

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1072
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Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 1 DP 219265, 1797 Pittwater Road MONA VALE NSW 2103 Lot 2 DP 219265, 38 Park Street MONA VALE NSW 2103 Lot 4 DP 76695, 1795 Pittwater Road MONA VALE NSW 2103
Proposed Development:	Demolition works and Construction of Seniors Housing Development
Zoning:	R2 Low Density Residential R2 Low Density Residential R2 Low Density Residential
Development Permissible:	Yes, under State Environmental Planning Policy (Housing for Seniors or People with Disabilities) 2004
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Super Bagus Pty Ltd
Applicant:	Mona Vale 3 Pty Ltd

Application Lodged:	26/09/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	25/01/2020 to 08/02/2020
Advertised:	25/01/2020
Submissions Received:	2
Clause 4.6 Variation:	4.3 Height of buildings: 6%
Recommendation:	Approval

Estimated Cost of Works:	\$ 8,007,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for demolition of existing dwellings and ancillary structures on the sites and construction of a seniors housing development consisting of sixteen (16) units and thirty four (34) parking spaces pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).

The development also includes the removal of thirty one (31) trees from the site including three (3) within the road reserve.

In detail, the development consists of four (4) separated building forms, each containing four (4) apartments. In detail, the development includes the following:

Basement Level (RL 8.6)

Parking for thirty two (32) resident vehicles and two (2) visitor vehicles accessed from Park Street. Each apartment is allocated a double garage and storage space.

Storage for seven (7) bicycles, lift access and plant.

Ground Floor Plan (RL12.1 - RL12.8)

Eight (8) x three (3) bedroom apartments (Apartments 1-8), each providing an ensuite to the main bedroom and separate laundry

Driveway access to basement from Park Street

Secure entry and letterboxes from Park Street

Bin storage area and pedestrian access to Pittwater Road

Cross site pedestrian access connecting Pittwater Road with Park Street

First Floor Plan (RL15.5 - RL 15.9)

Eight (8) x three (3) bedroom apartments (Apartments 1-8), each providing an ensuite to the main bedroom and separate laundry

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

Pittwater 21 Development Control Plan - D9.6 Front building line

Pittwater 21 Development Control Plan - D9.7 Side and rear building line

SITE DESCRIPTION

Property Description:	<p>Lot 1 DP 219265 , 1797 Pittwater Road MONA VALE NSW 2103</p> <p>Lot 2 DP 219265 , 38 Park Street MONA VALE NSW 2103</p> <p>Lot 4 DP 76695 , 1795 Pittwater Road MONA VALE NSW 2103</p>
Detailed Site Description:	<p>The subject site consists of three (3) allotment located on the south-western side of Pittwater Road.</p> <p>The site is irregular in shape with a primary frontage of 44.1m along Pittwater Road and a secondary frontage of 42.1m along Park Street. The sites are legally described as:</p> <p>Lot 2, DP 219265 - No. 39 Park Street, Mona Vale Lot 1, DP 219265 - No. 1797 Pittwater Road, Mona Vale Lot 4, DP 76695 - No 1795 Pittwater Road, Mona Vale</p> <p>The site has a depth of between 46.8m and 68.48m and a surveyed area of 2399.6m².</p> <p>The site is located within the R2 Low Density Residential zone and single story dwellings are accommodated on each existing allotment.</p> <p>The site has a slope 5.8% that falls from the west to the east.</p> <p>The site contains several native and non-native canopy trees.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining development is characterised by weatherboard dwelling houses to the north-west and south-east. Surrounding development to the west on the opposite side of Park street includes The Sacred Heart Catholic Church and the Woolworths arcade connecting to the Mona Vale Town Centre further to the south-west. To the east, on the opposite side of Pittwater Road are a number of attached townhouse developments.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant approvals for this site.

A pre-lodgement meeting was held with Council in relation to the proposed seniors housing development.

The land has been used for residential purposes for an extended period of time.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent

Section 4.15 Matters for Consideration'	Comments
of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p>authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition 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 clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Glen Garry Duncan Mrs Brenda Margaret Duncan	4 / 1626 - 1628 Pittwater Road MONA VALE NSW 2103
Ms Nancye Anne Cargill	1793 Pittwater Road MONA VALE NSW 2103

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

- ***Visual impact/ overcrowding appearance of the reduced front setback along Park Street including additional bulk of planter boxes within the front setback***

Comment

Visual impact and front setback have been addressed in detail with P21 DCP and SEPP Seniors assessment. The development on balance is considered acceptable in terms of its positioning within both the Park Street and Pittwater Road streetscapes.

- ***Location of parking access on Pittwater Road will impact on traffic and will not provide for safe access***

Comment

During the assessment process, the application was required to be referred to Transport for NSW (TfNSW) for concurrence as Pittwater Road is a 'Classified Road'. As a result of this referral, access to the basement of the development was required to be relocated to the Park Street frontage with no vehicular access onto Pittwater Road. This change to the design has

been reviewed by TfNSW, who have no further concerns with the proposal. This issue is considered to be satisfactorily resolved.

- ***Extent of site coverage is not consistent with a village type atmosphere***

Comment

The site provides an acceptable extent of landscaped setting which includes adequate deep soil areas suitable to sustain canopy trees which will provide a commensurate landscaped screening for the development.

- ***Not consistent with surrounding developments***

Comment

While the proposed development is for seniors housing, the architecture has been designed to reflect townhouse style dwellings which are well appointed and considered to provide a good transition between the low scale dwelling houses to the south and the townhouse developments to the north-east.

- ***Privacy impact to the adjoining properties to the south-east***

Comment

Concerns were raised by the neighbouring property to the south-east in relation to privacy and overlooking from the kitchen and living areas of the apartments along that boundary. Amendments to the design to address the location of the driveway also incorporated some additional changes to the facade treatment to increase setbacks and ensure that there was no direct overlooking and that the primary areas within the directly adjoining dwelling were adequately protected.

- ***Impact on solar access to the adjoining properties to the south-east***

Comment

The adjoining property at No. 1793 Pittwater Road is located to the south-east of the subject site. Accordingly, any proposed development of increased height and density beyond the existing single storey dwelling will result in additional overshadowing. This issue is dealt with in greater detail within P21 DCP. The proposed development is considered to provide adequate solar access to the neighbouring property.

- ***Retain boundary fence between the subject site and the adjoining property of 1793 Pittwater Road***

Comment

The boundary fence currently existing between the properties is a timber lapped and capped fence. The retention of this structure is sought in order to retain the existing established vegetation which provides a substantial buffer beyond the height of the fence.

The applicant has indicated that where possible, this fence will be retained, however it is likely that as a result of the proposed site works that part of if not all of the boundary fence may require replacement at the applicant's cost. Notwithstanding, the applicant has indicated that they would be prepared to protect and retain the existing vegetation where possible. This issue is considered a civil matter between property owners and beyond the scope of this assessment.

- ***Additional tree trimming along Pittwater Road***

Comment

The trees identified by the Arborist for removal or trimming as part of this development have been reviewed by Council's Landscape Officer who has raised no objection subject to conditions relating to replacement planting.

- ***Light weight/temporary design of structure results in a quick deterioration of the appearance of the façade materials***

Comment

The proposed finishes and material selection is considered to be of a satisfactory quality commensurate with the market that is to be targeted for this development. The longevity of the materials proposed is not considered lacking or insufficient.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>SUPPORTED</p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Landscape Officer	<p>SUPPORTED</p> <p>The application seeks approval of a seniors housing development.</p> <p>The landscape component of the proposal is acceptable subject to the protection of nominated existing trees, and the completion of landscape works.</p> <p>Amended plans have been developed that now have the driveway into the development from Park Street, and not Pittwater Road as pre the previous proposal. As a result an existing Spotted Gum will require removal within Park Street, subject to 2 new replacement street trees.</p> <p>Council's Landscape Referral staff have assessed the application against the following documents relevant to landscape assessment:</p> <ul style="list-style-type: none"> • Pittwater 21 DCP, including B4.22 Preservation of Trees and Bushland Vegetation, C1.1 Landscaping, C1.21 Senior Housing, C1.24 Public Road Reserve - Landscaping and Infrastructure, D9 - Mona Vale Locality. • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Internal Referral Body	Comments
NECC (Development Engineering)	<p>SUPPORTED <u>Comments 23/6/2020.</u> The applicant has submitted additional survey information to establish invert levels of the stormwater inlet pits at the opposite side of Pittwater Road. This is the proposed connection point for the stormwater line as detailed in the stormwater drainage plans prepared by Barrenjoey Consulting Engineers.</p> <p>The connection point works in terms of minimum fall and levels. The stormwater drainage plan has also detailed service locations and there appears to be no conflicts however more detailed investigations prior to the issue of the construction certificate will be required.</p> <p>Transport NSW (RMS) has provided comments and will require approval prior to commencement of works of the any stormwater works in Pittwater Road. Council will also need an approval under section 138 of the Roads Act 1993, to authorise the stormwater drainage works across Pittwater road and connection to the existing RMS road inlet pit. This requirement will be a condition of the consent requiring concurrence from the RMS prior to issue of the Construction certificate.</p> <p><u>Comments 11/5/2020</u> The development plans have been amended detailing a driveway access of park street. Accordingly the stormwater drainage concept plans prepared by Barrenjoey Consulting Engineers are to be amended to reflect the changes.</p> <p>Also the previous comments re the OSD storage requirements and other items need to be addressed</p> <p>Previous Comments The stormwater drainage plans have been assessed and the the following information/amendments are require:</p> <ol style="list-style-type: none"> 1) The proposed stormwater crossing of Pittwater Road/Road reserve is to be supported with a long section detailing the location of all services in relation to the pipe crossing. 2) The discharge line from the basement is to be connected directly to a Council pit as discharge to the kerb and gutter is not permitted. The discharge connection point is to be detailed on the stormwater drainage plan. 3) A review of the DRAINS model indicates that the High early discharge pit has been modeled incorrectly leading to a shortfall in the detention volume required. The detention tank volume is accordingly to be increased from 32 cumecs to 38 cumecs.
NECC (Stormwater and	SUPPORTED

Internal Referral Body	Comments
Floodplain Engineering – Flood risk)	<p>The proposed Seniors Housing Development for 1795-1797 Pittwater Rd and 38 Park St complies with the flood requirements of the DCP and LEP.</p> <p>The site is partially affected by the Low Flood Risk Precinct, but not at all by the Medium Flood Risk Precinct.</p> <p>All floor levels are above the PMF levels.</p> <p>Entry points to the basement car park are not flood affected.</p> <p>No flood related objections.</p>
NECC (Water Management)	<p>SUPPORTED</p> <p>The application has been found to satisfactorily address stormwater quality, sediment management and groundwater. Conditions have been applied.</p> <p>Council has no experience of Ocean Protect's Filterra System (for water quality management) and is allowing the installation on this occasion, as we are interested in observing its efficacy once operational. The catchment is regarded as suitable to test the system, as this development will discharge to the Mona Vale Drain system, which collects stormwater from Mona Vale's industrial area and is therefore not overly sensitive. Council will be interested to see how the system contributes to Council's water sensitive urban design objectives, including reducing urban heat island effects and improving amenity and liveability. Reviews of the Filterra System have shown that regular maintenance and removal of any sediment build-up and the sacrificial mulch layer (replaced every 6-12 months) is critical to ensure runoff can pass through the system.</p> <p>It is disappointing that a development of this size has not made more effort to incorporate rainwater re-use, as this is by far the most effective way to reduce the impact of stormwater runoff.</p> <p>A condition has been placed to respond to dewatering should it be required. Council proactively regulates sediment management, so care should be taken with the installation and management of sediment and erosion controls on site.</p> <p>Second review comments:</p> <p>The applicant has not provided sufficient water quality treatment to satisfy Pittwater 21 DCP B5.9 requirements.</p> <p>The applicant has provided a MUSIC model. On review of the MUSIC model:</p> <ol style="list-style-type: none"> 1. we find that while the Filterra Bioscape System has been designed with a high-flow bypass but the MUSIC model does not include a bypass, claiming that the bio-retention will treat 100% of flows. We recommend a high flow bypass for the 3-month ARI flow. 2. The saturated hydraulic conductivity is way too high and significantly lifts the performance of the basin beyond what could possibly be achieved. The figure used is 3550mm/hr. Northern Beaches Council allows up to 250mm/hr. When the figure is adjusted in the model, the targets for sediment, nitrogen and phosphorus

Internal Referral Body	Comments
	<p>removal are not met. Treatment efficiencies need to be improved to meet our targets (see below). It may help if additional treatment is considered for the bypass area, which is over 400sqm and only has baskets proposed.</p> <p>First round of comments: The applicant was provided with information on water quality requirements at the PLM, and notes provided to the planner on 13/08/2019. The proposed solution is inadequate and does not meet Pittwater 21 DCP B5.9 requirements.</p> <p>Development Location/Type</p> <p><u>What catchment is the development sited?</u> Mona Vale Creek > Pittwater</p> <p><u>What type of development is proposed?</u> Subdivision</p> <p><u>What is the size of the development?</u> 2399.12sqm</p> <p>Water Conservation and Reuse</p> <p><u>Is the development subject to BASIX?</u> Yes</p> <p><u>Is a rainwater tank proposed?</u> Yes</p> <p>Stormwater Quality</p> <p><u>Does Stormwater Quality requirements apply to the development?</u> Yes</p> <p><u>Which Stormwater Quality Targets Apply?</u> Pittwater 21 DCP B5.9 - tertiary treatment that removes both particulate and dissolved pollutants and no increase in pollutants to waterways. We accept treatment that meets the targets of post development load reductions (compared to pre-development) of GP 90%, TSS 85%, TP 65% and TN 45%.</p> <p>1. Stormwater treatment measures must be included in the Stormwater Management Plan, with detail provided of each measure. 2. The treatment train should include some form of infiltration basin and a gross pollutant trap, but can otherwise include any other Water Sensitive Urban Design measure that will achieve the treatment objectives. This can include green roofs, green walls, stormwater reuse, pervious paving etc. Use of filtration cartridges is not supported for this development due to the need for infiltration.</p> <p><u>Has a water quality model been submitted?</u> No Comment: A MUSIC model file must be provided with the DA to allow Council to review the model and parameters used.</p>

Internal Referral Body	Comments
	<p><u>Have water quality treatment devices been proposed?</u> A sediment sump and screen in the boundary pit. Comment: This solution is not acceptable.</p> <p><u>Is the development likely to increase runoff?</u> Yes</p> <p><u>Is a positive covenant required?</u> Yes Comment: 5. A restriction as to user and positive covenant will be placed over the asset(s) and the applicant is required to provide an operation and maintenance plan for each asset. The responsibilities of the strata association in terms of maintaining and replacing the stormwater treatment measures must be made clear in the appropriate documents. (provided at CC)</p> <p><u>Is an Operation and Maintenance Plan required?</u> Yes Comment: See above</p> <p>Groundwater Management</p> <p><u>Does the development potentially impact on Groundwater?</u> Yes</p> <p><u>Is it Integrated Development?</u> No</p> <p><u>Has a Geotechnical assessment being provided?</u> Yes Comment: The geotechnical report provided has satisfactorily addressed groundwater, and groundwater management will not be required.</p> <p><u>Is the site potentially contaminated?</u> No</p> <p><u>Will groundwater be discharged from the site?</u> No</p> <p>Sediment and Erosion Control</p> <p>A satisfactory sediment and erosion control plan has been provided.</p>
Strategic and Place Planning (Urban Design)	<p>SUPPORTED The Development Application has gone through a few rounds of design changes regarding building setbacks and basement ramp location. The proposal is now a much improved outcome and will fit well contextually into the streetscape. As such it can be supported.</p> <p>Please note: the site plan has not been updated to the latest basement ramp design.</p>
Traffic Engineer	<p>SUPPORTED The development proposal involves the demolition of the existing site development and construction of a SEPP Seniors Living development containing a total of 16 x 3 bedroom self contained dwellings.</p> <p>Traffic: The site is anticipated to generate up to 6 vehicles in the peak hour. This reflects a net increase of 3 vehicles in the peak hour which is</p>

Internal Referral Body	Comments
	<p>deemed acceptable.</p> <p>Parking: The parking provisions of 24 spaces is deemed in accordance with the SEPP. No objection is raised.</p> <p>Car parking and access: The incorporation of signals to manage movements along the driveway is required. This will be conditioned.</p> <p>Servicing: Appropriate parking restrictions for Waste Service Collection shall be implemented along Pittwater Road frontage. This will be conditioned.</p> <p>Pedestrian Access: Footpath connections to the nearest bus stops are already in place. a review of the connections is to be undertaken to ensure the grades, widths and safety is suitable for the seniors.</p>
Waste Officer	<p>SUPPORTED</p> <p>The applicant has complied with the Northern Beaches Council Waste Management Guidelines.</p> <p>Bin room design and location The bin room must be redesigned able to accommodate 13 x 240L bins required for the 16 dwellings. Plus, accommodate 1 x 240L vegetation bin for every 200m² of landscaped open space on the site.</p> <p>Any doors fitted on the Waste Storage Area, pathway and access will be: a) A minimum width of 1200mm. b) Able to be latched in an open position. c) Unobstructed by any locks and security devices. d) Open in an outward direction.</p> <p>A bulky goods waste storage area must be provided that will be: a) A minimum of 4m³ per 10 dwellings fit for the purpose of storing bulky goods. b) A room separate from the Waste Storage Area. c) to be located within 6500mm of the front property boundary d) A maximum ramp gradient of 1 in 8. c) Hazard free and not via a pathway with vehicular traffic. d) A minimum width of 1200mm of doors or pathway.</p>
Waste Officer	<p>SUPPORTED</p> <p>The amended scheme submitted to address the driveway access being relocated to Park Street has incorporated a bin enclosure at the Pittwater Road frontage which satisfies the waste requirements.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	
Concurrence – NSW Roads and Maritime Services (s100)	The application was referred to Transport for NSW who provided final comments and conditions as follows on 25 June 2020:

External Referral Body	Comments
<p>– Dev. on proposed classified road)</p>	<p>1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pittwater Road boundary.</p> <p>2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.</p> <p>A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.</p> <p>3. The redundant driveway on the Pittwater Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Pittwater Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.</p> <p>Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au</p> <p>A plan checking fee and lodgment of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.</p> <p>4. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.</p> <p>5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Pittwater Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.</p> <p>TfNSW also provides the following advisory comments to Council for consideration:</p> <p>1. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as maneuverability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. The swept path plans should show the lane lines and all turn paths onto Park Street.</p>

External Referral Body	Comments
	2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1045002M_02 dated 20 September 2019).

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

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

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

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

The development application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) as the development is for in-fill self care housing.

Chapter 1 – Preliminary

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

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

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

Comment: The proposed development is considered consistent with the aims of the Policy as detailed above in the following ways:

- The development will increase the supply and diversity of residences that meet the needs of seniors or people with a disability
- The proposed development makes use of existing infrastructure and services as the site is within approximately 120m of the bus service on Pittwater Road for local services and the B-Line which has a bus stop opposite the intersection of Pittwater Road and Park Street with connections to Warringah Mall and the CBD. The site is also within 150m walking distance to Mona Vale Shopping Precinct.
- When considering the development against the aims of achieving good design, the development must be considered in context with the other provisions of the SEPP. In this regard, in the context of the built environment, the development proposes the construction of a two storey development with basement parking which is consistent with the general character of building forms surrounding the development site. The design of the development is considered to be compatible with the context of the area, and the proposed building forms are appropriate for the purpose of providing residential accommodation on an infill site within a low density residential area and the proposal is acceptable.

Chapter 2 – Key Concepts

Comment: The proposed development is for the redevelopment of the site to accommodate "in-fill self-care housing" which is defined as "seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care". Accordingly, the proposed development is considered consistent with the provisions outlined in Chapter 2 of the SEPP.

Chapter 3 – Development for seniors housing

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

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	Satisfactory access is available to these services from the site.	Yes
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400 metres away.	Access to Mona Vale shopping precinct is within 150m walking distance from the site. Further, the development is within 150m walking distance to the B-Line Bus route which provides services to Dee Why, Warringah Mall and the CBD,	Yes
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not Bushfire prone land.	
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	Given the existing residential use of the site, it is considered that there is suitable access to water and sewerage infrastructure.	Yes
29	Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b) (i), 25(5)(b)(iii), and 25(5)(b) (v): i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for	The proposed development is considered compatible with the surrounding residential land uses and was not subject to the requirements of Clause 25 for the attainment of a Site Compatibility Certificate. The site is serviced by existing infrastructure (electricity, water and sewerage) that is capable of meeting the demands that will arise from the development. The proposed two storeys with baseeement built form demonstrates a suitable bulk and scale in this location and provides a human scale of development complimentary to the existing, approved and future uses on	Yes

Development Criteria			
Clause	Requirement	Proposal	Complies
	infrastructure provision, v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	land in the vicinity.	
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	A detailed site analysis plan has been provided and further detail within the Statement of Environmental Effects which satisfactorily address this requirement.	Yes

Clause 31 Design of in-fill self-care housing

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

The provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* have been taken into consideration in the assessment of the application against the design principles set out in Division 2, Part 3 of SEPP HSPD. A detailed assessment of the proposals inconsistencies with regards to the requirements of SLP is undertaken hereunder.

Section	Requirements	Comment
1. Responding to context	Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form. Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.	The proposed design of the development incorporates building forms which present as two storey townhouse style development. The building mass is broken up with significant articulation of the facades and large roof overhangs. The proposed building form is considered to complement the extensive mix of development surrounding the site. The site is located within the Mona Vale Locality which states in part new development should: <i>"To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. To enhance the existing streetscapes and promote a scale</i>

Section	Requirements	Comment
		<p><i>and density that is in scale with the height of the natural environment. The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.</i></p> <p>The proposed built form is considered a suitable response to the character and built form of the locality.</p>
2. Site Planning and design	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Minimise the impact of new development on neighbourhood character -Minimise the physical and visual dominance of car parking, garaging and vehicular circulation. 	<p>The proposed development will present as attached style housing in a landscaped setting.</p> <p>All parking on the site is located within the basement and will not be visible from Pittwater Road or Park Street.</p>
3. Impacts on streetscape	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Minimise impacts on the existing streetscape and enhance its desirable characteristics -Minimise dominance of driveways and car park entries in streetscape. 	<p>The proposed development provides a landscaped setback to both street frontages and includes adequate areas for deep soil landscape plantings.</p> <p>The proposed basement structure will be accessed from a single driveway off Park Street and is not considered to present as a dominant feature.</p>
4. Impacts on neighbours	The proposal is generally in accordance with the requirements of this section.	Concerns raised by the adjoining property owner in relation to privacy and overshadowing have been addressed by amendments to the design and is now considered satisfactory.
5. Internal site amenity	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Provide safe and distinct pedestrian routes to all dwellings and communal facilities. 	The development provides a central connecting pathway through the development which enables pedestrian links from Pittwater Road to Park Street. The site layout provides clear entrances to each dwelling.

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

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

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	The physical impacts of the development have been assessed as acceptable with appropriate levels of residential amenity maintained to adjoining residential properties. To that extent it can be reasonably concluded that the proposal is compatible with its surroundings.	Yes
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.	The site is not located within a heritage conservation area but is within the proximity of two (2) local heritage items: <i>Glenroy House - 1789 Pittwater Road</i> <i>Victory Tree (Holly Oak) - 1785 Pittwater Road</i> The subject site is greater than 40m from both of these items and is not considered to adversely impact on their significance.	Yes
	c. Maintain reasonable neighbour amenity and appropriate residential character by; (i) providing building setbacks to reduce bulk and overshadowing (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, (iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbors.	The development at the Pittwater Road frontage provides a staggered setbacks of between 6-12m. The small sections of the development that does not comply with the 10m setback at this frontage will not read as non-compliant due to the variation of building form and landscaping. Likewise a the Park Street frontage, the development includes sections of the building which fall within the front setback area. These spaces are generally open balconies and roof lines which project beyond the front setback. Notwithstanding this numerical non-compliance the proposal is considered compatible in scale with other developments in the streetscape.	Yes
	d. Be designed so that the front building	The proposed building lines provide a suitable transition	Yes

Control	Requirement	Proposed	Compliance
	<p>of the development is set back in sympathy with, but not necessarily the same as, the existing building line,</p> <p>e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p> <p>f. retain , wherever reasonable, major existing trees, and</p> <p>g. be designed so that no building is constructed in a riparian zone.</p>	<p>between the residential dwelling housing and other multi unit housing within both Pittwater Road and Park Street.</p> <p>The proposed planting plan includes species which are acceptable to Council's Landscape Officer.</p> <p>The development seeks to retain a number of significant trees on the site.</p> <p>The site is not located within a riparian zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
CL 34 Visual and acoustic privacy	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The development has been designed with the primary outdoor living areas within each unit facing toward either Pittwater Road or Park Street. Any concerns with privacy or overlooking has been addressed by offsetting windows or providing external screening devices.</p>	Yes
CL35 Solar access and design for climate	<p>The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling</p>	<p>Solar access and overshadowing from the development have been assessed as reasonable.</p>	Yes

Control	Requirement	Proposed	Compliance
	design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.		
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	The proposed stormwater management on the site is considered acceptable.	Yes
CL 37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The development provides clear sight lines of the entry to the development and the front of the site and provides adequate casual surveillance of the street and the entry of the site.	Yes
CL 38 Accessibility	The proposed	The site is within 400m of	Yes

Control	Requirement	Proposed	Compliance
	development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	bus services connecting to Manly, North Sydney, City and Chatswood. In addition, the site is within walking distance to the Mona Vale town centre.	
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The site provides adequate waste storage facilities.	Yes

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

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

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

Control	Required	Proposed	Compliance
Site Size	1000 sqm	2399.12sqm	Yes
Site frontage	20 metres	Over 20m	Yes
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	Less than 8m	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	2 storeys	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15.51 metres of the rear boundary).	The site has two street frontages, accordingly this requirement does not apply,	Yes

Clause 41 Standards for hostels and self contained dwellings

In accordance with Clause 41 a consent authority must not consent to a development application made pursuant to Chapter 3 unless the development complies with the standards specified in Schedule 3 for such development. The following table outlines compliance with the principles set out in Schedule 3 of SEPP HSPD.

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater.	The development is capable of complying with this requirement.	Yes, by condition
Security	Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) Must provide at least 20 lux at ground level	The development is capable of meeting these requirements.	Yes, by condition.
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.	The letterboxes are identified on the Park Street building entrance.	Yes
Private car accommodation	(a)Carparking space must comply with AS2890 (b)One space	The development provides compliant car parking.	Yes

Control	Required	Proposed	Compliance
	must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.		
Accessible entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299	The whole development has been designed to ensure accessibility is provided from the basement and the street frontage to the entrance of each dwelling.	Yes
Interior general	Widths of internal corridors and circulation at internal doorways must comply with AS1428.1.	The proposed development has been identified as capable of complying.	Yes
Bedroom	At least one bedroom within each dwelling must have: (a) An area sufficient to accommodate a wardrobe and a queen size bed (b) A clear area for the bed of at least 1200 mm wide at the foot of the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction. (c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.	The proposed development has been identified as capable of complying.	Yes
Bathroom	The bathroom is to comply with the requirements described in Clause 9 of Schedule 3.	The proposed development has been identified as capable of complying.	Yes
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	The proposed development has been identified as capable of complying.	Yes

Control	Required	Proposed	Compliance
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	The proposed development has been identified as capable of complying.	Yes
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	The proposed development has been identified as capable of complying.	Yes
Ancillary items	Switches and power points must be provided in accordance with AS4299.	The proposed development has been identified as capable of complying.	Yes
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	The proposed development has been identified as capable of complying.	Yes
Kitchen	The kitchen must comply with the requirements of Clause 16 of Schedule 3	The proposed development has been identified as capable of complying.	Yes
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry level.	The proposed development has been identified as capable of complying.	Yes
Laundry	The laundry must comply with the requirements of Clause 19 of Schedule 3.	The proposed development has been identified as capable of complying.	Yes
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299	The proposed development has been identified as capable of complying.	Yes
Garbage	A garbage storage area must be provided in an accessible location.	The proposed development has been identified as capable of complying.	Yes

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

This part is not applicable to the subject site.

Part 6 Development for vertical villages

This part is not applicable to the proposed development.

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

Clause 46 Inter relationship of Part with design principles in Part 3

Clause 46 states that nothing in Part 7 permits the granting of consent pursuant to the Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

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

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

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

Control	Required	Proposed	Compliance
Building height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	While the development includes some raked ceilings, the overall height of the development taken from a horizontal ceiling line and is therefore considered acceptable.	Yes
Density and scale	0.5:1	0.782:1	No
Landscaped area	30% of the site area is to be landscaped	38.4%	Yes
Deep soil zone	15% of the site area Two thirds of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3 metres.	The site provides in excess of 15% as deep soil area located within both street frontages and clear of the basement structure.	Yes
Solar access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	The solar diagrams prepared in support of the proposal confirm that 12 of 16 or 75% of Units (Units 1, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16) receive the required 3 hours of solar access on 21st June in strict accordance with the minimum 70% SEPP HSPD requirement.	Yes
Private open space	(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground	All apartments provide compliant areas of private open space either at ground level as garden area or as a generous balcony.	Yes

Control	Required	Proposed	Compliance
	<p>floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area</p>		
Parking	0.5 car spaces for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider.	Based on 48 bedrooms the proposal requires 24 car parking spaces. The proposal provides for a total of 32 resident spaces and 2 visitor spaces complying with this control.	Yes
Visitor parking	None required if less than 8 dwellings		

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.

Roads and Maritime Service (RMS)

Clause 101 - Development with frontage to classified road states:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

The application was referred to the RMS who did not support the driveway access onto Pittwater Road. Accordingly, the proposal was amended to provide all vehicular access from Park Street.

Pittwater Local Environmental Plan 2014

Is the development permissible?	No
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:	8.5m	9.2m	6%	No

Proposal is permissible under SEPP HSPD.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.4 Floodplain risk management	Yes
7.10 Essential services	Yes

Detailed Assessment

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10m (Pittwater Road)	7.6m to building nil to bin storage	24%	No
	6.5m (Park Street)	6.4m to building 3.6m to patio area	1.5% 45%	No No
Side building line	4.5m (north-west)	2.9m --5.4m	36%	No
	4.4m (south-east)	2.8m-4m	34%	No
Building envelope	4.2m (north-west)	Within envelope	N/A	Yes
	4.2m (south-east)	Outside envelope	3.8%	No
Landscaped area	50%	46%	33.6%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.10 Building Facades	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
C1.20 Undergrounding of Utility Services	Yes	Yes
C1.21 Seniors Housing	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

D9.6 Front building line

The proposal seeks a variation on the Park Street and Pittwater Road frontages. At Pittwater Road the front setback required is 10.0m and the proposed dwelling presents a staggered building line with sections of the building protruding from 8.5m to the front wall elevation. On the Park Street frontage, the building facade is again staggered, providing a setback to the main facade of the structure of 6.4m and elements of the front terraces and fin walls with a setback of 4.7m.

Merit consideration of the non-compliance with the front setback control is addressed as follows:

It is considered that the building proposed satisfies the objectives of the front setback control by a design appearance that is consistent with the desired future character of the Locality that is consistent with other medium density type developments in the vicinity. The staggered building line provides a discreet transition from the adjoining single dwelling.

The proposal does not have an unreasonable impact on views and vistas to and/or from public/private places and the setback reinforces and appropriately relates to the spatial characteristics of the existing urban environment.

The setback does not unreasonably impact on the amenity of residential development adjoining, including pedestrian safety, landscaping and vehicle access/egress, subject to conditions.

D9.7 Side and rear building line

As the site has dual street frontages, the rear building setback does not apply in this instance. Notwithstanding, the development includes a variation to the side setbacks which vary from 0.9m to the the basement ramp and 2.8m - 4.0m setback to the south-eastern facade. Likewise on the north-western setbacks, the building facade is staggered and ranges from 3.25m - 5.4m.

Merit consideration of the variation to the side setbacks are addressed as follows:

- The overall design, the bulk and scale of the building, landscaping setting and spatial separation to adjacent development is considered to be consistent with the desired future character of the Locality in the context of the objectives for the R2 Low Density Residential

Zone. The variation to the side setback for the basement ramp and staggered building facade does not create an unreasonable impact on surrounding amenity and is required to optimise basement access from Park Street.

- The outlook and views from adjacent private land is not affected by the basement ramp structure or the building line and includes border landscaping to buffer and soften the appearance of the development including a landscaped setback to the retaining wall of the basement carpark.
- A reasonable level of privacy, amenity and solar access is provided to the side setback area by a design that responds to the site characteristics and existing constraints for the adjoining dwelling. The impact on balance is considered to be consistent with the pattern of development in the surrounding area.

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

Northern Beaches Section 7.12 Contributions Plan 2019

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

A monetary contribution of \$80,070 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$8,007,000.

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

Accordingly Council as the consent authority grant Development Consent to DA2019/1072 for Demolition works and Construction of Seniors Housing Development on land at Lot 1 DP 219265, 1797 Pittwater Road, MONA VALE, Lot 2 DP 219265, 38 Park Street, MONA VALE, Lot 4 DP 76695, 1795 Pittwater Road, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02 - Site Analysis and Site Plan - Rev B	13.01.2020	Gartner Trovato Architects
DA03 - Basement and Carpark Plan - Rev C	26.03.2020	Gartner Trovato Architects
DA04 - Ground Floor Plan - Rev D	26.03.2020	Gartner Trovato Architects
DA05 - First Floor Plan - Rev C	17.03.2020	Gartner Trovato Architects
DA06 - Roof Level Lower - Rev B	13.01.2020	Gartner Trovato Architects
DA07 - North and East Elevations - Rev B	13.01.2020	Gartner Trovato Architects
DA08 - South and West Elevations - Rev C	17.03.2020	Gartner Trovato Architects
DA09 - Sections - Rev D	26.03.2020	Gartner Trovato

		Architects
LA01 - Landscape Plan - Rev D	25.03.2020	Gartner Trovato Architects
LA02 - Plant Species Schedule - Rev A	26.09.2019	Gartner Trovato Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic and Parking Assessment Report (Ref 19027)	19 September 2019	Terraffic Pty Ltd
Geotechnical Site Investigation (2019-132)	September 2019	Crozier Geotechnical Consultants
Flood Inundation and Risk Assessment Report	September 2019	Barrenjoey Consulting Engineers
BCA Assessment Report	16 September 2019	BCA Logic
Arboricultural Impact Assessment Report	25 September 2019	Jacksons Nature Works
Accessibility Design Review	25 September 2019	ABE Consulting
BASIX Certificate (1045002M_02)	20 September 2019	Gartner Trovato Architects

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:

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

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

2. **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
Transport for NSW (SYD19/01319/03)	TfNSW Response	25 June 2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on

Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **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.

4. **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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's

footpaths, roadways, parks or grass verges without Council Approval.

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

area for any wastewater system and is separate from any onsite stormwater management system.

- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

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

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

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

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

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

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

AND

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

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

Reason: Statutory requirements. (DACPLB11)

6. Traffic Management.

Traffic management procedures and systems must be in place and practiced 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 Council's Traffic Engineer.

Reason: To ensure pedestrian safety and continued efficient network operation.
(DACTRBOC1)

FEES / CHARGES / CONTRIBUTIONS

7. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$80,070.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$8,007,000.00.

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

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

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

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

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

8. **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.

9. **Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$50000 as security against any damage or failure to complete the construction of stormwater drainage works in Pittwater Road as part of this consent. The bond amount is to cover the construction of a 375mm RCP drainage line connection to the existing inlet pit on the opposite side of Pittwater Road.

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

Reason: Protection of Council's Infrastructure.

10. **Construction, Excavation and Associated Works (Security Bond protection of Council roads)**

A bond of \$20000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

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

Reason: Protection of Council's Infrastructure.

11. **Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a maintenance bond of \$10000 for the construction of 375mm RCP line in Pittwater Road. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

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

12. **On-slab planter works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters on slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- 300mm for lawn
- 600mm for shrubs
- 1m for small trees

Design certification shall be submitted to the Certifying Authority by a structural engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow away from habitable areas.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical Consultants dated September 2019 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

14. **Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the plans dated December 2019 from Barrenjoey Consulting Engineers and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment

15. **Boundary Identification Survey**

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

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

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

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

16. **Access and Egress - Basement Car Park**

The proposed basement car park is required to comply with Part D 1.2 of the Building Code of Australia – 'Access and Egress' in that a second pedestrian exit as required is to be provided.

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

Reason: To ensure adequate provision is made for Access & Egress and building occupant health and safety.

17. **On-site Stormwater Detention Details**

The Applicant is to provide a engineering certification and drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's PITTWATER DCP21, and generally in accordance with the concept drainage plans prepared by Barrenjoey Consulting Engineers Job No 190803, drawing number SW1DA-E, SW2DA-c, SW3DA-D, SW4DA-D, dated 29/5/20. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER Civil) or RPENG(Civil).

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

All stormwater drainage works in Pittwater Road are to be approved by Transport NSW (RMS)

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

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

The Applicant is to submit an application for approval for the construction of a 375mm RCP stormwater line within Pittwater Road as detailed on the concept plan prepared by Barrenjoey Consulting Engineers Job No 190803, drawing number SW1DA-E, SW2DA-c, SW3DA-D, SW4DA-D, dated 29/5/20. Engineering plans for the stormwater drainage works within the road reserve and this development consent are to be submitted to Northern Beaches Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

Transport for NSW (Road and Maritime Services - RMS) also is required to provide concurrence for the stormwater drainage works and a separate application is to be made to the RMS. This approval is to be provided to Council.

The application is to include four (4) copies of Civil Engineering plans for the design of stormwater drainage works which are to be generally in accordance with Councils and RMS's specifications for engineering works. The plan shall be prepared by a qualified civil engineer.

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

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

19. Vehicle Crossings Application

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

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

Reason: To facilitate suitable vehicular access to private property.

20. Update all external plans

All external plans for the development (particularly the landscape plans) must be updated to reflect the stormwater layout plan, including the placement of the Filterra System in the Northern

corner of the site.

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

Reason: To ensure stormwater devices are constructed according to the approved stormwater management plan.

21. **Site Plan to be Amended to show Increased Setback to the Driveway**

The Site Plan is to be amended to reflect the increased setback to the driveway and provision of a landscape setback as shown on the Ground Floor Plan prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the approved design.

22. **Bin Room Design and Location**

The bin room must be redesigned able to accommodate 13 x 240L bins required for the 16 dwellings. Plus, it is to accommodate 1 x 240L vegetation bin for every 200m² of landscaped open space on the site. The plans are to be amended to accommodate these requirements prior to release of the Construction Certificate.

Any doors fitted on the Waste Storage Area, pathway and access are to be:

- a) A minimum width of 1.2m.
- b) Able to be latched in an open position.
- c) Unobstructed by any locks and security devices.
- d) Open in an outward direction.

A bulky goods waste storage area must be provided that will be:

- a) A minimum of 4m³ per 10 dwellings fit for the purpose of storing bulky goods.
- b) A room separate from the Waste Storage Area.
- c) Located within 6.5m of the front property boundary.
- d) A maximum ramp gradient of 1 in 8.
- e) Hazard free and not via a pathway with vehicular traffic.
- f) A minimum width of 1.2m of doors or pathway.

Reason: To ensure adequate waste management facilities are provided for the development.

23. **Tree Protection Plan**

In order to protect existing trees and vegetation within the road reserve footpath (T27 *Corymbia maculata* along Park Street), within the site (T4 *Glochidion ferdinandi*, T7 *Michelia figo*, T8 *Magnolia grandiflora*, T22 *Jacaranda mimosifolia*, T24 *Brachychiton acerifolius*, T30 *Olea europaea 'cupsidata'*, T35 *Pittosporum undulatum*, and T45 *Lagerstroemia indica*), and within adjoining property (T25 *Melaleuca quinquernervia*), the following applies to the development site:

- a) A Tree Protection Plan prepared by a AQF Level 5 Arborist with qualifications in arboriculture/horticulture, in accordance with AS4970-2009 Protection of trees on development sites, and consistent with the recommendations of the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019, section 4j and 4k, demonstrating as a minimum, the following:
 - o Layout of the approved development,

- Extent of permitted basement,
- Location of trees including trunk, structural root zone and tree protection zone,
- Location of tree protection fencing / barriers,
- General tree protection measures, including ground and trunk protection.

b) A schedule of site inspections, hold points and related certification of construction works near the existing trees the subject of the Tree Protection Plan.

c) The Tree Protection Plan is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

d) Tree protection measures identified on the plan are to be in place prior to commencement of works.

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

24. **Transplanting Methodology**

A Transplanting Methodology prepared by a AQF Level 5 Arborist with qualifications in arboriculture/horticulture, shall be prepared to demonstrate the requirement for transplanting the proposed T38 *Livistona australis* (Cabbage Tree Palm), including:

- schedule of events, inspections, hold points and related certification
- preparation for trenching
- treatment of roots following trenching
- lifting technique
- sitting and planting
- post planting treatment of roots
- watering and fertilising regime
- maintenance program
- replacement strategy if transplanting fails in the long term

The Transplanting Methodology is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

Reason: to ensure adequate planning, execution and on-going care is undertaken.

25. **Pre-commencement Dilapidation Report**

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

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

Reason: Protection of Council's Infrastructure during construction.

26. **Compliance with Standards**

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

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

applied:

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

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

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

27. **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.

28. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

29. **Requirements for Seniors Housing or Housing for Persons with a Disability**

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

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

Reason: To ensure public safety and equitable access for seniors or people with a disability. (DACPLC16)

30. **Driveway Signalisation**

Plans demonstrating the inclusion of traffic signals to manage movements ingressing and egressing the car park are to be submitted to and approved by the consent authority prior to the issue of any Construction Certificate.

Reason: To ensure safe ingress and egress of vehicles (DACTRCPC1)

31. **Safety Audit**

The connections from the site to the nearest Bus Stops are to be reviewed by a suitably qualified safety auditor to determine their suitability for elderly to access public transport.

The report will need to address footpath grades, widths and crossing points.

Any outcomes identified in the report shall be addressed by the applicant prior to any consent becoming active.

Reason: To ensure all connections to public transport services are safe and appropriate for the elderly. (DACTRCPC2)

32. **Waste and Recycling Requirements**

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

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

Reason: To ensure adequate and appropriate waste and recycling facilities are provided. (DACWTC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

33. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site

(including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties:

- 1793 Pittwater Road, Mona Vale
- 1799 Pittwater Road, Mona Vale
- 40 Park Street, Mona Vale

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

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

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

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

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

34. **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.

35. **Tree removal within the property**

The following tree within the property are approved for removal based on the recommendations of the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019:

- Tree 23: *Acmena smithii*

The following trees proposed for removal are Exempt Species, and approval from Council is not required:

- Trees numbered 5, 6, 9, 10, 10A, 11 to 21 inclusive, 29, 31 to 34 inclusive, 37, 39 to 42 inclusive, and 44.

36. **Tree removal within the road reserve**

The following tree is approved for removal within the public reserve based on the recommendations of the Arboricultural Impact Assessment prepared by Jacksons Nature Works

dated 25 September 2019:

- Tree 1: Grevillea robusta (Silky Oak)
- Tree 28: Corymbia maculata (Spotted Gum)

Removal of these trees within public land shall only be undertaken by a Council approved Tree Contractor.

Details of currently approved Tree Contractors can be obtained from Northern Beaches Council's Tree Services section prior to removal.

Reason: Public liability

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

37. Road Reserve

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

Reason: Public Safety.

38. Removing, Handling and Disposing of Asbestos

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

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

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

39. Installation and Maintenance of Sediment Control

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

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

40. Progress Certification (Road & Subdivision)

The applicant shall provide written certification from a suitably qualified engineer upon completion and/or as and when requested by the Council/Roads Authority for the following stages of works:

- (a) Laying of stormwater pipes and construction of pits in Pittwater Road.

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

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

41. Civil Works Supervision

The Applicant shall ensure all stormwater drainage works in the Section 138 Roads Act approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

42. Footpath Construction

The applicant shall reconstruct or damaged and even sections of the existing footpath in Park Street. The works shall be in accordance with the following:

(a) All footpath works are to be constructed in accordance with Councils standard engineering details.

(b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Councils specifications.

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.

43. Notification of Inspections (Infrastructure works to be handed over to Council)

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

(a) Installation of Silt and Sediment control devices

(b) Prior to backfilling of pipelines

(c) Prior to pouring of stormwater gully pits

(d) Prior to pouring of kerb and gutter

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

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

44. Traffic Control During Road Works

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

Reason: Public Safety.

45. Vehicle Crossings

The Applicant is to construct one vehicle crossing 5.5 metres wide (Park Street) in accordance with Northern Beaches Council Drawing No A4-3330/ Normal Low and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

46. Project Arborist

- a) A Project Arborist with a minimum AQF Level 5 qualification in arboriculture/horticulture is to be appointed prior to commencement of works,
- b) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved Tree Protection Plan, the Transplanting Methodology plan, and Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019, and AS 4970-2009 Protection of trees on development sites,
- c) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

The Project Arborist is to supervise and certify all tree protection measures such as tree fencing, trunk protection and ground protection, and supervise all excavation and construction works near all trees, including recommending the construction methods near the existing trees to protect tree roots, trunks, branches and canopy.

Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Reason: to ensure the protection of the existing landscape amenity.

47. Tree and vegetation protection

- a) Existing trees and vegetation shall be retained and protected in accordance with the approved Tree Protection Plan, the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019, and AS 4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures, and as follows:
 - i) all trees and vegetation, including T4 (*Glochidion ferdinandi*), T7 (*Michelia figo*), T8 (*Magnolia grandiflora*), T22 (*Jacaranda mimosifolia*), T24 (*Brachychiton acerifolius*), T30 (*Olea europaea 'cupsidata'*), T35 (*Pittosporum undulatum*), T36 (*Ulmus carpinifolia*), T43 (*Cedrus deodara*), and T45 (*Lagerstroemia indica*) within the site not approved for removal,
 - ii) all trees and vegetation located on adjoining properties, including T25 (*Melaleuca quinquenervia*), and T39 (*Jacaranda mimosifolia*),
 - iii) all road reserve trees and vegetation, including T2 (*Melaleuca quinquenervia*), T3 (*Melaleuca quinquenervia*), and T27 (*Corymbia maculata*),
 - iv) the following palm recommended in the Arboricultural Impact Assessment for transplanting - T38 *Livistona australis* (Cabbage Tree Palm).
- b) Tree protection shall be generally undertaken as follows:
 - i) all tree protection shall be in accordance with AS 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5

metres of development,

ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,

iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,

iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,

v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,

vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,

ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,

xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect planting worthy of retention on development and adjoining sites.

48. **Substitution of Stormwater Treatment Measure**

The substitution of an "equivalent" device for the stormwater treatment measure approved in the Development Application process must first be approved by the Principal Certifying Authority.

Details must be submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

49. **Installation and Maintenance of Sediment and Erosion Controls**

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 Barrenjoey Consulting Engineers dated September 2019 prior to commencement of any other works on site.

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

mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997. Refer to the dewatering condition for disposal of tailwater collected in the sediment pond on site.

Reason: Protection of the receiving environment

50. **Dewatering Management**

Council proactively regulates construction sites for sediment management.

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

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

To obtain a permit, the following information must be contained in a dewatering management plan and provided to Council's Catchment Team:

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

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

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

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

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

Reason: Protection of the receiving environment

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

51. **Landscape works**

Landscaping shall be implemented in accordance with the Landscape Plan LA-01 (issue D), prepared by Gartner Trovato Architects, inclusive of the following requirements:

- i) the planting scheme shall be installed in accordance with the design layout and schedule as shown on the Landscape Plan LA-01 (issue D),
- ii) all large and medium tree shall be planted at least 5 metres from existing and proposed buildings,
- iii) all small tree planting shall be planted at least 3 metres from existing and proposed buildings,
- iv) tree and palm planting in close proximity to walling shall be located centrally to the garden area,
- v) all edging groundcover planting to paths and the like must be at least 200mm from the edge,
- vi) the street tree planting (x 2) in Park Street shall be *Corymbia maculata* planted at 75 litre minimum container size, and installed with a tree guard consisting of 4 posts and top & mid rails, and installed into a prepared planting hole 1m x 1m x 0.7m deep backfilled with sandy loam soil, finished with 75mm compacted mulch, and installed centrally between the footpath and front boundary,
- vii) all tree and palm planting listed on the Landscape Plan schedule shall be planted at 75 litre minimum container size,
- viii) all screen shrub planting listed on the Landscape Plan schedule shall be planted at 300mm minimum container size, at no more than 1 metre apart,
- ix) all small shrub planting listed on the Landscape Plan schedule shall be planted at 200mm minimum container size,
- x) all groundcover and succulent planting listed on the Landscape Plan schedule shall be planted at 140mm minimum container size,
- xi) no planting is permitted within the road reserve, with the exception of street tree planting and turf.
- xii) hard landscape elements such as retaining walling, paving, fencing, and planters shall be located and finished in accordance with the Ground Floor Plan DA-04, prepared by Gartner Trovato Architects,
- xiii) all on slab planters shall include a dripline irrigation system.

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 plans, and any relevant condition of consent.

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

52. **Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with AQF Level 5 qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection and excavation works,

- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: to retain and protect significant planting on development sites.

53. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by Barrenjoey Consulting Engineers. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

54. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

55. **Stormwater Treatment Measure Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site

- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure

- a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements
- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

56. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

57. **Post-Construction Dilapidation Report**

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

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

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

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

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

58. Reinstatement of Kerb

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

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

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

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

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

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

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

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

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

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

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

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

61. **Community/Strata Management Statement**

The Community/Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under community/strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan (which includes the WAE plans and intent of the stormwater treatment measures).

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

62. **Post-Construction Dilapidation Report (Major Development)**

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

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

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

64. **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)

65. **Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)**

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

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

External directional signage is to be erected on site at driveway entry points and on buildings

and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

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

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

Reason: To ensure consistent numbering for emergency services access.

66. House / Building Number

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

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

Reason: Proper identification of buildings.

67. Undergrounding of Telecommunications Services

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

68. Sydney Water

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

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

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

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

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

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

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the

title of the land to which this development consent applies.

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

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

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

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

AND

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

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

Reason: Statutory requirements. (DACPLF11)

70. **Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability**

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

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 statutory requirements have been completed, public safety, and equitable access for seniors of people with a disability. (DACPLF12)

71. **Signage and Linemarking – External.**

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

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

Reason: To ensure consistent parking amenity.
(DACTRFPOC1)

72. **Signage and Linemarking – Implementation.**

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

Reason: To ensure the appropriate signage is implemented prior to occupancy of the building (DACTRFOC2)

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

73. Landscape maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Newly planted street trees must be maintained, by a watering, fertilising and mulching program as a minimum, for a period of 12 months following the issue of an Occupation Certificate. Any failure due to lack of maintenance will require replacement tree planting with a further 12 months maintenance period applying.

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

74. Environmental and priority weed control

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

Reason: preservation of environmental amenity.

75. Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment

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

Signed

Renee Ezzy, Planner

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



Steven Findlay, Manager Development Assessments