREST NSW 2086
Mr Harry Koppanyi	23 Adams Street FRENCHS FOREST NSW 2086
Name withheld	Address withheld

Overshadowing

Concern is raised that the proposal will result in overshadowing of 47 Forest Way.

Comment: This issue is discussed in detail below.

Privacy

Concern is raised that the proposal will result in a loss of privacy.

Comment: This issue is discussed in detail below.

Allotment size

Concern is raised that the site, with an area of 923m², is less than the minimum allotment size of 1,000m² permitted under Clause 40(2) of SEPP HSPD.

Comment: This issue is discussed in detail below.

Traffic

Concern is raised that the proposal will have a negative impact on local road conditions due to traffic generated by the site and due to cars queueing at the intersection of Adams Street and Forest Way.

Comment: The issue of traffic, access and safety is addressed in the report by ASON Group (attached to this report). The report concludes that the proposal has been designed to perform in a satisfactory manner with regards to parking, access and safety. These concerns have not been given determining weight.

Overdevelopment

Concern is raised that the proposal is an overdevelopment of the site.

Comment: Clause 50(b) of SEPP HSPD provides that consent cannot be refused on the grounds of density and scale if the floor space ratio is 0.5:1 or less. The proposal has a floor space ratio of 0.5:1. It is considered that objections regarding potential overdevelopment of the site are relatable to the density and scale of the proposal, and clause 50(b) of SEPP HSPD provides that consent cannot be refused on this ground. This objection has not been given determining weight.

Scale and streetscape

Concern is raised that the proposal is excessive in scale and will have a negative impact on the streetscape.

Comment: Clause 50(b) of SEPP HSPD provides that development with a floor space ratio of 0.5:1 or less cannot be refused on the grounds of density and scale. The proposed density (4 units) is considered acceptable. The proposal has a floor space ratio of 0.5:1, such that development consent cannot be refused on the grounds of scale.

The proposal has a character that is different to that of a dwelling house due to it being development for housing for seniors and people with a disability. However, the character of the development is considered to be compatible with the surrounding character and with the streetscape. This has been achieved by ensuring that the floor space ratio of the development satisfies the requirements of clause 50(b) of SEPP HSPD and through the architectural design of the proposal, which has broken up the development into a number of separate “modules” through deep recesses in the façade, and through the provision of a landscaped setting for the building.

This concern has not been given determining weight.

Impact on trees

Concern is raised regarding the impact on trees on the neighbouring site, 47 Forest Way, and on street trees.

Comment: Council’s Landscape Officer has reviewed the proposal overall and particularly with regards to trees on 47 Forest Way and has concluded that the development will not have an unreasonable impact on those trees subject to appropriate conditions. Two street trees are proposed to be removed and no objections are raised by Council’s Landscape Officer to the removal of these trees subject to a condition requiring replacement tree planting in accordance with the recommendations of Council’s Landscape Officer. This concern has not been given determining weight.

Impact on stormwater

Concern is raised regarding the impact of the proposal on stormwater management.

Comment: Council’s development engineer has reviewed the proposal and the means by which stormwater is to be disposed of and raises no objections subject to conditions. This objection has not been given determining weight.

Vehicle and pedestrian conflict

Concern is raised regarding the potential safety impacts of vehicles entering and leaving the site and pedestrians on Adams Street.

Comment: This concern is addressed in the report by ASON Group (attached). Whilst there is no footpath on Adams Street in front of the property the area is subject to pedestrian activity. The report by ASON Group considers that the proposal will not give rise to unreasonable safety impacts subject to conditions, including a condition requiring the construction of a footpath on the Adams Street frontage of the property.

Waste collection

Concern is raised regarding waste collection arrangements.

Comment: Council's Waste Manager has reviewed the proposal and raises no objections subject to conditions. This concern has not been given determining weight.

Insufficient information

Concern is raised regarding the sufficiency of the information provided in the application and the lack of detail on the plans, including tree protection zones, fencing, air conditioning plant and geotechnical information.

Comment: The arborist's report submitted with the development application provides information regarding tree protection zones. The landscape plans provide details regarding fencing. A geotechnical report forms part of the proposal and it concludes that the site is suitable for the development and does not pose a geotechnical risk subject to compliance with the recommendations of the report.

However, the documentation does not provide details regarding the location of air-conditioning plant. In this regard the principal concern relates to acoustic impacts from the location of air conditioning plant and this matter has been addressed by conditions of consent.

Other vacant seniors' accommodation is available in the area

Concern is raised as to the necessity of the proposal given the availability of other vacant seniors' housing accommodation in the area.

Comment: The proposed development must be assessed on its merits in accordance with the relevant planning controls. The availability of other vacant seniors' housing accommodation in the area is not a matter for consideration raised by those controls. This concern has not been given determining weight.

Impact on outlook

Concern is raised regarding the impact on the outlook from neighbouring properties.

Comment: For the reasons discussed below the proposal is considered to result in a reasonable impact on the outlook from 47 Forest Way and this concern has not been given determining weight.

Loss of property value

Concern is raised that the proposal will result in a loss of property value.

Comment: The impact of the proposal on property values has not been demonstrated and is not a matter for consideration under the relevant planning controls.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal referrals

Referral officer	Comments	Consent recommended
Building Assessment	No objections subject to conditions to ensure compliance with the Building Code of Australia.	Yes, subject to condition
Development Engineer	<p>The stormwater drainage plans have been reviewed together with the DRAINS model for the on site detention system and are generally supported.</p> <p>However as advised by Development Engineering in the pre lodgement notes the basement pump out discharge line is to be directly connected via a new inlet pit in Adams Street and then a new 375mm concrete pipe is to be connected to the nearest existing Council kerb inlet pit. This requirement will be conditioned and there are no other objections to the Seniors Living development proposal.</p>	Yes, subject to conditions
Landscape	<p>The Arborist's Report and Landscape Plans submitted with the application are noted.</p> <p>The Arborist's Report indicates that 4 Category A trees and 6 Category Z trees are to be removed to accommodate the proposed works. 5 Category A and 1 Category Z trees are to be retained on/adjacent to the site.</p> <p>The report indicates that Tree 16. <i>Corymbia citriodora</i>, located on an adjoining property will be subject to some incursion into the Tree Protection Zone of the tree.</p> <p>The report calculates a 12% incursion and that no works are proposed in the Structural Root Zone of the tree.</p> <p>In view of the additional root area outside of the proposed works, sufficient area is provided in consideration in of AS4970-2009 protection of trees on development sites.</p> <p>The Landscape Plans indicate replanting of 22 trees (Including 2 street trees) as part of the proposed works, which is supported.</p> <p>No objections are raised to approval subject to conditions as recommended.</p>	Yes, subject to conditions
Strategic Planning	The subject site is not identified for rezoning under the Hospital Precinct Structure Plan. No objections are raised to the proposed development.	Yes
Traffic Engineering	<p>We have received the attached comments and conditions provided by ASON Group.</p> <p>We are generally satisfied with the assessment and conditions, subject to the inclusion of the road widening.</p> <p>Noting, however, that the external Planning Consultant has stated '<i>...such a requirement (road</i></p>	Yes, subject to conditions

Referral officer	Comments	Consent recommended
	<p><i>widening) would be invalid in the absence of a s. 94 Contributions Plan identifying the works'.</i></p> <p>It should be noted that there is intent from Council/RMS to upgrade the signals at the adjoining intersection. This is not part of a S.94 Contribution Plan as the works are a reactive project. The reason to impose the widening component of the works to the developer is to benefit the development. The widening will result in modifications to driveway accesses, and hence it is recommended that the applicant undertake the works to ensure their driveway access is constructed for the future configuration. Failure to do so may result in a less than adequate driveway gradient when entering the property.</p> <p>Further to note is the applicant will not be asked to provide the road widening along the full length of the site, as this would result in the need for them to relocate the traffic signal post. This would be deemed onerous. They will only be required to undertake the road widening for a length of 45m, which will create an indented bay as an interim measure, until such time as Council/RMS undertake a full intersection upgrade.</p> <p><u>Assessing Officer's Comment:</u></p> <p>The situation is analogous to that in <i>N&S Olivieri Pty Ltd v Fairfield City Council</i> [2002] NSWLEC 35. In that case the Council sought to impose a condition requiring the applicant to construct kerb, gutter, footpath and 6.5 metres of carriageway for the full frontage of the development site. The Court reviewed the relevant legislation and caselaw and concluded (paragraph 22):</p> <p><i>It follows that in the absence of a contributions plan the council had no statutory authority to impose condition 14 requiring contribution for any works for the public amenity because of s 94(11) of EP&A Act.</i></p> <p>Section 94 of the Act has been superseded by Section 7.11, but the provisions remain relevantly unchanged. Council, instead, levies a fixed contribution pursuant to Section 7.12 of the Act, and a condition is included in the recommendation of this report requiring the payment of such a contribution.</p> <p>In particular, this is not a situation where the proposed development has given rise to the need for the road widening. The road widening is needed because of demand created by changing traffic conditions and development generally in the area.</p>	

Referral officer	Comments	Consent recommended
	<p>It should be noted that the situation is different with regards to the construction of a footpath on Adams Street adjacent to the property, as it is the proposed development and intensification of use that results in the need for the footpath to be constructed. In this regard, the condition recommended by ASON Consultants (who undertook an independent assessment of the proposal) is considered to be valid and has been included in the recommendation of this report.</p> <p>It is also noted that there are three street trees on Adams Street adjacent to the property which would be affected by road widening as requested by Council's Traffic Engineer.</p>	
Urban Design	The proposal is generally compliant with the built form controls except for a 0.01m breach of the 7.2m wall height DCP control. The additional shadow casted from the breach in wall height has a negligible effect on the solar access of the neighbouring property to the south. The built form has also been broken down to a compatible bulk and scale that is sympathetic with the neighbouring houses. As such, there is no objection to the proposal.	Yes
Waste	No objections are raised to approval subject to conditions as recommended.	Yes, subject to conditions

External referrals

Referral Body External	Comments	Consent Recommended
Ausgrid	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.	N/A

ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 – Remediation of Land and draft Remediation of Land SEPP

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

The draft SEPP proposes to rationalise the existing controls for remediation of land and update the relevant guidelines. The proposal is consistent with these requirements.

SEPP (Building Sustainability Index: BASIX) 2004

BASIX Certificate No. 1088612M dated 2 April 2020 demonstrates compliance with the State government's requirements for sustainability.

If this application is to be approved it would be appropriate to impose a condition requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

The application was referred to Ausgrid under clause 45(2) of SEPP Infrastructure.

To date, no response has been received and it is assumed that Ausgrid does not raise any objection nor impose any conditions.

Clause 102 - Roads and Maritime Service (Transport NSW)

With regards to requirements of Clause 104(2) (b) and Schedule 3 of the SEPP, the development does not have a capacity for 200 or more motor vehicles. Therefore, the SEPP Infrastructure does not apply in this respect and does not require the referral of the application to the Transport NSW.

SEPP (Vegetation in Non-Rural Areas) 2017

Vegetation is prescribed under Part E1 of WDCP 2011 for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal involves the removal of ten (10) trees.

A report has been submitted by Hugh the Arborist assessing the impact of the proposal on vegetation on the site and on neighbouring land that will be impacted by the proposal. Council's Landscape Officer has reviewed the report and raises no objections to the proposal subject to conditions.

The conditions as recommended by Council's Landscape Officer are included in the recommendation of this assessment report.

SEPP (Housing for Seniors or People with a Disability) 2004

The development application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (**SEPP HSPD**) as the development is for demolition works and the construction of a seniors housing development (four self-contained dwellings).

Chapter 1 – Preliminary

The aims of the Policy are set out in Clause 2 and are as follows:

This Policy aims to encourage the provision of housing (including residential care facilities) that will:

- (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *make efficient use of existing infrastructure and services, and*
- (c) *be of good design.*

Comment:

The proposed development satisfactorily achieves the aims of the SEPP HSPD for the following reasons:

- (a) The proposal increases the supply and diversity of dwellings and have been designed to accommodate the particular needs of seniors and people with a disability.
- (b) The site has access to all necessary infrastructure and services.
- (c) The proposal has been architecturally designed and is considered to be of good design.

Chapter 3 – Development for seniors housing

Chapter 3 of SEPP HSPD contains a number of development standards applicable to development applications made pursuant to SEPP HSPD. Clause 18 of SEPP HSPD outlines the restrictions on the occupation of seniors housing and requires a condition to be included in the consent if the application is approved to restrict the kinds of people which can occupy the development. The following is an assessment of the proposal against the requirements of Chapter 3 of SEPP HSPD.

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 – Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and	Each proposed dwelling is provided with two (2) car spaces to enable satisfactory access to services. Additionally, the site is located within 600m walking distance from Forest Way Shopping Centre, and is serviced by public transport (bus) between the site and Chatswood, North Sydney, Sydney City etc. with a bus stop	Yes


Development Criteria			
Clause	Requirement	Proposal	Complies
	(c)the practice of a general medical practitioner	directly in front of the site on Forest Way.	
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400 metres away.	The site is located adjacent to a southbound bus stop on Forest Way and within 50 metres of a northbound bus stop on Forest Way which have safe pedestrian access to and from the site.	Yes
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not located upon land identified as bush fire prone land.	Yes
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	The site is provided with reticulated water and sewerage.	Yes
29	Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b)(i), 25(5)(b)(iii), and 25(5)(b)(v): i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision, v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	<ul style="list-style-type: none"> the proposed development for the purpose of Seniors Housing is considered to be compatible with the natural environment as it does not seek consent for any works that would be deemed detrimental to any ecosystems in the vicinity. The development also is compatible with surrounding residential land uses by being an alternate form of residential land use in a residential zone. the proposed development will be compatible and not detrimental to the provision of services and infrastructure to service the development. the assessment of this development application as contained in this report has found that the bulk, scale, built form and character of the development is unlikely to have a negative impact on existing surrounding developments and future developments. 	Yes
PART 3 – Design Requirements – Division 1			


Development Criteria			
Clause	Requirement	Proposal	Complies
30	A site analysis is provided.	A site analysis has been provided to accompany the development application.	Yes

Clause 31 Design of in-fill self-care housing

Pursuant to Clause 31, in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development (SLP)* by the former NSW Department of Infrastructure, Planning and Natural Resources dated March 2004.

The provisions of the SLP have been taken into consideration in the assessment of the application against the design principles set out in Division 2, Part 3 of SEPP HSPD. An assessment of the proposal against the provisions of the SLP follows:

Section	Objectives / Requirements	Comment
1. Responding to context	<p><u>Built Environment</u></p> <p>New development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p><u>Policy Environment</u></p> <p>Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.</p>	<p><u>Built Environment</u></p> <p>The SLP calls for consideration of blocks and lots, identifying lot patterns and the nature of built form on those lots. The following aerial photograph, sourced from sixmap.nsw.gov.au, shows the pattern of development in the immediate vicinity of the site:</p>  <p>Of note is that the development on Forest Way is generally constructed across the allotment, with a landscaped front setback to Forest Way and a landscaped rear yard. The existing development on the site complements this form of development.</p>

Section	Objectives / Requirements	Comment
		<p>The proposal is generally consistent with this pattern of development, providing an eastern setback comparable to neighbouring development and landscaped setbacks to both Forest Way and Adams Street.</p>  <p>The width of the development as presented to Forest Way is generally consistent with other development in Forest Way and is reflective of the subdivision pattern in the area.</p> <p>The presentation to Adams Street has been broken up architecturally to provide a scale that is compatible (though not identical) to other development in Adams Street.</p> <p><u>Policy Environment</u></p> <p>The WLEP 2011 and WDCP 2011 do not explicitly identify key elements contributing to local character. The site is within the R2 Low Density Residential zone under WLEP2011. The consistency of the proposal with the objectives of the R2 Low Density Residential zone is discussed below.</p>
2. Site planning and design	<p>Objectives of this section are:</p> <ul style="list-style-type: none"> <i>to minimise the impact of new development on neighbourhood character</i> <i>to retain existing natural features of the site that contribute to neighbourhood character to provide high levels of amenity for new dwellings</i> 	<p>The proposed development has been sited such that it provides a reasonable rear setback area and respects the surrounding pattern of development.</p> <p>The building has been designed such that it maintains neighbourhood character, noting that it is a different form of residential development to the predominant single dwelling house form in the area. Compatibility is achieved by</p>

Section	Objectives / Requirements	Comment
	<ul style="list-style-type: none"> <i>to maximise deep soil and open space for mature tree planting, water percolation and residential amenity</i> <i>to minimise the physical and visual dominance of car parking, garaging and vehicular circulation</i> <i>to provide housing choice through a range of dwelling sizes</i> 	<p>providing a floor area commensurate with the planning controls, breaking up the bulk of the building through architectural design, and minimising the building height through the adoption of a flat roof form.</p> <p>The new dwellings achieve excellent amenity with reasonable room sizes and configuration, access to sunlight and natural cross ventilation.</p> <p>Deep soil planting areas comply with the requirements of the planning controls and contribute to residential amenity.</p> <p>Car parking is provided in a basement, which minimises its visual impact.</p> <p>The proposed dwellings contribute to housing choice in the area.</p>
3. Impacts on streetscape	<p>Objectives of this section are:</p> <ul style="list-style-type: none"> <i>to minimise impacts on the existing streetscape and enhance its desirable characteristics</i> <i>to ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape</i> <i>to minimise dominance of driveways and car park entries in the streetscape</i> <i>to provide a high level activation and passive surveillance to the street.</i> 	<p>The proposed development has been designed to address both Forest Way and Adams Street, with living areas and balconies oriented towards both streets.</p> <p>The facades to both street fronts are articulated. This breaks up the scale of the building when viewed from the street.</p> <p>The entrance to the basement car parking area is oriented such that it does not face directly to the street. This is considered to be a good way to reduce the visual appearance of the garage entrance when viewed from Adams Street.</p> <p>The 2-storey presentation to the street is generally consistent with the 1-storey and 2-storey development in the vicinity of the site.</p> <p>The scale of the development is consistent with the relevant planning controls and complies with that which is specified in Clause 50(b) of SEPP HSPD (i.e.: 0.5:1).</p>
4. Impacts on neighbours	<p>Objectives of this section are:</p> <ul style="list-style-type: none"> <i>to minimise impacts on the privacy and amenity of existing neighbouring dwellings</i> <i>to minimise overshadowing of existing dwellings and private open space by new dwellings</i> 	<p>The assessment of this development proposal identifies that the proposal will result in impacts on neighbours which are reasonable when assessed under the relevant planning controls.</p> <p>Potential privacy impacts are mitigated through the orientation of dwellings, the use of physical screening structures, and the separation distance between living</p>

Section	Objectives / Requirements	Comment
	<ul style="list-style-type: none"> <i>to retain neighbours' views and outlook to existing mature planting and tree canopy</i> <i>to reduce the apparent bulk of development and its impact on neighbouring properties</i> <i>to provide adequate building separation</i> 	<p>areas and terraces on the subject site and neighbouring sites.</p> <p>Existing mature planting is protected in the rear yard of 47 Forest Way and outlook is maintained to a reasonable degree.</p> <p>The bulk of the development is consistent with that which is contemplated by the planning controls and impacts are further mitigated through the use of architectural features to break down the scale of the building.</p> <p>The proposed setbacks provide adequate separation between buildings.</p>
5. Internal site amenity	<p>Objectives of this section are:</p> <ul style="list-style-type: none"> <i>to provide quality useable private and communal open spaces for all residents</i> <i>to provide dwellings that have distinct identify and safe entries</i> <i>to provide safe and distinct pedestrian routes to all dwellings and communal facilities</i> <i>to ensure adequate solar access to living areas and private open space</i> <i>to reduce the dominance of parking, garaging and vehicular circulation space on the internal character</i> 	<p>The proposed development is considered to provide an adequate level of amenity to occupants of the four proposed dwellings. The dwellings all have north-facing living areas and private open space to obtain good levels of sunlight and all units have natural cross-ventilation. The room layouts provide good internal amenity and utility.</p>

Clause 32 Design of residential development

In accordance with Clause 32 of SEPP HSPD, a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 2.

The following table outlines compliance with the principles set out in Division 2, Part 3 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
Clause 33 – Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	The character of the local area is predominantly residential dwelling houses in landscaped settings interspersed with other land uses. The proposal reflects these characteristics with its	Yes

Control	Requirement	Proposed	Compliance
		generally 2-storey appearance and landscaped setting.	Yes
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that are identified in a local environmental plan.	The site is not in proximity to any heritage conservation areas of heritage items that could be detrimentally impacted by the development.	Yes
	c. Maintain reasonable neighbour amenity and appropriate residential character by; (i) providing building setbacks to reduce bulk and overshadowing (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering where buildings are located on the boundary, the impact of the boundary walls on neighbours.	The building has a bulk that is reasonable when assessed under the planning controls. The floor space ratio satisfies the criteria in Clause 50(b) of SEPP HSPD (i.e.: 0.5:1). The building setbacks (3.0m to the southern boundary and 14.0m to the eastern boundary) mitigate the impacts of bulk and overshadowing. The 2-storey presentation to the streets is compatible with the 1-storey and 2-storey development in the surrounding area.	Yes
	d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,	The front setbacks to Adams Street (3.5m) and Forest Way (6.56m) are sympathetic to surrounding development.	Yes
	e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	The proposed landscaping is considered to be appropriate for the development.	Yes
	f. retain, wherever reasonable, major existing trees, and	Tree removal associated with the development has been assessed as acceptable by Council's Landscape Officer.	Yes
	g. be designed so that no building is constructed in a riparian zone.	N/A	Yes

Control	Requirement	Proposed	Compliance
Clause 34 – Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:	The development uses design elements to minimise privacy impacts, orienting living areas and balconies towards the street and away from neighbouring properties and utilising fin walls and privacy screens on the east-facing balconies to prevent views into the neighbouring rear yard at 47 Forest Way.	Yes
	(a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Bedrooms are generally located away from driveways, with the exception of a single bedroom in Units 2 and 4. Given the low traffic generation of the proposal (accommodating 4 units) the impacts are not considered to be significant.	Yes
Clause 35 – Solar access and design for climate	The proposed development should:	The proposed development is oriented to the north such that all four units receive good solar access.	Yes
	(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	The neighbouring dwelling house to the south, 47 Forest Way, has no windows in its northern façade so shadows cast by the proposed building fall onto a blank wall. The proposal provides a rear setback that satisfies the relevant planning controls and permits reasonable levels of solar access, more than 3 hours sunlight between 9am and 3pm in midwinter, to the private open space and living room windows of the neighbouring property to the south, 47 Forest Way. All units have openings on more than one side of the dwelling providing good natural cross-ventilation.	Yes

Control	Requirement	Proposed	Compliance
Clause 36 – Stormwater	Control and minimise the disturbance and impacts of storm water runoff and where practical include on-site detention and water re-use.	Council's Development Engineers have reviewed the proposed stormwater concept and have raised no objections subject to conditions.	Yes
Clause 37 – Crime prevention	<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	The proposed development satisfactorily addresses the provisions of CPTED.	Yes
Clause 38 – Accessibility	<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	The proposed development satisfies the requisite accessibility requirements pertaining to housing for seniors' development.	Yes
Clause 39 –	The proposed development should be	The proposal provides a waste storage area adjacent to the	Yes

Control	Requirement	Proposed	Compliance
Waste management	provided with waste facilities that maximise recycling by the provision of appropriate facilities.	garage entry to the building. Council's Waste Manager has reviewed the proposal and raises no objections subject to conditions which have been included in the recommendation of this assessment report.	

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

Pursuant to Clause 40(1) of SEPP HSPD a consent authority must not consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in the Clause.

The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
Site size	1,000m ² minimum	923m ²	No – see Clause 4.6 discussion elsewhere in this report
Site frontage	20 metres minimum	48.205m	Yes
Building height	8m or less (measured vertically from ceiling of topmost floor to ground level immediately below)	7.21m (ceiling RL156.6 over EGL RL149.39)	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height. (Note: a car park that does not extend above ground level by more than 1m is not counted as a storey – Clause 3(2) of SEPP HSPD)	2 storeys (Note: the ceiling of the basement car park is 920mm above existing ground level and so the basement does not count as a storey)	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height.	1 storey (the ceiling of the basement is greater than 1m above existing ground level and therefore constitutes a storey).	Yes

Clause 41 Standards for hostels and self-contained dwellings

In accordance with Clause 41 a consent authority must not consent to a development application made pursuant to Chapter 3 unless the development complies with the standards specified in Schedule 3 for such development.

The following table outlines compliance with the principles set out in Schedule 3 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
Wheelchair access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater.	Capable of complying.	Yes
Security	Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) Must provide at least 20 lux at ground level	Capable of complying.	Yes
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.	Capable of complying.	Yes
Private car accommodation	(a) Carparking space must comply with AS2890. (b) One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	Capable of complying.	Yes
Accessible entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299.	Capable of complying.	Yes

Control	Requirement	Proposed	Compliance
Interior general	Widths of internal - corridors and circulation at internal doorways must comply with AS1428.1.	Capable of complying.	Yes
Bedroom	At least one bedroom within each dwelling must have: (a) An area sufficient to accommodate a wardrobe and a queen size bed. (b) A clear area for the bed of at least 1200mm wide at the foot of the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction. (c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.	Capable of complying.	Yes
Bathroom	The bathroom is to comply with the requirements described in Clause 9 of Schedule 3.	Capable of complying.	Yes
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	Capable of complying.	Yes
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	Capable of complying.	Yes
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	Capable of complying.	Yes
Ancillary items	Switches and power points must be provided in accordance with AS4299.	Capable of complying.	Yes
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	Capable of complying.	Yes
Kitchen	The kitchen must comply with the requirements of Clause 16 of Schedule 3.	Capable of complying.	Yes
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry level.	The development provides kitchen, main bedroom and bathroom on the entry level.	Yes

Control	Requirement	Proposed	Compliance
Laundry	The laundry must comply with the requirements of Clause 19 of Schedule 3.	Capable of complying.	Yes
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299.	Capable of complying.	Yes
Garbage	A garbage storage area must be provided in an accessible location.	Complies.	Yes

Part 5 Development on land adjoining land zoned primarily for urban purposes

The development is not for serviced self-care housing and therefore Clause 42 and 43 do not apply.

This assessment report demonstrates that there is adequate availability of facilities and services in accordance with Clause 44.

Part 6 Development for vertical villages

This part is not applicable to the proposed development.

Part 7 Development standards that cannot be used as grounds to refuse consent:

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

In accordance with Clause 50 of SEPP HSPD a consent authority must not refuse consent to a development application made pursuant to Chapter 3 for the carrying out of development for the purpose of a self-contained dwelling on any of the grounds listed in Clause 50.

The following table outlines compliance with standards specified in Clause 50 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
Building height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	7.21m	Yes
Density and scale	0.5:1	0.5:1	Yes
Landscaped area	30% of the site area is to be landscaped	40.9% of the site area is landscaped	Yes
Deep soil zone	15% of the site area. Two thirds of the deep soil zone (10% of the site area) should be located at the rear of the site. Each area forming part of the zone should have a	33.6% of the site area is deep soil. 10.0% of the site area is provided as deep soil area is located at the rear of the site.	Yes Yes

Control	Requirement	Proposed	Compliance
	minimum dimension of 3 metres.	Each area has a minimum dimension of 3m.	Yes
Solar access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-Winter.	All dwellings in the development receive the requisite provision of solar access and therefore satisfies this requirement.	Yes
Private open space	i) In the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multistorey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor; and (ii) In the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,	Each dwelling in the development has a sufficient provision of private open space in accordance with the requirements of this control.	Yes
Parking	(i) 0.5 spaces for each bedroom where the application is made by a person other than a social housing provider; or (ii) 1 space for each 5 dwellings where the application is made by, or is made by a person jointly with, a social housing provider.	8 bedrooms, therefore 4 car spaces required as the application is made by a person other than a social housing provider. However, the "flex / study" room in each dwelling is of a size and configuration that make it usable as a bedroom, resulting in a total 12 bedroom, therefore 6 car spaces required. 6 car spaces are proposed.	Yes
Visitor parking	Nil	Nil	Yes

Local Environment Plans (LEP's)

Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011:

Definition of proposed development: (ref. WLEP 2011 Dictionary)	Seniors Housing
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	Prohibited (Note: SEPP HSPD permits the proposed development with consent)

Objectives of the Zone
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
<p>The development is considered to be consistent with the relevant objectives of the zone for the following reasons:</p> <ul style="list-style-type: none"> The proposal provides a landscaped setting for the building. The proposal provides for the housing needs of the community and it does so in a manner that does maintains the low density residential environment for reasons discussed in this report.

Principal Development Standards:			
Standard	Permitted	Proposed	Complies
Height of Buildings	8.5 metres	8.13m (RL157.5 over EGL 149.37)	Yes

Note: SEPP HSPD provides for a maximum building height of 8.0m (measured to the underside of the top-most ceiling) which prevails over Clause 4.3 Height of Buildings Principal Development Standard in WLEP 2011. This matter is addressed later in this report.

Compliance Assessment

Clause	Compliance with Requirements
2.7 Development requires consent	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

Housing for Seniors or People with a Disability (or Seniors Housing) is not a form of development permitted in the R2 Low Density Residential zone pursuant to the Warringah Local Environmental Plan 2011. However, SEPP HSPD is the prevailing Environmental

Planning Instrument (EPI) for this development which permits Seniors Housing in the R2 zone. Accordingly, the form of development sought is Permitted with Consent.

4.6 Exceptions to Development Standards

VARIATION - SITE SIZE

Clause 40(2) of the SEPP HSPD requires that *the size of the site must be at least 1,000 square metres*.

The following assessment of the variation to Clause 40 (2) *Site Size* of the SEPP HSPD development standard has taken into consideration the questions established in *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46 (**Winten**) and also recognises judicial advice provided in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 (**Initial Action**), *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 (**Four2Five**), *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386 (**Micaul**), and *RebelMH Neutral Bay Pty Ltd v North Sydney Council* [2019] NSWCA 130 (**RebelMH**).

Requirement:	Minimum 1,000m ²
Proposed:	923m ²
Is the planning control in question a development standard?	Yes
Is the non-compliance with the clause requirement a Numerical and/or Performance based variation?	Numerical
If numerical, what is the % variation to the requirement?	7.7%

Furthermore, to ensure consistency between the proposed development and the envisioned form of development on this site, an assessment against Clause 2 *Aims of Policy* of SEPP HSPD and the zone objectives in WLEP 2011 is undertaken below.

Is the planning control in question a Development Standard?

Clause 40(2) of SEPP HSPD prescribes a control on the size of land and thus falls within the definition of a “*development standard*” in clause 1.4 of the *Environmental Planning and Assessment Act 1979*.

What are the underlying Objectives of the Development Standard?

Clause 40 of the SEPP HSPD does not have specify the objectives of the control. However, the applicant has submitted that “*it is reasonable to conclude that the objectives of the site size control include to ensure that sites are of sufficient size to provide for buildings, vehicular access, landscaping and retention of natural topographical features. In addition, that the properties are able to be developed without incurring any unreasonable physical impacts on neighbouring properties in terms of shadowing, privacy, visual impact, or view loss.*” These underlying objectives are agreed with.

1. *Is the site of sufficient size to provide for buildings, vehicular access, landscaping and retention of natural topographical features?*

Comment:

It is considered that the site is of sufficient size to accommodate an appropriately designed development for housing for seniors and people with a disability given the particular site characteristics. Two street frontages enable appropriate vehicular access to be provided. The site contains no topographical features that require retention and satisfactory landscaping is provided.

2. *Is the site of sufficient size to ensure that development for housing for seniors or people with a disability can be carried out without incurring any unreasonable physical impacts on neighbouring properties in terms of shadowing, privacy, visual impact, or view loss?*

Comment:

For the reasons discussed in this report it is considered that the proposal will not result in unreasonable physical impacts on neighbouring properties in terms of overshadowing, privacy, visual impact or view loss.

3. *Is the allotment of sufficient size to accommodate a development for housing for seniors or people with a disability whilst maintaining the character of the area?*

Comment:

For the reasons discussed in this report it is considered that the proposal maintains the character of the area.

The underlying Aims of Policy of the SEPP HSPD are:

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

- a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability,*

Comment:

The proposal provides for housing that assists in meeting the needs of seniors or people with a disability. However, this is a general achievement that can be achieved by such a development on any appropriate site and with an appropriate design. Consistent with the Court's guidance from Four2Five and RebelMH, this is not sufficient grounds for supporting a variation to the control.

- b) *make efficient use of existing infrastructure and services,*

Comment:

The site is afforded with sufficient existing infrastructure and services that can accommodate the proposed development, without the development unreasonably burdening the existing infrastructure or service network. However, this is a general achievement that can be achieved by such a development on any appropriate site and with an appropriate design. Consistent with the Court's guidance from Four2Five and RebelMH, this is not sufficient grounds for supporting a variation to the control.

c) *be of good design,*

Comment:

The assessment of this development proposal has found that the proposed building is of good design with regards to its siting, bulk and scale and the impacts that arise from these characteristics.

What are the underlying Objectives of the Zone?

In assessing the development's non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

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

Comment:

The proposed development provides for the housing needs of the community. The proposed density is considered to be compatible with the low density residential environment, recognising that seniors housing is different in character to dwelling houses.

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

Comment:

This development is for residential accommodation. The SEPP HSPD requires particular distances and accessibility to various services to meet the needs of residents of the development, and this matter has been addressed earlier in this report (see Section: SEPP HSPD). Accordingly, the site is afforded with access to other land uses which provide facilities or services to meet the day to day needs of residents. The variation sought to the lot size does not impinge upon the opportunity to satisfy this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The provision of landscaping in the subject development scheme has several facets that must be considered, both formally and informally, in the assessment of landscaped setting. These facets include compliance with the SEPP HSPD landscape controls and consistency with the surrounding landscaped character.

The development complies with the SEPP HSPD landscape provisions which prevail over the WDCP 2011 landscape controls (which thus don't hold determinative weight in this assessment).

The surrounding streetscape is characterised by allotments that have some greenery and mature canopy trees.

The front setback areas of the subject development is of a scale that is generally consistent with that of surrounding allotments and affords opportunities for the establishment and maturity of large trees in longevity.

Therefore, in consideration of all the above facets, it is considered that the development satisfies this objective.

Is the variation to the Development Standard consistent with the Objectives of Clause 4.6 of the WLEP 2011?

It should be noted that the decision in Initial Action establishes that “*there is no provision that requires compliance with the objectives of the clause*”. The following discussion needs to be read in light of this decision.

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

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development.*

Comment:

The mechanism of Clause 4.6 applies to Section 40 of SEPP HSPD as they are classified as Development Standards. As development for the purpose of seniors housing is prohibited via the WLEP 2011, but Permitted with Consent via the prevailing SEPP HSPD, it is considered warranted to allow a degree of flexibility in applying the SEPP HSPD development standards in order to ensure that a development will meet the objectives and aims of both the WLEP 2011 and the SEPP HSPD.

However, such flexibility is a matter of extent and degree. It is considered that the proposed development has an appropriate bulk and scale, is consistent with the streetscape and does not have unreasonable physical impacts on neighbouring properties and that the exercise of a degree of flexibility in the circumstances of the case.

- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposal is considered to result in appropriate outcomes in terms of bulk and scale, impacts on streetscape and character of the area, and impacts on neighbouring amenity. By not allowing flexibility the opportunity to provide housing that adds to the variety of housing in the area for the benefit of the community would be lost.

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

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

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

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

Comment:

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 (**Wehbe**) CJ Preston formulated five methods in which a development standard can be shown to be unreasonable or unnecessary in the circumstances of particular cases.

The methods in *Wehbe* can be summarised as:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (Method 1).
2. The underlying objective of purpose of the standard is not relevant to the development, and therefore compliance is unnecessary (Method 2).
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Method 3).
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Method 4).
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Method 5).

The applicant's Clause 4.6 submission refers to all five of these methods, but appears to acknowledge that Methods 2 to 5 are not relied upon to justify a variation to the control.

As discussed above, it is considered that the applicant's submission has demonstrated that the proposal achieves the underlying objectives of the development standard and, therefore, it satisfies Method 1 described above.

It should be noted that it is not sufficient for the applicant to assert in their clause 4.6 submission that the proposal satisfies the relevant objectives of the control but that the consent authority must be satisfied that those submissions demonstrate consistency with the objectives. The decision in *RebelMH* discusses this issue and the decisions in *Initial Action* and *Micaul* and states:

"In order for a consent authority to be satisfied that an applicant's written request has adequately addressed" the matters required to be demonstrated by cl 4.6(3), the

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consent authority needs to be satisfied that those matters have in fact been demonstrated. It is not sufficient for the request merely to seek to demonstrate the matters in subcl (3) (which is the process required by cl 4.6(3)), the request must in fact demonstrate the matters in subcl (3) (which is the outcome required by cl 4.6(3) and (4)(a)(i))."

The applicant has provided the following as "sufficient environmental planning grounds to justify contravening the development standard":

- *The proposed exception does not result in an excessive visual building bulk or scale, maintaining an appropriate building presentation to the street frontage and neighbouring properties.*

Comment: It is agreed that the building bulk and scale is appropriate for the site.

- *The proposed exception in the minimum site size development standard is modest in its extent (7.7%) and, noting its corner location and significant spatial separation to surrounding development, it would not be perceivable in the visual presentation of the property to surrounding properties or the streetscape.*

Comment: The building has been designed to mitigate potential streetscape impacts through façade modulation and setbacks.

- *The proposed exception does not result in a significant reduction in the quality of the proposed built form will not significantly alter the spatial characteristics of the property.*

Comment: The proposal is considered to have a high quality of built form, although it is noted that this would be equally true regardless of the site area.

- *The proposed exception will not result in unreasonable or excessive physical impacts on the neighbouring properties or the streetscape quality of the property.*

Comment: This comment is concurred with for the reasons discussed in this assessment report. However, a lack of environmental impacts does not, of itself, provide sufficient environmental planning grounds to justify a variation to the development standard.

- *The proposed exception is capable of being accommodated on the site without imposing any significant or adverse impacts on the amenity of the surrounding land, or the scenic quality of the wider locality.*

Comment: As with the previous dot point, this comment is concurred with but does not, of itself, provide sufficient environmental planning grounds to justify a variation to the control.

- *Strict compliance with the minimum site size development standard would be unreasonable and unnecessary to the extent that the site would be unable to accommodate a form of development that is consistent with the aims and*

objectives of the SEPP, in circumstances where the building form does not impose any significant or adverse impacts on the amenity of surrounding land.

Comment: This comment is concurred with and, in the circumstances of the case, provides sufficient environmental planning grounds to justify a variation to the control.

- *The extent of the proposed development is not excessive as a result of this exception, and the development-to-land ratio proposed, as evidenced by the proposal's compliance with the suite of built form controls relating to car parking, boundary setbacks, private open space, deep soil landscaped area, building height and floor space ratio. It is compatible to the extent of development that can be reasonably expected upon land within the R2 zone generally.*

Comment: This comment is concurred with, but does not of itself provide sufficient environmental planning grounds to justify a variation to the control.

- *The proposed development provides more landscaped area (43.3%) than the requirement for a single dwelling (40% under the DCP). There are appropriately located and proportioned landscaped areas for vegetation and private recreational use proposed. The proposal will achieve a suitable balance between landscaped areas and the built form despite the site size exception.*

Comment: This comment is concurred with and contributes to a conclusion that there are sufficient environmental planning grounds to justify a variation to the development standard.

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

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment:

As discussed above, it is considered that the applicant's submission has adequately addressed the matters required to be demonstrated by subclause (3).

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

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone in the WLEP 2011.

- (b) the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 17-006 dated 15 December 2017, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument where the variation to a numerical standard is not greater than 10%. Consequently, the concurrence of the Secretary for the variation to the Site Size Development Standard of SEPP HSPD may be assumed.

Conclusion on Clause 4.6 variation Request Regarding Minimum Site Area

The above discussion analyses the proposal and the impacts arising from the non-compliance with the minimum site area requirements of clause 40(2) of SEPP HSPD.

The analysis concludes that the proposal satisfies the underlying objectives of the control and the relevant objectives of the R2 Low Density Residential zone.

The proposal satisfies the requirements of clause 4.6 of WLEP 2011 and the request to vary the development standard is considered to be well founded.

Warringah Development Control Plan 2011 (WDCP 2011)

Built Form Controls

Built Form Control	Requirement	Proposed	%Variation	Complies?
B1 Wall height	7.2m	7.21m	0.1%	No
B2 Number of storeys	2 storeys	2 storeys	-	Yes
B3 Side boundary envelope	4m + 45°	East – within envelope South – within envelope	- -	Yes Yes
B5 Side boundary setbacks	900mm	East – 9.46m South – 4.2m	- -	Yes Yes
B7 Front boundary setbacks	Forest Way – 6.5m Adams St – 3.5m	Forest Way – 6.56m Adams St – 3.5m	- -	Yes Yes
B9 Rear boundary setbacks	N/A	N/A	-	N/A
D1 Landscaped open space and bushland setting	40% (369.2m ²)	40.9% (378m ²)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C4 Stormwater	Yes	Yes
C5 Erosion and sedimentation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C7 Excavation and landfill	Yes	Yes
C8 Demolition and construction	Yes	Yes
C9 Waste management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building bulk	Yes	Yes
D10 Building colours and materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and reflection	Yes	Yes
D14 Site facilities	Yes	Yes
D16 Swimming pools and spas	Yes	Yes
D20 Safety and security	Yes	Yes
D21 Provision and location of utility services	Yes	Yes
D22 Conservation or energy and water	Yes	Yes
E1 Preservation or trees or bushland vegetation	Yes	Yes

Detailed Assessment

B1 Wall Height

Wall height is measured from the underside of the topmost ceiling to the existing ground level below that point. The underside of the topmost ceiling has a level of RL 156.6. At its lowest point, the ground level below the ceiling has a level of RL 149.39, resulting in a maximum wall height of 7.21m. This represents a variation of 0.01m or 0.01%. The proposed building is almost entirely compliant with the control, with the majority of the building having a wall height of less than 7.2m.

The following assessment is made pursuant to the objectives of the wall height control:

- To minimise the visual impact of development when viewed from adjoining properties, waterways and land zoned for public recreation purposes streets.*

Comment: The visual impact of the building is considered to be satisfactory due to its design, articulation and modulation of facades, and provision of landscaped screening.

- To ensure development is generally beneath the existing tree canopy level.*

Comment: The height of the building is such that it is below the existing tree canopy.

- To provide a reasonable sharing of views to and from public and private properties.*

Comment: The proposal maintains reasonable view sharing and has no impact on public views.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment: For the reasons discussed in this assessment report, the proposal is not considered to have unreasonable impacts on adjoining and nearby properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment: The proposal does not involve excessive excavation and responds in a reasonable manner to the topography of the site.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment: The proposal provides a flat roof form which is considered to be complementary to the design vernacular of the building and is appropriate in the circumstances of the case.

D3 Noise

The proposed use will generate domestic levels of noise and, to this extent, is considered to be satisfactory.

No details have been provided regarding the location of air conditioning plant or its potential acoustic impacts. The plans do not show any plant room in the basement or any other potential locations for air conditioning plant. The potential noise from air conditioning plant could have a negative impact on neighbouring residential amenity or the amenity of future residents of the development site.

To mitigate this impact conditions of consent are recommended requiring acoustic certification of air conditioning plant to be provided prior to the release of the Occupation Certificate.

D6 Access to Sunlight

Part D6 of WDCP 2011 requires that 3 hours of sunlight be maintained to the private open space of neighbouring dwelling houses between 9am and 3pm in midwinter. The private open space of 47 Forest Way is that area that is immediately adjacent to the internal living rooms in the rear yard of the site. The submitted shadow diagrams demonstrate that there is no overshadowing of that area at 9am and that it will be completely overshadowed at 3pm. At 12 noon more than 80% of the private open space area remains in sunlight.

The following assessment examines the consistency of the proposed carport with the objectives of the controls for access to sunlight:

- *To ensure that reasonable access to sunlight is maintained.*

Comment: 47 Forest Way currently enjoys sunlight to its private open space at 9am and 12 noon in midwinter with overshadowing occurring through the afternoon. The element of the proposal that is creating the impact complies with the relevant controls with regards to setbacks and building heights. In these circumstances it is considered that the solar access retained to 47 Forest Way is reasonable and that this objective is satisfied.

- *To encourage innovative design solutions to improve the urban environment and public open space.*

Comment: This objective is directed towards maintaining sunlight in the public domain. The proposal results in minimal overshadowing of the public domain and the objective is satisfied.

- *To promote passive solar design and the use of solar energy.*

Comment: The proposal retains sunlight to the roof areas of neighbouring dwellings, enabling their use for solar water heating and electricity generation. This objective is satisfied.

Part D6 of WDCP 2011 also requires consideration of the planning principle in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082.

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

Comment: The site is within a low density area and there is a reasonable expectation that the residents of 47 Forest Way will retain reasonable levels of sunlight to its private open space. As discussed above, the proposal achieves this due to its compliant nature and the orientation of the sites.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

Comment: The proposal results in a significant loss of sunlight throughout the afternoon in midwinter. However, this is offset by the retention of sunlight in the morning and early afternoon periods.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

Comment: The loss of sunlight to the private open space of 47 Forest Way does not result from poor design.

- *To be assessed as being in sunlight, the sun should strike a vertical surface at a horizontal angle of 22.5° or more. (This is because sunlight at extremely oblique angles has little effect.) For a window, door or glass wall to be assessed as being in sunlight, half of its area should be in sunlight. For private open space to be assessed as being in sunlight, either half its area or a useable strip adjoining the living area should be in sunlight, depending on the size of the space. The amount of sunlight on private open space should be measured at ground level.*

Comment: Sunlight to living room windows is not relevant to this assessment as 47 Forest Way does not have any windows in its northern elevation. Sunlight to private open space is measured at ground level.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: The assessment of overshadowing has been carried out in accordance with this principle.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Comment: 47 Forest Way is zoned R2 Low Density Residential and there is no information to indicate that future development will change the nature of the site.

In summary, the proposal is considered to result in the retention of reasonable levels of solar access to the private open space of 47 Forest Way and is consequently recommended for refusal.

D8 Privacy

The proposal has generally used design elements to maintain privacy between dwellings. Privacy screens are proposed on the southern side of the rear terraces at both ground and first floor level to prevent overlooking of 47 Forest Way. The separation distance between the terraces and 25 Adams Street is sufficient to mitigate any potential overlooking impacts.

D9 Building Bulk

Part D9 provides a series of requirements to reduce the apparent bulk of buildings and to achieve the following objectives:

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

The proposal includes design elements that assist in achieving these objectives, such as the provision of landscaping on the street frontages, the modulation of the elevation to Adams Street, and the adoption of a flat roof form.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contribution Plan 2019

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

A monetary contribution of \$12,159 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,215,908.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Warringah Local Environment Plan 2011;
- Warringah Development Control Plan 2011; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Sections 4.15 of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions.

The assessment concludes that the proposal satisfies the aims and objectives. Where variation to the numerical controls are proposed (site area, wall height) it is considered that the proposal achieves the objectives of those controls and the variations are justified.

The proposal fails to satisfy development standards in State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 relating to minimum site area. Detailed consideration has been given to the applicant's request to vary this development standard pursuant to clause 4.6 of Warringah Local Environmental Plan 2011. It has been concluded that the clause 4.6 variation request should be upheld.

An independent assessment of the traffic impacts has been undertaken by ASON Group and recommends approval of the application subject to conditions which have been included in the recommendation below. Council's Traffic Engineer has requested a condition be imposed requiring the widening of Adams Street in front of the site but it is considered that such a condition cannot be validly imposed for the reasons discussed in this assessment report and it is not included in the recommendation below.

The proposal was notified which resulted in objections being received from the owners and residents of five neighbouring and nearby properties. These objections have been carefully considered and have not been given determining weight.

Accordingly, the application is recommended for approval.

RECOMMENDATION (APPROVAL)

That Northern Beaches Council as the consent authority vary Clause 40(2) Site Area of SEPP HSPD pursuant to Clause 4.6 of the WLEP 2011, as the Applicant's written request has

adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly, Council as the consent authority APPROVE Development Consent to Development Application No. DA2020/0347 for the demolition of existing structures and construction of a housing for seniors' development containing 4 units, basement car parking for 6 cars, and strata subdivision at Lot 1A DP 382200, 49 Forest Way, FRENCHS FOREST, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA100 (Revision B)	18.05.2020	Walsh ² Architects
DA101 (Revision B)	18.05.2020	Walsh ² Architects
DA102 (Revision B)	18.05.2020	Walsh ² Architects
DA103 (Revision B)	18.05.2020	Walsh ² Architects
DA104 (Revision B)	18.05.2020	Walsh ² Architects
DA200 (Revision B)	18.05.2020	Walsh ² Architects
DA201 (Revision B)	18.05.2020	Walsh ² Architects
DA300 (Revision B)	18.05.2020	Walsh ² Architects
DA301 (Revision B)	18.05.2020	Walsh ² Architects
DA800 (Revision B)	18.05.2020	Walsh ² Architects
DA911 (Revision B)	18.05.2020	Walsh ² Architects
L501.1 (Revision C)	30.03.2020	Plot Design Group
L502.1 (Revision C)	30.03.2020	Plot Design Group
L503.1 (Revision C)	30.03.2020	Plot Design Group

Engineering Plans		
Drawing No.	Dated	Prepared By
Sheet-1	26.03.2020	Taylor Consulting
DR-000 (Revision 3)	26.03.2020	Stellen Consulting
DR-001 (Revision 3)	26.03.2020	Stellen Consulting
DR-002 (Revision 3)	26.03.2020	Stellen Consulting
DR-003 (Revision 3)	26.03.2020	Stellen Consulting
DR-004 (Revision 1)	26.03.2020	Stellen Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Access Report	23.03.2020	Walsh ² Architects
Arboricultural Impact Assessment (Revision A)	27.03.2020	Hugh The Arborist
BASIX Certificate 1088612M	02.04.2020	Building Sustainability Assessments
NatHERS Certificate 0004725010	02.04.2020	Building Sustainability Assessments
Statement of Environmental Effects	March 2020	BBF Planners
Stormwater Design Report	26.03.2020	Stellen Consulting
Traffic and Transport Report	30.03.2020	Traffic and Transport Planning Associates
Waste Management Plan	09.07.2019	Sayed Jalaledin Ziaolhagh

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L501.1 (Revision C)	30.03.2020	Plot Design Group
L502.1 (Revision C)	30.03.2020	Plot Design Group
L503.1 (Revision C)	30.03.2020	Plot Design Group

Draft Strata Subdivision Plans		
Drawing No.	Dated	Prepared By
Sheet 1	29.06.2020	Warren L. Bee
Sheet 2	29.06.2020	Warren L. Bee

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

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

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate).
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out

on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

3. General Requirements

(a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- b) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (c) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment

Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.northernbeaches.nsw.gov.au

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$12,159.08 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to the section 7.12 of the Environmental Planning & Assessment Act 1979 and Northern Beaches Section 7.12 Contributions Plan 2019. The contribution is based on a development cost of \$1,215,908.00.

The monetary contribution is to be paid prior to the issue of the first Construction

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

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

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

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

5. Construction, Excavation and Associated Works Security Bond (Footpath works Adams Street)

The applicant is to lodge a bond with Council of \$15000 as security against any damage or failure to complete the construction of new footpath works in Adams Street as required by this consent.

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

Reason: Protection of Council's infrastructure.

6. Construction, Excavation and Associated Works Bond (Drainage works Adams Street)

The applicant is to lodge a bond of \$40000 as security against any damage or failure to complete the construction of stormwater drainage works in Adams Street as part of this consent.

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

Reason: Protection of Council's infrastructure.

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

7. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Ascent Geotechnical Consulting dated 28 May 2019 and letter dated 27 March 2020 by Ascent Geotechnical Consulting are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

8. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

9. Compliance with Standards

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

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

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

10. Requirements for Seniors Housing or Housing for Persons with a Disability

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Schedule 3 - "Standards concerning accessibility and useability for hostels and self-contained dwellings".

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

Reason: To ensure public safety and equitable access for seniors or people with a disability.

11. Fire Safety Matters

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

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

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

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

12. Submission of Engineering Plans

The submission is to include four (4) copies of Civil Engineering plans for the design of:

- Footpath construction (1.5m wide with 600mm grass verge either side) along all frontages and provision of the footpath connection to the nearest bus stop for both northbound and southbound travel.
- Upgrade of the designated bus stops to be DDA compliant.

These are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

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

13. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:-

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

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

- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; and

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

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

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

14. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

15. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining private property or Council's land, owner's consent for the encroachment onto the affected property shall be provided with the engineering drawings. Council approval is required if any temporary ground anchors are proposed to be installed within the Council's land/road reserve.

A Temporary Ground Anchors Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

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

16. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

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

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

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

17. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850., and generally in accordance with the concept drainage plans prepared by Stellen Consulting drawing number DR001-003 Issue 3, DR004 Issue 1, dated 26/3/20. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must also address the following:

- i. The basement pump out discharge line is to be directly connected to a new Kerb inlet Pit in Adams Street. This new Kerb Inlet pit is to be drained to an existing Council Kerb Inlet Pit via a new 375mm concrete stormwater line.
- ii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction

Certificate. All external drainage works must be approved by Council via a Section 138 Roads Act application.

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

18. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval of stormwater infrastructure works within Council's roadway. Engineering plans are to be prepared for the connection of the basement pump-out line to a new Kerb Inlet Pit within Adams Street. This Kerb Inlet Pit is to be drained via a new 375mm concrete stormwater line to an existing Council Kerb Inlet Pit.

Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993 prior to the issue of any Construction certificate.

The application is to include four (4) copies of Civil Engineering plans for the design of stormwater drainage works in Adams Street which are to be in accordance with the Council's specification for engineering works - AUS-SPEC #1 and prepared by a qualified civil engineer.

The fee associated with the Section 138/139 Roads Act 1993 assessment and approval of the application is to be in accordance with Council's Fee and Charges.

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

19. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

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

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

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

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

21. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

22. Pre-commencement Dilapidation Report

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

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

Reason: Protection of Council's infrastructure during construction.

23. Waste and Recycling Requirements

Details demonstrating compliance with Warringah Development Control Plan – Part C9 Waste Management, including the required Warringah Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Warringah Development Control Plan – Part C9 Waste Management, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

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

24. Construction Traffic Management Plan

Prior to the release of the Construction Certificate, a Construction Traffic Management Plan (CTMP) prepared by an accredited practitioner, detailing construction traffic impacts is to be submitted to Council for review and endorsement. Construction activities are not to commence prior to Council endorsing the CTMP. The endorsed CTMP and any associated Traffic Control Plans is to be implemented at all times during construction.

Reason: To minimise traffic impacts during construction.

25. Car parking certification

Prior to issue of a construction certificate, a design statement shall be prepared by a suitably qualified traffic engineer confirming:

- a) All car parking and access thereto has designed and constructed in accordance with AS2890.1—Off-street car parking.
- b) A minimum of 6 car parking space shall be provided on-site. Any tandem spaces shall both be allocated to the same unit.
- c) A minimum of 5% of the above car parking spaces (or those associated with adaptable units) shall be designed in accordance with AS4299, with a minimum width of 3.8m

Reason: To ensure adequate off-street car parking.

26. Air conditioning plant

The location of any proposed air conditioning plant is to be shown on the plans submitted with the Construction Certificate application. Such plant is not to be located on the roof of the building.

Certification is to be provided from an appropriately qualified acoustic consultant that noise from air conditioning plant that is to be installed will comply at all times with the relevant noise limits in the Protection of the Environment Operations Act 1997.

Reason: To maintain residential amenity.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

27. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

47 Forest Way, Frenchs Forest
25 Adams Street, Frenchs Forest

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

28. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

29. Tree protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the Project Arborist on site.
- iii) All tree protection to be in accordance with the Arboricultural Impact Assessment Report Revision A dated 27 March prepared by Hugh the Arborist and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees.
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

30. Project Arborist

- i) Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment Report Revision A dated 27 March prepared by Hugh the Arborist and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

31. Tree removal within the road reserve

- i) This consent includes approval to remove the following trees located within the road reserve:

Species	Location
2 x Liquidambar styraciflua	Adams Street Road reserve forward of the property to accommodate the new driveway crossover

- ii) Removal of approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor.
- iii) Details of currently approved tree contractors can be obtained from Northern Beaches Council Public Trees Section prior to removal.

Reason: Public liability

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

32. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

33. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act
- Work Health and Safety Regulation
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

34. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

35. Survey Certificate

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

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

- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

36. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

37. Progress Certification (Road & Subdivision)

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by Council for the following stages of the required stormwater drainage works in Adams street.

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

(**To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Council prior to issue of the Occupation Certificate and or refund of any bonds held by Council.

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

38. Footpath Construction

The applicant shall construct a 1.5m wide footpath in Adams Street to be connected to the existing footpath at the Warringah road Corner. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Section 138 Road Act approval
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath. Details

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

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

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

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

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

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

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

40. Traffic Control During Road Works

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

Reason: Public Safety.

41. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: to ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

42. Vehicle Crossings

The Applicant is to construct **one** vehicle crossing **5** metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

43. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan prepared by Sayed Jalaledin Ziaolhagh and dated 09.07.2019.

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

44. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

45. All works within property

Unless otherwise specifically approved in writing by Council, all works, processes, storage of material, loading and unloading associated with construction of the development are to occur entirely on the property.

NOTE: No Work Zone shall be permitted on either Forest Way or Adams Street frontages.

Reason: To maintain public amenity during construction.

46. Road Opening Permit

The developer/applicant shall obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The application is to include a Traffic Control Plan prepared by an accredited TfNSW Traffic Controller indicating details for vehicular and pedestrian management, including any temporary closures for delivery of materials or concrete pours, in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and "Traffic Control at Worksites".

Reason: To maintain traffic safety.

47. Compliance with the Waste Management Plan

The actions and requirements described in the Waste Management Plan (submitted with the development application) are to be fully implemented from commencement of any excavation, demolition, development and operational works in perpetuity.

Any works must comply with the Waste Management Guidelines (For development in the area of WLEP 2011 and WLEP 2000).

Reason: Protection of the environment.

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

48. Signage and Linemarking – External.

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of any Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity.

49. Signage and Linemarking – Implementation.

The applicant is to install all signage and linemarking, as per any Roads Act approval. These works are to be completed prior to the issue of any Occupation Certificate.

Reason: To ensure signage is implemented prior to occupation so that operations can occur appropriately.

50. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

51. Post-Construction Road Reserve Dilapidation Report (Major Development)

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

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

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

52. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

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

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

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

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

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

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

54. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the

positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

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

55. Landscape completion certification

- a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.
- b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

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

56. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites.

57. Required Planting

Trees (including street trees) shrubs and groundcovers shall be planted in accordance with the approved Landscape Plans.

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

Reason: To maintain environmental amenity.

58. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

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

59. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with Warringah Development Control Plan – Part C9 Waste Management Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

60. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

61. Positive Covenant for Waste Services

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

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

62. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

63. Bicycle parking

The following minimum bicycle parking provision shall be provided on-site:

- a) resident bicycle spaces within a high security compound (which may be an enclosed garage of the unit to which the bicycle space(s) is allocated).
- b) 1 visitor bicycle space in an accessible area.

Reason: To provide satisfactory bicycle parking.

64. Bicycle parking

Bicycle parking shall be designed and constructed in accordance with AS2890.3—Bicycle Parking Facilities.

Reason: To provide satisfactory bicycle parking.

65. Footpath construction

Prior to first occupation, the developer/applicant shall construct a footpath to the satisfaction of Council along the length of the Adams Street frontage, connecting to the existing footpath facilities at the intersection of Adams Street / Forest Way.

Reason: To provide satisfactory pedestrian facilities.

66. Post-Construction Dilapidation Report

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

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

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

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

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

67. Geotechnical and Structural Certification

All civil works approved in this Development Consent shall be certified as compliant with all relevant Australian Standards and Codes by an appropriately qualified and practising Civil Engineer.

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

Reason: Public and Private Safety

68. Environmental Reports Certification

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

- (a) Arborist Report prepared dated 27 March 2020 by Hugh the Arborist
- (b) Geotechnical Report dated 28 May 2019 prepared by Ascent Geotechnical Consulting and letter dated 27 March 2020 by Ascent Geotechnical Consulting

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

Reason: To ensure compliance with standards.

69. House / Building Number

House/building number is to be affixed to the building / letterbox to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

70. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

71. Occupation of Seniors Housing or Housing for Persons with a Disability

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

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

Reason: Statutory requirement

72. Side and rear boundary fencing

The applicant is to replace all side and rear boundary fencing (above ground) with the agreement and at no cost to, the adjoining property owners with 1.8m lapped and capped timber paling fencing as indicated on the plans. Any fence forward of the building line shall be 1.2m in height. Details to be provided to the satisfaction of the Certifying Authority prior to any Occupation Certificate.

Reason: To maintain visual privacy.

73. Air conditioning plant

Certification is to be provided from an appropriately qualified acoustic consultant that noise from air conditioning plant that has been installed will comply at all times with the relevant noise limits in the Protection of the Environment Operations Act 1997.

Reason: To maintain residential amenity.

ONGOING CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

74. Landscape maintenance

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

75. Vehicle manoeuvring

All vehicles entering and exiting the site shall do so in a forward direction at all times.

Reason: To maintain public safety.

76. Air conditioning noise

Noise from air conditioning plant is to comply at all times with the relevant noise limits in the Protection of the Environment Operations Act 1997.

Reason: To maintain residential amenity.