

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0607
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 31 DP 5464, 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464, 29 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Construction of a residential flat building, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood
Zoning:	R3 Medium Density Residential R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Colonial Credits Pty Ltd
Applicant:	Colonial Credits Pty Ltd

Application lodged:	16/04/2018
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Residential - New multi unit
Notified:	19/05/2018 to 18/06/2018
Advertised:	19/05/2018
Submissions Received:	9
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 15,580,000.00
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

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

SUMMARY OF ASSESSMENT ISSUES

Assessment - Strategic and Place Planning (S94 Warriewood Valley)

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings

Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards

Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan

Pittwater 21 Development Control Plan - C1.23 Eaves

Pittwater 21 Development Control Plan - D16.6 Front building lines

Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

Pittwater 21 Development Control Plan - D16.8 Spatial Separation

Pittwater 21 Development Control Plan - D16.10 Private and Communal Open Space Areas

Pittwater 21 Development Control Plan - D16.11 Form of construction including retaining walls, terracing and undercroft areas

SITE DESCRIPTION

Property Description:	Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) unregistered allotment located on the western side of Warriewood Road, Warriewood.</p> <p>The site is irregular in shape with a frontage of 35m to the future Lorikeet Grove. The site has a surveyed area of 2,917m².</p> <p>The site is located within the R3 Medium Density Residential zone and accommodates a vacant, excavated site.</p> <p>The site slopes approximately 4m from north-east to south-west.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by</p>

vacant sites and low-density residential development.

Map:



SITE HISTORY

The land has been vacant for an extended period of time. A search of Council's records has revealed the following relevant history:

- N0182/13 for 40 Lot subdivision of existing sites and demolition of existing structures was approved (appeal upheld) on 15 October 2014 by the NSW Land and Environment Court.
- N0182/13/S96/1 for 40 Lot subdivision of existing sites and demolition of existing structures. A section 96(8) modification of a Court issued consent seeking to modify condition C19 relating s.94 monetary contribution and staging of those payments was on 3 August 2015 under staff delegation.
- N0182/13/S96/2 for 40 Lot subdivision of existing sites and demolition of existing structures - Modify condition C19 regarding amount of S94 was refused on 31 July 2015.
- N0481/16 for the construction of eleven two-storey detached dwellings within the approved subdivision lots, and associated landscaping was withdrawn on 30 March 2017 by the applicant.
- N0567/16 for Construction of a three storey residential flat building comprising 29 units, basement car parking and landscaping was withdrawn on 8 May 2017 by the Applicant.
- Pre-lodgement meeting PPM2017/0013 for construction of a residential flat-building associated landscaping and works, and the construction of detached dwellings was held on 07 September 2017.
- Pre-lodgement meeting PPM2017/0017 for onstruction of 10 x 2 storey detached dwellings within approved subdivision was held on 16 October 2017.
- Application N0053/17 for Subdivision to consolidate Lots 2, 3, 4, 14, 15, 16, 17 and 18 within the approved unregistered subdivision plan on Lot 31 Section C of Deposited Plan 5464 was withdrawn on 24 November 2017 by the applicant.
- Mod2017/0344 for Modification of Development Consent N0182/13 granted for the 40 Lot subdivision of existing sites and demolition of existing structures was approved on 27 April 2018 under staff delegation.
- DA2018/0627 for Construction of ten (10) two-storey dwellings with associated landscaping within currently unregistered Lots 5, 6, 7, 8, 21, 22, 23, 24, 28 and 29 of an approved 40 lot

subdivision at 29-31 Warriewood Road, Warriewood is currently under assessment.

- SC2018/0058 for Torrens subdivision is currently under assessment.
- SC2018/0060 for Stage 2A Torrens title subdivision is currently under assessment.
- DA2018/1200 for Construction of a dwelling house on proposed Lot 6 is currently under assessment.
- DA2018/1201 for Construction of a dwelling house on proposed Lot 7 is currently under assessment.
- DA2018/1202 for Construction of a dwelling house on proposed Lot 8 is currently under assessment.
- DA2018/1203 for Construction of a dwelling house including a swimming pool on proposed Lot 15 is currently under assessment.
- DA2018/1575 for Construction of a dwelling house on proposed Lot 20 is currently under assessment.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Consolidation of 8 lots to form one lot;
- Construction of a residential flat building comprising:
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 - 27 apartments (a mix of 1-, 2-, 3-, and 4-bedroom units)
 - 62 car parking spaces (52 residential, 10 visitor)
 - 9 bicycle parking spaces
- Associated infrastructure and services works; and
- Landscaping works.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the</p>

Section 4.15 Matters for Consideration'	Comments
	<p>submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</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 clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter may be addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of</p>

Section 4.15 Matters for Consideration'	Comments
	the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 9 submission/s from:

Name:	Address:
Tamas Holl	
Stacey Mitchell	97 Alameda Way WARRIEWOOD NSW 2102
Mrs Louise Ann Arminak	12 Warriewood Road WARRIEWOOD NSW 2102
Ms Helen Louise Rollinson	45 / 30 Macpherson Street WARRIEWOOD NSW 2102
Mr Joshua Lyndon Cooper	54 Alameda Way WARRIEWOOD NSW 2102
Fiona Patricia Miller Berkman Timothy Mitchell Berkman	4 Coryule Place WARRIEWOOD NSW 2102
Ms Hilary Green	4 Barossa Place MONA VALE NSW 2103
Scott Barrington Fryer	7 Irrawong Road NORTH NARRABEEN NSW 2101
Ms Kelly Nield	6 / 1 Fantail Avenue WARRIEWOOD NSW 2102

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

- Increased traffic congestion.
- The proposal is large and out of character with the suburb - no other flat buildings on Warriewood Road.
- Increased population.
- Insufficient space for parking on the road for visitors.
- Narrow roads will cause traffic when waste is collected.
- Insufficient public transport.
- The developer has caused delays to prospective owners and have not conducted themselves ethically.

The matters raised within the submissions are addressed as follows:

- Traffic Congestion
Comment:
The proposal has been reviewed by Council's Traffic Engineer, who raised no concerns regarding the traffic generation resulting from the proposed development.
- Character
Comment:
The subject site and surrounding land to the south and east in the Warriewood Valley Release Area are zoned R3 Medium Density Residential. This zone envisages increased residential flat buildings, which are permissible under the zone.
- Population
Comment:
The subject site and surrounding land to the south and east in the Warriewood Valley Release Area are zoned R3 Medium Density Residential. The Release Area and zone envisage increased population, particularly through the introduction of residential flat buildings, which are permissible under the zone.
- Visitor Parking
Comment:
As above, the proposed development provides compliant parking for residents and visitors on the subject site, in accordance with Clause B6.3 Off-Street Vehicle Parking Requirements of the P21 DCP. As such, the proposal does not rely on on-street parking.
- Narrow Roads
Comment:
The roads relied upon by this development were assessed as acceptable and approved under Development Application N0182/13 and subsequent modifications.
- Public Transport
Comment:
The subject site is immediately south of a bus stop. Further, development contributions are applicable to this development, in order to provide infrastructure to support the increased demand on local services. Finally, the proposal has been reviewed by Council's Traffic Engineer, who raised no concerns regarding the traffic generation resulting from the proposed development.
- Concerns with the Developer
Comment:
The developer's conduct is not a planning matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

MEDIATION

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Landscape Officer	<p>The landscape component of the proposal is acceptable subject to the completion of landscaping and any amendments as conditioned.</p> <p>Council's landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls: C1.1 Landscaping C6.2 Natural Environment and Landscaping Principles D16.5 Landscaped Area for Newly Created Individual Allotments</p>
NECC (Bushland and Biodiversity)	<p>Council's Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B4.15 Saltmarsh Ecological Endangered Community, and believes the proposed development complies subject to conditions, as recommended.</p>
NECC (Development Engineering)	<p>Development Engineers cannot support the proposal due to the following reason.</p> <p>According to Council's records a 1050mm diameter conveying public road stormwater from Warriewood Road was recently constructed along the western side of the development site. However, the location and depth of the pipeline is not shown on the architectural plans. An easement of 3.5 metres will be required over this pipeline as per section 5.14 of Pittwater DCP. Centerline of the drainage easement is to be positioned over the centerline of the existing pipeline.</p> <p>Insufficient details are submitted to demonstrate compliance with sections B5.12 and B.14 of Pittwater DCP with respect to clearances to Council's pipeline.</p> <p>Note: 1. Vehicle access to the off-street parking facility is satisfactory using Council's standard 'Normal' driveway profile. 2. The basement car parking area will require tanking or permanent waterproofing as recommended in the geotechnical engineering report (trim 2018/245188).</p> <p><u>Assessing Officer's Comment:</u></p> <p>As per Deferred Commencement conditions, the proposed 3.5m wide drainage easement along the western boundary is to be created under Sections 88B of the Conveyancing Act 1919. Further, a survey</p>

Internal Referral Body	Comments
	<p>demonstrating the location and depth of the stormwater pipeline running along the western boundary of the subject site is to be submitted to Council. The applicant must provide Council with evidence of the creation of the easement and the location of the pipe in order to activate the consent.</p> <p><u>Further assessment dated 13/11/2018</u></p> <p>As requested by Council's Development Assessment Officer, Development Engineers have issued recommended conditions of consent.</p>
NECC (Riparian Lands and Creeks)	The riparian impacts and creek rehabilitation were dealt with in the entire lot subdivision and do not apply to this application.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The Water Management Report prepared by Civil Certification Pty Ltd dated 4 December 2017 identifies that the site is subject to both mainstream and overland flow flooding. Following completion of the civil works a site specific DRAINS model has been prepared. This demonstrates that the overland flows along the western boundary of 31 Warriewood Road are appropriately contained within the roadways and will not pose a flood risk to the proposed development. The floor level of the proposed development is located above the Flood Planning Level for Narrabeen Creek. The application is recommended for approval.
NECC (Water Management)	<p>The application has responded satisfactorily to the concerns regarding water quality management raised in the previous application for an RFB on eight consolidated lots.</p> <p>Groundwater should be managed as advised in the Geotechnical Report prepared by Alliance Geotechnical 20th December 2017 and the conditions provided by the development engineer. Dewatering should be managed without impact to the bioretention/detention system, with discharges meeting requirements as specified in the operational dewatering condition.</p>
Strategic and Place Planning (Urban Design)	<p>The proposal in its current form can be supported conditional upon the following changes being addressed in the final design:</p> <p>1. SEPP 65-Design Quality of Residential Apartment Development (ADG)</p> <p><i>3B Orientation</i> <i>Objective 3B-1 Building Types</i> <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development</i></p> <p><i>Objective 3B-2 Overshadowing</i> <i>Overshadowing of neighbouring properties is minimised during winter</i></p> <p>RESPONSE Apartments 1.08, 1.09, 2.08, 2.09, 2.10, 3.02 and a portion of 3.03 to the north of the site will have overshadowing effects to apartments</p>

Internal Referral Body	Comments
	<p>1.07, 1.10, 2.07, 2.11, 3.01 and portion of 3.03. Minor encroachments are acceptable. Reduction of overshadowing can be readily achieved. The applicant is encouraged to amend planning to remedy any effects of the overshadowing</p> <p><i>3D Communal Open Space Design Criteria 3D1.2 Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter)</i></p> <p>RESPONSE The communal open space on Level 1 is located on the southern part of the site. The effect of shadows cast across this area will overshadow the space. A more logical location for the Level 1 communal open space would be the northern side of the site to allow for adequate sunlight. The applicant is encouraged to explore this option.</p> <p><i>3E Deep Soil Zones Design Guidance Communal open space should be co-located with deep soil planting zones.</i></p> <p>RESPONSE A minimum of deep soil planting zones in the communal area on Level 1 will be difficult to achieve with parking below. Demonstration of adequate depth to the deep soil planting zone to the minimum requirements under ADG is to be demonstrated in accordance with 3E Deep soil zones' Design Criteria (page 60-61 ADG Figures 3E1 and 3E.2 and Table 2).</p> <p><i>4F Common Circulation and spaces Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments Design Guidance Longer corridors greater than 12 metres in length from the lift core should be articulated. Design solutions may include;</i></p> <ul style="list-style-type: none"> • A series of foyer areas with windows and spaces for seating • Wider areas at apartment entry doors and varied ceiling heights <p>RESPONSE The main corridor through long section should provide relief and articulation as suggested by the guidance note of the ADG (Page 97). Amendments to the design of the corridor, to allow for recess and relief through articulation to avoid the extended length is readily achievable.</p> <p><i>4H Acoustic Privacy Design Guidance</i></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • <i>Rooms with similar noise requirements are grouped together</i> • <i>Doors separate different use zones</i> • <i>Wardrobes in bedrooms are co-located to act as sound buffers</i> <p>RESPONSE There are several units where bedrooms are adjacent outdoor private spaces. Planning consideration to avoid these adjacencies that pose potential acoustic privacy issues of residents' is to be addressed.</p> <p>2. Built Form Controls:</p> <p><i>Pittwater 21 DCP 2011</i></p> <p><i>Height of Buildings</i> The noted minor exceedance to the height of the building as demonstrated on drawing DA207 is acceptable.</p> <p><i>C1.5 – Visual Privacy</i> <i>Outcomes</i> <i>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</i> <i>A sense of territory and safety is provided for residents. (S)</i> <i>Controls</i> <i>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</i> <i>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</i> <i>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</i></p> <p>RESPONSE The proposed balconies 1.03, 2.01, 2.02, 2.03 and 2.11 will overlook the private open spaces of the future adjoining property to the east (as demonstrated in the DA submission discussed in the additional proposed development's SEE) Screening devices incorporated into the design will be required to minimise privacy / overlooking issues to the future adjacent property.</p> <p>Similarly the proposed rooftop Communal open area poses overlooking issues to the future dwellings on the adjacent lots to the east. Privacy screenings or deep soil planting in this location are to achieve heights sufficient to mitigate the issue.</p> <p><i>C6.7 Landscape Area (Sector, Buffer Area or Development Site)</i> <i>Outcomes</i></p>

Internal Referral Body	Comments
	<p><i>Achieve the desired future character of the Locality. Conservation of natural vegetation and biodiversity and minimisation of the ecological footprint of development. Vegetation is retained and enhanced to screen and soften the appearance of the built form. Stormwater runoff is appropriately managed and reduced, preventing soil erosion and siltation of natural drainage channels. To ensure the provision of an attractive and landscaped streetscape, enhanced by street tree planting and deep soil landscaping. Landscaped areas are predominately areas of deep soil.</i></p> <p>Controls <i>Where a sector, buffer area or development site has a frontage to a creek, a minimum 35% of the site area is to be landscaped area. . .</i></p> <p>RESPONSE Landscaped open area has been assumed by the proponent as 25% landscaped area. As the rear of the site fronts the creek catchment this requires a minimum of 35% Landscaped open area.</p> <p><i>DCP Warriewood Valley Locality</i></p> <p><i>D16.6 Front Building Lines</i></p> <p>Outcomes <i>. . .The bulk and scale of the built form is minimised. . .</i></p> <p>RESPONSE Upper Level 2 apartments 3A and 3C are to provide further setback from Lorikeet Grove Street frontage of between 4-6 metres.</p> <p>Similarly the upper levels fronting the 'Proposed Access Street' to provide between 4-6m setback from the lower units to provide a lessening of the building bulk to the street frontage.</p> <p>Controls <i>Residential Flat Buildings or Multi Dwelling Housing fronting all other streets other than Warriewood Road, Garden Street and Macpherson Street. 3 4.5 4.5*</i></p> <p>Variations <i>Variations to the applicable minimum front building line will be considered on merit for lots with a depth less than 22m. Support of the variation is dependent upon the applicant successfully demonstrating (in the Council's opinion) that the relevant outcomes can be achieved notwithstanding the numerical non-compliance.</i></p> <p>RESPONSE Encroachment into the front building line is approx. 1.5 metres as demonstrated on drawing DA 203. The applicant is to address the design of the units on this street frontage to reduce this encroachment with no more than 500mm which would be acceptable.</p>

Internal Referral Body	Comments
	<p><i>D16.7 Side Building Line Residential Flat Buildings, Mixed Use Developments, Shop Top Housing, Seniors Housing and Multi Dwelling Housing.</i></p> <p>RESPONSE As a minimum, the side building line is to be 3m on both sides. There are minor encroachments into the side building line by about 400mm. Unit 2.11 on the upper level encroaches the 6m required setback by about 970mm, almost a metre. Where possible design should address this encroachment.</p> <p><i>D16.9 Overshadowing Overshadowing on neighbouring property . . . where adjoining neighbouring property is vacant, at least 50% of the rear yard area of the adjoining land is to receive sunshine in accordance with this control.</i></p> <p>RESPONSE As the adjoining property is yet to be developed but a current DA is lodged for the adjoining land, overshadowing is to be assessed in accordance with the D16 Warriewood Valley Locality DCP Control D16.9 Solar Access to ensure the control is achieved for the proposed development. Refer Built Form Controls D16.9 Overshadowing on neighbouring property . . . where adjoining neighbouring property is vacant, at least 50% of the rear yard area of the adjoining land is to receive sunshine in accordance with this control. As the adjoining property is yet to be developed but a current DA is lodged for the adjoining land overshadowing is to be assessed in accordance with the D16 Warriewood Valley Locality DCP Control D16.9 Solar Access to ensure the control is achieved for the future development.</p> <p><u>Assessing Officer's Comment:</u> The proposed development is acceptable in relation to overshadowing, circulation spaces, acoustic privacy, visual privacy, landscaped area, front building line and side building line, as demonstrated throughout this report. As such, design amendments are not considered necessary in this case.</p>
Traffic Engineer	<p>Traffic Generation The site comprises 27 units. In accordance with the RMS Guide to Traffic Generating Developments, it is classified as a High Density Residential Flat building. Accordingly, it is anticipated to produce 6 vehicles in the AM and 5 vehicles in the Pm peak periods. This is considered negligible on the local road network.</p> <p>Parking Numbers The applicant proposes 62 parking spaces comprising:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • 52 Residential • 10 visitor <p>in accordance with DCP requirements, the applicant is to provide 62 spaces with the following breakdown:</p> <ul style="list-style-type: none"> • 52 residential including 1 accessible parking space per adaptable living dwelling. • 7 visitor • 2 disabled • 1 car wash • 9 Bicycle spaces <p>Car Park Layout</p> <p>Ramp Grades are adequate. Aisle widths are adequate. Parking bays are adequate. Applicant has illustrated 3 disabled parking spaces. The single space is not designed adequately. It needs to provide a 2.4m parking space with an additional 2.4m shared zone to accommodate loading and unloading of disabled patrons and equipment. It should be noted that the development only requires provision of 2. Therefore the applicant is able to remove the third accessible space and replace it with the required car wash bay. This will avoid having to share a standard parking space as a car wash bay. All bays will need to be numbered and marked so as to identify visitor and residential spaces.</p> <p><u>Assessing Officer's Comment:</u> Clause B6.3 Off-Street Vehicle Parking Requirements of the P21 DCP requires parking to be provided for residential flat buildings at the following rate:</p> <ul style="list-style-type: none"> • 1 space per dwelling with one bedroom; • 2 spaces per dwelling with two or more units; • 1 space per adaptable dwelling, in accordance with AS 4299-1995: Adaptable Housing; • 3% of required parking spaces as accessible spaces, excluding that relied upon for adaptable housing; • 1 visitor space per three dwellings; • Provision for garbage collection, removalist vans and emergency vehicles; • A vehicle wash bay for developments with 10 or more dwellings; and • 1 bicycle space per three dwellings. <p>The proposed development includes 27 dwellings, comprised of three 1-bedroom units, eight 2-bedroom units, fourteen 3-bedroom units,</p>

Internal Referral Body	Comments
	<p>and two 4-bedroom units. This requires parking as follows:</p> <ul style="list-style-type: none"> • 3 spaces for the three dwellings with one bedroom; • 48 spaces for the remaining 24 dwellings with two or more bedrooms; • No accessible parking required for Silver Level adaptable units; and • 9 visitor spaces for the 27 dwellings. <p>This totals 51 residential parking spaces and 9 visitor spaces, requiring 2 accessible parking spaces. The development must also provide:</p> <ul style="list-style-type: none"> • Provision for garbage collection, removalist vans and emergency vehicles; • 1 vehicle wash bay; and • 9 bicycles spaces. <p>The proposed development provides 62 parking spaces as follows:</p> <ul style="list-style-type: none"> • 52 residential spaces (including two accessible spaces); • 10 visitor spaces (including 1 accessible space, and 1 space also used for car wash bay); • Provision for garbage collection, removalist vans and emergency vehicles in the front setback; and • 9 bicycle spaces. <p>The accessible parking space referred to above is 2.4m wide with a 2.4m wide shared space. As such, the proposed development complies with the required parking and no change is required.</p>
Waste Officer	No objections are raised by Council's Waste Officer, subject to conditions of consent.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	The NSW Rural Fire Service has provided General Terms of Approval in relation to the application. The development must be carried out in compliance with all recommendations and requirements within the General Terms of Approval document.

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been vacant 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.

SEPP 65 - Design Quality of Residential Apartment Development

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

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

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

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

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

As previously outlined the proposed development is for the erection of a three-storey residential flat 'housing' development plus basement car parking for the provisions of 27 self-contained dwellings.

As per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a Design Verification Certificate from the building designer at lodgement of the development application. This documentation has been submitted.

Clause 28 of SEPP 65 requires:

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

DESIGN REVIEW PANEL

Northern Beaches Council does not have an appointed Design Review Panel.

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment

below.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

Principle 6: Amenity

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

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

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The proposal is consistent with this principle, as demonstrated in the ADG assessment below.

APARTMENT DESIGN GUIDE

The following table is an assessment against the criteria of the 'Apartment Design Guide' as required by SEPP 65.

Development Control	Criteria / Guideline	Comments
Part 3 Siting the Development		
Site Analysis	Does the development relate well to its context and is it sited appropriately?	The proposal is satisfactory in relation to this clause. The proposal relates well to its context (being an area zoned for medium density residential developments) and is sited in order to address the street frontage and its remaining boundaries well.
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	The proposal is satisfactory in relation to this clause. The proposal is orientated in order to provide adequate solar access and amenity to the

		subject site and adjacent sites.												
Public Domain Interface	<p>Does the development transition well between the private and public domain without compromising safety and security?</p> <p>Is the amenity of the public domain retained and enhanced?</p>	The proposal is satisfactory in relation to this clause. The proposal provides a suitable transition by providing clear delineation between the public and private domain.												
Communal and Public Open Space	<p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter) 	The proposal includes 720sqm of the 2,917sqm site as communal open space. This equates to 24.6% of the site. The communal open spaces are located so that the solar access requirements are achieved. The non-compliance with this clause is minor. The proposal is considered to meet the intention of this clause and is satisfactory.												
Deep Soil Zones	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7%	650m ² – 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	The proposal is satisfactory in relation to this clause. The proposal includes 237sqm of the 2,917sqm site as deep soil zones. This equates to 8% of the site. The areas noted as deep soil zones include dimensions of at least 6m.
Site area	Minimum dimensions	Deep soil zone (% of site area)												
Less than 650m ²	-	7%												
650m ² – 1,500m ²	3m													
Greater than 1,500m ²	6m													
Greater than 1,500m ² with significant existing tree cover	6m													
Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4</td> <td>6m</td> <td>3m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4	6m	3m	At Level 1, the southeastern corner of the private open space to Unit 1.10 is setback 2.6m from the southeastern boundary. At Level 2, the southeastern corner of the private open space to Unit						
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4	6m	3m												

	<table border="1" data-bbox="427 264 1074 472"> <tr> <td data-bbox="427 264 644 309">storeys)</td> <td data-bbox="644 264 858 309"></td> <td data-bbox="858 264 1074 309"></td> </tr> <tr> <td data-bbox="427 309 644 387">Up to 25m (5-8 storeys)</td> <td data-bbox="644 309 858 387">9m</td> <td data-bbox="858 309 1074 387">4.5m</td> </tr> <tr> <td data-bbox="427 387 644 472">Over 25m (9+ storeys)</td> <td data-bbox="644 387 858 472">12m</td> <td data-bbox="858 387 1074 472">6m</td> </tr> </table> <p data-bbox="411 510 1058 611">Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p data-bbox="411 651 1090 752"><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p>	storeys)			Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p data-bbox="1098 264 1444 544">1.10 is setback 5.03m from the southeastern boundary. The non-compliances with this clause are minor and the proposal is otherwise compliant with the building separation requirements.</p> <p data-bbox="1098 544 1444 651">The proposal is considered to meet the intention of this clause and is satisfactory.</p>
storeys)											
Up to 25m (5-8 storeys)	9m	4.5m									
Over 25m (9+ storeys)	12m	6m									
<p data-bbox="116 768 395 835">Pedestrian Access and entries</p>	<p data-bbox="411 768 1050 869">Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p data-bbox="411 909 1050 976">Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p data-bbox="1098 768 1444 1081">The proposal is satisfactory in relation to this clause. The proposal includes a clear and easy to identify pedestrian entry that connects to the Lorikeet Grove. The pedestrian entry is level and therefore accessible.</p>									
<p data-bbox="116 1093 347 1126">Vehicle Access</p>	<p data-bbox="411 1093 1090 1227">Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	<p data-bbox="1098 1093 1444 1373">The proposal is satisfactory in relation to this clause. The proposal clearly separates the pedestrian and vehicular entry points in order to prevent conflicts between pedestrians and vehicles.</p>									
<p data-bbox="116 1384 355 1451">Bicycle and Car Parking</p>	<p data-bbox="411 1384 978 1417">For development in the following locations:</p> <ul data-bbox="443 1458 1082 1697" style="list-style-type: none"> <li data-bbox="443 1458 1034 1559">• On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or <li data-bbox="443 1559 1082 1697">• On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p data-bbox="411 1776 1082 1944">The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p data-bbox="411 1984 1066 2051">The car parking needs for a development must be provided off street.</p> <p data-bbox="411 2092 1074 2125">Parking and facilities are provided for other modes</p>	<p data-bbox="1098 1384 1444 1865">This clause is not applicable, as the subject site is not located within 80m of a railway station or light rail stop in the Sydney Metropolitan Area and is not on land zoned or within 400m of land zoned, B3 Commercial Core, B4 Mixed Use. See comments in relation to Clause B6.3 of the Pittwater 21 DCP 2014.</p>									

of transport.

Visual and environmental impacts are minimised.

Part 4 Designing the Building

Amenity

Solar and Daylight Access	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none">• Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.• A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	<p>The proposal includes 18 units with compliant solar access. This equates to 66.6% of apartments. One additional unit meets the solar access requirements through skylights. The proposal includes 4 units with no direct solar access. This equates to 15% of apartments. The proposal is considered to meet the intention of this clause and is satisfactory.</p>										
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none">• At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.• Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.	<p>The proposal includes 15 units with compliant natural cross-ventilation. This equates to 55.5% of apartments. An additional three apartments meet natural cross-ventilation requirements through skylights. The proposal is considered to meet the intention of this clause and is satisfactory.</p>										
Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="427 1653 1072 2136"><thead><tr><th colspan="2">Minimum ceiling height</th></tr></thead><tbody><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>2.7m for main living area floor</td></tr></tbody></table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	2.7m for main living area floor	<p>The proposal is satisfactory in relation to this clause. The proposal includes floor to ceiling heights of 2.7m at each level.</p>
Minimum ceiling height												
Habitable rooms	2.7m											
Non-habitable	2.4m											
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Attic spaces	2.7m for main living area floor											

	2.4m for second floor, where its area does not exceed 50% of the apartment area
If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area

Apartment Size and Layout

Apartments are required to have the following minimum internal areas:

Apartment type	Minimum internal area
Studio	35m ²
1 bedroom	50m ²
2 bedroom	70m ²
3 bedroom	90m ²

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).

Bedrooms have a minimum dimension of 3m (excluding wardrobe space).

Living rooms or combined living/dining rooms have a minimum width of:

- 3.6m for studio and 1 bedroom apartments
- 4m for 2 and 3 bedroom apartments

The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts

The proposal includes compliant minimum internal areas, glazing dimensions, bedroom dimensions and living room dimensions. The proposal includes predominantly compliant maximum habitable room depths, with the exception of Units 1.06, 1.07, 2.06, and 2.07, which include maximum room depths of 8.6m, and Unit 2.10, which includes a maximum room depth of 8.75m. However, the dimensions of glazing to the relevant rooms in the cases of these units are of great enough dimensions to provide adequate light and meet the intention of this clause. The proposal is therefore considered satisfactory in relation to this clause.

Private Open

All apartments are required to have primary

The proposal meets the

Space and Balconies

balconies as follows:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 bedroom apartments	8m ²	2m
2 bedroom apartments	10m ²	2m
3+ bedroom apartments	12m ²	2.4m

For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.

minimum private open space area requirements for all apartments. The proposal includes non-compliances to the minimum depth of the private open spaces of Units 1.08, 1.09 and 2.08, which include maximum dimensions of 2.2m or 2.3m. The non-compliances are minor and the proposal is considered to meet the intention of this clause. The proposal is therefore considered satisfactory in relation to this clause.

Common Circulation and Spaces

The maximum number of apartments off a circulation core on a single level is eight.

For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Longer corridors greater than 12m in length from the lift core should be articulated.

The proposal is satisfactory in relation to this clause. The proposal includes two circulation cores servicing the 27 units. At the ground floor, three units rely on one circulation core. At Level 1, ten units rely on two circulation cores. At Level 2, eleven units rely on two circulation cores. At Level 3, three units rely on one circulation core. While the proposal includes a corridor longer than 12m in length, no resident or visitor is required to travel longer than 12m from a circulation core to their unit.

Storage

In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

Dwelling Type	Storage size volume
Studio apartments	4m ²
1 bedroom apartments	6m ²
2 bedroom apartments	8m ²
3+ bedroom apartments	10m ²

At least 50% of the required storage is to be located within the apartment.

The proposal is satisfactory in relation to this clause. The proposal includes at least 50% of the required storage in each apartment, and provides the remaining (and more) storage area in the basement.

Acoustic Privacy

Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.

The proposal includes the following room use conflicts in relation acoustic privacy:

- The living room of Unit 1.01 is adjacent to the bedroom of Unit 1.02
- The private open space of Unit 1.03 is adjacent to the bedroom of Unit 1.02
- The private open space of Unit 1.05 is adjacent to the bedroom of Unit 1.04
- The kitchen of Unit 1.10 is adjacent to the bedroom of Unit 1.09
- The living room of Unit 2.01 is adjacent to the bedroom of Unit 2.02
- The private open space of Unit 2.03 is adjacent to the bedroom of Unit 2.02
- The living room of Unit 2.09 is adjacent to the bedroom of Unit 2.08
- The kitchen of Unit 2.10 is adjacent to the bedroom of Unit 2.09
- The living room and

		<p>kitchen of Unit 3.03 is adjacent to the bedroom of Unit 3.02</p> <p>The proposal also includes circulation cores within 3m of the bedrooms of Units 0.03, 1.05, 1.06, 1.10, 2.05, 2.06, 2.11 and 3.03.</p> <p>However, the proposal meets the relevant Building Code of Australia requirements in relation to acoustic privacy. The proposal is therefore considered satisfactory in relation to this clause.</p>
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	The proposal is satisfactory in relation to this clause. The proposal is sited in such a way that mitigates the impacts of noise and pollution on the subject site and adjacent sites.
Configuration		
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	<p>The proposal is satisfactory in relation to this clause. The proposal includes:</p> <ul style="list-style-type: none"> • Three x 1-bedroom/1-bathroom apartment; • Eight x 2-bedroom/2-bathroom apartments; • Fourteen x 3-bedroom/2-bathroom apartments; and • Two x 4-bedroom/3-

bathroom
apartments.

Facades

Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.

The proposal is satisfactory in relation to this clause. The proposal includes articulation and modulation along each of the building facades in order to create visual interest. The proposal is consistent with the Warriewood Valley Locality statement at Clause A4.16 of the Pittwater 21 DCP 2014, so is consistent with the desired character of the area.

Roof Design

Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features.
Test whether the roof space can be maximised for residential accomodation and open space.

The proposal is satisfactory in relation to this clause. The proposal includes 34 solar panels on the roof to assist in providing power to the building.

Landscape Design

Was a landscape plan submitted and does it respond well to the existitng site conditions and context.

The proposal is satisfactory in relation to this clause. A landscape plan that responds well to the existing site and its context was submitted with the application.

Planting on Structures

When planting on structures the following are recommended as minimum standards for a range of plant sizes:

Plant type	Definition	Soil Volume	Soil Depth	Soil Area
Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent
Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent
Small trees	6-8m high, up to 4m crown	9m ³	800mm	3.5m x 3.5m or equivalent

The proposal is satisfactory in relation to this clause. The proposal includes adequate soil volume, depth and dimensions, as detailed in the submitted landscape plans.

	<table border="1"> <tr> <td></td> <td>spread at maturity</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Shrubs</td> <td></td> <td></td> <td>500-600mm</td> <td></td> </tr> <tr> <td>Ground Cover</td> <td></td> <td></td> <td>300-450mm</td> <td></td> </tr> <tr> <td>Turf</td> <td></td> <td></td> <td>200mm</td> <td></td> </tr> </table>		spread at maturity				Shrubs			500-600mm		Ground Cover			300-450mm		Turf			200mm		
	spread at maturity																					
Shrubs			500-600mm																			
Ground Cover			300-450mm																			
Turf			200mm																			
Universal Design	Developments are to achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.	The proposal is satisfactory in relation to this clause. The proposal includes 7 adaptable units. This equates to 25.9% of apartments. However, only two accessible residential car spaces are provided within the basement.																				
Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	This clause is not applicable as adaptive reuse is not proposed.																				
Mixed Use	<p>Can the development be accessed through public transport and does it positively contribute to the public domain?</p> <p>Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.</p>	This clause is not applicable as the proposal is for residential use only.																				
Awnings and Signage	<p>Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development.</p> <p>Signage must respond to the existing streetscape character and context.</p>	The pedestrian entry is located under the proposed first floor balconies and is therefore covered. No signage is proposed. The proposal is considered to meet the intention of this clause and is satisfactory.																				
Performance																						
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	The proposal is satisfactory in relation to this clause.																				
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	The proposal is satisfactory in relation to this clause.																				
Waste Management	Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and recycling.	The proposal is satisfactory in relation to this clause.																				

Building Maintenance	Incorporates a design and material selection that ensures the longevity and sustainability of the building.	The proposal is satisfactory in relation to this clause.
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STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

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

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

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

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

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

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) the design quality principles, and
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

(3) To remove doubt:

- (a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and
- (b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

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

A BASIX certificate has been submitted with the application (see Certificate No. 747311M_03 dated 23 February 2018). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 1012304877 dated 24 February 2018).

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

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

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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.

Comment:

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.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies

Height of Buildings:	10.5m	10.64m	1.3%	No
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Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No
4.6 Exceptions to development standards	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

See detailed assessment in the section of this report relating to Clause 4.6 Exceptions to Development Standards of the Pittwater LEP 2014.

4.6 Exceptions to development standards

Description of non-compliance:

The proposed development includes a height of building of 10.64m, where Clause 4.3 Height of Buildings of the Pittwater LEP 2014 has a maximum building height of 10.5m for the site.

Requirement:	10.5m
Proposed:	10.64m
Is the planning control in question a development standard?	YES
If numerical enter a % variation to requirement	1.3%

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 Height of Buildings development standard has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* and an assessment of the request to vary the development standard in accordance with the requirements of Clause 4.6 is provided below:

Clause 4.6 Exceptions to development standards:

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

(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.

Comment:

Clause 4.3 Height of Building development standard is not 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.

(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

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

(b) the concurrence of the Secretary has been obtained.

Cl 4.6 (4)(a)(i) (Justification) Assessment:

Cl 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6 (3) and these are addressed as follows:

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

Comment:

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard. In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

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

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that that there are sufficient environmental planning

grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

S1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The Applicant's written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard. In doing so, the Applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land and that the building is of a good design and will protect the amenity of the surrounding built environment therefore satisfying cl 1.3(c)(g) of the EPA Act.

In this regard, the applicants written request has adequately demonstrated the that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Cl 4.6 (4)(a)(ii) (Public Interest) Assessment:

Cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

- (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:

In considering whether or not the proposed development will be in the public interest consideration must be given to the underlying objectives of the Floor space ratio development standard and the

objectives of the R3 Medium Density Residential zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of cl 4.3 Height of Building development standard are:

(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment:

The proposed development is non-compliant in relation to the height of building development to the solar panels on the roof only, with the building proper being compliant. Further, the proposed development is acceptable in relation to the built form controls within the P21 DCP, SEPP 65, and the ADG, thereby demonstrating the site is acceptable in relation to its height and scale. Finally, the proposed development is acceptable in relation to the requirements of Clause A4.16 Warriewood Valley Locality of the P21 DCP and therefore achieves the desired future character of the locality. The development satisfies this objective.

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

Comment:

As above, the proposed development is non-compliant in relation to the height of building development to the solar panels on the roof only, with the building proper being compliant. The 10.5m maximum height of building envisages a three-storey development, and the proposed development reads as a three-storey building from each street frontage and elevation. The proposed development includes adequate setbacks and articulation so as not to unreasonably impact on the amenity of nearby existing and future two-storey dwellings. As such, the proposal is compatible with the height and scale of surrounding and nearby development. The development satisfies this objective.

(c) to minimise any overshadowing of neighbouring properties,

Comment:

The shadow diagrams submitted with the proposed development demonstrate adequate solar access to the subject site and adjacent sites. The development satisfies this objective.

(d) to allow for the reasonable sharing of views,

Comment:

The proposed development does not unreasonably impact upon views to or from the subject site or adjacent sites. The development satisfies this objective.

(e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The proposed development height steps down with the topography of the land, with the majority of the development well under the 10.5m maximum building height plane. While the overall building is three-storeys in height, the central portion of the development appears as a two-storey development, thereby reducing the visual impact of the development, considering the topography of the land. The development satisfies this objective.

(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment:

The proposed development is adequately landscaped in order to reduce the visual impact of the proposed development on the natural environment. The subject site and surrounding sites are not heritage-listed, nor in a heritage conservation area. The development satisfies this objective.

Conclusion:

The proposed development satisfies the underlying objectives of the height of building development standard.

Zone objectives

The underlying objectives of the R3 Medium Density Residential zone

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

Comment:

The proposed development provides a medium-density residential flat building, containing 27 new dwellings to serve the housing needs of the community.

- *To provide a variety of housing types within a medium density residential environment.*

Comment:

The proposed development provides medium-density residential flat building comprising of a mix of one-, two-, three-, and four-bedroom dwellings.

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

Comment:

Not applicable. The proposed development provides a residential land use.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Comment:

Not applicable. The proposed development provides a residential land use.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R1 General Residential zone.

CI 4.6 (4)(b) (Concurrence of the Secretary) assessment:

Cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS 18-003 dated 21 February 2018, 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. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Local Planning Panel.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line (Southwest)	3m to articulation zone	Min. 2.4m (varies) Min. 4.8m (varies)	20% N/A	No Yes

	4.5m to dwelling			
Front building line (Northeast)	3m to articulation zone 4.5m to dwelling	Min. 3m (varies) Min. 5.7m (varies)	N/A	Yes
Side building line	3m	Northwest: Min. 3.86m (varies) Southeast: Min. 1.7m (varies)	N/A 43%	Yes No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes
C1.23 Eaves	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	Yes	Yes
D16.6 Front building lines	No	Yes
D16.7 Side and rear building lines	No	Yes
D16.8 Spatial Separation	No	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	No	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	No	Yes
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

B8.6 Construction and Demolition - Traffic Management Plan

The submitted Construction Traffic Management Plan (CTMP) does not indicate that it was prepared by a suitably qualified person holding a current 'Prepare a Work Zone Traffic Management Plan' accreditation. A condition of consent requiring the submission of a CTMP prepared by a suitably qualified person has been applied.

C1.23 Eaves

A variation to this control may be granted where the development is shop top housing, residential flat buildings or multi dwelling housing. The proposal is for a residential flat building. Further, the proposal is compliant with BASIX requirements, which includes measures for shading.

D16.6 Front building lines

The proposed development includes a variable front setback within the articulation zone. The proposal is predominantly compliant with this clause, though includes a minor breach at the south-eastern corners of Levels 1 and 2, with a front setback of 2.4m. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

To achieve the desired future character of the Locality.

The proposed development is acceptable in relation to the requirements of Clause A4.16 Warriewood Valley Locality of the P21 DCP and therefore achieves the desired future character of the locality.

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

The proposed development requires significant earthworks. However, the proposed development is consistent with the requirements of the P21 DCP in relation to earthworks and excavation. Further, the non-compliance in relation to the front setback do not contribute to site disturbance, as they are above ground.

The bulk and scale of the built form is minimised.

The proposed development includes other minor non-compliances with the built form controls in relation

to building height, and side building line. However, each of these non-compliances is acceptable for the reasons detailed throughout this report. This demonstrates that the proposal is not of unreasonable bulk and scale in its context.

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

The proposed non-compliances are minor in nature and do not present inconsistency with the envisaged built form alignment in the streetscape. The proposed development includes adequate landscaping, comprising of deep soil zones and tree planting within the front setback, in order to provide a spacious and attractive streetscape.

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

The proposed development is adequately designed so as not to unreasonably impact upon views or vistas to or from public or private spaces.

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

The proposal demonstrates compliant and therefore adequate vegetation. The proposal includes appropriate vegetation types in order to screen the visual impact of the proposed built form.

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

The proposed development employs a basement carpark, so does not present an unreasonable imposition on the streetscape in relation to parking.

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

The proposed development is designed in order to provide adequate privacy, amenity and solar access to the subject site and adjacent sites, as demonstrated throughout this report. While relating to balconies, the proposed non-compliant corners to the front setback do not result in unreasonable privacy impacts, as they present to the street frontage, rather than to other dwellings adjacent to the site.

D16.7 Side and rear building lines

The proposed development includes a variable side setback to the eastern boundary. The proposal is predominantly compliant with this clause, though includes minor breaches to corner elements of the development, with varying setbacks (minimum 1.7m). The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

To achieve the desired future character of the Locality.

The proposed development is acceptable in relation to the requirements of Clause A4.16 Warriewood Valley Locality of the P21 DCP and therefore achieves the desired future character of the locality.

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

The proposed development requires significant earthworks. However, the proposed development is consistent with the requirements of the P21 DCP in relation to earthworks and excavation, and the side setback non-compliances (which partly rely on excavation) are minor in nature.

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

The proposed development includes other minor non-compliances with the built form controls in relation to building height, and front building line. However, each of these non-compliances is acceptable for the

reasons detailed throughout this report. This demonstrates that the proposal is not of unreasonable bulk and scale in its context.

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

The proposal includes significant articulation and modulation, in order to provide appropriate breaks in building bulk, while also maintaining a regular rhythm of built form on site. The proposed development is predominantly compliant with the side building line control.

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

The proposal includes landscaping around the entirety of the building, at each elevation. Additionally, the proposed development provides acceptable landscaped area and deep soil zones.

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

The proposed development is adequately designed so as not to unreasonably impact upon views or vistas to or from public or private spaces.

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

The proposal demonstrates compliant and therefore adequate vegetation. The proposal includes appropriate vegetation types in order to screen the visual impact of the proposed built form.

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

The proposed development is designed in order to provide adequate privacy, amenity and solar access to the subject site and adjacent sites, as demonstrated throughout this report. The proposed non-compliant corners to the side setback do not result in unreasonable privacy, amenity or solar access impacts, as they relate to blank walls at the lower levels of the development, with a north-south orientation.

D16.8 Spatial Separation

This clause requires minimum separation of 6m for habitable rooms and balconies, and 3m for non-habitable rooms, for residential flat building developments. At Level 1, the southeastern corner of the private open space to Unit 1.10 is setback 2.6m from the southeastern boundary. At Level 2, the southeastern corner of the private open space to Unit 1.10 is setback 5.03m from the southeastern boundary. The proposal is otherwise compliant with the building separation requirements. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

To achieve the desired future character of the Locality.

The proposed development is acceptable in relation to the requirements of Clause A4.16 Warriewood Valley Locality of the P21 DCP and therefore achieves the desired future character of the locality.

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

The proposed development requires significant earthworks. However, the proposed development is consistent with the requirements of the P21 DCP in relation to earthworks and excavation. Additionally, the proposed development provides compliant landscaped area and deep soil zones, thereby providing adequate soft surface.

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

The proposed development includes minor non-compliances with the built form controls in relation to building height, front setback and side building line. However, each of these non-compliances is

acceptable for the reasons detailed throughout this report. This demonstrates that the proposal is not of unreasonable bulk and scale in its context.

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

The proposal includes significant articulation and modulation, in order to provide appropriate breaks in building bulk, while also maintaining a regular rhythm of built form on site. The proposed development is predominantly compliant with the spatial separation control.

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

The proposal includes landscaping around the entirety of the building, at each elevation. Additionally, the proposed development provides acceptable landscaped area and deep soil zones.

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

The proposed development is adequately designed so as not to unreasonably impact upon views or vistas to or from public or private spaces.

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

The proposal demonstrates compliant and therefore adequate vegetation. The proposal includes appropriate vegetation types in order to screen the visual impact of the proposed built form.

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

The proposed development is designed in order to provide adequate privacy, amenity and solar access to the subject site and adjacent sites, as demonstrated throughout this report.

D16.10 Private and Communal Open Space Areas

The proposed development does not provide compliant private open space or communal open space dimensions in accordance with this clause. However, this clause is overridden by the *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65) and the Apartment Design Guide (ADG). The proposal is acceptable in relation to SEPP 65 and the ADG, for the reasons detailed in the section of this report relating to SEPP 65. The proposal is otherwise compliant with this clause.

D16.11 Form of construction including retaining walls, terracing and undercroft areas

The proposal relies on significant earthworks. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

To achieve the desired future character of the Locality.

The proposed development is acceptable in relation to the requirements of Clause A4.16 Warriewood Valley Locality of the P21 DCP and therefore achieves the desired future character of the locality.

To protect and minimise disturbance to natural landforms.

While the proposed development relies on significant earthworks, the proposal is not anticipated to result in any land hazards. Further, the proposal is supported by a Geotechnical Report, demonstrating that the works are acceptable, subject to the application of recommendations made in the report. The proposal also includes adequate landscaping and vegetation in order to soften the visual impact of the works.

To encourage building design to respond sensitively to natural topography.

The proposed development steps with the slope of the topography, and demonstrates an acceptable height and scale, as detailed throughout this report.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- (1) *If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) *the dedication of land free of cost, or*
 - (b) *the payment of a monetary contribution,*
- or both.*
- (2) *A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'*

Comments:

In this case, the proposed development is likely to increase the demand for public amenities and public services within the area. A contributions for the creation of the historical 8 allotments to be consolidated was levied under N0182/13. A contribution is required for the 19 additional dwellings. Accordingly, a suitable condition has been included within the recommendation requiring payment of a section 94 contribution of \$1,258,653.10 in line with Pittwater Section 94 Contribution Plan for Residential Development.

CONCLUSION

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

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

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects,

all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2018/0607 for Construction of a residential flat building, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood on land at Lot 31 DP 5464,31 Warriewood Road, WARRIEWOOD, Lot 30 DP 5464,29 Warriewood Road, WARRIEWOOD, subject to the conditions printed below:

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

DEFERRED COMMENCEMENT CONDITIONS

1. **Public stormwater drainage infrastructure**

1. A 3.5m wide drainage easement along the northern boundary of the property boundary in accordance with clause B5.14 of the Pittwater 21 Development Control Plan, is to be created under Sections 88B of the Conveyancing Act 1919.
2. All existing public stormwater drainage infrastructure traversing the development site is to be surveyed and plotted to scale on the architectural plans. Extremities of any pits and pipes are to be clearly shown to be located wholly within the 3.5 metre drainage easement.
3. Details must be submitted to demonstrate compliance with clause B5.12 of the Pittwater 21 Development Control Plan, with respect to the following:
 - No encroachments or low lying overhangs of the development are permitted over and/or within easements for stormwater drainage or over piped drainage systems or over natural water courses.
 - Structural support elements are not permitted within an easement or within the cross sectional area of an open or natural watercourse.
 - Structural support elements adjacent to an easement, piped drainage or natural water course located on the development site or on adjacent lands must be founded on a stable foundation a minimum of 300mm below the invert level of the pipe (or as directed by the Structural Engineer) to provide stability to both structure and drainage system particularly during maintenance operations.

Reason: To maintain the integrity of stormwater drainage systems and easements

2. **Temporary vehicle turning area (Lorikeet Grove)**

Plans indicating all engineering details relevant to the site regarding vehicle turning area is to be designed to accommodate the 3 point turn of Councils standard waste collection vehicle and an a Fire and Rescue NSW vehicle in accordance with Stage 2A of MOD2017/0344. The turning area is to also feature a structural engineers designed safety barrier to protect vehicles against any drop offs in accordance with the relevant Australian standard.

A Right of Carriageway (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title over all vehicular access and manoeuvring areas on the property being developed to allow vehicles to turn around at the northern end of Lorikeet Grove in accordance with MOD2017/0344.

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.

All costs related to the creation of the Right of Carriageway shall be borne by the Applicant.

Reason: To facilitate the safe movement of service vehicles

3. Registration of Lot

Proposed Lot 23 is to be registered with NSW Land Registry Services. Evidence that the lot has been registered with NSW Land Registry Services is to be provided to Council in order to activate the consent.

4. Stormwater Drainage Pipe Location and Easement

The proposed 3.5m wide drainage easement along the western boundary is to be created under Sections 88B of the Conveyancing Act 1919. The applicant must provide Council with evidence of the creation of the easement in order to activate the consent.

A survey demonstrating the location and depth of the stormwater pipeline running along the western boundary of the subject site is to be submitted to Council. The centreline of the drainage easement is to be positioned over the centreline of the pipeline.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

5. Operational Dewatering

Discharge must achieve the following water quality targets in addition to any conditions/documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by DPI Water, and legislation including Protection of The Environment Operations Act 1997 and Contaminated Lands Act 1997.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	None visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample measured as NTU	<1 hour

Note: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

Dewatering must not occur to the bioretention/detention basin until the above water quality parameters are met.
All records of water discharges and monitoring results are to be documented and kept on site.

Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to a stormwater pit and not spread over any road, footpath and the like.

Reason: Protection of the receiving environment

6. **Building materials, sedimentation**

No building materials or other materials are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or foreshore vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection

7. **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
DA201 Basement Plan	14 December 2017	DKO Architecture
DA202 Ground Floor	14 December 2017	DKO Architecture
DA203 Level 1	14 December 2017	DKO Architecture
DA204 Level 2	14 December 2017	DKO Architecture
DA205 Level 3	14 December 2017	DKO Architecture
DA206 Roof Plan	14 December 2017	DKO Architecture
DA208 Truck Turnaround	14 December 2017	DKO Architecture
DA209 Adaptable Units	14 December 2017	DKO Architecture
DA2010 Adaptable Units	14 December 2017	DKO Architecture
DA2011 Adaptable Units	14 December 2017	DKO Architecture
DA301 Elevation	14 December 2017	DKO Architecture
DA302 Elevation	14 December 2017	DKO Architecture
DA303 Section	14 December 2017	DKO Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
Stormwater and Sediment Management	27 February	Nastasi & Associates

Plan Sheet 01 of 05	2018	Consulting Civil & Structural Engineers
Stormwater and Sediment Management Plan Sheet 02 of 05	27 February 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Stormwater and Sediment Management Plan Sheet 03 of 05	27 February 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Stormwater and Sediment Management Plan Sheet 04 of 05	27 February 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Stormwater and Sediment Management Plan Sheet 05 of 05	27 February 2018	Nastasi & Associates Consulting Civil & Structural Engineers

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
ABSA Building Energy Efficiency Certificate	24 February 2018	Eco Mode Design
ABSA Class 2 Building Project Certification 1012304877	24 February 2018	Eco Mode Design
Access Assessment Report 106968-ACCESS-r2	4 December 2017	BCA Logic
Targeted Acid Sulfate Soils Assessment	September 2017	Progressive Risk Management
DA Noise Impact Assessment	16 January 2018	Acoustic Logic
BASIX Certificate No. 747311M_03	23 February 2018	Eco Mode Design
Building Code of Australia Assessment Report	6 December 2017	BCA Logic
Fire Engineering Report	29 November 2017	Affinity Fire Engineering
Bushfire Protection Assessment	December 2017	Travers Bushfire & Ecology
Construction Process Plan of Management	Undated	Applicant
Construction Traffic Management Plan	November 2017	Applicant
Flora and Fauna Assessment Report	March 2013	Conacher Environmental Group
Geotechnical Report	20 December 2017	Alliance Geotechnical
Landscape Statement	Undated	Hamilton Landscape Architects
NatHERS Certificate No. 0002488153	23 February	Eco Mode Design

	2018	
NatHERS Certificate No. 0001081025-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081401-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081058-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081090-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081108-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081066-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081082-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081116-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081140-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081132-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081157-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081124-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081165-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081199-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081181-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081207-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081173-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 000081215-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081223-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081231-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081249-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081256-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081264-01	4 December	Eco Mode Design

	2017	
NatHERS Certificate No. 0001081280-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081298-01	4 December 2017	Eco Mode Design
NatHERS Certificate No. 0001081272-01	4 December 2017	Eco Mode Design
SEPP 65 Amenity Compliance Report	29 November 2017	Steve King
SEPP 65 Design Verification Statement	29 January 2017	DKO Architecture
Soil Validation Report	June 2017	Progressive Risk Management
Traffic and Parking Impact Assessment	22 November 2017	Ray Dowsett Traffic and Transport Planning
Vegetation Management Plan	April 2013	Conacher Environmental Group
Water Management Cover Letter	28 December 2017	Civil Certification
Water Management Report	4 December 2017	Civil Certification

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
TP-01 Surface Finishes Plan - Ground Floor	13 February 2018	Hamilton Landscape Architects
TP-02 Surface Finishes Plan - Level 1	13 February 2018	Hamilton Landscape Architects
TP-03 Planting Plan - Ground Floor	13 February 2018	Hamilton Landscape Architects
TP-04 Planting Plan - Level 1	13 February 2018	Hamilton Landscape Architects
TP-05 Surface Finishes & Fixtures Plan - Level 3	13 February 2018	Hamilton Landscape Architects
TP-06 Planting Plan - Level 3	13 February 2018	Hamilton Landscape Architects
TP-07 Children's Play Area Equipments - Level 3	13 February 2018	Hamilton Landscape Architects
TP-08 Details	13 February 2018	Hamilton Landscape Architects

TP-09 Sections	13 February 2018	Hamilton Landscape Architects
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Waste Management Plan		
Drawing No.	Dated	Prepared By
Operational Waste Management Plan	18 December 2017	Elephants Foot Recycling Solutions
Waste Management Plan	November 2017	Applicant

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. (DACPLB01)

8. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Service	NSW Rural Fire Service - General Terms of Approval	15 June 2018

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

9. 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 (DACPLB09)

10. **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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.
- (d) 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.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) 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.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (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 demolishedThe 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) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

11. **Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure construction traffic and pedestrian safety are managed during the course of the project (DACTRBOC1)

12. **Pedestrian Sight Distance at Property Boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

Reason: To maintain pedestrian safety (DACTRBOC2)

FEES / CHARGES / CONTRIBUTIONS

13. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with

Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

14. **Construction, Excavation and Associated Works Bond (Drainage)**
A Bond of \$150,000 as security against any damage to the 1050mm diameter stormwater pipeline and associated pipes traversing the development site as part of any works related to this development consent.

Reason: Protection of Council's Infrastructure

15. **Construction, Excavation and Associated Works Bond (Crossing / footpath)**
A Bond of \$10,000.00 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

Reason: Protection of Council's Infrastructure

16. **Section 94 Contribution - No creekline corridor on the property**
A monetary contribution of \$1,258,653.10 (subject to (a) below), based on the provision of 19 additional dwellings on the site, is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.
- a. The monetary contribution is to be paid prior to issue of the Construction Certificate or Subdivision certificate, whichever occurs first. If the cash contribution (total or in part) remains unpaid after end date of financial quarter that DA consent is issued, the amount unpaid (whether it be the full cash contribution amount or a part of it) will increase on a quarterly basis in accordance with the applicable Consumer Price Index. If this condition applies, the cash contribution payable for this development will be the total unpaid cash contribution as adjusted.
 - b. The proponent shall provide evidence of payment of the cash contribution (subject to (a) above) to the Certifying Authority within 14 days of fulfilling the condition (a).
 - c. The proponent may negotiate with Council for the direct provision of other facilities and services, the dedication of land in lieu of the cash contribution above (or any portion of that cash contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the proponent in accordance with the Warriewood Valley Section 94 Contributions Plan. The agreement for Material Public Benefit Agreement between the proponent and Northern Beaches Council must be finalised,

formally signed and in place prior to the payment of the contribution.

The Warriewood Valley Section 94 Contributions Plan may be inspected at Northern Beaches Council or Council's website www.northernbeaches.nsw.gov.au

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

17. **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 Alliance Geotechnical dated 20 December 2017 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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

18. **Stormwater Disposal**

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments.

Stormwater drainage system is to be designed for the 1 in 100 year ARI storm event and connected to the inter-allotment drainage system discharging to the community detention basin.

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

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

19. **Tanking of Basement Level**

The basement area is to be permanently tanked as recommended in the Geotechnical Report prepared by Alliance Geotechnical, Report Number: 5769-GR-1-2, dated 20th December 2017. Details of the tanking are to be prepared by a suitably qualified Engineer.

Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Industry. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Department of Industry are to be complied with and a copy of the approval must be submitted to the Certifying Authority.

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

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

20. **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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

21. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary ground anchors are to be used within Council land. Details demonstrating compliance are 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.

22. **Vehicle Crossings and footpath construction Application**

An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To facilitate suitable vehicular access and footpath to private property

23. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural 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.

Reason: To ensure geotechnical risk is mitigated appropriately

24. **Pedestrian access to bin holding area**

Applicant must ensure a dedicated pedestrian access from the kerb to the bin holding area. The path must be a minimum of 1200mm wide and separate to the vehicular access

Reason: Provide safe WHS passage for Council and its contractors access to the bin holding area. (DACHECPCC1)

25. **Pre-Construction Stormwater Assets Dilapidation Report**

Survey a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.r>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure

26. **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. (DACPLC02)

27. **Driveway/Access Ramp Grades, Access and Car Parking Facilities**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles. (DACTRCPC1)

28. **Arrangement of Car Parking Spaces
Parking Numbers**

The development is to provide parking as proposed:

- 52 residential car spaces (including two accessible spaces);
- 10 visitor car spaces (including one accessible space and 1 car wash bay); and
- 9 bicycle spaces.

This requirement is to be reflected on the Construction Certificate plans, with all bays clearly numbered, and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure car parking spaces are correctly allocated for user amenity. (DACTRCPC2)

29. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Council Waste Management Guidelines, including the required Northern Beaches 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 Northern Beaches Council Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

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

(DACWTC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

30. **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.

31. **Flora & Fauna Protection - Protect and Retain existing EEC**

All recommendations as per Flora & Fauna Assessment Report authored by Conacher Environmental Group, Reference no. 3020F, specifically Part 4.5.v. are to be followed.

Reason: Environmental Conservation (DACNEDPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

32. **Footpath Construction**

The applicant shall construct 1.5 meter wide width concrete footpath on local access street frontage. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's Specification
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification 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.

33. **Road Reserve**

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

Reason: Public Safety.

34. **Vehicle Crossings**

The provision of a vehicle crossing 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 Normal profile and specifications and specifications. 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. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

35. **Maintenance of Road Reserve**

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

Reason: Public Safety.

36. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

Reason: To ensure the amenity of the surrounding area for residents

37. **Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety

38. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/stormwater-and-development/2014-119050-guidelines-preparing-dilapidation-survey-council-stormwater-assets-april-2014.pdf>

The post construction dilapidation report must be submitted to the Council for review. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEE11)

39. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Nastasi & Associates.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

40. **Dewatering Management**

Discharge of tailwater must not occur until the above water quality parameters are met.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	No visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample measures as NTU	<1 hour

NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted.

Reason: Protection of the receiving environment.

41. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

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

42. **Landscape Completion**

1) Landscaping is to be implemented in accordance with the Landscape Documents prepared by Hamilton Landscape Architects, drawings TP-01 to TP-09 inclusive, all listed as revision A, with the following amendments to be completed prior to the issue of a Occupation Certificate:

- a) depth of planters shall be in accordance with C1.1 Landscaping, providing 300mm depth for lawns, 600mm depth for shrubs, and 1m depth for trees/palms,
- b) additional tree planting is to be provided to satisfy the requirements of C1.1 Landscaping and D16.1 Character as viewed from a public place, where the built form is softened by landscaping:
 - i) along the frontage to Lorikeet Grove - 2 x large indigenous canopy trees; 2 x medium indigenous canopy trees; and 1 x small indigenous canopy tree (plan TP-03),
 - ii) within the garden bed north of U02 / U03 - 1 x small indigenous canopy tree (plan TP-03),
 - iii) within the garden bed north of U06 and U07 - 2 x small indigenous canopy trees (plan TP-04),
 - iv) within the garden bed south of U09 - 2 x medium indigenous canopy trees (plan TP-04),
- c) container sizes for the following plants shall be upsized:
 - i) all listed trees (Angophora costata, Angophora floribunda, Hymenoporum flavum, Syzygium leuhmannii, and Tristaniopsis luscious) shall be installed at 75 litre size and at a minimum height of 2.1 metres. The Contractor shall pre-order stock to ensure this requirement is met at time of installation,
 - ii) the Livistona australis shall be installed with 1 metre clear trunks, with the exception of the two proposed for the Common Open Space, which shall be planted at 2m and 3m clear trunks

respectively.

d) all trees shall be staked, inclusive of at least two stakes and hessian ties.

e) common open space playground works on Level 3 shall be in accordance with TP-05 and TP-06 and TP-07, inclusive of the construction materials, finishes and equipment listed on the documents.

f) all planters shall be connected to a stormwater system.

g) all planters shall be serviced by a dripline automatic irrigation system.

h) the children's play area as documented on TP-07 shall be certified in accordance with Australian Standard AS4865 - Playground equipment and surfacing.

2) All trees (small, medium, and large) shall be inspected by an AQZ Level 5 Arborist prior to planting as compliant to Natspec's Complying Trees.

i) A AQZ Level 5 Arborist shall certify that all trees planting in place are done so to industry standard to ensure long term establishment.

3) A structural engineer is to certify that the concrete slab upon which the planters are placed are structurally designed to support all components of the planters in a 'wet-state', including weight of soil and weight of planting.

4) 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, and landscape works have been established and maintained.

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

43. **Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water.

44. **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

45. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

46. **Geotechnical Certification Recommendations have been Implemented**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

47. **Bin holding area requirements added to management plan for the building**

The applicant is to ensure the managing body / occupant of the development in the future will ensure bins of the same commodity are grouped together in the bin holding area for collection. The bins are to only be presented the night before collection and returned into the bin room within the service day.

This is to be outlined in the management plan for the building and a draft to be sent to Council's Waste department for approval prior to issue of Occupation Certificate.

Reason: To ensure bins are not in public view at all times and to ensure the ease of collection of bins on collection day and prevent different commodity of bins being mixed together.
(DACHEFPOC1)

48. **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.
(DACPLF03)

49. **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 the NSW Fire Brigade.

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 the NSW Fire Brigade 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. (DACPLF07)

50. **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. The plan should clearly demonstrate any loading waste collection zones, etc.

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 (DACTRFPOC1)

51. **Signage and Linemarking – Implementation.**

The applicant is to install all signage and linemarking, as per the plan approved by the Local Traffic Committee. These works are to be undertaken prior to the issue of any Occupation Certificate

Reason: To ensure installation of signage is completed prior to occupation of the building. (DACTRFPOC2)

52. **Waste and Recycling Facilities Certificate of Compliance**

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

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

Reason: To ensure waste and recycling facilities are provided. (DACWTF01)

53. **Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled. (DACWTF02)

54. **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. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

55. **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. (DACWTF04)

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

56. Landscape Maintenance

All landscape components as documented on the Landscape Plans TP-01 to TP-09 inclusive, and as required by this Consent are to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. Landscape materials are to be replaced when damaged or if they fail. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

57. Bin holding area and requirement to present bins with same commodity together

The applicant is to ensure the managing body / occupant of the development in the future will ensure bins of the same commodity are grouped together in the bin holding area for collection. The bins are to only be presented the night before collection and returned into the bin room within the service day.

This is to be outlined in the management plan for the building and a draft to be sent to Council's Waste department for approval prior to issue of Occupation Certificate.

Reason: To ensure bins are not in public view at all times and to ensure the ease of collection of bins on collection day and prevent different commodity of bins being mixed together. (DACHEGOG1)

58. Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. All environmental weeds are to be removed and controlled in line with the submitted Vegetation Management Plan Reference 3020V, dated April 2013 by Conacher Environmental Group.

Reason: Weed management.

59. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

60. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

61. **Parking**

Parking in accordance with the following rates is to be maintained for the life of the development:

- 52 residential spaces (including two accessible spaces);
- 10 visitor spaces (including 1 accessible space, and 1 space also used for car wash bay);
- 9 bicycle spaces.