

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1179
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 4 DP 76695, 1795 Pittwater Road MONA VALE NSW 2103 Lot 1 DP 219265, 1797 Pittwater Road MONA VALE NSW 2103 Lot 2 DP 219265, 38 Park Street MONA VALE NSW 2103 Lot 5 DP 77493, 1793 Pittwater Road MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a Seniors Housing development with basement parking & associated landscaping
Zoning:	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
Delegation Level:	DDP
Land and Environment Court Action:	No
Owner:	Mona Vale 3 Pty Ltd
Applicant:	Mona Vale 3 Pty Ltd

Application Lodged:	28/09/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	09/10/2020 to 30/10/2020
Advertised:	09/10/2020
Submissions Received:	5
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,929,695.00
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PROPOSED DEVELOPMENT IN DETAIL

The application proposes the demolition of the existing dwelling-house (fronting Pittwater Road) and garage with secondary dwelling above (fronting Park Street) and the construction of a Seniors Living development containing a further six (6) self-contained dwellings and additional basement parking

connecting with the approved development on the adjoining lots (to be consolidated).

The proposal seeks to consolidate all 4 sites to link the additional six (6) seniors housing dwellings to that approved under DA2019/1072. In total, the four (4) lots will contain a total of twenty two (22) apartments and basement parking for an additional twelve (12) parking spaces. Access to the consolidated basement parking will be from a modified driveway from Park Street. The proposal will include some minor changes to the previously approved development to achieve a shared access driveway and basement ramp and refinements to the fenestration. In detail, the development consists of the following:

Basement Level (RL8.45)

The basement level incorporates changes to the previously approved driveway and basement ramp to facilitate shared access to a new basement located on No. 1793 Pittwater Road. The basement accommodates 12 car parking spaces, 76 bicycle spaces, WC and bulky goods storage area and internal lift access. A new consolidated service room, plant room, rainwater tank and OSD tank are also proposed.

Ground Floor (RL 11.300)

Three (3) x three (3) bedroom apartments (apartments 1 to 3) each providing an open plan living, dining and kitchen, three bedrooms the main with an ensuite, a media room, a bathroom and courtyards

Driveway access to basement from Park Street.

Secure entry from park Street.

Bin store area and pedestrian access to Pittwater Road.

First Floor (RL 14.400)

Three (3) x three (3) bedroom apartments (apartments 4 to 6) each providing an open plan living, dining and kitchen, three bedrooms the main with an ensuite, a media room, a bathroom and a balconies.

Trees

Six (6) trees are proposed to be removed (four) 4 are exempt species. Additional planting is proposed along the boundaries.

Materials and colours

Stone cladding textured render with paint finish equal to resene barley there* (WHITE) and Resene Eighth Gravel

Concrete walls natural finish

Concrete shutter timber-board finish

Timber look metal cladding

Feature sandstone walls

Metal deck roofing

Vertical aluminium screens

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report)

taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

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

SUMMARY OF ASSESSMENT ISSUES

Assessment - Concurrence – NSW Roads and Maritime Services - SEPP Infrastructure (cl 104 Traffic-generating development)

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater 21 Development Control Plan - A4.9 Mona Vale Locality

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

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

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

Pittwater 21 Development Control Plan - D9.9 Building envelope

SITE DESCRIPTION

Property Description:	<p>Lot 4 DP 76695 , 1795 Pittwater Road MONA VALE NSW 2103</p> <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 5 DP 77493 , 1793 Pittwater Road MONA VALE NSW 2103</p>
Detailed Site Description:	<p>The subject site consists of four (4) allotment located on the south-western side of Pittwater Road. The site is irregular in shape with a primary frontage of 64.2m along Pittwater Road and a secondary frontage of 63.9m 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 Lot 5, DP 77493, No. 1793 Pittwater Road, Mona Vale.</p> <p>The site has a depth of between 36.25m and 68.48m and a surveyed area of 3240.42m². The site is located within the R2 Low Density Residential zone and single story dwellings are accommodated on each existing allotment. The site has a slope 5.8% that falls from the west to the east. The site</p>

contains several native and non-native canopy trees.

Detailed Description of Adjoining/Surrounding Development

Adjoining development is characterised by weatherboard dwelling houses to the northwest and south-east. The immediately adjoining neighbour to the south is Pittwater Medical Practice and a Health Space clinic.

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.

Map:



SITE HISTORY

PLM2020/0128

A pre-lodgement meeting (PLM 2020/0128) was held on 2 July 2020 in relation to the development of this site for seniors housing. The proposal sought to develop the site with a separate building containing six (6) dwellings and a shared driveway access to basement parking. The design as proposed at the PLM contained a height breach and substantial noncompliance with the basement setback to Pittwater Road. Based on the proposal as proffered, the scheme was not supported and required design amendments and the preference for site consolidation. Some of the advice provided in relation to design changes has been incorporated into the current proposal.

DA2019/1072

Development Application No. DA2019/1072 for demolition works and construction of a seniors housing development consisting of sixteen (16) units and thirty four (34) basement parking spaces at Nos. 1795 and 1797 Pittwater Road and No. 38 Park Street, Mona Vale was approved by Council on 9 July 2020.

Design Advisory Review Panel (DSAP)

On 26 November 2020, the subject application was briefed to the DSAP the Panel comments and Recommendations are detailed below:

Overall the Panel considers the proposal has an appropriate scale and massing that would fit into the local context. The Panel was informed of various concerns but believes that these issues can be adequately addressed by relatively minor amendments to the design. The amendments are addressed in the recommendations.

Building envelope and massing

The Panel noted the minor non-compliance with the front setback requirements but considered the stepped form and articulation an acceptable and attractive response to the geometry of the site.

Internal amenity

Clerestory windows add to quality of spaces and allow for challenging ARHSEPP solar access requirements to be met.

The residential units have good internal amenity. However it was noted that window in bedroom 2 of apartments 02 and 04 is 3m from western boundary facing the adjoining medical suites parking area does not comply with SEPP 65 ADG setbacks. May create privacy issues in possible future development of doctor's lot.

Overlooking and building separation issues about southern boundary, particularly in the instance the site to the south were to be developed in a similar manner. - suggestion of slipping rooms past one another to allow views East and West in lieu of South.

Recommendations

- 1. Alternative complying design for Bedroom 2 in apartment 06 resolution recommended;*
- 2. Bedroom 2 in apartments 02 and 04 should reconfigured, to have a skewed/bay window or swapped with the media room to avoid overlooking 1791 Pittwater Road.*
- 3. Bedroom 2 in apartments 03 and 06 should be setback from eastern interface with approved development to allow window in bedroom 3 of same apartment to be orientated to Park Street, avoiding current privacy problem with bedroom 3 window in apartments 04 and approved development.*

Aesthetics and materials

The panel consider the materials and articulation appropriate for the area and commend the differentiation from the adjoining develop that already has approval.

Landscape

The panel commends the retention of street trees and notes that the consolidation of the car park entry will allow for additional kerbside/ verge planting in the future, but also notes the removal of trees from the middle of the site. The Panel noted that there is inadequate large tree planting to meet GANSW urban canopy targets. Excavation for the basement is likely to have an impact on the roots of the trees on 1791. Reconfiguration of the basement layout may minimise or avoid this.

Recommendations

- 4. Ideally provide deep soil planters (1000mm) in central courtyards. Install a number of trees to increase canopy.*
- 5. Investigate redesign of the basement car park (bulk store, fire stair, WC) to minimise or avoid impacts on roots of trees on 1791. Consider relocation of fire egress to between units 02 and 03.*

Sustainability

The Panel noted the extensive skylight over the foyer. This will cause excessive solar gain and cooling loads

Recommendation

6. The glazed roof over the foyer should be removed. A small skylight facing south be sufficient to provide indirect natural light.

7. The Panel encourages the maximization of onsite renewable energy generation and electrification of all appliances and services in anticipation of decarbonisation of the grid.

8. The panel would strongly suggest the inclusion of EV charging in the basement to encourage and support increased usage of electric vehicles. ('Level 2' electric vehicle charging points)

PANEL CONCLUSION

The Panel supports the proposal in its current form with the minor modifications noted in the recommendations.

Amended Plans / Response to DSAP

On 27 January 2020, the applicant submitted amended plans in response to the DSAP recommendations which include the following changes and response to the DSPA recommendations:

Recommendations and Applicant's Response

Recommendation 1.

The applicant notes that an alternative complying development for bedroom 2 apartment 6 is not applicable as the issues with this bedroom is address in recommendation No 3.

Recommendation 2.

The location of the media room and bedroom 3 have been swapped and Bedroom 2 in units 2 and 4 have been redesigned to provide a recessed section of the southern façade between the media room and bedroom 2, to allow bedroom 2 a window that faces Park Street and not directly sideways towards 1791 Pittwater Road. The remaining narrow louvre window to bedroom 2 shall be 'white glass' or obscure glazing.

Recommendation 3.

Ground Floor Bedroom 3 in apartment 3 has been amended to provide a bay window with fixed obscure lazing that faces the approved development to the north and a louvre window that faces Park Street. First Floor bedroom 2 in apartment 6 has been recessed an additional 1.2m from the northern boundary and a skewed / bay window added to bedroom 3 that faces Park Street.

Recommendation 4.

Not applicable as the central courtyard is already approved under DA2019/1072.

Recommendation 5.

Alternate exit from the basement between garages 2 and 3 would require an exit stair between garages to retain the garage depth for parking. This exit would effectively cut in half the space of bedroom 1 in apartment 2 through the centre of the bed (as the stair requires head height in the floor above the garage). If bedroom 1 were relocated towards Park Street, it would rely on side boundary facing windows (unacceptable – see point 2 above). If bedroom 1 were relocated towards Pittwater Road, it would breach setbacks. This option does not function. The current layout of the basement exit adjacent garage 4 is the only exit that complies with BCA and retains the apartment layouts. The arborist report endorses the location of this exit in relation to the impact on trees within 1791. The current exit is maintained

Recommendation 6.

The glazed roof has been deleted and a small glazed access hatch provided to the first floor foyer as suggested by DSAP.

Recommendation 7.

The amended plans include the addition of 24 x photo-voltaic panels on the roof to provide the development with renewable energy. The panels are located away from the street facades.

Recommendation 8.

The amended plans have included the addition of 2 x Electric Vehicle charging points, the locations of which provide simple flexibility to increase these to 4 points at any time in the future.

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)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition 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. Additional information was requested in relation to urban design matters raised by DSAP.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>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 clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 09/10/2020 to 30/10/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 5 submission/s from:

Name:	Address:
Mrs Lynette Rosemary Gregory	PO Box 498 MONA VALE NSW 2103
Philippa Cecilia Wight	PO Box 435 CHURCH POINT NSW 2105
Mr David Wayne Small	21 / 2 Cerretti Crescent MANLY NSW 2095
Mr Dale Danilovic	4 Roseberry Street MANLY VALE NSW 2093
Mrs Lois Margaret Brooks	97 Annam Road BAYVIEW NSW 2104

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

- ***A new DA is required for the entire site;***
- ***Over-development and non-compliance with controls;***
- ***Out of character with the area;***
- ***Heritage Impacts;***
- ***Garbage collection will impact on Pittwater Road clearway;***
- ***Road and pedestrian safety and traffic issues;***
- ***Stormwater issues, and***
- ***Construction Impacts.***

The matters raised within the submissions are addressed as follows:

- ***The application should be a new DA for the whole site. DA2020/1179 does not clearly demonstrate that the development will be 22 townhouses.***
Comment:
Approval was granted on 9 July 2020 for 16 HSDP apartments and basement parking under DA2019/1072 and the consent remains valid. The subject application seeks consent for the details design of six (6) additional HSDP apartments and some modification to the basement design approved under DA2019/1072. The documentation submitted in support of the subject DA is sufficient to make a legal decision on the proposal and it is not reasonable or necessary to request a new DA for the entire site. The documents detail the 16 apartment that have been approved in plan and numerous reports.
- ***DA2020/1179 proposes 6 townhouses on a site that currently has 1 house. This is an overdevelopment of the site. The proposed development goes over all building boundaries required by council - north, south, Pittwater Road and Park Street. The parking provision is unworkable for elderly residents. There is no adequate provision for trees or green space. Concern is raised regarding the removal of existing mature trees.***
Comment:
The density of the development is similar to the HSDP scheme approved to the immediate north under DA2019/1072. The design has been peer reviewed by an independent Panel (DSAP)

who formed the opinion that the scale, density and massing of the development is contextually appropriate and consistent with the desired future character of the area. The minor breach in the setbacks have been assessed as acceptable and will not result in any unreasonable adverse visual impacts on the streetscape. Amended plans have been submitted which address concerns regarding potential impacts on the existing and future amenity in relation to visual and acoustic privacy. Refer to discussion elsewhere in this report.

The proposal provides 41% landscape open space and 35.7% deep spoil planting which exceeds the SEPP (Seniors Living) requirements. A total of six (6) trees are proposed to be removed from the site to which the six (6) additional apartments are being proposed. Four (4) of these trees which are exempt species species and the remaining two (2) trees that are located within the footprint of the proposed development have been assessed by Council's Landscape Officer as being Existing landscaping is supplemented with additional planting comprising a total of 19 new canopy trees throughout the consolidated site and 21 smaller native trees for screen planting.

- ***DA2020/1179 would change the overall development to one which is not in keeping with the character of Mona Vale or the surrounding area. There are no other 22 townhouse developments on such a small site near the centre of Mona Vale. The Townhouse developments opposite on Pittwater road are 10 townhouses, 8 townhouses and 6 townhouses, all with much longer street frontage.***

Comment:

As discussed above and elsewhere within the report the proposal has been assessed as being in character with the desired future character of the Mona Vale locality. The site is located close to the Mona Vale town centre and is surrounded by a mixed use and density including detached dwellings to the north, a large Woolworths store diagonally across Park Street and a town house development across Pittwater Road.

- ***The proposed development is very close to 5 heritage listed sites. It would replace a very attractive cottage which looks like a heritage building and was previously a presbytery. It is an iconic Mona Vale cottage with historic significance even though it isn't heritage listed.***

Comment:

Given the physical separation from the heritage items to the subject site, the proposal is considered to not impact upon them or their significance. Refer to comments in the Heritage Referral section of this report.

- ***If approved and added to the new development, garbage collection would be on Pittwater Rd. The current garbage collection services 3 households. This would change to servicing 22 households. It would be impossible to manage this without having a clearway in force on Pittwater Rd.***

Comment:

The application was referred to Council Waste Officer who offered no objections subject to conditions. Refer to comments in the referral section of this report.

- ***The junction at Pittwater Road and Park Street is already a very dangerous crossing. School buses, trucks for Woolworths, school traffic as well as normal traffic use this junction. Adding another 22 households using this junction will only add to the problem.***

Comment:

The application was referred to Council's Transport Unit and Transport for NSW who offered no objections to the proposal on road safety grounds subject to conditions. Refer to comments in the referral section of this report.

- ***Having the largest senior housing development in Mona Vale adjacent to a road junction (Pittwater Road and Park Street), where there is no pedestrian crossing is complete madness. This is the only crossing point going into Mona Vale from north of Pittwater Road. It is already a very congested crossing and very difficult for pedestrians to navigate. The proposed development will add to the problem and will place the elderly residents at risk of harm.***

Comment:

The application is supported with an access report which confirms that the proposal meets the accessibility requirements of the SEPP including safe passage being available via Council footpaths and crossing to bus stops and local medical and other essential services. A condition requires compliance with the accessibility report. In addition, a condition requires a safety audit for the connection to the nearest bus stop to determine the suitability for elderly to access public transport.

- ***A number of issues were identified by council in the adjoining DA2019/1072 which was approved in July 2020, including a Water Management Referral response stating "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." It is being proposed that the development be significantly increased in size. The problem of stormwater runoff has only been magnified, with no attempt to provide a solution. If the DA is approved, there are numerous issues that need to be addressed during the construction phase.***

Comment:

Council's Water Management Officer has confirmed that the development has met its water conservation targets as required by BASIX, Additionally they are using a Filterra device and this bio retention device satisfies the water quality targets whilst also contributing to further water conservation.

The installation of a rain water tank, while being a good initiative, is not a requirement of Pittwater DCP 21.

Council's Development Engineer has no objections to the proposal subject to conditions.

- ***The noise during construction will make it impossible for the adjoining medical practices to trade during normal business hours. This will cause chaos with traffic, noise pollution etc for years. At the very least, Truck movements should be restricted from 2.30pm due to the site location being an access point to a number of nearby schools. Traffic at the Pittwater Road to Park Street junction is at its peak from 2.30pm Monday to Friday.***

Comment:

Standard conditions are recommended relating to construction hours and noise. In addition, Council's Transport Unit have recommended a condition requiring the submission of a Construction Traffic Management Plan (CTMP) which includes a restriction in truck movement during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

- ***The 2 hour parking zone on Pittwater Road is essential for nearby medical businesses, schools and churches. If this is restricted to a construction zone or work zone there is no alternative parking available for residents and visitors.***

Comment:

The CTMP does not permit temporary truck standing or queuing in the a public road in the vicinity of the site without Council approval. In addition, the CTMP specifies that measures require the applicant to obtain prior approval of the proposed method of access to and egress from the site for construction vehicles, including access routes and truck rates through the

Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. The Plan will also require, wherever possible, mobile cranes should be located wholly within the site and staff and contractors to park onsite.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application proposes a three level SEPP Seniors Living building containing self contained sole occupancy units and carparking etc. The development consists of a basement level carpark with two (2) levels of residential apartments located above. It includes a connection at the basement level to the existing building adjacent as described on the plans. Due to the basement connection the new development will form a single United Building and has been assessed on this basis.</p> <p>The proposal will consist BCA Class 2 and 7a portions (assessed as residential sole occupancy units due to their use as 'independent living units' rather than Class 3), and therefore Type B Construction. No objections subject to conditions.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>The inclusion of chimneys in the plans has lead Environmental Health to believe that solid fuel heaters may be included in the design of the development. The proximity of the development to the town centre of Mona Vale is not appropriate for solid fuel heaters. A condition is to be imposed prevent the installation of solid fuel heaters.</p> <p>Air conditioning units located on the roof with no mention of acoustic controls are not appropriate on the acoustic amenity of the surrounding area. A condition is to be imposed only allowing installation of air conditioner units in the basement carpark.</p> <p>The geotechnical report advises that encountering Acid sulfate soils is unlikely based on the water table not being impacted and the site being mapped as class 5.</p> <p>Environmental Health are satisfied subject to the recommended conditions being imposed.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>The application seeks approval of a seniors housing development at 1793-1797 Pittwater Road and 38 Park Street Mona Vale.</p> <p>Council's Landscape Referral staff have assessed the application against the following relevant landscape controls and policies:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: clause 33 Neighbourhood amenity and

Internal Referral Body	Comments
	<p>streetscape.</p> <ul style="list-style-type: none"> • Seniors Living Policy: clause 2. Site Planning and Design; and clause 3. Impacts on Streetscape. • Pittwater 21 DCP Controls: B4.22 Preservation of Existing Trees and Bushland Vegetation; C1.1 Landscaping; C1.21 Seniors Housing; and C1.24 Public Road Reserve - Landscaping and infrastructure, and D9 - Mona Vale Locality. <p>Development consent DA2019/1072 was granted for seniors housing upon No. 1795 and No. 1797 Pittwater Road and No. 38 Park Street Mona Vale. Subsequently No. 1793 Pittwater Road was acquired and now forms part of this development application. An updated Landscape Plan dated 21 September 2020, drawing number LA-01 incorporating all four lots is provided with the application. A Arboricultural Impact Assessment dated 17 September 2020 is provided for the additional portion of land (No. 1793) in addition to the previous Arboricultural Impact Assessment dated 25 September 2019 for the other portions of land. Conditions of consent shall refer to the updated Landscape Plan and to both the Arboricultural Impact Assessment reports.</p> <p>The landscape component of the proposal is acceptable, with the relevant landscape controls and policies satisfied by the proposal, subject to the protection of nominated existing trees, and the completion of landscape works</p>
NECC (Development Engineering)	<p>Updated response 28/01/2021</p> <p>Transport NSW has now provided concurrence and conditions for the proposed 300mm RCP outlet pipe located beneath Pittwater Road . No objections to the development subject to conditions.</p> <p>Previous comments</p> <p>The site stormwater drainage concept plan detailing the provision of On site stormwater detention is generally acceptable however the connection point in Pittwater Road is a kerb inlet pit on the opposite side of the street and it is proposed to install a 300mm Concrete pipe across Pittwater Road to achieve this.</p> <p>This proposed pipeline requires concurrence from RMS (Transport NSW) as required also by the adjoining development approval at 795-797 Pittwater Road (DA2019/1072)</p> <p>Development Engineering will provide conditions and finalize the referral once the RMS has given concurrence for the proposed stormwater line across Pittwater Road and connection into the kerb inlet pit .</p>
NECC (Water Management)	<p>The stormwater treatment for the original part of the development was a compromise in that it didn't achieve many Water Sensitive Urban Design objectives, and it is disappointing to see a development of this size using proprietary devices instead of the much preferable natural vegetated devices. However, to allow for more efficient maintenance by having similar systems for both parts of the development, the installation of another Filterra device is allowed, and satisfies the</p>

Internal Referral Body	Comments
	water quality targets. Conditions apply.
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>This proposal has been referred to Heritage as the subject property is within the vicinity of two heritage items:</p> <p>"Glenroy" (house) 1789 Pittwater Road, Mona Vale</p> <p>St John's Anglican Church and gravestones - 1624 Pittwater Road, Mona Vale</p>
	Details of heritage items affected
	<p>Details of the items as contained within the Pittwater inventory are as follows:</p> <p>Glenroy</p> <p><u>Statement of significance:</u> Glenroy at 1789 Pittwater Road in Mona Vale has historic and aesthetic significance as a good example of a Federation House associated with the early inhabitants of Pittwater, the Johnson family. It is one of the earliest surviving houses in the locality. It features simplified elements of the Federation House, including the use of weatherboard, the shady veranda, the corrugated iron roof and the plain or sparingly decorated timber posts.</p> <p><u>Physical description:</u> Glenroy features simplified elements of the Federation House, including the use of weatherboard, a shady veranda, corrugated iron roof and plain or sparingly decorated timber posts.</p> <p>St John's Anglican Church and gravestones</p> <p><u>Statement of significance:</u> St John's Anglican Church is historically significant as one of the earliest churches of Pittwater. It was built in 1871 and relocated to Bayview in 1888. It was demolished and rebuilt in 1907. It is socially significant due to its being one of the earliest Churches built by the Anglican community in the area. Group of three relocated headstones typical of the late nineteenth century design, removed from lost grave sites on Mona Vale Headland. The group includes a memorial to a worker killed during the erection of Barrenjoey Lighthouse.</p> <p><u>Physical description:</u> St Johns Anglican Church is a sandstone one-storey church located on Pittwater Road with a later modern addition. It is built in a simple style featuring Victorian Rustic Gothic characteristics, including: a steep-pitch roof, prominent gable with wide bargeboard, two-centred pointed arched opening.</p>

Internal Referral Body	Comments														
	<p>On the western elevation there are three sandstone gravestones. One commemorates the death of William F Stark and was "erected by his fellow workmen as a mark of respect" and inscribed "accidentally killed during the erection of the New Lighthouse at Barrenjoey, Wednesday 16th February 1881". (Blumer 197, Sparks 1992)). The other two headstones and are actually two pieces of a headstone for Priscilla Wilson, died aged 2, daughter of Frances and Thomas Wilson (Pauling, 12).</p> <table border="1" data-bbox="520 629 1434 1211"> <thead> <tr> <th data-bbox="520 629 948 669">Other relevant heritage listings</th><th data-bbox="948 629 1434 669"></th></tr> </thead> <tbody> <tr> <td data-bbox="520 669 855 813">Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td data-bbox="855 669 948 813">No</td></tr> <tr> <td data-bbox="520 813 855 887">Australian Heritage Register</td><td data-bbox="855 813 948 887">No</td></tr> <tr> <td data-bbox="520 887 855 960">NSW State Heritage Register</td><td data-bbox="855 887 948 960">No</td></tr> <tr> <td data-bbox="520 960 855 1034">National Trust of Aust (NSW) Register</td><td data-bbox="855 960 948 1034">No</td></tr> <tr> <td data-bbox="520 1034 855 1140">RAIA Register of 20th Century Buildings of Significance</td><td data-bbox="855 1034 948 1140">No</td></tr> <tr> <td data-bbox="520 1140 855 1211">Other</td><td data-bbox="855 1140 948 1211">n/a</td></tr> </tbody> </table> <p>Consideration of Application</p> <p>The proposal seeks consent for the construction of a seniors living development on the subject site. Glenroy is located to the south of the subject property with 1791 Pittwater Road in between. St John's is located to the east across Pittwater Road. Given the physical separation from the heritage items, the proposal is considered to not impact upon them or their significance.</p> <p>The subject property at 1793 Pittwater Road Mona Vale, is however of interest to Heritage as an example of a Federation style dwelling, although altered. Heritage will condition that a full photographic archival recording of the property be undertaken before any works on site begin.</p> <p>Therefore Heritage raises no objections and requires one condition.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p> <p>Further Comments</p> <p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 27 October 2020</p>	Other relevant heritage listings		Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Australian Heritage Register	No	NSW State Heritage Register	No	National Trust of Aust (NSW) Register	No	RAIA Register of 20th Century Buildings of Significance	No	Other	n/a
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Other	n/a														

Internal Referral Body	Comments
Strategic and Place Planning (Urban Design)	<p>Previous PLM Urban Design Comments:</p> <p>The proposal should address the visual and noise privacy issues to the windows of all bedrooms in unit 01 from the entry path.</p> <p>The proposal has addressed some but not all of the Urban Design issues identified in the Pre-Lodgement Meeting provided below:</p> <p>1. Applicant to confirm that the site will be amalgamated as the vehicle ramp to basement and entry path to the lift lobby at ground floor are straddling the north boundary. Building setback to north boundary as proposed is zero. Response: The four lots will be amalgamated.</p> <p>2. Front building setbacks of 6.5m to Parks Street and 10m to Pittwater Road to have similar breaches as the approved seniors living development to the north. Response: The proposed front setbacks could be increased further to reduce built form impact to the streets.</p> <p>3. South boundary side setback is not acceptable – suggest 3.5m to maintain adequate landscape buffer to southern neighbour. South elevation treatment should have a large indent(4x2m) in the middle for additional landscape treatment to break down building bulk and scale. Response: The proposed south boundary setback has been amended to about 2.5 to 3 metre to provide additional green buffer but the basement setback is less than a metre wide to the southern boundary. There should be a new building section cut in the north-south direction to indicate that deep planters (one metre deep soil) can be incorporated.</p> <p>4. Vehicular ramp turning circle in basement looks really tight - refer to traffic officer's comment. Response: Traffic officer has approved basement layout subjected to conditions.</p> <p><u>Planners response:</u></p> <p>The DA was peer reviewed by DSAP who considered the issues raised by Council's Urban Design and concluded that breach in the front set back would not result in unreasonable impacts on the streetscape or the desired future character of the area. It is also noted that a variation of the front setback to Pitt Street was approved by DDP in the earlier HDSP scheme to the immediate north.</p> <p>DSAP generally considered that the bulk, scale and massing of the development to be acceptable and that amenity issues in relation to the setback of the development to the southern boundary could be addressed by amendments relating to window treatment. The</p>

Internal Referral Body	Comments
	<p>applicant has submitted amended plans which address the recommendations of the Panel and are considered to adequately address urban design issues. Refer to further discussion on these issues throughout this report.</p> <p><u>Final Urban Design Comment:</u> The amended proposal dated 27 Jan 2021 has addressed the urban design and DSAP issues satisfactorily. Privacy screens and planter boxes have been utilised to address the issues of visual privacy to the bedrooms in unit one from the entry path. The issue of noise from the entry path, which is a common concern with medium-density development, can be dealt with using strata by-laws if the issue becomes a problem for the residents in the future.</p>
Traffic Engineer	<p><u>Background:</u> A development consent DA2019/1072 has currently been granted for the construction of 16 seniors house dwellings with basement parking on No's 1795 and 1797 Pittwater Road and No. 38 Park Street, Mona Vale. The adjoining property at No. 1793 Pittwater Road has since been secured with the subject application seeking to consolidate all 4 sites to facilitate the construction of an additional 6 seniors housing dwellings with basement parking on the consolidated allotment. Such outcome necessitates minor modifications to the previously approved development to achieve a shared access driveway and basement ramp outcome with minor refinements also proposed to the approved fenestration where it adjoins the additional dwellings. The approved development is served by a single level basement carpark containing a total of 34 spaces comprising 32 resident spaces (2 spaces per dwelling) and 2 visitor spaces. Vehicular access to the approved development is off Park Street via a two-way 6.0m wide combined entry/exit driveway located adjacent to the eastern site boundary. The access narrows to a single lane ramp approximately 6m into the site.</p> <p><u>Proposed Development:</u> The development proposal will amalgamate 6 additional 3 bedroom dwellings to the approved Seniors Living development. The development site will therefore contain a total of 22 x 3 bedroom self contained dwellings.</p> <p><u>Car parking provision:</u> The development is proposed to be served by a single level basement carpark containing a total of 46 spaces comprising 44 resident spaces (2 spaces per dwelling) and 2 visitor spaces. Each unit will be served by a 3.8m wide adaptable space and a standard 2.4m wide parking space. The car parking provision satisfies the SEPP requirements.</p> <p><u>Bicycle parking:</u> In compliance with Pittwater DCP, 4 bicycle spaces is to be provided for the proposed additional 12 residential dwellings.</p> <p><u>Vehicular access and internal design:</u></p>

Internal Referral Body	Comments
	<p>The proposal includes the provision of 6m wide combined entry/exit access driveway off Park Street and two-way access ramp leading to separate ramps to two separate car parking areas. The proposal is supported subject to provision of priority Signage/linemarkings at he conflict point on the ramp.</p> <p><u>Pedestrian connection to bus stops:</u> Footpath connections to the nearest bus stops are already in place, however, the designated bus stops in front of No.1620 and 1785 Pittwater Road are to be upgraded to DDA compliant (accessible) bus stops.</p> <p><u>Traffic impact:</u> The projected additional traffic generation is considered minimal and is not considered to have adverse impact on the road network.</p> <p><u>Conclusion:</u> The proposal is supported subject to conditions.</p>
Waste Officer	<p>Waste Management Assessment The development application for 1793 Pittwater Road MONA VALE is supported subject to conditions.</p> <p>(This waste management approval does not apply to 1795 Pittwater Road MONA VALE, 1797 Pittwater Road MONA VALE and 38 Park Street MONA VALE)</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

application hereunder.

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1134209M dated 14 September 2020).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	48	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 below 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.

The design of the development was peer reviewed by DSAP who considered that the proposal has an appropriate scale and massing that would fit into the local context. The stepped form and articulation was considered by the Panel as an acceptable and attractive response to the geometry of the site.

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	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

Development Criteria			
Clause	Requirement	Proposal	Complies
	residents not more than 400 metres away.		
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not Bushfire prone land.	NA
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	<p>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):</p> <p>i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development</p> <p>iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision,</p> <p>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.</p>	<p>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.</p> <p>The site is serviced by existing infrastructure (electricity, water and sewerage) that is capable of meeting the demands that will arise from the development.</p> <p>The proposed two storeys with basement 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 land in the vicinity.</p>	Yes
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 Cause 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	<p>Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p>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.</p>	<p>As noted above, DSAP have reviewed the proposal and considered that the two storey townhouse style development responds appropriately to the context of the site. The Panel considered that the building mass is broken up with significant articulation of the facades. The proposed building form is considered to complement the extensive mix of development surrounding the site.</p> <p>The site is located within the Mona Vale Locality which states in part new development should:</p> <p><i>"To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.</i></p> <p><i>To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.</i></p> <p><i>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>In summary, the proposed built form has been assessed as 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 	<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>

Section	Requirements	Comment
	parking, garaging and vehicular circulation.	
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. Council's Landscape Officer has no objections to the proposal subject to conditions.</p> <p>DSAP note that the facades are suitable articulated to reduce the mass and bulk of the building.</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.	<p>The proposal, as amended, will not result in any unreasonable amenity impacts on neighbouring residents by virtue of loss of privacy or solar access.</p> <p>It is noted that the property to the immediate south is a medical practice. Bedroom windows in units 2 and 4 are positioned 3m from the to the southern boundary and concerns has been raised regarding the future re-development of 1791 Pittwater Road.</p> <p>Concern was also raised regarding potential privacy issues between the bedroom window to units 3 and 6 and the approved development to the north.</p> <p>In order to address this issue the proposal has been amended at the recommendation of DSAP to incorporate design measures to ensure privacy is maintained. These measures include skewed / bay window, recessed / cut out sections and white / obscure glazing.</p> <p>Issues relating to construction impacts and traffic which have been</p>

Section	Requirements	Comment
		raised in the submissions have been addressed via conditions of consent.
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. - Provide useable private and communal open space to all residents. - Provide dwellings that have distinct identity and safe entries. - Ensure solar access to living area and private open space. - Reduce the dominance of parking, garaging and vehicular circulation space. 	The proposal provides an accessible pedestrian link from the primary frontage on Pittwater Road. The site layout provides clear entrances to each dwelling. Quality useable private open space is provided for each unit. Sufficient solar access is provided to living area and areas of private open space. Parking is not visible from the street been located below ground in the basement.

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.	<p>The desirable elements of the locations current character consists of low density dwellings to the north-west and south-east, a church on the opposite side of Park Street, and medium density developments including Woolworths arcade further south-west and townhouse developments on the opposite side of Pittwater Road.</p> <p>The DSAP Panel consider that the proposal recognises the desirable elements of the current character with well articulated facades and it can be reasonably concluded that the proposal is compatible with its surroundings.</p>	Yes
	b. Retain, complement and sensitively harmonise	The site is not located within a heritage conservation area but is within the proximity of two	Yes

Control	Requirement	Proposed	Compliance
	<p>with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.</p> <p>c. Maintain reasonable neighbour amenity and appropriate residential character by;</p> <p>(i) providing building setbacks to reduce bulk and overshadowing</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,</p> <p>(iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbors.</p>	<p>(2) local heritage items: <i>Glenroy House - 1789</i> <i>Pittwater Road</i> <i>Victory Tree (Holly Oak) - 1785</i> <i>Pittwater Road</i></p> <p>Given the spatial separation between the subject site and the heritage items it is not considered that the proposal will adversely impact on their significance.</p> <p>The development at the Pittwater Road frontage provides a staggered setbacks of between 8-11m to the building frontage / west elevation which is consistent with the approved connecting development to the north. Balconies and planter bed are sited approximately 7m from the frontage. 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 and is consistent with the approved linking development to the north and the existing dwelling.</p> <p>The wall of the east elevation to Park Street complies with the 6.5m setback. However it is noted that sections of the building which fall within the 6.5m setback area including open balconies and roof lines which project beyond the front setback.</p> <p>Notwithstanding this numerical non-compliance the front set back provisions the proposal is considered compatible in scale with other developments in the streetscape and will not result in solar access issues to neighbouring residential properties.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,</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>The proposal adopts a building height and street frontage that is compatible in scale with the linking HSPD to the north and other developments in the locality.</p> <p>As discussed above, despite the numerical non compliance with the front set back requirement the front building line is set back in sympathy with the adjoining linking approved HSPD development to the north.</p> <p>Further the proposed building lines provide a suitable transition between the adjoining single storey medical centre to the immediate south and other two storey residential developments 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 subject to conditions.</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> <p>Yes</p>
CL 34 Visual and acoustic privacy	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	<p>The development has been designed with the primary outdoor living areas within each unit facing toward either Pittwater Road or Park Street.</p> <p>Concerns regarding the future development potential of the medical center site to the south. Issues relating to loss of privacy as a result of overlooking of bedroom</p>	Yes

Control	Requirement	Proposed	Compliance
	and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	windows has been addressed with amended plans which provides for offsetting windows and obscure glazing and additional screening.	
CL35 Solar access and design for climate	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 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.	Solar access and overshadowing from the development have been assessed as reasonable.	Yes
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	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

Control	Requirement	Proposed	Compliance
	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.		
CL 38 Accessibility	The proposed 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.	The site is within 400m of bus services connecting to Manly, North Sydney, City and Chatswood. In addition, the site is within walking distance to the Mona Vale town centre.	Yes
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	The site (No.1797)	Yes

Control	Required	Proposed	Compliance
		provides an area of 1050m ² , combined with the other three lots (Nos. 1793 and 1795 Pittwater Road and No. 38 Park Street) the total new site area will be 3240.42m ²	
Site frontage	20 metres	40m to Pittwater Road 43m to Park Street	Yes
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	Max of 8m to the lift over run	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	The development is capable of complying with this requirement.	Yes, by condition

Control	Required	Proposed	Compliance
	that has a gradient of less than 1:10 or 50% whichever is the greater.		
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 in the Pittwater Road entry pavilion in the blade wall on the right side of the entry gate.	Yes
Private car accommodation	(a)Carparking space must comply with AS2890 (b)One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	The development provides compliant car parking.	Yes
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	The proposed development has been identified as capable of complying.	Yes

Control	Required	Proposed	Compliance
	must comply with AS1428.1.		
Bedroom	At least one bedroom within each welling 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
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	The proposed development has been identified as capable of complying.	Yes

Control	Required	Proposed	Compliance
	potential illumination level of at least 300 lux.		
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)	The maximum height of the development as measured to the top of the lift shaft is 8m.	Yes
Density and scale	0.5:1	0.8:1 (2594.31sqm)	No

Control	Required	Proposed	Compliance
		<p>The consolidated proposal exceeds the 0.5:1 FSR by 974sqm (0.3:1).</p> <p>It is noted that the HSDP approved under DA2019/0172 was 0.78:1.</p> <p>Council's Urban Designer recommended that the set backs of the building be increased (density reduced) to better reflect the character of the area and reduce impact on neighbouring amenity.</p> <p>Conversely DSAP did not raise any issue with the density of the development and generally considered that the scale and massing would fit the local character. In terms of the building envelope and massing the Panel noted the minor non-compliance with the front setback but considered the stepped form and articulation an acceptable response. The Panel recommended minor design changes to address visual privacy concerns in relation to the setback of the building to the southern boundary i.e. privacy treatment to non-complying windows. These modifications are included, in part, in the amended drawings.</p> <p>The built form and land</p>	

Control	Required	Proposed	Compliance
		<p>use context of the site includes a large Woolworths supermarket located on the opposite side of Park Street, a townhouses development located on the opposite side of Pittwater Road and a medical centre directly to the south. In addition, the density proposed is consistent with that approved for the HSDP under DA2019/1072.</p> <p>In summary, given the advice from DSAP and the context of the site a variation of the numerical density control has been assessed as acceptable. Despite the numerical non-compliance with the GFA control the proposal is generally considered to reflect the desired future character of the area. The GFA has been appropriately distributed across the site with design modifications proposed to address potential amenity impacts.</p>	
Landscaped area	30% of the site area is to be landscaped	41.3% (1338.3sqm)	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.	35.7% (1157.6sqm). 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	Compliant solar access is provided to all 6	Yes

Control	Required	Proposed	Compliance
	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	dwellings.	
Private open space	<p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a 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>	<p>With the exception of unit one (1) all ground floor units have compliant areas of private open space (POS). Unit one (1) has a 11.58sqm balcony.</p> <p>The minor 3.5sqm breach in the POS requirement has been assessed as acceptable given that a suitable level of amenity is provided to of unit 1.</p> <p>All level one apartments provide compliant areas of private open space in the form of a balcony.</p>	No
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	Based on 18 bedrooms the proposal requires 12 car parking spaces. The proposal provides for a total of 12 resident spaces within an amended basement in compliance with this control.	Yes

Control	Required	Proposed	Compliance
	community housing provider.		
Visitor parking	None required if less than 8 dwellings	6 dwellings are proposed	NA

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. A response has been received which offers no objections to the development subject to conditions.

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 TfNSW who offered no objections to the proposal subject to conditions which are included in the recommendation.

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	8m	N/A	Yes

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	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

7.2 Earthworks

Clause 7.2 requires the consent authority must consider the following matters:

the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
the effect of the development on the likely future use or redevelopment of the land,
the quality of the fill or the soil to be excavated, or both,
the effect of the development on the existing and likely amenity of adjoining properties,
the source of any fill material and the destination of any excavated material,
the likelihood of disturbing relics,
the proximity to, and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,
any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.

Comment:

The proposal requires excavation of up to 3.70m depth to achieve the basement level with FFL7.73. The excavation will connect with the shared driveway to the basement approved under DA2019/1072

for a Senors Housing Development to the immediate north. The excavation will extend to within 0.9m of the southern boundary 4.7m to the west and 6.7m to the east. The geotechnical report provides a risk assessment of landslip to all boundaries and provides design and construction recommendations to ensure potential risk will be maintained within acceptable risk management criteria. the recommendations include the need for support measures and a need for additional testing.

Subject to compliance with the recommendations of the geotechnical report it is concluded that the proposed earthworks can be carried out to ensure soil stability and seepage is managed and impacts on neighbouring amenity and structures are minimised. Inspections are required throughout the construction and dilapidations surveys recommended for properties within 10m of the excavation perimeter.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10m Pittwater Road	8m - 8.2m to building wall 6.8m-7m to balconies Nil to bin store	20-22% 32%-30%	No
Rear building line	6.5m Park Street	6.5m - 7.5m to building line 4m to balconies	N/A 38.5%	Yes No
Side building line	2.5m Southern boundary	3m	N/A	Yes
	1m Northern boundary	zero	100%	No
Building envelope	3.5m north-west	Outside envelope 1.4m in height for a length of 6.6m	Refer to details	No
	3.5m south-east	Within envelope	N/A	Yes
Landscaped area	50%	41%	9%	No

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

*The built form controls assessed the proposed 6 units proposed at 1795 and not the consolidated total site.

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
B1.3 Heritage Conservation - General	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B6.7 Transport and Traffic Management	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	No	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
D9.1 Character as viewed from a public place	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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		
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	Yes	
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A4.9 Mona Vale Locality

Desired future character requires *"Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.*

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment".

Comment

The proposal maintains a two storey building height below the tree canopy in a landscaped setting consistent with the desired future character of the area. The contemporary design incorporates facade modulation in the form of shade elements and the colours and materials are considered to be appropriate.

C1.1 Landscaping

Clause C1.1 requires 50% of the site to be landscaped open space, 41% of the site is retained as landscape open space.

Comment:

Under SEPP Seniors Living, the proposal can not be refused if the development includes 30% landscape open space with 15% of that area as deep soil zone. The proposal is compliant with the landscaping controls of the SEPP HDPD and Council's Landscape Officer has no objections to the proposal subject to conditions.

C1.5 Visual Privacy

Clause C1.5 requires:

Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout,

landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.

Comment:

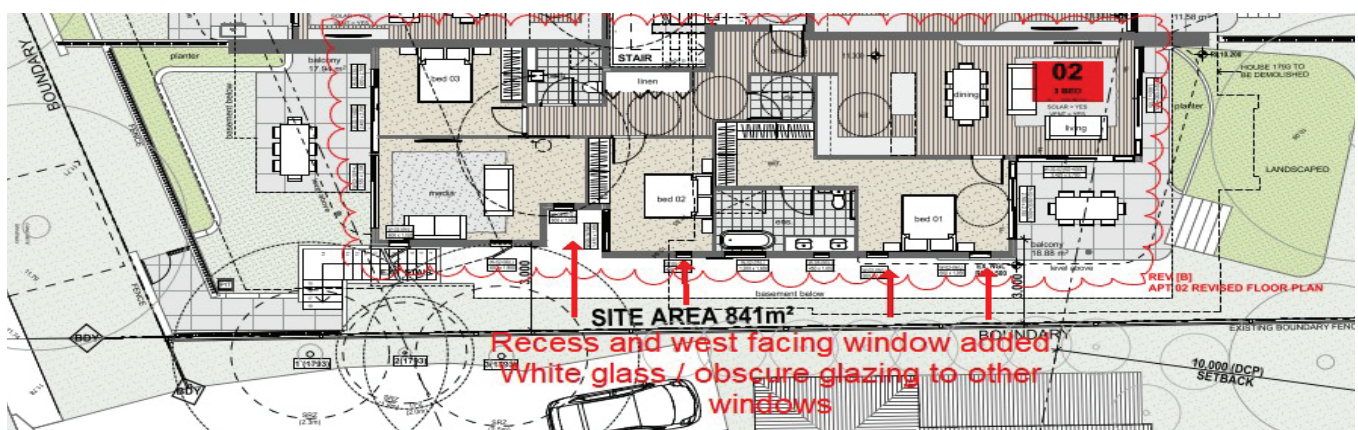
Bedroom windows to the south facing apartments No. 2 and 3 are located 3m from the southern boundary and concern has been raised by both Council's Urban Designer and the Panel regarding the potential future development potential of the adjoining property at No. 1791 Pittwater Road which is currently in use as a medical practice. In accordance with the recommendations from the Panel the apartments have been redesigned to swap the media room with bedroom 3 and provide a recesses section between the media room and bedroom 2 to allow the bedroom window to face towards Park Street and not towards the adjoining property to the south. It is noted that the current part of the adjoining site is a carpark to a medical practice, as such, the issue is therefore with the potential future redevelopment of No. 1791 Pittwater Road.

The remaining narrow louvre window to bedroom 2 shall be 'white glass' or obscure and provides amenity of cross ventilation to the bedroom whilst maintaining privacy glazing similar to the windows in bedroom 1 of the same apartment facing the same direction as accepted by the Panel, refer to plans below.

It is also noted that an existing fence provides a screen between the subject site and the property to the south and screen planting is proposed along the southern boundary to help reduce issues relating to visual privacy.



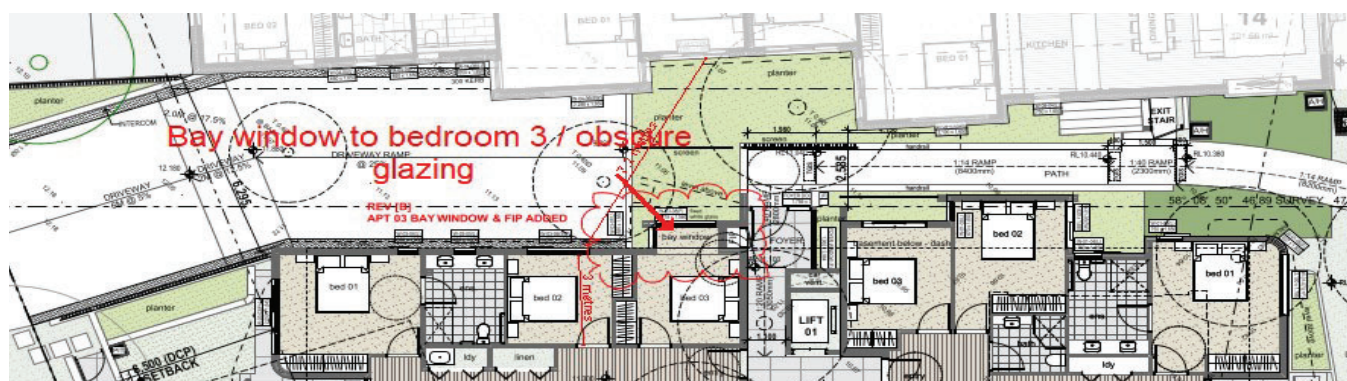
Original ground floor (source Gartner Trovato)



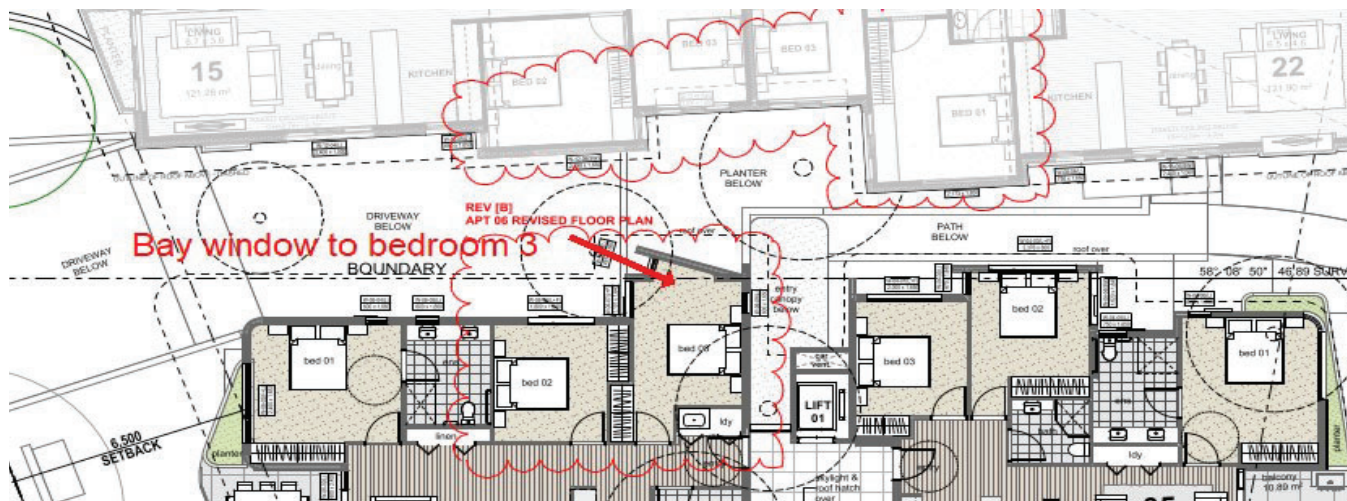
Amended ground floor (source Gartner Trovato)

The window to bedroom 2 in apartments 3 and 6 are located 7.2m at an angle to the bedroom windows in the approved HSDP to the immediate north. The window to bedroom 3 in apartment 3 and 6 is located 6.2m directly opposite the bedroom window to the approved HSDP development. In accordance with the recommendations from the Panel the apartments have been redesigned to recess bedroom 2 apartment 3 (ground floor) and provide a bay window to bedroom 3 with a window to faces towards Park Street and white / obscure glazing in the north facing window. In addition, a privacy screen and planting help protect amenity between the proposed and approved and proposed development.

Similarly, the window to bedroom 3 in apartment 6 (first floor) has been amended to a skewed bay window which faces Park Street, refer to plans below.



Amended ground floor (source Gartner Trovato)



Amended first floor (source Gartner Trovato)

Council's Urban Designer had also recommended that the visual and noise privacy issues to the windows of all bedrooms in unit 01 from the entry path. The applicants justifies the design on the following grounds:

The proposal is no different to the current approval DA2019/1072 which has an entry path that passes by 4 apartments at ground level within close proximity of living and bedrooms. The issue was not raised by DSAP. Finally, the option to relocate the entry between units 1 & 2 would result in the built form moving closer to the approved development which would be contradictory to PLM advice given to separate these two buildings from a streetscape perspective to Pittwater Road.

The justification has been assessed as acceptable. It is also noted that a privacy screen is proposed between the path and window to bedroom 3 and the windows to bedroom 2 are positioned on the sides

and do not result in direct overlooking. Furthermore, the development is reasonable low density (6 Seniors Housing apartments) and it is not anticipated that access to and from the development will result in unreasonable amenity issues to apartment 1.

In summary, the redesign of the windows provide light and ventilation to the apartments while maintaining visual and acoustic privacy to neighbouring sites in accordance with the recommendations of the Panel and Council's Urban Designer and in compliance with clause C1.5.

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 8m 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 4m.

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

Clause D9.7 requires a 6.5m rear set back and a 2.5m and 1m side setback.

Comment

As the site has dual street frontages, the rear building setback does not apply in this instance. The development provides a compliant 3m setback of the facade and a 1.2m setback to the basement to the southern boundary.

The proposal seeks consent for a variation to the side setback control to allow a zero side setback to the northern boundary.

- Given that the site to the immediate north will form part of the final consolidated site and extended HSDP development the variation of the side setback control has been assessed as acceptable as there will be no adverse environmental impacts as a result of the breach.
- In general, 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 to the north for the basement 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 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. Refer to further discussion on visual privacy under Clause C1.5 of this report.

D9.9 Building envelope

The proposal seeks a variation of the 3.5m / 45 degree building envelope to the north of the site where the development has a zero setback to the connecting approved SPDH. Given that the four (4) lots will be amalgamated an exception to the variation is considered acceptable as the non-comply element will not affect any neighbouring site and will be contained in the combined final site.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

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 \$29,297 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,929,695.

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

THAT Council as the consent authority grant Development Consent to DA2020/1179 for Demolition works and construction of a Seniors Housing development with basement parking & associated landscaping on land at Lot 4 DP 76695, 1795 Pittwater Road, MONA VALE, Lot 1 DP 219265, 1797 Pittwater Road, MONA VALE, Lot 2 DP 219265, 38 Park Street, MONA VALE, Lot 5 DP 77493, 1793 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
DA-01 Rev A Access to services, existing site plan and demolition plan	15/09/2020	Gartner Trovato Architects
DA-03 Rev B Basement and Car Park Plan	27/01/2021	Gartner Trovato Architects
DA-04 Rev B Ground Floor Plan	27/01/2021	Gartner Trovato Architects
DA-05 Rev B First Floor Plan	27/01/2021	Gartner Trovato Architects
DA-06 Rev B Roof Plan	27/01/2021	Gartner Trovato Architects
DA-07 Rev B North and East elevation	27/01/2021	Gartner Trovato

		Architects
DA-08 Rev B West Elevation A and B	27/01/2021	Gartner Trovato Architects
DA-09 Rev B South Elevation	27/01/2021	Gartner Trovato Architects
DA-10 Rev B Sections A and B	27/01/2021	Gartner Trovato Architects
DA-16 Rev A External Colours and Materials	15/09/2020	Gartner Trovato Architects
DA-17 Rev A Lower Roof Plan	15/09/2020	Gartner Trovato Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
DA01 Rev A Ground Floor and Basement Drainage and Site Stormwater Management Plan	September 2020	Istruct Pty Ltd
DA02 Rev A First Floor and Roof Drainage Plan and Ocean Project Detail	September 2020	Instruct Pty Ltd
DA03 Rev A Pittwater Road Long Section	September 2020	Instruct Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report Project No 2019-132.1 Section 5 page 8-15	September 2020	Crozier Geotechnical Consultants
Traffic and Parking Assessment Report Ref 19027	14 September 2020	Terraffic Pty Ltd
BCA Assessment Report Ref 111006-BCA-r3 Section 3 page 10	17 September 2020	BCA Logic
Arboricultural Impact Assessment Section 4 page 7	17 September 2020	Jackson Nature Works
Accessibility Report Version ADR_20281_v1.1	16 September 2020	ABE Consulting

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
LA-01 Rev A Landscape Plan	15 September 2020	Gartner Trovato Architecture

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By

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
Ausgrid	Response Ausgrid Referral	3/11/2020
Transport for NSW	TfNSW Ref SYD20/01453/01	27/01/2021

(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 2018
 - (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)

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$29,296.95 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 \$2,929,695.00.

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.

7. **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 are required 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, and 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.

8. **Construction, Excavation and Associated Works Security Bond (Road reserve)**

The applicant is to lodge a bond with Council of \$15000 as security against any damage to existing road/footpath assets or failure to complete the reconstruction of any footpath or road pavement/shoulder reconstruction works as part of this consent.

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

Reason: Protection of Council's infrastructure.

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 required as part of this consent. The stormwater drainage works include construction of new inlet pits and connection of a RCP stormwater line the 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.

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

10. **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.

11. **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 dated September 2020 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.

12. Traffic Management and Control

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

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

13. 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 IStruct 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

14. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Engineers Australia, National Engineers Register and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004) and Council's Water Management for Development Policy.

The SWMP must include the following as a minimum:-

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

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

Reason: To promote the long-term sustainability of ecosystem functions.

15. **Photographic Archival Record**

A photographic archival record of the site is to be made of all existing buildings and structures (including interiors and exteriors and their setting), generally in accordance with the guidelines issued by Heritage NSW.

This record must be submitted and approved by the Certifying Authority prior to commencement of any demolition or works on-site.

The photographic record should be made using digital technology, submitted on archival quality CD-R disc, and should include:

- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Reason: To provide an archival photographic record of the site, including any buildings and landscape elements, prior to any works.

16. **Construction Traffic Management Plan**

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

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure

- within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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

The Applicant is to submit the site stormwater 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 I Struct , drawing number D01,D02,D03, dated September 2020. 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) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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

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

18. **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.

19. **Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans**

The Applicant is to submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) and is to be completed and submitted to the Accredited Certifier, prior to issue of the Construction Certificate.

Reason: To ensure geotechnical risk is managed appropriately.

20. **Tree Protection Plan**

In order to protect existing trees and vegetation the following existing trees shall be protected in accordance with a Tree Protection Plan, based on the recommendations of the Arboricultural impact Assessment reports dated 25 September 2019 and 17 September 2020:

i) 25 September 2019:

- T2 and T3 Melaleuca quinquernervia along Pittwater Road within the road reserve,
- T27 Corymbia maculata along Park Street within the road reserve,
- T4 Glochidion ferdinandi, T7 Michelia figo, T8 Magnolia grandiflora, T22 Jacaranda mimosifolia, and T24 Brachychiton acerifolius within the site,
- T25 Melaleuca quinquernervia and T26 Callistemon salignus within adjoining property.

ii) 17 September 2020:

- T10 Melaleuca quinquernervia along Pittwater Road within the road reserve,
- T1, T2, and T3 Waterhousia floribunda and T11 Tibouchina grandulosa within adjoining property.

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 4. Recommendations) and 17 September 2020 (section 4. Recommendations), demonstrating as a minimum, the following:

- 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

21. **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) as recommended in the Arboricultural Impact Assessment dated 25 September 2019, 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.

22. **Pre-commencement Dilapidation Report**

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

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

Reason: Protection of Council's infrastructure during construction.

23. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the

development. (DACPLC03)

24. **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)

25. **Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy(DACTRCPCC1).

26. **Provision of additional bicycle spaces**

In compliance with Pittwater DCP, 4 bicycle spaces is to be provided for the proposed additional 12 residential dwellings.

The plans demonstrating the above are to be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

Reason: To comply with Pittwater DCP (DACTRCPCC2)

27. **Waste and Recycling Requirements**

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

28. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures and certify compliance with the Tree Protection Plan and the recommendations of the Arboricultural impact Assessment reports dated 25 September 2019 and 17 September 2020, and in accordance with Australian Standard 4970-2009 Protection of

Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) section 4. recommendations of the Arboricultural impact Assessment dated 25 September 2019
- ii) section 4. recommendations of the Arboricultural impact Assessment dated 17 September 2020

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: tree protection.

29. **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.

1791 Pittwater Road, Mona Vale
1799 Pittwater Road, Mona Vale and
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 arising 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.

30. Public Liability Insurance - Works on Public Land

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

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

31. Tree removal within the property

This consent approves the removal of the following trees within the property (as recommended in the Arboricultural Impact Assessment):

i) report dated 25 September 2019:

- tree 23 - *Acmena smithii*

ii) report dated 17 September 2020:

- tree 6 - Claret Ash, and tree 9 - Crepe Myrtle

The following Exempt Species do not require Council consent for removal:

i) report dated 25 September 2019:

- trees numbered 5, 6, 9, 10, 10A, 11 to 21 inclusive, 29, 31 to 34 inclusive, 37, 39 to 42 inclusive, and 44
- additional trees numbered 30, 35, 36, and 45

ii) report dated 17 September 2020:

- trees numbered 4, 5, 7, and 8

Reason: to enable authorised building works

Note: Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

32. 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

33. 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.

34. 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.

35. Demolition Works - Asbestos

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

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

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

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

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

36. **Survey Certificate**

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

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

37. **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.

38. **Vehicle Crossings**

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

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

Reason: To facilitate suitable vehicular access to private property.

39. **Protection of existing street trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, excluding T1 and T28 approved for removal.

Existing street trees within the frontage of the development site shall be protected by tree protection measures as determined by an Arborist with minimum AQF Level 5 in arboriculture, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Should any problems arise with regard to the existing or proposed trees on public land during

the construction or bond period, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: street tree protection.

40. **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 17 September 2020, and AS 4970-2009 Protection of trees on development sites, with particular reference to Section 4, and as follows:

- i) all trees and vegetation located within the property as listed in the report dated 25 September 2019: T4 (*Glochidion ferdinandi*), T7 (*Michelia figo*), T8 (*Magnolia grandiflora*), T22 (*Jacaranda mimosifolia*), T24 (*Brachychiton acerifolius*), and T43 (*Cedrus deodara*),
- ii) all trees and vegetation located on adjoining properties as listed in the report dated 25 September 2019: T25 (*Melaleuca quinquenervia*) and T39 (*Jacaranda mimosifolia*), and as listed in the report dated 17 September 2020: T1, T2, T3 (all *Waterhousia floribunda*) and T11 (*Tibouchina granulosa*),
- iii) all road reserve trees and vegetation as listed in the report dated 25 September 2019: T2 (*Melaleuca quinquenervia*), T3 (*Melaleuca quinquenervia*), and T27 (*Corymbia maculata*), and as listed in the report dated 17 September 2020: T10 (*Melaleuca quinquenervia*),
- 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) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019 and 17 September 2020.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.

e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

f) 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.

41. **Substitution of Stormwater Treatment Measure**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent 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.

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

Council proactively regulates construction sites for sediment management.

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 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.

Reason: Protection of the receiving environment

43. **Dewatering Management (Large sites/basements)**

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. The dewatering management plan must be certified by a suitably qualified civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER).

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 must be collected within 1 hour before planned discharge that comply with the parameters in the table below.
3. The groundwater/tailwater to be discharged must be compliant with the water quality requirements below, 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.

Water Quality (<one hour of planned discharge)

Oil and grease, not visible

pH, 6.5-8.5

Total Suspended Solids (TSS), <50mg/L NTU from a meter/grab sample

4. All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.
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. This permit should be provided to WaterNSW for their permit. Once a permit has been received from WaterNSW, dewatering may commence.

Reason: Protection of the receiving environment

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

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated 18 September 2020.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling

facilities are provided.

45. Waste/Recycling Requirements (Materials)

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

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

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

46. Landscape completion

Landscaping shall be implemented in accordance with the Landscape Plan LA-01 (issue A), 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 A),
- 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) all street tree planting shall be 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 approved plans 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.

47. 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.

48. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with the approved stormwater drainage plans all relevant Australian Standards and Council Codes by the design engineer. Certification demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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

49. **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 iStruct 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

50. **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 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.

51. **Stormwater Treatment Measures 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.

52. **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

53. **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.

54. 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.

55. 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.

56. 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.

57. Strata Management Statement

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

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.

58. 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.

59. 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.

60. Environmental Reports Certification

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

(a) Geotechnical Report Project No 2019-132.1 Section 5 page 8-15 dated September 2020 prepared by Crozier Geotechnical Consultants;

(b) Traffic and Parking Assessment Report Ref 19027 dated 14 September 2020 prepared by Terraffix Pty Ltd;

(c) BCA Assessment Report Ref 111006-BCA-r3 Section 3 page 10 dated 17 September 2020 prepared by BCA Logic;

(d) Arboricultural Impact Assessment Section 4 page 7 dated 17 September 2020, prepared by Jackson Nature Works, and
(e) Accessibility Report Version ADR_20281_v1.1 dated 16 September 2020 prepared by ABE Consulting.

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

Reason: To ensure compliance with standards.

61. **Garbage and Recycling Facilities**

All internal walls of the waste rooms 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.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

62. **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.

63. **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.

64. **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)

65. **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)

66. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate (or where applicable, relating to the part of the building, being the subject of this Consent).

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire

Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

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

67. **Consolidation of lots**

The following lots must be consolidated as one (1) allotment and registered on a survey plan ((prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands).

- 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
- Lot 5, DP 77493, No. 1793 Pittwater Road, Mona Vale

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 development is not constructed over property boundaries

68. **Driveway crossing and internal ramps**

The driveway crossing and the access ramp shall be minimum 6.0 wide. Also priority Signage/linemarkings shall be implemented at the conflict point on the internal ramp where the two ramps leading to separate car parking areas join the access ramp.

Reason: To prevent vehicular conflict and ensure safety within the car park (DACTRFPOC1)

69. **Safety Audit and provision of accessible bus stops**

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 condition, grades, widths and crossing points. Any outcomes identified in the report shall be addressed by the applicant prior to any consent becoming active. Also, the bus stops are to be upgraded to comply with disability standards for accessible public transport (DDA compliant) be upgraded to DDA compliant bus stops.

Reason: To ensure provision of accessible connection to bus stops and accessible bus stops (DACTRFPOC2)

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

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

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

Reason: To ensure waste and recycling facilities are provided.

71. **Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled.

72. Positive Covenant for Council and Contractor Indemnity

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

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

73. Authorisation of Legal Documentation Required for Waste Services

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

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

Reason: To create encumbrances on the land.

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

74. 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.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

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

75. Ongoing Conditions for Waste Storage Area

Any doors fitted on the Residential Waste Storage Area, pathway and access must be:

- a. A minimum opening width of 1200mm.
- b. Able to be latched in an open position
- c. Unobstructed by any locks and security devices

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

76. **Solid fuel heaters**

Solid fuel heaters are not permitted within any part of this development.

Reason: To maintain the amenity of surrounding residents. (DACHPGOG5)

77. **Permitted location of air conditioning units**

No air conditioning unit or compressor shall be located on the roof of the building. Air conditioning units may only be installed within the basement carpark.

Reason: To protect the amenity of surrounding residents (DACHPGOG5)

78. **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.