

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0882
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 748426, 33 Bassett Street MONA VALE NSW 2103 Lot 38 DP 7236, 23 Bassett Street MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a seniors housing development (residential care facility)
Zoning:	R2 Low Density Residential
Development Permissible:	Yes, under SEPP (Housing for Seniors or People with a Disability) 2004
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Applicant:	Thompson Health Care Pty Ltd

Application Lodged:	09/07/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	04/09/2024 to 02/10/2024
Advertised:	04/09/2024
Submissions Received:	9
Clause 4.6 Variation:	No
Recommendation:	Approval

Estimated Cost of Works:	\$ 5,975,840.00
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EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to a seniors housing development, namely a one hundred and eighteen (118) bed, two storey Residential Care Facility (RCF), approved under DA2020/0816. As the original consent has not been activated, this development application has the affect of amending the previous development consent to the extent that if there is an inconsistency between the two applications this DA prevails. The application is Integrated Development under the Water Act due to dewatering and the General Terms of Approval (GTAs) have been received from the Department of Water NSW.

The principle changes to the approved seniors housing development include the increase of the building footprint and reduction of the rear set back by 5m from 15m to 10m, the infill of internal voids, deletion of the atrium and changes to the roof, as well as changes to the facades including enlarged windows to the rear and the introduction of balconies. There is no change to the density of the development, with the number of approved 118 beds and the car parking complies with the provisions of SEPP Housing.

The application is referred to the Development Determination Panel (DDP) due to more than five (5) submissions having been received to the development during the exhibition period of the application under the Northern Beaches Community Participation Plan. A total of nine (9) unique submissions have been received and concerns raised in the objections predominantly relate to the reduced setbacks, reduced landscaping to the rear, increase in the bulk and scale and an increase in amenity impacts, including privacy and overshadowing.

The original application was assessed under SEPP (Housing for Seniors and Persons with a Disability (HSPD) 2024, whereas the subject application is assessed under SEPP Housing 2021. The proposal complies with the relevant development standards contained in Part 5 of SEPP Housing including the maximum 1:1 FSR, height and Landscape Open Space requirements. The proposal achieves an FSR is 0.98:1, a height of 8.865m above the Flood Planning Level (FPL) and retains 2,127m² of landscape open space.

Whilst there is slightly reduced articulation in the front and rear facade due to the extension of the building envelope and the infill of internal voids, the development character and scale remains generally consistent with the approved development and responds to the character of the area.

The application has been amended to address the concern from Council's Flooding Engineer with regards to the basement and the concerns from the Design Advisory Panel (DSAP) with respect to the layout of the ground floor dining area and access to natural light and ventilation and the landscaping and deep soil zone within the rear setback.

This report concludes with a recommendation that the DDP grant approval to the development application, subject to conditions, including a condition restricting the issue of a Construction Certificate for the current application until the Construction Certificate for the original development is issued and work has commenced.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks development consent for alterations and additions to a Residential Care Facility (RCF) pursuant to the Part 5 provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). The original 118 bed RCF was approved under DA2020/0816, the consent has not been activated, therefore, the application seeks to amend the original application.

The proposal increases the approved building footprint and envelope by reducing the rear setback from 15.0m to approximately 10.0m and infilling voids. The proposal results in a 252m² increase in GFA which equates to an increase in FSR from 0.95:1 to 0.98:1. The proposal also seek consent for a 200mm increase in the height of the development, however, there is no increase in the number of beds.

In detail the proposal includes the following modifications to the original consent:

Basement RL1.500 (as amended)

- Level lower 200mm to RL1.5

- Driveway amended and pump room added
- Car parking reduced by 3 spaces to 36 spaces

Ground Level (RL5.0) and First Floor Level (RL8.3)

- Rear set back reduced from 15.0m to approximately 10.0m
- Atrium and voids deleted
- Internal courtyards increased in area and resident communal areas amended
- Balconies and bay windows added to some rooms
- Internal floor plan modified and rooms reconfigured
- First Floor Level raised 200mm to RL 8.300

External

- Floor level raised 200mm to RL8.300
- External finishes amended to include rendered painted walls and alpine stone cladding
- Change to windows and introduction of balconies
- Glazing to central spine modified
- Extent of roof pitch amended (ridge height = 13.86)

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 - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Pittwater Local Environmental Plan 2014 - Zone R2 Low Density Residential

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

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

Pittwater 21 Development Control Plan - C1.4 Solar Access

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

SITE DESCRIPTION

Property Description:	<p>Lot 2 DP 748426 , 33 Bassett Street MONA VALE NSW 2103</p> <p>Lot 38 DP 7236 , 23 Bassett Street MONA VALE NSW 2103</p>
Detailed Site Description:	<p>The subject site consists of two allotments located on the southern side of Bassett Street, approximately 50m to the east of the intersection of Barrenjoey Road.</p> <ul style="list-style-type: none"> • 23 Bassett Street, Mona Vale - Lot 38 Sec F DP 7236 • 33 Bassett Street, Mona Vale - Lot 2 DP 748426 <p>No. 23 Bassett Street has a frontage of 15.24m along Bassett Street with a site area of 929m², and accommodates a single-storey dwelling.</p> <p>No. 33 Bassett Street has a frontage of 91.44m² to Bassett Street with a site area of 5574m², and accommodates a two-storey, 63 bed aged care facility known as Mona Vale House Nursing Home. No. 33 also accommodates a single-storey dwelling at the east of the site (formerly No. 25 Bassett Street). The existing facility provides 34 car parking spaces at the rear and an electrical substation is located in the north western corner of the site.</p> <p>When combined, the site is regular in shape with a frontage of 106.68m along Bassett Street and a depth of 60.96m. The site has a surveyed area of 6503m².</p> <p>The site is located within the R2 Low Density Residential zone. The site is generally flat and falls away approximately 1m at the rear of the existing building. The site contains 10 prescribed trees and a further 21 non-prescribed/exempt trees.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>The adjoining property to the east No. 21 Bassett Street is occupied by a dwelling house. The adjoining property to the west No. 37 Bassett Street is occupied by a dual occupancy. Properties adjoining the rear of the subject site are occupied by dwelling houses (6, 12-18 Heath Street) and dual occupancies (8 & 10 Heath Street).</p> <p>Adjoining and surrounding development is characterised by</p>

a range of residential development including dwelling houses, dual occupancies and residential flat buildings.

Map:



SITE HISTORY

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

N0153/05 - Alterations and additions to existing building and change of use to a nursing home - Approved 26 July 2005.

N0153/05 - Modification of Development Consent N0153/05 for alterations and additions to existing building and change of use to a nursing home - Approved 16 March 2007.

A pre-lodgement meeting **PLM2019/0251** was held between the applicant and Council on 3 December 2019 in relation to the demolition of the existing buildings and construction of a two-storey Residential Care Facility, basement car parking and landscape works.

On 24 April 2021, the NBLPP approved **DA2020/0816** for demolition of an existing nursing home and the construction of a new 118 bed residential aged care facility and parking for 39 vehicles.

On 10 October 2022, **Mod2022/0337** approved the deletion of conditions requiring the part construction of a new pedestrian pathway to Barrenjoey Road bus stop.

History of subject application

On 5 November 2024, a Request for Further Information (RFI) was sent to the applicant which raised issues with deep soil, privacy and internal amenity due to limited access to light and ventilation of the ground floor dining areas which were noted to be consistent with the issues raised by DSAP. In addition, issues were raised in respect to flooding and a summary of concerns raised in submissions was provided.

On 14 November 2024, the applicant provided a response to the RFI and uploaded amended plans and additional information on the Planning Portal. The changes included:

Basement level

- Basement Level raised 300mm to RL1.500 lowered at portion of Carpark Entry RL1.200
- Building footprint decreased along Southern boundary to car space edge

Ground level

- Internal layout for Lounge + Dining 1 & 2 amended – opening space to central courtyards.
- Basement egress stairs – levels amended access levels amended above PMF 4.84m AHD
- Concealed floor barrier to loading dock to prevent water ingress to Basement in flood event

First Floor

- Privacy screens added to First Floor ward windows on the western elevation
- 1500 high frosted glazing to “Juliet” balconies on the western elevation

External

- Permeable path shown in 6m wide Deep Soil Zone which provides a deep spoil zone of 1,016m²

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	There are no current draft environmental planning instruments.
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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 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 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to flooding, stormwater, landscape and design matters.</p>

Section 4.15 Matters for Consideration	Comments
	<p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 04/09/2024 to 02/10/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mrs Rebecca Berrell	20 Heath Street MONA VALE NSW 2103
Mr Neil Colin Berrell	20 Heath Street MONA VALE NSW 2103
Ms Vanessa Anne Hawkes	18 Heath Street MONA VALE NSW 2103
Mr Nicholas David Shea Bowen	16 Heath Street MONA VALE NSW 2103
Mr Lee Shane Aitken	6 Heath Street MONA VALE NSW 2103
Mr Craig John Berrell	10 A Heath Street MONA VALE NSW 2103
Mr Paul Christopher Breakspear Mrs Christie Marie Breakspear	10 B Heath Street MONA VALE NSW 2103
Mr Kevin Richard Dallas	8 A Heath Street MONA VALE NSW 2103
John Angus Hudson Sherwood	1036 Pittwater Road COLLAROY NSW 2097
Mrs Allira Michelle Bowen	16 Heath Street MONA VALE NSW 2103
Mr Benjamin Philip Wheeler	102 Victor Road NARRAWEENA NSW 2099

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

- **Reduced setback results in increased amenity impacts (privacy and overshadowing)**

Privacy - The proposal reduces the rear setback from 15m to 10m and reduces setback of the development to the east for the full height. The reduces setbacks will result in additional unreasonable acoustic and visual privacy impacts to neighbours, including overlooking impacts swimming pools. The size of the windows in the southern elevation have increased which adds to further privacy impacts. There is insufficient space for tree planting to the rear which would help reduce privacy impacts.

Overshadowing - The increase in the bulk and massing of the development and changes to the roof will add to greater overshadowing of neighbouring properties.

Comment

Privacy - southern (rear) setback - Despite the reduced rear setbacks the proposal retains a setback of approximately 10.0m to the rear boundary which allows sufficient space for the retention of mature trees which will be supplemented with additional new planting which will help ensure that there will be no additional or unreasonable amenity impacts in terms of privacy. The 10.0m setback of the external wall is noted to exceeds the privacy requirements of the PDCP which requires a 9.0m separation between habitable windows.

The increase in the size of the window opening is acknowledged, again, due to adequate building separation it is unlikely that this will result in unreasonable additional / new privacy impacts. No windows directly face the swimming pool at No. 18 Heath Street and the 10.0m rear setback combined with the oblique view from the upper floor southern windows and landscape screening will help protect privacy.

Privacy - western setback - The amended plans include privacy treatment, screens and obscure glazing to the windows and Juliette balconies, along the western elevation which will help ensure that privacy is protected to the western neighbours.

Privacy eastern setback - With the exception of a fire stair, which is set back 5.4m from the eastern side boundary, the building retains the approved side setback and the length of the building is therefore similar to the approved development with no additional privacy impacts to the eastern neighbour.

In summary, the proposed development is generally acceptable in relation to visual privacy by virtue of the physical separation of the building to the boundaries and landscape screening provided.

There are no new issues in respect to acoustic privacy impacts and the condition imposed on the original development application to ensure that there are no unreasonable acoustic impacts due to noise from plant is still valid.

Shadows- It is agreed that there will be an increase in the amount of shadow cast to neighbouring properties to the rear, particularly at 9:00am, due to the increase in the bulk of the building and changes to the roof. Despite this, the proposal complies with the solar access provisions of Clause C1.4 of the PDCP and the solar access provisions of SEPP Housing and it is considered that the set back retain is sufficient to ensure that there is adequate sunlight access to adjoining properties.

- **Insufficient notification**

The proposal has not been notified correctly and notification has not been received.

Comment:

The application has been notified in accordance with the Community Participation Plan (CPP) and the EP&A Regulations.

- **Height, bulk and scale and character**

The reduced setback and the increase in height and changes to the roof results in an increased in the bulk, scale and density of the development which is out of character.

Comment:

Despite the increase in the size (floor space) of the development and the 200mm increase in the height the proposal achieves an FSR of 0.98:1 and a maximum height of 8.8m above the FPL and complies with 1:1 FSR density control and maximum 9.5m height limited as contained in part 5 of the SEPP (Housing) 2021. The proposal is also compliant with all other built form controls, including setbacks, and landscape open space. The application was referred to DSAP who confirmed that the scale and density of the development is acceptable and in character with the area noting that it replaces a similar large RCF.

- **Road safety and congestion**

The increase in traffic may result in congestion and road safety issues.

Comment:

The proposal does not seek to increase the number of beds and or staff numbers compared to the approved scheme. Therefore, there are no new road safety issues and Council's Transport Engineer raises no objections to the proposal subject to conditions. The proposed car parking and access complies with the requirements for staff, visitors and loading facilities pursuant to SEPP (Housing) 2021 and Council's Traffic Engineer has no objections to the development subject to conditions. Detailed assessments are provided in this report under 'Referrals', and conditions are included as recommended.

- **Essential services**

The proposal will put extra pressure on local infrastructure, roads, water supply and sewage.

Comment:

The proposal is for alteration and additions to an approved 118 bed RCF and will not result in additional demand on local infrastructure.

Re-notification Integrated Development

The application was re-notified on the 29 August 2024 to 2 October 2024 as Integrated Development under the Water Management Act due to dewatering. The application was re-notified for 28 days in accordance with the CPP and the EP&A Regulations. Five (5) additional submissions were received, four (4) submissions were received from people that made submissions to the original application in addition to one (1) new submission. The submissions reiterated the issues discussed above and raised the following new issues:

- **Misleading drawings**

Plan (DA2-01) show different setback to the rear referencing 10,900mm and 15,000mm creating confusion as to what is being proposed. The details in respect of landscape planting is also unclear.

Comment:

Plan DA02-01 is the site analysis and context plan. It is agreed that there is some confusion with the rear setback as annotated on this plan as the reference to 15,000mm appears to be a typographical error. Importantly, the correct setback of the development to the rear boundary is referenced on the ground floor plan and first floor plan.

An amended landscape plan has been received which provide details of the trees to be retained and new planting species.

- **Balconies**

The balconies will add to additional overlooking of neighbouring properties.

Comment:

Small balconies and juliette balconies are proposed to some rooms to improve the internal amenity for the residents. The balconies are small, 800mm deep, and will not allow occupants the opportunity to sit outside. Given the size of the balconies and the 8.8m separation distance of the balconies to the rear boundaries it is unlikely that they will add to unreasonable impacts

on privacy.

- **Landscaping**
The landscaping to the rear shall be mature trees to help reduce the visual bulk and ensure that privacy is protected.

Comment:

A number of mature trees are retained to the rear and conditions have been recommended by Council's Landscape Officer to require new planting with mature species within the rear setback which will help reduce the visual bulk and help protect privacy to neighbours.

In summary, the matter raised in the submission are not considered to warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p><i>Supported, subject to conditions</i></p> <p>The application was presented to DSAP on 22 August 2024 who made the following comments:</p> <p><u>Strategic context, urban context: surrounding area character</u> The development has been designed to respond to the existing residential streetscape character of the area. Whilst there is slightly reduced articulation in the front and rear facade due to the extension of the building envelope and the infill of voids, the development character and scale remains generally consistent with the approved development and recognises the functional requirements of residential care facilities and the intention to provide larger resident suites. The setback to the rear boundary has been reduced to 10.37m (measured from the external wall) but retains appropriate visual and acoustic privacy is through the provision of adequate spatial separation and the intervening landscaping.</p> <p><u>Scale, built form and articulation</u> The amended building design articulates the form, scale, façade colour and materials to satisfactorily provide diverse facades to the repetitive room modules. The amended design will not substantially change the character relationship of the approved design to the street context or have a more institutionalised presentation. In terms of changes to the rear façade the change in bulk will not increase to an extent it would overpower the low-density development it faces.</p> <p><u>Access, vehicular movement and car parking</u> No changes proposed externally to approved development.</p>

Internal Referral Body	Comments
	<p><u>Landscape</u></p> <p>The reduction in setback to the rear now presents a significant incursion into trees #5 and #6 to be retained with T6 the Chinese Elm also requiring pruning. The total disturbance is to be calculated which has the potential to be considered a major incursion and needs to be addressed in detail as the tree the tree which in my experience is not achievable on a development of this size.</p> <p>For clarification SEEPP (Housing), Part 5 requires 15% of the site to be retained as landscape open space with a minimum dimension of 6m and at least 65% of the deep zone area located to the rear. The only area of deep soil with a minimum dimension of 6m is located within the south-east corner of the site and equates to 290m². The western, internal courtyard area is labelled as deep soil however, it does not wholly comply as there are elements that are not allowed when calculating deep soil areas.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. The internal courtyard that is labelled and presumably counted as deep soil landscaping however, it contains many hard scape elements that should not be counted in the calculations. 2. The open lawn area beneath T5&T6 should consider the amount of sunlight it will receive as it is on the south side and under significant tree canopy to be retained. 3. More medium to large trees should be added to the plant schedule with up to 5 street trees also proposed with the species for these reflective of what is already growing along the street. 4. The plant species along the eastern boundary should be capable of withstanding a hard pruning and will need to be formative pruned until they reach such a height that the first branching is at a height of not less than 2.1m for pedestrian clearance. 5. A more generous and well thought out landscape response to the front setback should be considered which would further enhance the front façade and help to blend the building into the existing streetscape. 6. The project arborist should reconsider whether it may be better to remove T6 and replace it with one or even two super-advance trees which may yield a better result. 7. The area to the south should reduce the number of elements that do not qualify as deep soil / landscaped area. <p><u>Planners response:</u></p> <p>The application has been amended to change the hard paved areas to permeable path which allow for deep soil zone with a minimum dimension of 6m (1,016m²) in compliance with SEPP Housing and it is confirmed that the internal courtyards are excluded from the calculation of deep soil. The setback of the basement to the southern rear boundary has been reduced which will help reduce potential impacts on the roots of trees to be retained. Council's Landscape Officer has no objections to the proposal, subject to conditions.</p>

Internal Referral Body	Comments
	<p><u>Amenity</u> Windows to the west-facing residents rooms on the first floor present an overlooking and visual privacy impact to current and more importantly to likely future development on the adjoining site to the west.</p> <p>The dining space of the Lounge + Dining 1 on the ground floor has poor amenity and no outlook to external garden spaces. The shared kitchen core serving the separate 'houses' is poorly located and should not be located in a way that it reduces access to windows and gardens from dining and lounge spaces. It is noted that Design Principles 3 in SEPP (Housing) requires the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction. The proposal is inconsistent with this design principle.</p> <p><u>Recommendations</u> 8. Provide privacy screening to west-facing residents' rooms. The screening needs to be carefully designed to integrate with shading design and to enable views of outside without compromising neighbour privacy. Consider mounting privacy screens well off the facades so that lateral outlooks can be retained. 9. Reconfigure the lounge and dining rooms so that they all enjoy access to external windows. The first floor plan arrangement (Lounge+Dining 3 /4) is superior and consideration should be given to replicating that arrangement on the ground floor.</p> <p>Page 3 10. Re-consideration of the deletion of the central glazed atrium and the modified layout with internal and centralised dining rooms at ground level.</p> <p><u>Façade treatment/Aesthetics</u> Façade treatment is generally acceptable. It is not clear that sun hoods are provided to north facing windows in the recessed panels of the street elevation.</p> <p><u>Recommendations</u> 11. Provide appropriate sun control hoods to all north facing and west facing windows including to habitable rooms facing courtyard spaces.12. Ensure north facing glazed curtain walls at the Entry have appropriate sun protection.</p> <p><u>Planners Comment:</u></p> <p>The applicant has confirmed that the internal layout has been modified to allow for the improved functionality of the building in response to the needs of the residents. The glazed atrium was not considered to be the most suitable design for the RCF. The ground floor dinning areas has been amended to allow for access to light and ventilation to the internal courtyards in compliance with Design requirements of SEPP Housing. A visual connection from the central ground floor dining area is also provided to the rear garden area.</p>

Internal Referral Body	Comments
	<p>Privacy screens have been added to the first floor windows in the western elevation and obscure glazing to the glass at the top of the Juliette balconies to ensure that there is no overlooking or loss of privacy to neighbours. A condition is recommended to address recommendations 11 in respect of sun hoods.</p> <p><u>Sustainability</u> With the regulatory environment changing now – for efficiency, electrification, zero emissions and mandatory disclosure – these investments at this time will be worthwhile both for current and future residents, and the developers’ reputation, market position and marketability of the project.</p> <p><u>Recommendations</u> The following aspects of design and servicing can be easily and cost effectively considered for inclusion:</p> <p>13. Decarbonisation of energy supply</p> <ul style="list-style-type: none"> • All services should be electric – gas for cooking, hot water and heating should be avoided. • Heat pump systems for providing electric hot water should be considered. • The storage of hot water can be considered a de facto battery if heated by PVs during the day. • On site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid • Unshaded roof space is a valuable resource for PV installations. Their efficacy can be greatly enhanced when placed over a green roof, which has additional ecological benefits. <p>14. EV charging: Provide EV charging points in the carpark (Min 15 amp) to suit level 1 charging should be considered.</p> <p>15. Passive design and thermal performance of building fabric</p> <ul style="list-style-type: none"> • Since 1 October 2023 an average 7 stars NatHERS, with no unit below 6 stars has been required. This is consistent with the National Construction Code for 2022. There is great wisdom in aiming high with this to ensure passive comfort for residents spending a lot of time in their rooms. Given the coastal location a very comfortable indoor environment should be achievable. • Particular attention is required for the south facing rooms to ensure they meet this requirement. • The inclusion of ceiling fans to all bedrooms and living rooms will provide comfort with minimal energy while reducing the need and energy required for air-conditioning. <p>16. Water use minimisation</p> <ul style="list-style-type: none"> • All fixtures and appliances should be water efficient • Water storage for rainwater from the roofs should be included and plumbed to at least the landscaping and toilets • Landscape design and planting should be water tolerant and suitable for the micro-climate <p><u>Planners Comment:</u></p>

Internal Referral Body	Comments
	The condition in the original consent in respect to sustainability measures remains valid.
Building Assessment - Fire and Disability upgrades	<p>Supported, subject to conditions</p> <p>Reasons for referral:</p> <p>This application seeks consent for Class 2-9 Buildings (i.e. all buildings except a dwelling, garage, shed, gazebo or swimming pool/spa) which include: Alterations and Additions; or Change of Use</p> <p>And as such, Councils Building Assessment officers are required to consider the likely impacts.</p> <p>Officer comments:</p> <p>The proposal is therefore supported.</p>
Environmental Health (Acid Sulfate)	<p>Supported - without conditions</p> <p>The proposal seeks to construct a nursing home with basement car park on a property mapped as class 3 & 4 Acid Sulfate soils.</p> <p>An acid sulfate soil preliminary assessment accompanied the previous development application. Based on the assessment undertaken by White Geotechnical Group Ref: J2485B Dated 21st July, 2020 advises that an acid sulfate management plan is not required based on low risk of encountering acid sulfate soils indicated by their testing.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Environmental Health (Contaminated Lands)	<p>Supported - subject to conditions</p> <p>The development does not trigger requirements for remediation of land under SEPP (Resilience and Hazardous) 2021. Previous uses are unlikely to have caused contamination. However in the Geotechnical report the first 1.3 m of soil was indicated to be fill. A condition is to be imposed requiring the reporting of any unexpected contamination finds to Council.</p> <p>As the excavated material consists of historic fill that was used to level the site originally. Any soil taken to a waste facility will require classification. As the soil is being removed as part of the demolition & construction process further testing is not required for the assessment of the development application as the soil is not being retained on-site.</p>

Internal Referral Body	Comments
Environmental Health (Industrial)	<p><i>Supported - subject to there being no change to the conditions in the original consent</i></p> <p>This consent is not to remove the Environmental Health conditions listed in DA2020/0816 for the commercial kitchen, hair dresser or noise concerns</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p> <p><u>Planners Comment:</u></p> <p>The health conditions in the original application are still valid.</p>
Landscape Officer	<p><i>Supported - subject to conditions</i></p> <p>The proposed development is for alterations and additions to a residential care facility pursuant to the Part 5 provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). Council's Landscape Referral has been reviewed against the following policies and controls:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing) 2021, Part 5 Housing for seniors and people with a disability: i) Division 3 Development Standards - clause 84 Development standards - general; ii) Division 5 Design requirements - clause 97 Design of seniors housing; iii) Division 7 Non-discretionary development standards - clause 108 for landscape area and deep soil minimum requirements. • Pittwater 21 DCP controls B4.22 Preservation of Trees and Bushland Vegetation, C1.1 Landscaping, C1.21 Seniors Housing, and D9 Mona Vale Locality. <p>An Addendum to the Arboricultural Impact Assessment is submitted in relation to the alterations and additions impact to existing trees identified as tree 5 and tree 6. The Landscape Plans indicate existing tree retention and removal based on the proposed works. It is noted that the previous development application as approved under development consent DA2020/0816 included a full scope Arboricultural Impact Assessment that included all existing trees located upon the property. Upon review it is considered that the existing trees proposed for removal on the Landscape Plan will require removal should the application be approved, including four prescribed trees within the property (trees 1, 3, 29 and 32) and two street trees (trees 11 and 12). Exempt species identified as trees 4, 7, 9, 18-23, 27, 30 and 31 do not require Council consent for management or removal. It is noted on the Landscape Plan that removal of tree 10 within adjoining property is proposed and this is not supported and all trees within adjoining properties shall be protected.</p>

Internal Referral Body	Comments
	<p>The submitted Landscape Plan proposals for hard and soft landscape works raise no concerns and conditions shall to be imposed for completion. The Raphiolepis 'snow maiden' and Pennisetum 'nafray' species shall be substituted for a non self-seeding species. It is noted that the proposed removal of the two street trees (trees 11 and 12) are proposed for like for like replacement in the Landscape Plans. The Landscape Plans provide adequate tree replacement and furthermore the scheme enhances the landscape setting.</p> <p>The proposed Landscape Plan includes mass planting and presumably garden bed edging within the public road reserve and this is not approved under the development application as such works require a Minor Encroachment application to Council for approval or otherwise. The proposed street tree planting however is supported and conditions shall be imposed.</p>
NECC (Development Engineering)	<p><i>Supported - subject to conditions</i></p> <p>No objections to approval subject to conditions as recommended.</p> <p><u>Planners Comment:</u></p> <p>The engineering conditions in the original application remain relevant therefore only new conditions that specifically relate to the subject application have been included.</p>
NECC (Flooding)	<p><i>Supported - subject to conditions</i></p> <p>This proposal is for additions and alterations to a proposed residential care facility. This includes altering the driveway, lowering the basement, increasing the south boundary of the building as well other changes compared to previous DA2020/0816 and Mod2022/0376 at this site.</p> <p>The proposal is located within the Medium risk precinct. The relevant flood characteristics are as follows:</p> <p>Flood Planning Level: 4.84m AHD</p> <p>1% AEP Flood Level: 4.34m AHD</p> <p>1% AEP Hydraulic Category: Flood Storage</p> <p>Probable Maximum Flood (PMF) Level: 4.91m AHD</p> <p>Max PMF Life Hazard Category: H4</p> <p>The proposal reduces the post-developed flood storage on site but</p>

Internal Referral Body	Comments
	<p>there is still an increase compared to the existing pre-construction storage on site. The basement car park is protected to the the PMF.</p> <p>Subject to conditions, this proposal generally complies with Sections B3.11 & B3.12 of the Pittwater DCP and Clause 5.21 & 5.22 of the Pittwater LEP.</p>
NECC (Water Management)	<p><i>Supported - subject to conditions</i></p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WMD Policy); and • Relevant LEP and DCP clauses <p>The proposed stormwater management strategy is based on water conservation, harvesting, reuse and filtration. The combination of the proposed rainwater tank, vegetated swale and stormwater cartridges is satisfactory. To undertake construction dewatering, approvals must be obtained from WaterNSW, refer general Terms of Approval (GTA) DAS1157040.</p> <p>NECC Water Management has no objection to the proposal. Subject to conditions.</p>
Traffic Engineer	<p><i>Supported - subject to conditions</i></p> <p>Proposal description: Proposed aged care facility for Thompson Health care at 23-33 Bassett Street East, Mona Vale The Traffic Team has reviewed the following documents:</p> <ul style="list-style-type: none"> • Plans - Master set (amended) - revision B dated 19/08/24. • Traffic and parking assessment, prepared by Terraflow dated 3rd April 2024 (reference no. 19061) • The Statement of Environmental Effects, prepared by Bloston Blyth Fleming Town Planners, dated 30th April 2024 <p>It is acknowledged that the proposed plans are similar to the previously approved plans under DA2020/0816, except for a few changes such as basement RL, transition ramp grades at the base of the ramp and bin room layout etc. Given the same plan was previously approved subject to conditions , the Traffic team does not oppose approval to this DA proposal with a similar set of traffic conditions to apply.</p> <p>The DA is supported subject to conditions.</p>

Internal Referral Body	Comments
Waste Officer	<i>Supported - subject to conditions</i> Waste Management Assessment Supported - subject to conditions

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<i>Supported, subject to conditions</i> The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Ausgrid - Substation	<i>Supported, subject to conditions</i> The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice and conditions relating to substation requirements. These recommendations will be included as a condition of consent.
Nominated Integrated Development - WaterNSW - Water Management Act 2000, s90(2) - Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location	<i>Supported, subject to conditions</i> The application was referred to Water for NSW due to the proposed dewatering and the General Terms of Approval (GTAs) have been received.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Housing) 2021

Part 5 – Housing for seniors and people with a disability

Division 3 Development Standards

Clause 84 – Development Standards (General)	
Standard	Compliance/Comment
(2) Development consent must not be granted for the development unless:	
(a) The site area of the development is at least 1,000m ² .	Complies.
(b) The frontage of the site area of the development is at least 20m measured at the building line.	Complies.
(c) for development on land in a residential zone where residential flat buildings are not permitted: <ul style="list-style-type: none"> (i) the development will not result in a building with a height of more than 9.5m, (ii) excluding servicing equipment on the roof of the building, and (iii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site. 	Complies, a maximum height of 8.86m above the FPL is proposed.
(3) The servicing equipment must:	
(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places.	Complies.
(b) be limited to an area of no more than 20% of the surface area of the roof.	Complies.
(c) not result in the building having a height of more than 11.5m.	Complies.

An assessment against Schedule 4 has been completed in the following tables:

Clause 87 – Additional Floor Space Ratios	
Standard	Compliance/Comment
(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if:	
(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or	N/A.

(b) the development is carried out on land in Zone B3 Commercial Core.	
(2) Development consent may be granted for development to which this section applies if:	
(a) the site area of the development is at least 1,500m ² , and	Complies.
(b) The development will result in a building with the maximum permissible floor space ratio plus: <ul style="list-style-type: none"> (i) for development involving independent living units - an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, (ii) or (iii) for development involving a residential care facility - an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or for development involving independent living units and residential care facilities - an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and 	There are no FSR controls in the PLEP as such the provisions relating to additional floor space are not relevant.
(c) The development will result in a building with a height of not more than 3.8m above the maximum permissible building height.	Complies.

Clause 88 – Restrictions on Occupation of Seniors Housing	
Standard	Compliance/Comment
(1) Development permitted under this Part may be carried out for the accommodation of only the following:	A condition imposed in the original consent restricting occupation is still valid and ensure compliance.
(a) seniors or people who have a disability,	As above.
(b) people who live in the same household with seniors or people who have a disability,	As above.
(c) staff employed to assist in the administration and provision of services to housing provided under this Part.	As above.
(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in sub-section (1) will occupy accommodation to which the development relates.	As above.

Clause 91 – Fire sprinkler systems in residential care facilities	
Standard	Compliance/Comment
(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.	Complies.

Division 4 – Site-related requirements

Clause 94 – Location and access to facilities and services (residential care facilities)	
Standard	Compliance/Comment
(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services:	Complies.
(a) on-site, or	Complies, no change to approved development.
(b) by a transport service other than a passenger service.	No change to approved development DA2020/0816.

Clause 95 – Water and sewer	
Standard	Compliance/Comment
(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will:	
(a) be connected to a reticulated water system, and	Complies, essential services are available.
(b) have adequate facilities for the removal or disposal of sewage.	
(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority:	
(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or	Complies.
(b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.	Complies.

Division 5 – Design requirements

Clause 97 - Design of Seniors Housing

Being an application for additions and alterations to a recently approved residential aged care facility, the proposed development has been considered against and is considered to be consistent with the *Seniors Housing Design Guideline*.

An assessment against Schedule 8 has been completed in the following tables:

Schedule 8 - Design principles for seniors housing

1 – Neighbourhood amenity and streetscape	
Standard	Compliance/Comment
Seniors housing should be designed as follows:	
(a) recognise that the operational, functional and economic requirements of residential care facilities typically require a different building shape from other residential accommodation,	DSAP have confirmed that the built form is appropriate, refer to detailed comments in the referral section of this report.
(b) recognise the desirable elements of: <ul style="list-style-type: none"> i) the location's current character, or ii) for precincts undergoing a transition - the future character of the location so new buildings contribute to the quality and identity of the area, 	DSAP have confirm that the proposal is contextually appropriate and recognises the desirable elements of the locations character, refer to discussion under the DSAP referral section of this report.
(c) complement heritage conservation areas and heritage items in the area,	N/A.
(d) maintain reasonable neighbourhood amenity and appropriate residential character by: <ul style="list-style-type: none"> i) providing building setbacks to reduce ii) bulk and overshadowing, and iii) using building form and siting that iv) relates to the site's land form, and adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and 	<p>Despite the reduced rear setback sufficient space, approximately 10.0m is retained between the building and the southern boundary. The building separation and existing and new landscaping planting will help reduce the visual bulk and scale and minimise privacy impacts.</p> <p>Despite the increase in the footprint and bulk of the building the proposal complies with the solar access provisions of the PDCP and will not result in unreasonable overshadowing to neighbours.</p>
(e) to set back the front building on the site generally in line with the existing building line,	The proposal retains a minimum 6.7m front setback. Despite some minor infill of the voids to the front setback the proposal is generally consistent with the approved development, the existing RCF building and the predominate setback in the street.
(f) to include plants reasonably similar to other plants in the street,	The landscape plan is assessed as acceptable, subject to conditions.
(g) to retain, wherever reasonable, significant trees,	Significant trees are retained where reasonable.
(h) be designed so no building is constructed in a riparian zone.	Complies.

2 – Visual and acoustic privacy	
Standard	Compliance/Comment
Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by:	

(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	<p>The proposal has been amended to include privacy treatment to the first floor windows in the west elevation.</p> <p>Despite the increase in the size of the windows in the south elevation and the introduction of balconies there is sufficient separation to the boundaries to ensure that privacy is maintained.</p> <p>In addition, existing and new planting will also assist with protecting privacy to neighbours.</p>
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Complies there are no new acoustic issues associated with the proposal and the conditions in the original DA with respect to noise remain valid.

3 – Solar access and design for climate	
Standard	Compliance/Comment
The design of seniors housing should:	
(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and	As above, despite the increase in the bulk of the development the proposal achieves compliance with the solar access provisions of the PDCP.
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	The proposal has been amended to modify the layout of the ground floor dining areas to ensure that sufficient solar access and ventilation is provided to ensure appropriate amenity for the residents.

4– Stormwater	
Standard	Compliance/Comment
The design of seniors housing should aim to:	
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	Complies, subject to conditions.
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	A rainwater tank is provided.

5 – Crime prevention	
Standard	Compliance/Comment
Seniors housing should:	
(a) be designed in accordance with environmental design principles relating to crime prevention, and	Complies.

(b) provide personal property security for residents and visitors, and	Complies.
(c) encourage crime prevention by: (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Complies, all rooms have access to windows and the entrance to the RCF is legible and safe.

6 – Accessibility	
Standard	Compliance/Comment
Seniors housing should:	
(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and	Complies, accessible links are provided to the public street.
(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Complies, subject to conditions.

7 – Waste management	
Standard	Compliance/Comment
Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	Complies, subject to conditions including compliance with the waste management plan and conditions recommended by Council Waste Officer.

Division 7 – Non-Discretionary Development Standards

Clause 107 – Non-discretionary development standards for hostels and residential care facilities	
Standard	Compliance/Comment
(2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities:	
Height	
(a) no building exceeds a height of 9.5m, excluding servicing equipment on the roof of a building,	Complies, the proposal has a height of 8.86m above the FPL and sits below the 9.5m height limit.
(b) servicing equipment on the roof of a building, which results in the building exceeding a height of 9.5m: (i) is fully integrated into the design of the roof or contained and suitably screened	Complies.

(ii) from view from public places, and (iii) is limited to an area of no more than 20% of the surface area of the roof, and does not result in the building exceeding a height of 11.5m.	
Density and Scale (FSR)	
(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.	Complies, the FSR is 0.98:1 (6,411m ²).
Communal Open Space	
(d) internal and external communal open spaces with a total area of at least: (i) for a hostel - 8m ² for every bed, or (ii) for a residential care facility - 10m ² for every bed.	Complies, 118 beds x 10 m ² = 1,180m ² required, 1,270m ² proposed.
Landscaped Area	
(e) at least 15m ² of landscaped area for every bed,	Complies Required - 15m ² per bed (118 beds) = 1,770m ² Proposed - 2,127m ²
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.	Complies Required: 15% of the site area with a minimum dimension of 6m = 975.45m ² , 65% of the deep soil area to be located at the rear = 665.6m ² Proposed: A total deep soil area of 1,848m ² is provided, 961.8m ² is provided within the rear with a minimum dimension of 6m which exceeds 65% of the total deep soil zone.
Car Parking	
(g) for a hostel - at least 1 parking space for every 10 beds in the hostel,	N/A
(h) for a residential care facility - at least 1 parking space for every 15 beds in the facility,	Complies 8 required.
(i) at least 1 parking space for every 2 employees who are on duty at the same time,	Complies 25 required A combined total of 33 car parking spaces are required 36 are proposed.
(j) at least 1 parking space for the purpose of ambulance parking.	Complies one space provided.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

Transport for NSW (TfNSW)

The site does not have a frontage to Barrenjoey Road, it is located approximately 45m to the east of the classified road. Due to the size of the development, 118 beds, and its proximity to the classified road both the original and subject application were referred to TfNSW. The Department returned the referral on the subject application and confirmed that concurrence / advice is not required. It is noted that there is no increase in the number of beds compared to the approved development and the car parking complies with the provisions of SEPP (Housing).

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use. Council's Health Officer notes that the Geotechnical report confirms that the first 1.3m of soil was indicated to be fill. A condition is to be imposed requiring the reporting of any unexpected contamination finds to Council, refer to the detailed comments in the referral section of this report.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
4.3 (2A) Height of Buildings:	8m above Flood Planning Level (RL12.85 AHD)	8.865m (RL13.86 AHD)	7.69% (0.99m)	No
7.4 Floodplain Risk Management	RL4.91 AHD (Probable Maximum Flood)	RL5.0 AHD	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	No
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.4 Floodplain risk management	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone R2 Low Density Residential

The site is zoned R2 Low Density Residential under PLEP 2014, and the proposed residential care facility, being a form of seniors housing, is prohibited development. However, the RCF was approved under DA2020/0816 pursuant to the provisions of SEPP HSPD, which allows for seniors housing on land where it may otherwise be prohibited.

The subject application for alterations and additions to the approved RCF is assessed under SEPP Housing which also allows seniors housing in the R2 zone. The proposal is considered to achieve the objectives of the R2 zone in providing for the housing needs of the Pittwater community at an intensity and scale compatible with the surrounding land uses.

4.3 Height of buildings

Under the provisions of PLEP 2014, buildings shall not exceed a height of 8m above the FPL. In this case the maximum height permitted is RL12.85 AHD, as measured between the FPL (RL4.87) ground and the highest part of the building at any one point. In accordance with the definition of building height as defined by PLEP 2014, the proposed building reaches a maximum height of RL13.86 AHD, exceeding the height limit across a large portion of the upper level by a maximum of 995mm.

However, SEPP Housing applies to the development and prevails where any inconsistencies occur between the two instruments. Under the provisions of SEPP Housing, the maximum height of development is 9.5m, excluding servicing equipment on the roof of a building. In this instance, the maximum permissible height of the development is therefore RL14.37 AHD, which is 9.5m above the FLP.

The proposed building sits below the building height control calculated in accordance with SEPP Housing.

As SEPP Housing prevails over the PLEP 2014 height of buildings control, no Clause 4.6 variation request is required in relation to the height breach.

7.1 Acid sulfate soils

The site is mapped as Class 3 & 4 Acid Sulfate Soils. An Acid Sulfate Report has been provided confirming that no acid sulfate soils were identified on the site and the development will not adversely impact the water table. The Report concludes that no management plan is required.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Basement Courtyard: 3.0m (approved 3.4m) Ground Floor Courtyard 1.2m Canopy over entrance 0.8m	53.85% 96.93% 87.7%	No
		Basement: 6.5m - 11m (no change)	N/A	Yes
		Building: 6.5m -11.4m (no change)	N/A	Yes
Rear building line	6.5m	Basement: 10.6m - 12m (approved 12m)	N/A	Yes
		Building: 6m to ramp, 8.8m to balcony and 10m to external wall (approved 7m - 15m)	N/A	Yes
Side building line	East: 2.5m	Driveway, Basement: 4m, 10.3m (no change)	N/A	Yes
		Building: 8.83m - 10.3m fire stairs 5.4m	N/A	Yes
	West: 1m	Basement: 4m (no change)	N/A	Yes
		Building: 4m - 5.255m (no change) 3.17m to balcony	N/A	Yes
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	50% 3251.5m ²	1366.5m ² (21%) Additional landscaping is providing in planter beds and large central courtyards to equal a total landscape area of 2,2296m ² (35.3%)	Complies with the landscape provisions of SEPP Housing and is therefore assessed as acceptable.	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	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
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.10 Building Facades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	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
C5.19 Food Premises Design Standards	Yes	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	Yes	Yes
D9.9 Building envelope	Yes	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A4.9 Mona Vale Locality

Consideration of the development against the Mona Vale Locality desired future character is discussed within the SEPP Housing assessment.

C1.4 Solar Access

Despite the extension of the building to the southern (rear) boundary and changes to the roof profile the shadow diagrams confirm that the proposal complies with the solar access provisions and will not unreasonably overshadow neighbouring properties.

C1.5 Visual Privacy

The proposal retains a sufficient rear setback of between 8.8m and 10m to ensure that there are no privacy impacts. In addition, existing and new landscaping will help protect privacy. Privacy screens are included on the first floor windows in the western elevation and obscure glazing is proposed to the balconies to ensure there are no unreasonable privacy impacts to the western neighbours.

D9.6 Front building line

Description of non-compliance

The proposed building facade largely complies with the 6.5m front building line control. The proposed non-compliances relate to the 3.0m basement courtyard setback, the 0.8m entry awning and the 1.2m courtyard.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the control as follows:

- ***Achieve the desired future character of the Locality.***

Comment:

Under A4.9 of P21 DCP, the proposal is consistent with the objectives of the desired future character of Mona Vale. The proposal will achieve a height that is below the existing tree canopy. Furthermore, the vegetation proposed to be removed as a result of the development is to be replaced with compensatory planting, including locally native species. The bulk and scale of the development is considered to be reasonable in the context and will not unreasonably impact the amenity of surrounding properties.

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

Comment:

Any existing views or vistas are unlikely to be obstructed as a result of the proposed development. Opportunities for casual and unobstructed surveillance of the street from dwellings will be retained.

- ***The amenity of residential development adjoining a main road is maintained.***

Comment:

The subject site adjoins Bassett Street which is a relatively busy local road. The development is sufficiently set back and is suitably screened to the street frontage with suitable landscaping. Further, a compliant number of car parking spaces are proposed in accordance with SEPP Housing.

- ***Vegetation is retained and enhanced to visually reduce the built form.***

Comment:

Extensive planting is proposed within the front setback and road reserve to help soften the visual bulk of the development when viewed from the street frontage.

- ***Vehicle manoeuvring in a forward direction is facilitated.***

Comment:

The proposed basement carpark and driveways allow for entry and exit in a forward direction.

- ***To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.***

Comment:

The design of the proposal promotes visual improvement of the existing facility and reduces the perceived bulk of the building. The height and scale of the development are acceptable in relation to the natural environment and landscape setting of the site and surrounds.

- ***To encourage attractive street frontages and improve pedestrian amenity.***

Comment:

The proposed building and landscape design contribute to an attractive street frontage and pedestrian links are maintained across the width of the site.

- ***To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.***

Comment:

The site is flood affected and the proposed building design appropriately responds to this constraint. The building generally maintains the footprint of the existing building and generous front, side and rear setbacks are provided to the built form to maintain physical separation to the street frontage and adjoining properties. These setbacks are also suitably landscaped and provide a landscape setting consistent with the surrounding locality.

While the some minor elements of the proposal breach the front setback, it is considered to be consistent with the outcomes of the control and appropriate within the locality. It is therefore determined the variation is applicable based on merit.

D9.10 Landscaped Area - General

Description of non-compliance

The original application retained a landscaped area of 27.4%. The proposal reduces the landscape area to (21%) when calculated in accordance with the PDCP. Additional landscaping is providing in planter beds and large central courtyards to equal a total landscape area of 2,2296m² (35.3%).

Merit consideration

With regard to the consideration for a variation, the merits of the development are considered as follows:

- The landscaped area of the development calculated in accordance with SEPP Housing prevail over the Pittwater DCP.
- The landscape setting of the site is sufficient to provide a range of deep soil areas and outdoor living areas suitable for recreational activities.
- The outdoor terrace areas extend from the internal communal living and dining areas to maximise usability for the high care elderly residents.
- Sufficient deep soil areas are provided to the front, sides and rear of the site to enable suitable vegetation screening of the building, including planting of locally native tree species.

A further assessment of landscaping on the site is provided under SEPP Housing and meets those minimum area and space requirements.

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 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$59,758 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$5,975,840.

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 2021;
- 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

PLANNING CONCLUSION

This proposal, for alterations and additions to a Seniors Housing Development, namely a 118 bed Residential Care Facility, approved under DA2020/0816 and assessed under SEPP (HSPD) 2004.

The original application has not been activated, therefore the subject application has the affect of amending the previous consent to the extent that if there is an inconsistency between the two consents the subject DA prevails. The principle changes to the approved RFC include an extension of the building approximately 5.0m to the rear, infill of voids, a reduction in landscape open space, change in the roof form, new balconies and changes to the internal layout for improved functionality and amenity for residents.

The application has been referred to the Development Determination Panel (DDP) due to nine (9) unique submissions having been received which raised issues with the reduced setback, increased building bulk and scale which is considered to be out of character with the locality and additional amenity impacts, such as, privacy and overshadowing.

Despite the increase the increase in the size of the development and the reduction in landscape open space the proposal achieves compliance with the built form controls contained within SEPP Housing 2021, including FSR (1.1 FSR permitted 0.98:1 proposed), height (9.5m permitted 8.86m proposed). The proposal also complies with the setback controls contained within the Pittwater DCP and the Design Advisory and Sustainability Panel (DSAP) confirm that the bulk and scale of the development is acceptable and compatible with the character of the area.

The application has been amended to address concerns from the DSAP in terms of light and ventilation to the ground floor dining room and privacy treatment addresses concerns with overlooking of the western first floor windows. In addition, external paths have been amended to permeable paths and the proposed landscaping and deep soil exceeds the requirements of SEPP (Housing). The application has also been amended to address issues from Council's Flooding Engineer, subject to conditions, and the application is supported by all other referral officers, subject to conditions.

The proposal retains appropriate building separation and will not result in unreasonable privacy impacts and complies with the privacy and solar access provisions of the Pittwater DCP.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment. The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

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

RECOMMENDATION

Accordingly Council as the consent authority grant Development Consent to DA2024/0882 for Alterations and additions to a seniors housing development (residential care facility) on land at Lot 2 DP 748426, 33 Bassett Street, MONA VALE, Lot 38 DP 7236, 23 Bassett Street, MONA VALE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section

4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. No Construction Certificate until work has commenced under DA2020/0816

The Construction Certificate for this application shall not be issued until the Construction Certificate for DA2020/0818 has been issued and work has commenced. Should there be any inconsistencies between the subject development application and DA2020/0816, the consent for the subject development application shall prevail.

Reason: To ensure compliance with the legislative requirements.

2. 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
A-01 Site Analysis and Context Plan, Rev C	14 November 2024	Gartner Trovato Architects
A-02 Site and Roof Plan, Rev C	14 November 2024	Gartner Trovato Architects
A-03 Basement Plan, Rev C	14 November 2024	Gartner Trovato Architects
A-04 Ground Floor Level, Rev D	14 November 2024	Gartner Trovato Architects
A-05 First Floor Level, Rev C	14 November 2024	Gartner Trovato Architects
A-06 Elevations - North & South, Rev C	14 November 2024	Gartner Trovato Architects
A-07 Elevations - East & West, Rev C	14 November 2024	Gartner Trovato Architects
A-08 Sections, Rev C	14 November 2024	Gartner Trovato Architects
A-12 Fire and Smoke Compartments Rev C	14 November 2024	Gartner Trovato Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Compliance - Access for People with a Disability	3 April 2024	Accessible Building Solutions
Water Sensitive Urban Design Report Rev A	26 April 2024	ENTEC
Geotechnical Investigation Ref GG11415.001A	12 March 2024	Green Geotechnics

Arboricultural Impact Assessment	3 April 2024	TREEISM
BCA 2022 Capability Statement, Rev 2	6 May 2024	Philip Chun Building Compliance
Flood Risk Management	19 April 2024	ENTEC
Traffic and Parking Assessment Ref 19061	3 April 2024	TRAFFIC PTY LTD

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
DA-L01 Landscape Site Plan Rev A	22 November 2024	Trish Dobson Landscape Architecture
DA-L02 Tree Retention Plan	22 November 2024	Trish Dobson Landscape Architecture
DA-L03 Planting Plan West	22 November 2024	Trish Dobson Landscape Architecture
DA-L04 Planting Plan East	22 November 2024	Trish Dobson Landscape Architecture
DA-L05 Planting Schedule & Details	22 November 2024	Trish Dobson Landscape Architecture
Elevation, Section, First Floor Planter	28 March 2024	Trish Dobson Landscape Architecture

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.

3. **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	Ausgrid Referral Response underground cables and substation	14 August 2024
Ausgrid	Ausgrid Overhead cables	14 August 2024

Water NSW	Water NSW General Terms of Approval (GTAs)	6 September 2024
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(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.

4. No Construction Certificate until work has commenced under DA2020/0816

The Construction Certificate for this application, DA2024/0882, shall not be issued until the Construction Certificate for DA2020/0818 has been issued and work has commenced. Should there be any inconsistencies between the subject development application and DA2020/0816, the consent for the subject development application shall prevail.

Reason: To ensure the development complies with the legislative requirements.

5. 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 Certifier 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 Certifier 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 Certifier 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.

6. **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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.

- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.

- (m) 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.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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.

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$59,758.40 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

(as amended).

The monetary contribution is based on a development cost of \$5,975,840.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

8. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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 Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. **National Construction Code (BCA) requirements**

The National Construction Code requirements for the building as detailed and recommended in the Building Code of Australia 2022 Capability Statement, dated 6/05/2024, Report Ref. 24-221744_Cap_Stat_Report_R02, including any required Performance Reviews, are to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

10. **National Construction Code (BCA) Access**

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the National Construction Code and AS1428. In this regard the Statement of Compliance Access for People with a disability report prepared by Accessible Building Solutions, dated 03/04/2024, Job No, 220009, is to be taken into consideration as part of the Construction Certificate assessment. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

11. **On-slab landscape planters**

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting). Soil depth shall be a minimum depth as identified on the Landscape Plans.

Reason: to ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

12. **Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 4.84m AHD shall be designed and constructed from flood compatible materials.

B2 - All new development must be designed to ensure structural integrity up to the Probable Maximum Flood level of 4.91m AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 4.84m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

13. **Floor levels**

C2 - New floor levels within the development shall be set at or above the Probable Maximum Flood Level (or Flood Planning Level if higher) of 4.91m AHD.

C3 - The underfloor area of the dwelling below the 1% AEP flood level is to be designed to

allow clear passage of floodwaters. At least 50% of the perimeter of the underfloor area must be of an open design from the natural ground level up to the 1% AEP flood level.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

14. **Car parking**

D7 - All access, ventilation and any other potential water entry points, including entry ramp crests to the basement car park shall be at or above the Probable Maximum Flood Level of 4.91m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

15. **Emergency response**

E1 - The shelter-in-place refuge must:

- a) Have a floor level at or above the Probable Maximum Flood level of 4.91 m AHD; and
- b) Have a floor space that provides at least 1m² per person; and
- c) Be intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on electrical means.

E2 - The shelter-in-place refuge must contain emergency power and a practical means of medical evacuation.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

16. **Fencing**

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW

Government policy.

17. Storage of Goods

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 4.84m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

18. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the nearest Council's drainage system.

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

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

19. 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 Green Geotechnics dated 12/3/2024 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 Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

20. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours

- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

21. Detailed Design of Stormwater Treatment Measures - Major

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the ENTEC Civil Work plan project 230127 revision A dated 17.04.24 detailing the stormwater strategy and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

22. Car Parking Standards

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004 and the dimensions must be annotated on the plans.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of a construction certificate.

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

23. Vehicular Swept Paths

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

The submitted swept paths must include testing of critical car parking spaces such as parking space number 14 and 32, mini bus and ambulance bay.

Details demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and

parking of vehicles.

24. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets

(including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.

- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- 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 any 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 safety.
- 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 public 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.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

25. Bus and Service Vehicle Access (8.8m Medium Rigid Vehicle)

Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed to comply with forward in and forward out access of an 8.8m Medium Rigid Vehicle (MRV), as a minimum requirement. The height clearance required for an MRV truck is minimum 4.5m. Swept path diagrams must include on-street parking and details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways. Plans showing the ramp grades, transitions and height clearance assessment for access to the basement carpark by the minibus and swept path diagrams and height clearance assessment of an 8.8m MRV accessing the site, the loading bay and turning around on-site to exit in a forwards direction shall be submitted to Council's Traffic Engineer for review and once approved provided to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate room is available for servicing the site.

26. 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 prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

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

27. Vehicle Access & Parking

All internal driveways, vehicle turning areas and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

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

28. **Pedestrian sight distance at property boundary**

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

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

Reason: To maintain pedestrian safety.

29. **Boundary Identification Survey**

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

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

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

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

30. **Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above ground level, Council's Executive Manager of Development Assessment is to be provided with plans to their satisfaction demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building, do not visually dominate the streetscape and are in accordance with the requirements of the BCA.

An updated landscape plan is also to be provided to reflect the changes resulting from the fire hydrant and sprinkler booster detailed design.

Reason: To ensure essential services are appropriately screened.

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

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2>

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

32. Compliance with Standards

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

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

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

33. Amended plans - Sun hoods

Amended plans shall be submitted showing that sun hoods are provided to north facing windows in the recessed panels of the street elevation and the west facing windows including to habitable rooms facing courtyard spaces.

Plans are to be suitably amended to demonstrate compliance and submitted to the Certifier prior to the issue of a construction certificate.

Reason: To ensure there is suitable sun protection.

34. Passing on basement access ramp

A swept path plot showing a B85 vehicle passing a B99 vehicle on the ramp from ground floor to basement must be provided. The proposed ramp is shown to be two-way, however there are concerns that two vehicles may not be able to pass each other at the 90 elbow at the base of the ramp. Hence, it must be demonstrated through swept paths that the proposed ramp is accessible by opposing traffic. If the ramp cannot accommodate two vehicles passing, the ramp width must be increased to facilitate passing. However, if the ramp width cannot be increased then appropriate traffic signals to avoid vehicle to vehicle conflict must be provided. Design details confirming the intended access arrangements must be submitted for review by Council's traffic engineer prior to release of the construction certificate.

Reason: To ensure the curved ramp is appropriately designed for its two-way purpose.

35. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

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

36. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures 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 and the Addendum to Arboricultural Impact Assessment, including the listed Recommendation for tree 5 (Cooks Pine) and tree 6 (Chinese Elm). Additionally any excavation and construction works in proximity to the following trees shall be subject to inspection and approval by the Project Arborist: tree 10 (Umbrella Tree) in adjoining property; group 13 (Swamp She-Oak); group 14 (Brush Cherry), tree 15 (Paperbark), and tree 16 (Common Ash).

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and 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.

37. Tree Removal Within the Property

This consent approves the removal of the following trees within the property impacted by development: tree number 1 (Prickly Paperbark), 3 (Bangalay), 25 (Pin Oak), 29 (Cabbage Tree Palm), and 32 (Cabbage Tree Palm). A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: to enable authorised building works.

38. Tree Removal Within the Road Reserve

This consent approves the removal of the following trees within the road reserve:

- i) tree number 11 and 12 (Banksia).

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

Reason: public liability.

39. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Guidance Scheme for standing of construction vehicles in a trafficable lane

Reason: To ensure Work zones are monitored and installed correctly.

40. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Barrenjoey Road or on the signalised intersection of Bassett Street East with Barrenjoey Road.

Reason: Requirement of TMC for any works that impact on traffic flow.

DURING BUILDING WORK

41. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, including trees numbered 5 (Cooks Pine), 6 (Chinese Elm), 13 (group of Swamp She-Oak), 14 (group of Brush Cherry), 15 (Paperbark), and 16 (Common Ash),
- ii) all trees and vegetation located on adjoining properties, including tree numbered 10 (Umbrella Tree).

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) 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,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) 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 Australian Standard 4970- 2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.

xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment and the Addendum to Arboricultural Impact Assessment prepared by Urban Forestry Australia.

The Certifying Authority must ensure that:

d) 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.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: tree and vegetation protection.

42. **Dewatering Management**

A permit from Council is required for any temporary dewatering of groundwater for construction activity.

To undertake construction dewatering, approvals must be obtained from WaterNSW, refer general Terms of Approval (GTA) DAS1157040.

Reason: Protection of the receiving environment and groundwater resources.

43. **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 prepared 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.

Reason: Protection of the receiving environment.

44. **Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifier for approval prior to installation.

Proposed water quality system using vegetation cannot be replaced with other pollutant removal mechanisms.

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

45. **Implementation of Construction Traffic Management Plan**

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

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

46. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

47. **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.

48. **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifier.

Reason: To protect human health and the environment.

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

During demolition and/or construction the proposal/works shall be generally consistent with the Waste Management Plan submitted on 2/7/2024.

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

50. 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.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

51. 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 Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

52. Street Tree Planting

Street tree planting shall be installed in location as identified in the Landscape Plans, and as imposed by the following requirements:

i) All street trees shall be a minimum pre-ordered planting size of 75 litres, and shall meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways, and shall generally be centralised within the road verge.

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

Reason: To maintain environmental and streetscape amenity.

53. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plans prepared by Trish Dobson landscape Architecture, and inclusive of the following conditions:

a) landscape works are to be contained within the legal property boundaries,
b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
c) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and

maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more; and located either within garden bed or within a prepared bed within lawn,
d) mass planting shall be installed as scheduled in the Landscape Plans; and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
e) the following nominated species shall be substituted for a non self-seeding alternative: *Raphiolepis* 'snow maiden' and *Pennisetum* 'nafray'.
f) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

54. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained as imposed by the conditions, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

55. Certification of Works as Executed

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

- 1. Floor levels for ground floor and shelter in place refuge are set at or above the required level
- 2. All access, ventilation, driveway crests and any other potential water entry points to the basement car park have been set at or above the required level
- 3. There has been no filling on the land other than what has been approved
- 4. Openings are provided under floor areas where required for the free passage of flood waters
- 5. Openings are provided in fencing where required for the free passage of flood waters

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

56. Building Components and Structural Soundness

B2 - A suitably qualified structural engineer is to certify the structural integrity of the new

development up to the Probable Maximum Flood level of 4.91m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 4.84m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

57. **Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**
The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

58. **Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval**
The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

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

59. **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 construction certificate approved plans. 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 Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

60. **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 Certifier prior to the issue of the 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.

61. **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 Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

62. 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 Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

63. Loading Dock Management Plan

A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by the Principal Certifier prior to the issue of any Occupation Certificate.

The Plan will need to demonstrate how loading dock will be managed to ensure that there is no conflict between vehicles needing to access the dock and to ensure that deliveries/servicing vehicles are all able to be accommodated on site. Parking or queuing of service and delivery vehicles on public road(s) is not permitted.

Reason: to ensure the loading dock is managed appropriately and appropriate for use for

delivery and servicing needs of the site

64. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2022.

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

Reason: To ensure compliance with Australian Standards.

65. Shared Zone Bollard

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2022.

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

Reason: To ensure compliance with Australian Standards.

66. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifier 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) Statement of Compliance - Access for People with a Disability, dated 3 April 2024, prepared by Accessible Building Solutions

(b) Water Sensitive Urban Design Report Rev A, dated 26 April 2024, prepared by ENTEC

(c) Geotechnical Investigation Ref GG11415.001A, dated 12 March 2024, prepared by Green Geotechnics

(d) Arboricultural Impact Assessment, dated 3 April 2024, prepared by TREEISM

(e) BCA 2022 Capability Statement, Rev 2, dated 6 May 2024, prepared by Philip Chun Building Compliance

(f) Flood Risk Management, dated 19 April 2024, prepared by ENTEC

(g) Traffic and Parking Assessment Ref 19061, dated 3 April 2024, prepared by TRAFFIC PTY LTD

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with standards.

67. 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.

68. 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 Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

69. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

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

70. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

71. 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.

72. Traffic Management

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

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

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

73. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

74. Service Vehicle Area

The area designated as manoeuvring area for delivery or waste truck must be kept clear of obstructions during loading or deliveries and during waste collection. Vehicles must not be required to queue on public roads at any time.

Reason: To ensure the use of loading dock and prevent obstructions to traffic flows.

75. Parking Enclosure

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

76. Sight lines within carparks

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

77. Ongoing Flood Requirements

All underfloor areas which are not associated with the basement car park must be kept open as following. The undercroft must remain open to allow the clear passage of flood waters, and the screening must be flood compatible with a minimum of 50% open from the natural ground level up to the 1% AEP flood level of 4.34m AHD. Openings should be minimum 75 x 75mm.

Reason: To ensure the proposed Flood Storage Area on site is not reduced due to enclosure..