

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED SHOPTOP HOUSING DEVELOPMENT

52-62 MAY ROAD, NARRAWEENA

1.0 INTRODUCTION

This statement has been prepared on behalf of the applicant in support of a development application to Northern Beaches City Council (the "Council") for the demolition of existing structures and construction of a shop top housing development comprising ground floor commercial premises and sixteen (16) residential apartments above, over basement level, at No. 52-62 May Road, Narrabeena.

The development site comprises five allotments developed as a single storey strip retail building comprising predominantly food and drink premises. An open at grade car park services the centre with a small pocket park immediately east of the building. Vehicular access to the shops is via a two-way driveway off May Road with rear service access available from Poplar Lane. Poplar Lane is 8m wide. Pedestrian access to the front of the building is from the car park and to rear of the lots via Poplar Lane. The building structures are aged and at the end of their useful life. The development site adjoins No.s 64 – 72 May Road, being single storey shops that comprise the remainder of the neighbourhood centre. The submitted site masterplan (Dwg A -0006) shows how the remainder of the centre could be developed in the future, demonstrating that the proposal does not preclude further development in the future.

The development site is located within the B1 – Neighbourhood Centre zone under Warringah LEP 2011. Shop Top Housing is permissible with Council's consent. The proposal is typical of new small centre development that is gentrifying existing older stock within neighbourhood centres within the Northern Beaches LGA, in particular the ex Pittwater and Warringah LGAs. The opportunity to provide additional residential accommodation within a highly accessible site is attractive for both businesses and local community.

The design, layout and built form of the proposal provides a range of retail (6 premises facing the car park) and commercial (3 premises at the rear of the ground level), ranging in size from 48sqm to 105sqm. The upper level apartments (16 units) are situated on the upper two levels and comprise a mix of 1 bedroom, 2 bedroom and 3 bedroom units. The basement level, to be accessed from Poplar Lane, contains 34 parking spaces (including residential, visitor, retail/business and accessible spaces), 18 storage/bicycle storage cages, retail and general storage rooms, two lifts (general and service lift), fire stairs, services rooms and two-way ramp to Poplar Lane. Waste management for the retail and residential uses are separately provided at ground level adjoining Poplar Lane. The building is essentially divided into two wings, separated by the pedestrian accessway between the front of building leading to a central courtyard and pedestrian access to the rear commercial premises, services area and basement accesses.

While non-compliant with the LEP Height of Building development standard, the development fits with the scale and mix of development for a neighbourhood centre, and is consistent with the height, scale and form of recent approvals of Council.

The proposal has been assessed pursuant to State Planning Policies, Warringah LEP 2011 and Warringah DCP. As depicted in the elevation drawings and photomontages the proposal has an acceptable visual fit and sets a positive benchmark for neighbourhood centre redevelopment.

The proposal generally complies with the provisions of the WDCP 2011, both in terms of its objectives and prescriptive controls for development within a nominated neighbourhood centre. The built form and presentation of the development is varied, well articulated, skillfully laid out and designed to address the uses on each side of the development site and maximizes the opportunities and constraints of the site.

The design intent is to present a building which responds to its locational context in a contemporary manner but that respects the existing character of the area. The proposal seeks to provide a positive contribution to the future development and character of the area, as enunciated in Council's planning policies for neighbourhood centres such as Narraweena. The new building is designed to fit into the streetscape in terms of scale and bulk and will create a positive aesthetic form in its presentation to Warringah Road and the local streets surrounding the site. Special attention has been given to provide a building which respects the potential development of the whole centre and fits in comfortably within the scale and nature of development in the immediate area.

The applicant and architects attended a Pre-DA meeting with Council staff on 20 August 2019. In response to a number of matters raised by Council, amendments to the project plans and proposals have been adopted into the submitted DA plan set. The key issues covered in that meeting relate to building envelope controls, parking, flooding, stormwater, building height and general application of local planning provisions. The matters raised have been considered in the design and layout of the final DA plans. Where possible Council's comments have been adopted. A summary of the design responses is contained in Appendix 1 of this Statement.

This statement has been prepared pursuant to Section 4.12 of the *EP&A Act 1979*, and cl 47 and Schedule 1, Part 1, Clause 2(c) of the Environmental Planning and Assessment Regulation 2000, and reviews the applicable environmental planning instruments, development controls and related guidelines that apply to the subject property as well as the natural and built environmental impacts of the proposal.

The proposal is acceptable and is worthy of approval on its merits having regard to the provisions of the *EP&A Act 1979* and the WLEP 2011.

2.0 SITE AND SURROUNDS

The development site comprises five (5) allotments, legally known as Lots 13 – 17, DP 801798, commonly known as No. 52 – 62 May, Narraweena. The lot has a development site area of 1,417.34sqm with front boundary to an open at grade car park, which fronts Warringah Road, of 44.285m, rear boundary fronting Poplar Lane of 44.485m, eastern boundary, fronting the May Road park of 32.005m and western boundary, adjoining No. 64 May Road, of 32.005m.

The site has a cross fall from the south-west corner (RL80.12mAHD) to the north-eastern corner (RL78.85mAHD), a fall of 1.27m. For building purposes, the fall from front to rear ranges from 260mm (west) to 1370mm (east) – and hence can be defined as being generally flat. There is currently access to the rear of the site from the Poplar Lane (7.62m wide) for services and to the front of shops direct from the street and open carpark. Access to the car park is via a two-way driveway onto May Road. There is no direct vehicular access from the neighbourhood centre onto Warringah Road. The intersection of May Road and Warringah Road is a controlled via a STOP sign; vehicles can enter and leave May Road onto/from Warringah Road in both directions. Warringah Road is a classified road, containing regular bus routes in both directions, including a bus stop at the front of the neighbourhood centre.

The May Road Neighbourhood Centre comprises a strip of single storey shops and business premises. The whole centre contains eight (8) torrens title lots. Current occupancies are predominantly food and drink related with 9-10 premises. The development site adjoins No.s 64 – 72 May Road, being single storey shops that comprise the remainder of the neighbourhood centre.

The development site currently has five (5) businesses operating – each facing the car park with rear lane access at the rear. The rear of each of the subject lot is generally not built upon. There are a couple of storage containers and small outbuildings but no permanent habitable structures. The rear yards are used

for open storage, parking and/or waste management. Two large, mature trees are located within the rear yard of two of the subject lots. The building structures are aged and nearing the end of their useful life.

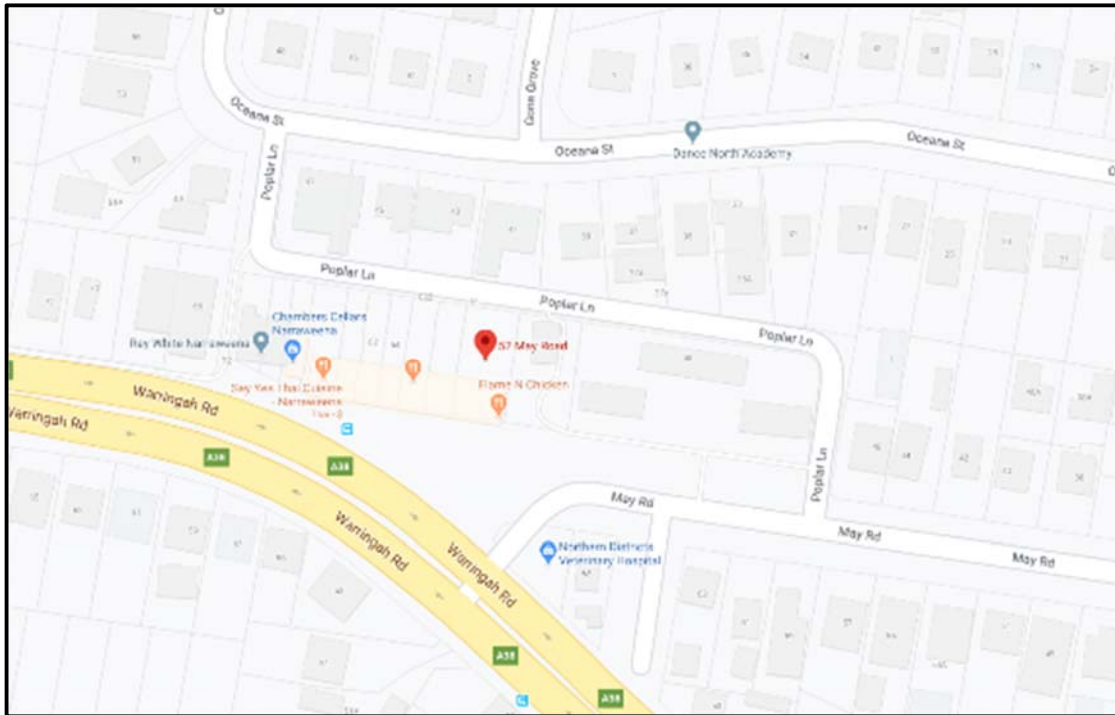


Figure 1: Location of subject site

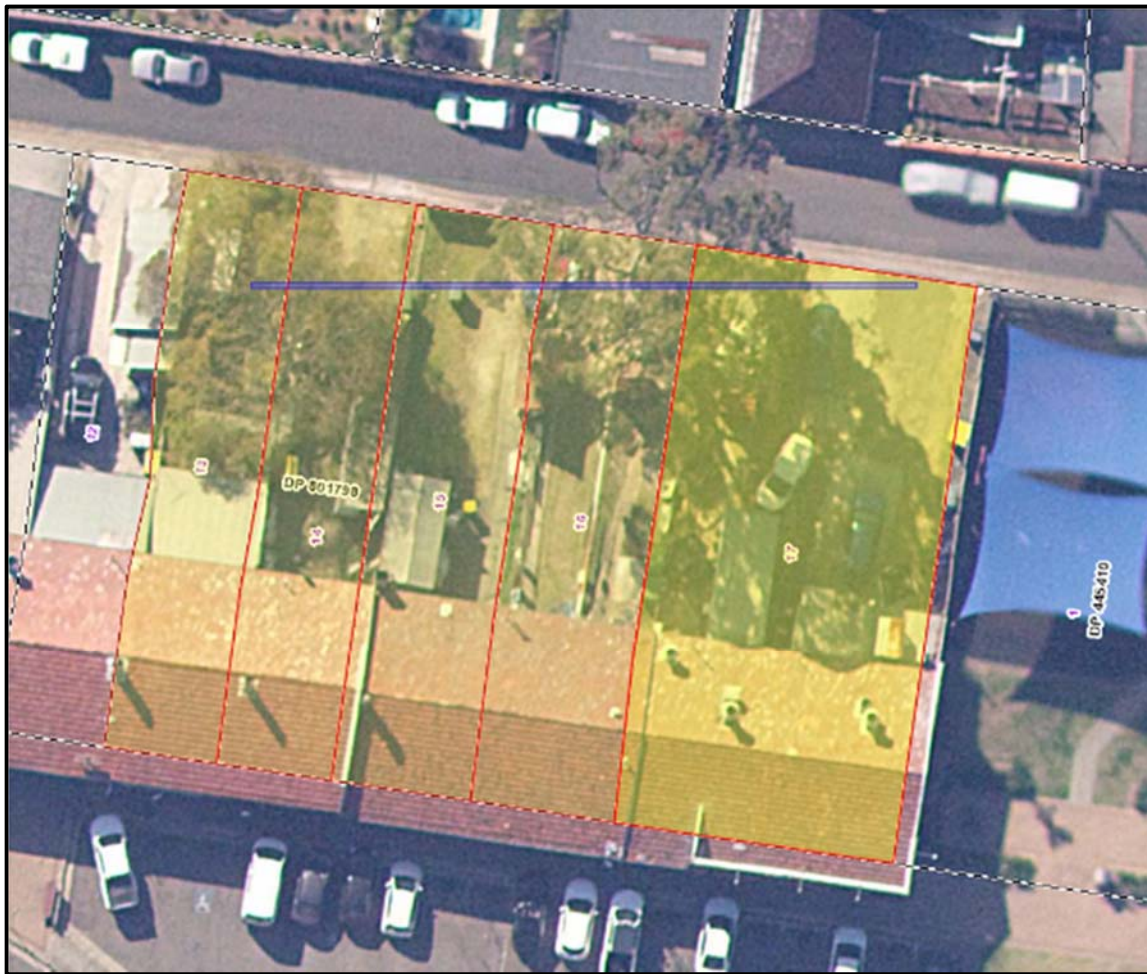


Figure 2: Aerial of development site

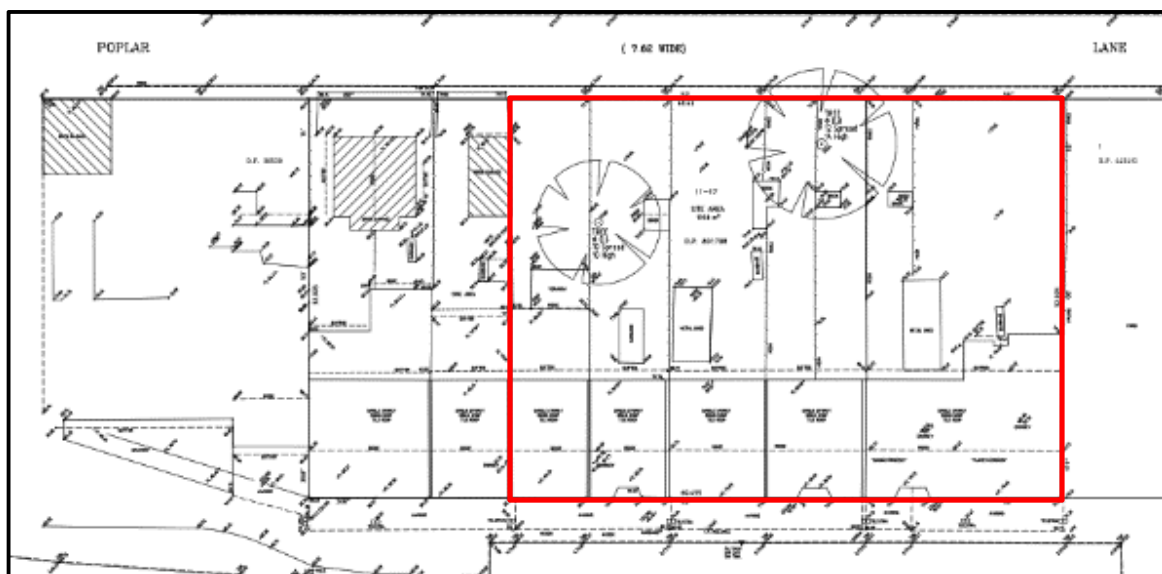


Figure 3: Extract of Survey Plan of subject site

Immediately surrounding the site are the following:

- North: The north-western end of Poplar Lane contains a relatively new townhouse development undertaken by NSW Department of Housing, with vehicle access onto Poplar Lane.

The corner of Poplar Lane and Oceana Street contains a new one and two storey medium density residential development undertaken by NSW Department of Housing with access off Oceana Street .

Two other low density residences have dual frontage to Oceana Street and Poplar Lane (within the length of the development site).

One has a single garage with studio or similar over and no pedestrian gate onto Poplar Lane

The other is a two storey dwelling with detached double garage fronting Poplar Lane with two pedestrian gates allowing access to Poplar Lane.

Further east along Oceana Street are single residences with rear yard facing Poplar Lane – some with access to the laneway, some with timber boundary fences only.

- South: the car park of the May Road Neighbourhood Centre and the Warringah Road corridor is immediately south of the development site.
- West: No.s 64 – 72 May Road, being single storey shops that comprise the remainder of the neighbourhood centre.
- East: May Road Pocket Park – setup with play equipment for children and families and a public footpath linking May Road to Poplar Lane. Adjoining the park to the east is a very old set of single storey medium density units.
- East: opposite May Road entry to the neighbourhood centre – a vet clinic on the corner of May Road and Warringah Road. Pine Avenue contains low density residential. May Road heading east towards Dee Why contains predominantly low density residential development.



Figure 4: May Road Neighbourhood Centre – view from Warringah Road



Figure 5: Development site – eastern end of strip shops

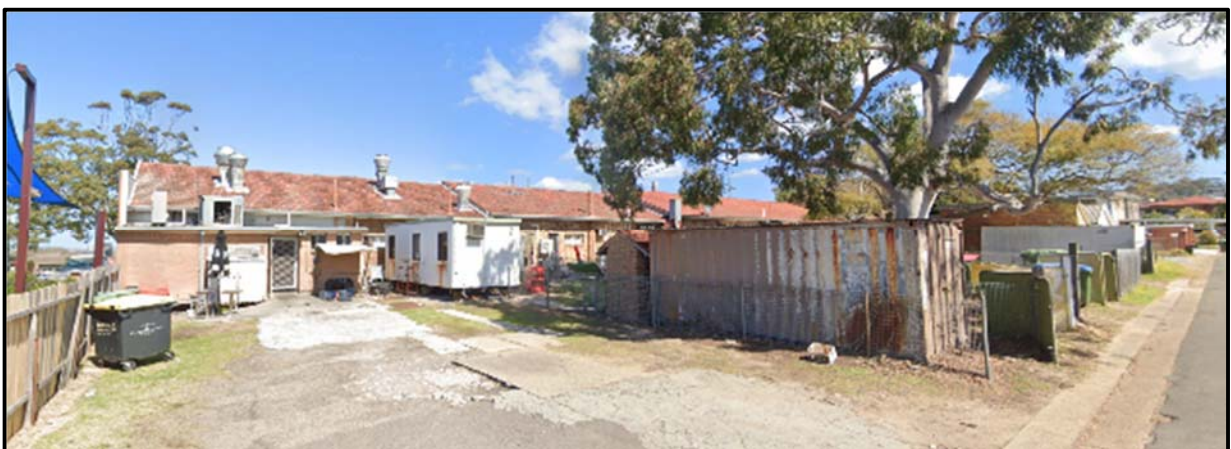


Figure 6: No. Poplar Lane at rear of development site



Figure 7: No. May Road pocket park at eastern end of development site



Figure 8: Northern side of Poplar Lane – rear yards of low – medium density residential development



Figure 9: New medium density development on Poplar Lane and Oceana Street

In broader terms the subject site is located in the Narraweena residential suburb that sits approximately 1km from the Dee Why Post Office, via May Road and Pittwater Road. Dee Why Surf Club is approximately 2.5km from the site and the main Pittwater Road entrance to Warringah Mall is approximately 2.3km via main roads. The Narraweena area is a mixture of predominantly low to medium residential development, having been subdivided and developed mid 20th century. Warringah Road is a classified road with high traffic volumes, being the main connector road between the northern beaches, Chatswood, northern Sydney suburbs and western Sydney. The area is also very accessible to the coast and beaches, particularly Dee Why and Curl Curl Beaches. Public transport is available along Warringah Road with daily services in both directions.

3.0 DESCRIPTION OF PROPOSAL

3.1 The Proposal

The proposal seeks to demolish the existing structures on site and construct a shop top housing development comprising a mix of shop, food and drink premises and the like at ground level and residential apartments above. A basement level is proposed to cater for off-street parking and services for the development.

The ground floor premises will comprise six (6) retail premises facing the car park and three (3) neighbourhood premises adjacent the laneway, with front access to the central courtyard. Above are two levels of residential apartments, comprising sixteen (16) apartments. These are a mix of 1, 2, & 3 bedroom units including accessible units. Parking and services are provided at basement level for both components of the development. There are thirty-four (34) parking spaces, including 25 resident spaces (2 accessible), 4 visitor, 9 retail (including 1 accessible), 18 bicycle spaces/storage. Vehicular access to the basement is from Poplar lane (7.6m wide). Pedestrian access to the site is available from the car park at the front, from the basement level and the pedestrian pathway that links the car park to Poplar Lane via the internal courtyard. There are 2 lifts that service the development.

It is noted that the existing development (retail) has a GFA of 600sqm, generating a demand for 37 parking spaces (refer to the Traffic and Parking report, by Stanbury Traffic Planning). The proposal provides 34 onsite spaces for residences, visitors and retail uses.

Basement

- Central courtyard with lifts, stairs to basement and landscaping.
- Vehicle ramp from Poplar Lane to basement

- 8 x residential apartments
- Stairs and lift to other levels

- 8 x residential apartments
- Stairs and lift to lower levels

- 6 x retail premises (facing car park)
- 3 x commercial premises (facing central courtyard)
- 2 x separate garbage rooms (residential + commercial storage)
- Plant and services rooms
- Stairs and lift to other levels

- Site works – clearing, excavation (for basement level) and site preparation works
- Site landscaping (as per landscape plan)
- Drainage works

The following summarises the proposed development on each level:

		UNIT	UNIT	UNIT	UNIT	UNIT
LEVEL	USE	NUMBER	TYPE	INT AREA m ²	EXT AREA m ²	TOTAL AREA m ²
00	RET	1		91.99		91.99
GROUND	RET	2		55.64		55.64
	RET	3		62.34		62.34
	RET	4		62.29		62.29
	RET	5		48.15		48.15
	RET	6		105.13		105.13
	COMM	1		67.21		67.21
	COMM	2		60.24		60.24
	COMM	3		54.69		54.69

		UNIT	UNIT	UNIT	UNIT	UNIT
LEVEL	USE	NUMBER	TYPE	INT AREA m ²	EXT AREA m ²	TOTAL AREA m ²
01	RESI	1	2BR	92.85	16.76	109.61
	RESI	2	2BR	87.7	16.76	104.46
	RESI	3	2BR	81.45	10.31	91.76
	RESI	4	3BR	125.58	21.22	146.8
	RESI	5	3BR	128.13	21.22	149.35
	RESI	6	2BR	96.56	10.07	106.63
	RESI	7	2BR	96.56	10.07	106.63
	RESI	8	1BR	66.75	9.02	75.77
		SUBTOTALS		775.58	115.43	891.01

Second Floor:

LEVEL	USE	UNIT NUMBER	UNIT TYPE	UNIT INT AREA m ²	UNIT EXT AREA m ²	UNIT TOTAL AREA m ²
02	RESI	9	2BR	82.67	18.39	101.06
	RESI	10	2BR	76.11	19.3	95.41
	RESI	11	2BR	70.77	20.45	91.22
	RESI	12	2BR	94.87	38.88	133.75
	RESI	13	2BR	95.38	31.96	127.34
	RESI	14	1BR	56.11	27.36	83.47
	RESI	15	1BR	56.11	27.36	83.47
	RESI	16	1BR	57.81	11.4	69.21
SUBTOTALS				589.83	195.1	784.93

Dwelling Mix:

RESIDENTIAL UNIT TYPE BREAKDOWN	STUDIO	1BR	2BR	3BR
TOTALS		4	10	2

Car Parking:

RESIDENTIAL COMPONENT											
	STUDIO	1BR	2BR	3BR	VISITOR		STUDIO	1BR	2BR	3BR	
NOMINATED NON-ADAPTABLE UNITS	4	8	2	0					2		
CAR PARKING RATES	1.0	1.2	1.5	1 PER 5 UNITS					1.2		
CAR PARKING SPACES REQUIRED	0.0	4.0	9.6	3.0	4.0				2.4		
BICYCLE PARKING RATES	1.0	1.0	1.0	1 PER 12 UNITS					1.0		
BICYCLE PARKING SPACES REQUIRED	0.0	4.0	8.0	2.0	2.0				2.0		
SUBTOTAL	23.0					25.0					
	18.0					18.0					
COMMERCIAL / RETAIL COMPONENT											
	RETAIL	VISITOR	COMMERCIAL	VISITOR							
ALLOCATED TENANCY AREA	425.54		182.14								
CAR PARKING RATES	1 PER 16.4		1 PER 40								
CAR PARKING SPACES REQUIRED	25.9		4.6								
BICYCLE PARKING RATES	1 PER 200	1 PER 600	1 PER 200								
BICYCLE PARKING SPACES REQUIRED	2.1	0.7	0.9								
SUBTOTAL	30.5					9.0					
	3.7					5.0					
TOTAL	53.5					34.0					
	21.7					27.0					
						23.0					

Waste Management:

RESIDENTIAL COMPONENT		REFER TO COUNCIL WASTE MANAGEMENT GUIDELINES					
TOTAL UNITS PROPOSED		16	REFER COUNCIL (APPENDIX A)				
		GENERAL/	RECYCLING		BULK WASTE		
WASTE GENERATION RATES		REFER COUNCIL (APPENDIX A)			4m3 PER 10 UNITS		
ANTICIPATED WASTE VOLUMES GENERATED		REFER COUNCIL (APPENDIX A)			6.4	m3	
BINS REQUIRED		15	240 LITRE BINS				
TOTAL		15	BINS		6.4	m3	

COMMERCIAL / RETAIL COMPONENT		REFER TO COUNCIL WASTE MANAGEMENT GUIDELINES				
TOTAL TENANCY AREA PROPOSED		607.68	*ASSUMING HALF TENANCY IS CAFÉ AND RETAIL			
		GENERAL (CAFÉ)	GENERAL (RETAIL)	RECYCABLE (CAFÉ)	RECYCABLE (RETAIL)	
WASTE GENERATION RATES		300L/100m2	50L/100m2	200L/100m2	50L/100m2	
ANTICIPATED WASTE VOLUMES GENERATED		911.52	151.92	607.68	151.92	
BINS REQUIRED		1.6		1.2		660 LITRE BINS
TOTAL		4 BINS				

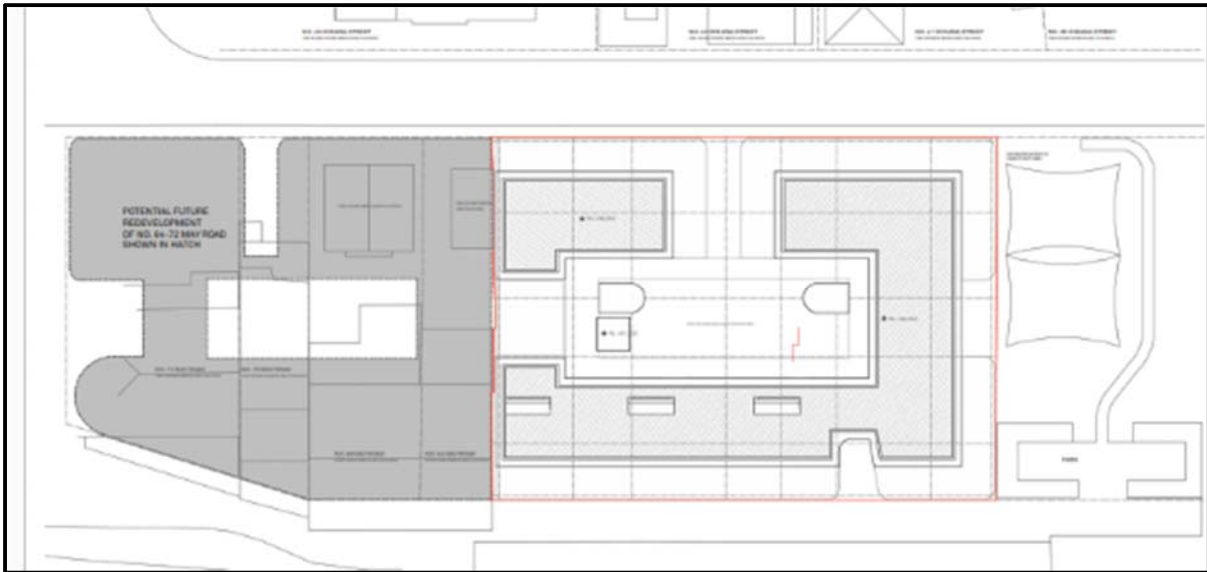


Figure 10: Site Plan (Source: Benson McCormack, Project No. 1853A)

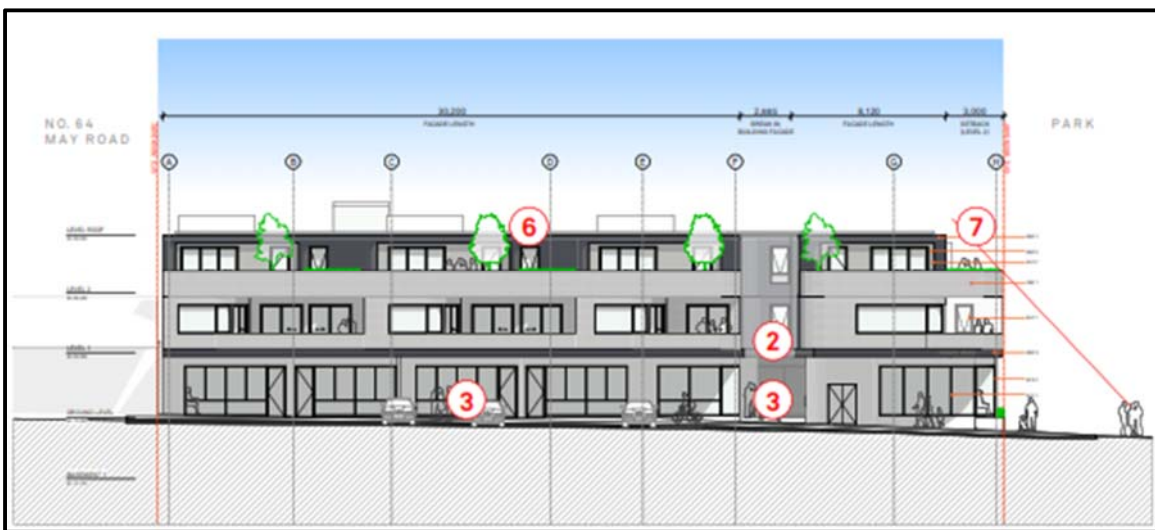


Figure 11: South Elevation – facing carpark and Warringah Road (Source: Benson McCormack, Project No. 1853A)

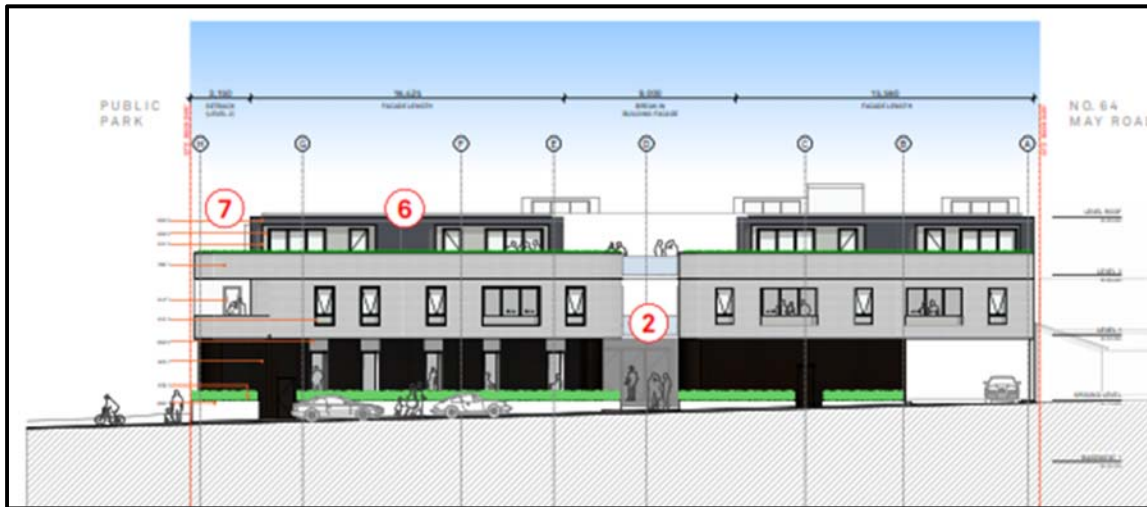


Figure 12: North Elevation – view from Poplar Lane (Source: Benson McCormack, Project No. 1853A)

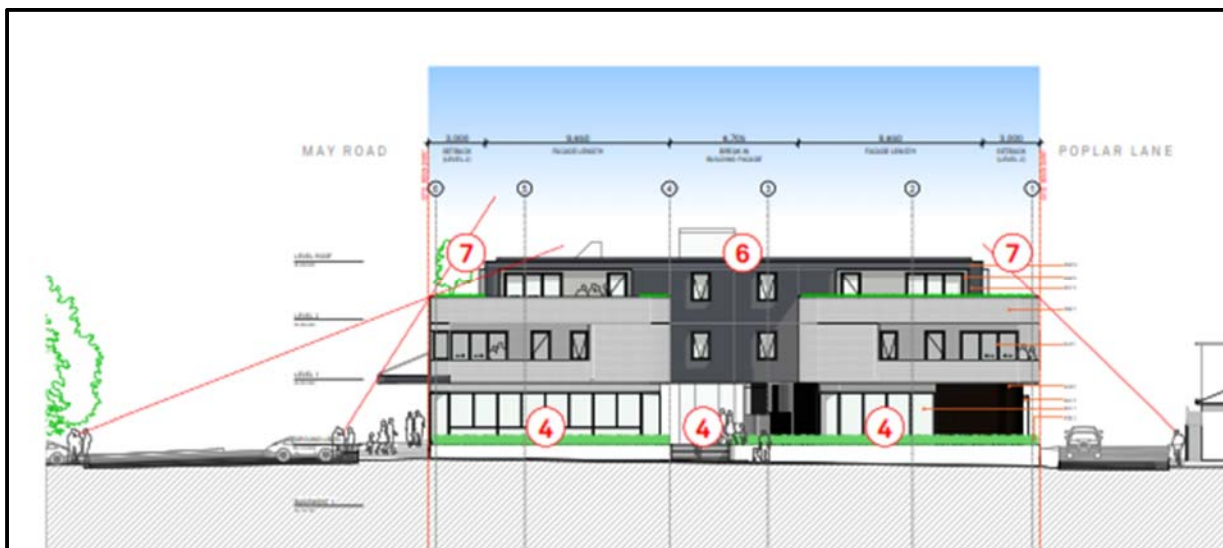


Figure 13: East Elevation – view from pocket park (Source: Benson McCormack, Project No. 1853A)



View of south-east corner from May Road



View towards north-east corner from Poplar Lane



View from Poplar Lane with connecting pedestrian footpath to central courtyard through to southern car park



Sectional view from the courtyard into the park



Sectional view from courtyard into the park with entry from Poplar Lane

Figure 14: Various massing views and sections of the proposed development

3.3 DA documentation

The Development Application is accompanied by the following plans and documentation:

- Survey Plan by *ATS Land & Engineering Surveyors*, Drawing No. 9034-00/Rev00, dated 22 August 2013
- Architectural plans by *Benson McCormack Architecture*, Project 1853A
- ADG report by *Benson McCormack Architecture*, Project 1853A
- Landscape Plans, by *Matthew Higginson*, Landscape Architecture, Project No. 19821, dated 26 March 2020
- Shadow Diagrams, by *Benson McCormack Architecture*, Project 1853A
- Traffic Impact Assessment, by *Stanbury Traffic Planning*, Ref No. 19-103, dated March 2020
- Geotechnical Assessment, by *Asset Geotechnical*, Ref No. 2198-A, dated 6 September 2013
- Access Report, by *Accessible Building Solutions*, dated 12 March 2020
- Stormwater Drainage Plan by *Inspire*
- BASIX Certificate, Certificate Number 1087818M, dated 30 March 2020
- DA Cost Report by *Mitchell Brandtman*, dated 30 March 2020
- Waste Management Plan prepared by *BMA*

4.0 SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION

In accordance with s 4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application.

4.15 Evaluation

(1) Matters for consideration—generally in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

4.1 Relevant Statutory Environmental Planning Policies (EPIs)

The following identifies the relevant EPIs applicable to the assessment of the application.

The application is assessed under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended, which include:

- SEPP (Infrastructure) 2007
- SEPP No. 55 - Remediation of Land
- SEPP (Vegetation in Non-rural Areas) 2017
- SEPP BASIX 2004
- SEPP 65 - Design Quality of Residential Flat Development
- Warringah Local Environmental Plan (WLEP) 2011
- Warringah Development Control Plan (WDCP) 2011

4.1.1 State Environmental Planning Policy (Infrastructure)

The development site does not have direct frontage to Warringah Road (a classified road by the RMS). It is separated from the road reserve by the publicly owned car park – with has driveway access to May Road only. Vehicular access to the development site is provided from Poplar Lane to the basement level. The basement contains parking for the both the retail and residential components of the development.

Clauses 101 of the iSEPP states:

101 Development with frontage to classified road

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

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

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

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

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

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

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

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

Comment: As the development site does not have frontage to a classified road the provisions of this clause do not strictly apply to the application. Council may refer to the application to the RMS for comment but the DA is not integrated development. Any additional traffic generation as a result of the development is addressed in the Traffic and Parking Report, submitted as part of the DA package.

Clause 102: As noted previously the development site does not have direct frontage to Warringah Road.

4.1.2 State Environmental Planning Policy No 55 - Remediation of Land

The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health particularly in circumstances where a more sensitive land use is proposed.

The proposal involves the excavation and construction of a basement level for parking and services – across the majority of the site. This work will essentially remove the existing soil and bund the site along its boundaries. A Stage 1 Environmental Site Assessment is not submitted with the DA documentation as the site has a long and established history of non pollution creating uses.

4.1.3 State Environmental Planning Policy (Vegetation in Non-Urban Areas) 2017

This policy applies to the Northern Beaches LGA however the site is urban zoned and hence not applicable. It replaces the vegetation preservation clause in the WLEP, having come into effect on 25 August 2017. The stated aims of the policy are to ‘protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation’.

Notwithstanding, in terms of vegetaon, two trees are required to be removed that are located in the existing rear yards of the shops. These trees are located directly within the building footprint of the new development and unfortunately cannot be retained. The best outcome for the development is the planting of a new sculptural tree at the eastern end of the site which acts as an entry point and connection from the eastern pocket park into the central, open courtyard of the new development. The courtyard is to contain a number of planters that will contain a variety of plants, as detailed in the landscape plan set submitted as part of the DA package. An extract of the proposed landscape plan is Figure 15 below.



Figure 15: Extract of the proposed landscaping of the development (Source: Matthew Higginson, Landscape Architecture, Project No. 19821, dated 26 March 2020)

4.1.4 State Environmental Planning Policy (BASIX) 2004

SEPP (BASIX) 2004 was gazetted on 26 June 2004, and applies to the subject site. Relevant provisions require that all works over \$50,000.00 must be certified as achieving BASIX.

The subject application is supported by a BASIX Certificate (No. Certificate Number 1087818M, dated 30 March 2020) demonstrating that the proposal achieves the relevant energy efficiency requirements. The BASIX Certificate is submitted as part of the DA documentation.

4.1.5 State Environmental Planning Policy No 65 – Design of Residential Flat Development

SEPP No. 65 was gazetted on 26 July 2002 and applies to the proposed development. SEPP 65 Design Quality Principles provide an appropriate methodology for assessment. The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of the proposed solutions. The proposal is defined as comprising over three (3) storeys and hence the application of SEPP65 is triggered.

Comment:

An assessment of the proposal in accordance with the SEPP 65 principles is provided below. *Benson McCormack Architecture* also provide a SEPP 65: ADG which is Appendix 2 of this SEE.

Principle 1 Context & Neighbourhood Character

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

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The proposed development is situated at 52-62 May Street, Narrabeena. The site is located on the north-western corner of the intersection of May Road and Warringah Road. The development site is part of the May Street Neighbourhood Centre which is an island site separated by a park, open carpark and laneway to the rear. Existing on the site is an old set of retail/commercial premises, generally single storey with direct access to publicly owned car parking between the shops and Warringah Road. Poplar Lane runs along the rear of the properties, on the northern side of the site. Located on the eastern end of the strip of shops is a small pocket park that contains playground equipment and pedestrian access from May Road to Poplar Lane.

The development site comprises five of the existing allotments. These immediately adjoin No.s 64 – 72 May Road, being single storey shops that comprise the remainder of the neighbourhood centre. The submitted DA plans include a masterplan of the whole centre, demonstrating that the remainder of the shops can be redeveloped, in a similar manner to the proposal.

The intersection of May Road and Warringah Road is controlled via a STOP sign; vehicles can enter and leave May Road onto/from Warringah Road in both directions. Warringah Road is a classified road, containing regular bus routes in both directions, including a bus stop at the front of the neighbourhood centre. Access to the centre is directly onto May Road, at the eastern end of the car park – closest to the development site. Access is also available from the Poplar Lane to the rear of the properties and into the basement of the proposal.

The surrounding lower density residential areas comprises predominately two storey buildings with newer public housing in the form of two storey townhouses. The northern side of Paoplar lane provides for the garaging and rear yards of the properties fronting Oceana Street. In the context of the surrounding the proposed redevelopment comprises three storeys. This is one storey higher than the new medium density townhouses which front Oceana Street. The upper floor level is setback from the levels below and the centre of the development is a large open courtyard. Both of these design elements reduce the bulk of the development.

Principle 2 Built Form & Scale

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

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The Warringah LEP 2011 does not contain a floor space ratio development standard. Therefore, one of the two elements that normally combine to control a development's bulk and scale is not applicable. Therefore, only building height and setback controls are available to address this aspect of the development. In this case, the prescribed building height is 8.5m for the site. The resultant development, while larger than the adjoining and adjacent buildings that make up the neighbourhood centre, remains relevant to its corner location and site context.

The external walls of the upper level apartments are setback 3.0m from the car park (southern) boundary, 3m from the Poplar Lane (northern) boundary and 3.065m from the eastern boundary. There is a nil setback to the western boundary with a central void to the garden below. The building is separated from development to the south via the car park and 6 lanes of Warringah Road, to the north via Poplar Lane which

is 7.6m wide, to the east via the pocket park and to development along May Road by the car park entry and driveway.

The additional height proposed is absorbed by the separation surrounding the building, the articulation of the upper two levels and the low-profile roof. Parking is at basement level so does not impact on the overall presentation of the building from any public place. This building separation to the adjoining residential to the north is reasonable in terms of overlooking and privacy (visual and acoustic). Overshadowing is limited to the car park (south) and afternoons over the eastern pocket park. 13 of the 16 units receive compliant sunlight penetration.

When viewed from public vantage points the articulated and recessed building envelope reduces any perceived bulk of the overall building. The building therefore sits comfortably on the eastern end of this neighbourhood centre.

The remainder of the strip shops in this local centre are generally original and similarly at the end of their useful life placing demand for imminent redevelopment. The proposed new building will reactivate the centre and provide a significant positive built form lift and presentation for the neighbourhood centre that may serve to influence other redevelopment within the centre.

Principle 3 Density

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

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

Comment: The proposal is located in a B1 Neighbourhood Centre zone. There is no FSR applicable as the LEP does not adopt FSR as a development standard. Therefore, there is no density provision for compliance. The footprint of the development generally reflects the existing overall footprint onsite. The site and surrounds can accommodate the density proposed.

Principle 4 Sustainability

Good design combines positive environmental, social and economic outcomes.

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

Comment: The proposal meets the targets set out in the sustainability index (BASIX) and generally meets SEPP building design principles and guiding provisions. The development provides housing not currently available on the site or generally in the immediate area. The proposal introduces a variety of apartment types and sizes across the two residential levels. Each of the apartments is oriented to the car park or laneway with the most easterly apartments also facing the pocket park.

All units have access via a lift from the basement level and/or stairs. The development meets the minimum requirement for solar access to units and for cross ventilation (refer to the ADG table in Appendix 2 of this Statement).

The southern units are required to face the car park and activate that frontage, thereby facing south. There is a requirement to balance solar access, activation of the frontage and passive surveillance of the car park. This restricts the opportunity for some sunlight penetration to the south facing units however they are compensated by pleasant district and potential ocean and city skyline views as well oversized balconies.

A balancing of impacts is required and the design solution, as presented in this application, is considered the better outcome in respect of potential environmental impacts.

Principle 5 Landscape

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

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Comment: The proposal incorporates a green edge of landscaping to Poplar Lane frontage, planter boxes to the edges of the apartments and the central courtyard between the northern and southern wing of the development. The landscaping will positively complement the setting of the development in relation to the adjacent residential development nearby, the pocket park and provide a common open space setting within the building envelope. The central courtyard and green edges will provide a buffer for the residents, providing privacy and contributing to the amenity of the residents and the businesses providing a pleasant internal courtyard for outdoor dining and a place for residents to enjoy.

Principle 6 Amenity

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

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

Comment: Apartment amenity is provided through appropriate room dimensions and layouts, access to outlooks from living areas, natural ventilation, visual and acoustic privacy, storage, as well as indoor and outdoor space to all apartments.

Generous sized balconies, augmented by a pleasant open central courtyard opening to the public reserve, all contribute to the high level of amenity afforded to the occupants.

There are no foreseeable amenity impacts on neighbours in terms of shadowing, privacy impacts or loss of views.

Each apartment has storage equal or in excess to the ADG requirements, with at least 50% being provided in the apartments and the remainder in the basement.

Principle 7 Safety

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

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

Comment: The proposed scheme has been designed to minimise opportunities for crime in accordance with CPTED principles. Safety and security is promoted into and within the building envelope by having three openings to the central courtyard that ensure the area is permeable in each direction – without concealed areas. The central courtyard is activated at ground level by the entrances to the three rear commercial premises and the concertina door openings to the courtyard from 4 of the 6 retail premises. The upper level apartments allows for casual passive surveillance of the car park and Poplar Lane – not currently available with the existing development. All apartments have balconies/terraces overlooking both streets, thereby maximising passive surveillance of public areas. Secure basement parking is provided, with access via direct lifts to each level and the courtyard area. The pedestrian passageways are wide, uncluttered and will be well-lit, encouraging a safe environment for the residents and users of the development.

Principle 8 Housing Diversity and Social Interaction

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

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comment: The proposed development consists of a total of 6 retail and 3 commercial premises with 16 apartments above consisting of a mix of one, two and three-bedroom apartments. Each apartment has a car park or laneway frontage orientation.

The apartment areas are generously sized relative to the number of bedrooms provided in each unit. They range from 56sqm to 95sqm in area. Each has a small to large POS balcony ranging from 10sqm to 38sqm. All apartments comply with minimal internal areas, and minimum balcony and ground terrace areas. The mix is provided to suit the need of the future community and catering for a wide cross section of buyers. The proposal will provide a well-designed housing stock in an area where there is a strong demand for this type of development, especially from single, professional workers and downsizers. The proposed development is designed carefully to ensure easy access for all users, including provision for two adaptable apartments.

Principle 9 Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The architectural expression of the proposed developments responds positively to the existing streetscape when viewed from Poplar Lane and the southern carpark and Warringah Road. Each level of the development is designed and presented as a separate visual element with a base, centre and recess upper level. The roof is to be non-trafficable, flat roof thereby not contributing to the overall bulk or scale of the development. The articulated form and introduction of high-quality building materials replaces the rather haphazard, tired appearance of the existing strip of facades.

4.1.5 Warringah Local Environmental Plan 2011 (WLEP 2011)**1.2 Aims of plan**

(1) This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as Warringah) in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

(a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,

(b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,

(c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,

(d) in relation to residential development, to:

(i) protect and enhance the residential use and amenity of existing residential environments, and

(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and

(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,

(e) in relation to non-residential development, to:

(i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and

(ii) maintain a diversity of employment, services, cultural and recreational facilities,

(f) in relation to environmental quality, to:

(i) achieve development outcomes of quality urban design, and

(ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and

(iii) achieve land use relationships that promote the efficient use of infrastructure, and

(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and

(v) protect, conserve and manage biodiversity and the natural environment, and

- (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,*
- (g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,*
- (h) in relation to community well-being, to:*
 - (i) ensure good management of public assets and promote opportunities for social, cultural and community activities, and*
 - (ii) ensure that the social and economic effects of development are appropriate.*

The proposal satisfies the stated objectives given that:

- The proposal is a permissible landuse within a Neighbourhood zone;
- The location is in transition where the existing character of the area is changing over time by a number of mixed use developments similar to the proposal;
- The proposal represents urban design excellence;
- The site is located in an area with established public transport system to support the future residents, as needed.
- The site is well located close to shops and services and public recreation areas
- The development is a high-quality development that will promote the desired future character of the area through good urban design, layout and use of a combination of external materials.
- All environmental constraints have been considered and managed;
- Additional required housing is provided without impacting the character of the locality.

Comment: The proposed development is consistent with the above listed aims, in particular it redevelops part of the old strip shops with a new neighbourhood centre development, including a range of retail, business and residential uses. The ground floor premises will attract a variety of small businesses with improved amenity. The apartments will introduce new dwelling stock in the area, diversifying the range and quality of accommodation, in a new, high quality, contemporary set of apartments with outlooks over the area. The site is located in a very accessible area, being close to shops, employment, local services and recreational areas.

The proponent has been mindful of the natural attributes of the site including the landform, outlook, neighbouring development, existing and future development of the area. These elements are integrated into and considered in the overall design.

Zoning of land and Landuse Permissibility

The site is zoned B1 Neighbourhood Centre pursuant to WLEP 2011.

Zone B1 neighbourhood Centre

1 Objectives of zone

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

*Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Food and drink premises; Medical centres; Neighbourhood shops; Respite day care centres; Roads; **Shop top housing**; Shops; Any other development not specified in item 2 or 4.*

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The proposal is permissible as *shop top housing* is permissible in the B1 zone as the ground floor comprises retail and business premises at ground floor and all residential component is situated above.

It satisfies the stated zone objectives given that:

- The proposal will replace the existing older building on the site and provide both business and residential development that will provide additional housing to fulfil the growing housing needs in the northern beaches area;
- The residential apartments will provide a mixture of sizes, bedrooms and adaptable units ensuring a variety of living is available;
- The amenity and safety of pedestrians is considered and designed for;
- The height, scale, form and density maintain a village scale and atmosphere emphasized by the internal courtyard and outdoor seating.
- Adequate private open space is provided for the development – for the amenity and enjoyment of residents;
- The site is readily accessible by public transport with bus stops located on Warringah Road (north and south);
- The site is also located close to shops, services and the beaches (Dee Why Town Centre, Curl Curl and Warringah Mall – all within 2km of the site;

Clause 2.7 Demolition

Demolition requires consent and is part of this application for the removal of the existing building structures on the site.

Clause 4.3 Height of buildings

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

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The site is mapped as "1" = 8.5m



Comment: The proposed development is non-compliant with the WLEP maximum height limit (refer to Figure 16 below). A clause 4.6 request for variation to the development standard is submitted with the application. It is addressed in Appendix 3 of this Statement.

The building height lines are shown on the DA plan set.

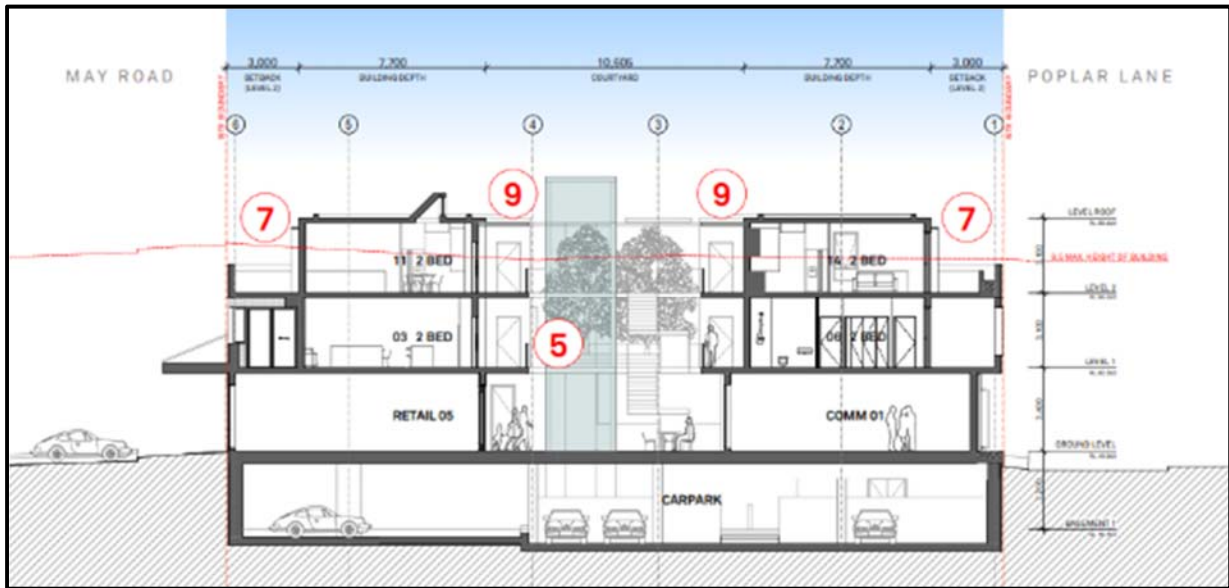


Figure 16: Section of the proposed development showing the 8.5m max height limit in red

Clause 4.4 Floor space ratio

Not applicable. WLEP 2011 does not adopt FSR standards for development.

Clause 4.6 Exceptions to Standards

Comment: A clause 4.6 request for variation to clause 4.3 Height of buildings development standard is submitted for the proposed development. This is addressed in Appendix 3 of this Statement. The development is not antipathetic to the objectives of the development standard or the B1 zone. On this basis the requested variation is considered reasonable on environmental planning grounds.

Clause 5.4 Controls relating to miscellaneous permissible uses

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

The size of four of the six proposed retail premises and each of the proposed rear premises are less than 80sqm and would comply with this clause, noting that 'shops' (without floor area restrictions) are also permissible in the zone. The proposal seeks consent for retail premises and not a neighbourhood shop.

Clause 5.10 Heritage conservation

The development site is not heritage listed, is not within a conservation area and is not located in proximity to any heritage item listed in the LEP schedule. Clause 5.10 is therefore not applicable.

Clause 6.4 Development on sloping land

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

- (a) *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

(2) *This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) *the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) *the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) *the development will not impact on or affect the existing subsurface flow conditions.*

Comment: The subject site is mapped within Area A – less than <5 degrees.



No specific requirements for this development. Council can be satisfied that the site is a low risk area. Notwithstanding, a geotechnical report is submitted with the DA documentation addressing site soils due to the proposed excavation of the basement level.

6.2 Earthworks

A Geotechnical Investigation, prepared by *Asset Geotechnical*, Ref No. 2198-A, dated 6 September 2013 is submitted as part of the DA documentation. It identifies a number of recommendations for the excavation and shoring of the site next to the existing western shops immediately adjoining the development site. The report notes that no groundwater was observed in the boreholes during inspection of the site.

6.4 Development on sloping land

The site is within Area A <5%. The slope is generally flat for development purposes.

4.2 Draft Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no known draft environmental planning instruments of relevance to the proposed development.

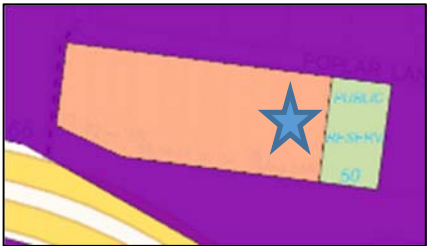
4.3 Non-Statutory Development Control Plans

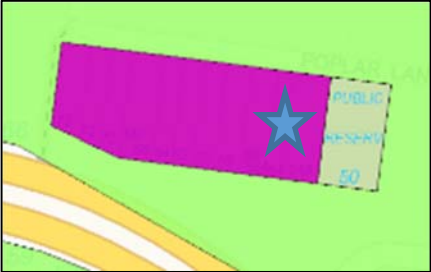
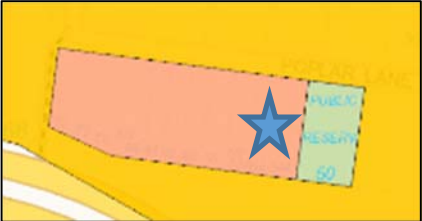
4.3.1 Warringah Development Control Plan 2011 (WDCP 2011)

Warringah DCP 2011 is the policy applying to development in the Warringah section of the Northern Beach LGA. The purpose of the plan is to provide additional planning and building guidelines than are available in WLEP 2011. WDCP 2011 (@ 20.10.18) is the latest version of Council's local planning guidelines.

The DCP does not have controls applying specifically to shop top housing or mixed use developments. However, the main built form standards apply to all types of development permissible in the zone and therefore are relevant and provided in Table 2 below. It is noted that the proposal generally complies with all relevant controls of the DCP and where a merit assessment is required the development presents a reasoned and acceptable design solution.

Table 2: Warringah DCP 2011

Relevant DCP provisions	Preliminary Proposal
PART A INTRODUCTION	
A.5 Objectives <i>The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability.</i>	Addressed throughout this Statement. The proposal achieves a high level of amenity and sustainability for the May Road Neighbourhood Centre area.
PART B BUILT FORM CONTROLS	
B1 Wall Heights	N/A. Does not apply to B1 zone.
B2 Number of Storeys	Not mapped. N/A
B3 Side Boundary Envelope	Not mapped. N/A
B4 Site Coverage	Not mapped. N/A
B5 Side Boundary Setbacks  <p>LEGEND DCP Setbacks Side A Nil B 0.9m C 4.5m D 7.5m E 10m F <1 Ha 5m, >1 Ha 10m G 6m N Merit assessment</p>	Mapped "N" Merit Assessment
B6 Merit Assessment of side boundary setbacks Requirements 1. Side boundary setbacks will be determined on a merit basis and will have regard to: <ul style="list-style-type: none"> streetscape; amenity of surrounding properties; and setbacks of neighbouring development 2. Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	The site contains one side boundary – facing east towards the public reserve – pocket park. The development has the following setbacks: Ground: setback with strip planter box along eastern boundary. Premises are raised above the natural ground level of the park with steps up to the central courtyard. The retail/business premises have glazed windows facing

	<p>the park for outlook and increased passive surveillance over park.</p> <p>L1: Part nil (bedroom with no window facing east), part 3.065m to external wall of apartment with balcony to nil setback with solid balustrade for privacy or small window openings 3m from boundary main bedrooms.</p> <p>L2: 3m to external wall of apartment with balcony to nil setback with planter boxes at both ends of balconies; balustrades to be solid construction for privacy or reduced overlooking of park. 3.065m setback to main bedroom windows.</p>
<p>B7 Front Boundary Setbacks</p>  <p>LEGEND DCP Setbacks Front A Nil</p>	<p>Mapped "A" – nil.</p> <p>The proposal has the following setbacks to the public car park:</p> <p>Ground: nil setback to shop fronts.</p> <p>L1: Part nil, part 3m to external wall of apartments. Nil to edge of balconies.</p> <p>L2: 3m to external wall of apartments. Nil to edge of balconies with planter box between balconies.</p>
<p>B8 Merit Assessment of front boundary setbacks</p>	<p>N/A</p>
<p>B9 Rear Boundary Setbacks</p>  <p>LEGEND DCP Setbacks Rear A Nil B 2m for 50% & 4m for remaining 50% C 4.5m D 6m E 7.5m F 10m N Merit assessment</p>	<p>Mapped "N" Merit Assessment</p>

<p>B10 Merit assessment of rear boundary setbacks</p> <p>Applies to Land This control applies to land shown coloured as 'Merit Assessment' on <u>DCP Map Rear Boundary setbacks</u>.</p> <p>Requirements 1. Rear boundary setbacks will be determined on a merit basis and will have regard to:</p> <ul style="list-style-type: none"> streetscape; amenity of surrounding properties; and setbacks of neighbouring development 	<p>If Poplar Lane boundary is adopted as a rear boundary for the purpose of this merit assessment, then the following setbacks apply:</p> <p>Ground: Landscaped setback to each premises and service area. L1: nil L2: 3m to external wall of apartments; nil to edge of balconies with planter boxes around each edge.</p> <p>The setbacks are specific to this development and to locational context of the site.</p>
<p>B14 Main Roads Setback</p>	<p>Not mapped. N/A</p>
<p>PART C SITING FACTORS</p>	
<p>C2 Traffic, Access and Safety</p> <ul style="list-style-type: none"> Vehicular Access On-site loading and unloading 	<p>Refer to Parking and Traffic Impacts report, prepared by <i>Stanbury Traffic Planning</i>, dated March 2020.</p> <p>Report includes review and assessment of access arrangements from McIntosh Road, existing -v- proposed parking onsite and onstreet, traffic generation from the site and garbage collection.</p>
<p>C3 Parking Facilities</p>	<p>Access is proposed from Poplar Lane at the rear. Resident and visitor parking is proposed at basement level. Retail/commercial parking is provided at basement level.</p> <p>A comprehensive assessment of the existing parking and traffic generation for the site versus the proposed development is provided in the <i>Stanbury Traffic Planning</i> report.</p> <p>Overall, parking is sufficient for the site.</p>

C3(A) Bicycle Parking and End of Trip Facilities	18 bicycle spaces are provided at basement level.
C4 Stormwater	Refer to the Concept Stormwater Management Plan for the development.
C6 Building over or adjacent to Constructed Council Drainage Easements Requirements 1. All development on land containing or adjacent to or proposing to reconstruct/relocate a public drainage system, must comply with Council's Water Management Policy and Building Over or Adjacent to Constructed Council Drainage Systems and Easements technical specifications. 2. Any Council drainage line located within the property may require upgrading and easements created in favour of Council over the drainage line at the applicant's expense.	As above.
C7 Excavation and Landfill	<p>The proposal will involve site excavation works for the basement level.</p> <p>A Geotechnical Report is submitted as part of the DA documentation.</p> <p>Dilapidation reports will also be prepared prior to commencement of any works, as part of the CC documentation. Standard DA conditions can be applied to ensure these reports are compliant.</p>
C8 Demolition and Construction Requirements All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the <u>Waste Management Guidelines</u> and all relevant Development Applications must be accompanied by a <u>Waste Management Plan</u> .	A Waste Management Plan, in accordance with Council's policy, is submitted as part of the DA documentation.
C9 Waste Management	A Waste Management Plan, in accordance with Council's policy, is submitted as part of the DA documentation.

	Two bin rooms located at ground floor level – separate residential and retail/commercial waste.
PART D DESIGN	
D9 Building Bulk Requirements 1. Side and rear setbacks are to be progressively increased as wall height increases. 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. 3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular: <ul style="list-style-type: none"> – The amount of fill is not to exceed one metre in depth. – Fill is not to spread beyond the footprint of the building. – Excavation of the landform is to be minimised. 4. Building height and scale needs to relate to topography and site conditions. 5. Orientate development to address the street. 6. Use colour, materials and surface treatment to reduce building bulk. 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works. 8. Articulate walls to reduce building mass.	<p>The site is a locally prominent neighbourhood centre adjacent to Warringah Road – high traffic classified road. It is currently underdeveloped in terms of built form and structure and presents poor form to the arterial road and to Poplar Lane to the rear.</p> <p>The proposed development is a modern contemporary building that is designed to create a strong service based centre statement on the eastern end of the existing strip of shops. It provides a mix of landuses permissible and encouraged by Council's local planning policy.</p> <p>The building does not draw attention to itself beyond that reasonably expected of a mixed use development within a neighbourhood precinct. It is three storeys above street level. The development is respectful of its locational context and surrounding development. There is no attempt to emulate the design, colours or materials of the existing, tired development in the precinct, rather it presents a modern, fresh street appearance that is complementary to the area.</p>
D10 Building Colours and Materials	<p>The use of colour, materials and façade treatments are proposed to reduce the building bulk and articulate the appearance of the building from both street frontages.</p> <p>Refer to the photomontage submitted with the DA plan set and the schedule of materials and finishes.</p>

D11 Roofs	All mechanical equipment and lift overrun have been designed to integrate into the overall building, not appearing as separate or added onto the top of the building.
D18 Accessibility	An Access Report is submitted with the DA documentation.
D21 Provision and Location of Utility Services	<p>The site is fully serviced. Any services requiring augmentation are detailed in the DA documentation.</p> <p>There are no overhead power lines within 5m of the development site. Therefore referral to Ausgrid under SEPP (Infrastructure) - clause 45 is not required.</p>
PART E THE NATURAL ENVIRONMENT	
<p>E10 Landslip Risk</p> <p>Applies to Land This control applies to land identified on the Warringah Local Environmental Plan 2011 - <u>Landslip Risk Map</u> as Area A, Area B, Area C, Area D or Area E.</p> <p>Requirements 1. The applicant must demonstrate that:</p> <ul style="list-style-type: none"> • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice. <p>2. Development must not cause detrimental impacts because of stormwater discharge from the land.</p>	<p>Mapped as Area A <5 degrees.</p> <p>A geotechnical report is submitted with the DA documentation.</p>

4.4 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. Suitability of the site for the development.

For redevelopment purposes the site presents with its own particular opportunities and constraints. The proposal seeks to optimise the development potential of this site while addressing constraints such as adjoining development, sun penetration, views, building separation and landscaping.

The design and layout of the new shop top housing development has limited the extent of impacts to the confines of the site without causing significant impact to the adjoining properties, particularly to the north along Poplar Lane and to the southern public car park. It presents as a high quality contemporary development within an area currently characterised by a mix of development typologies and uses.

Having regard to the site's location and the existing built form character of the surrounding area, the applicant has adopted a complementary approach in terms of height, scale and floor space so that the building will provide an appropriate street presentation to Warringah Road. There is a strong focus on the quality of the internal spaces of the units and a variety of apartment types and sizes.

The design, whilst requiring excavation for the basement level, is limited to the building footprint generally, responding to the topographic conditions of the site and neighbouring properties. Dilapidation reports will be prepared during construction phases of the development.

The height of the development is justified with the Clause 4.6 variation requested, ensuring a high level of amenity is achieved, satisfying the objectives of both the development standard and the B1 zone.

Private open space areas and living windows face both frontages and to the east, increasing the opportunity for passive surveillance of the neighbourhood centre, the rear laneway and over the top of the pocket park. Additionally there are three passageways that access the central courtyard, providing an open and penetrable common open space for the development. These elements increase the perception of safety for children, families and the residents of the area, particularly after dark. To avoid privacy impacts, windows are strategically sited. Window orientation has also had consideration for the existing locations of adjacent and adjoining habitable windows to ensure direct overlooking opportunities are avoided.

The proposal provides for the orderly and economic development of the land. The development will result in positive social outcomes including the provision of increased housing and choice in an ideally situated area close to all services. In this regard, the proposal for apartments within the development affords an opportunity for a desirable form of housing within the Narraweena area.

Housing affordability in Sydney is becoming increasingly difficult. The proposal provides a housing supply, diversity and choice benefit to the community, in an area well serviced by public transport services and local infrastructure.

The proposed development is considered to be of a high architectural standard promoting accessible living over basement parking and service/plant rooms. A mix of apartment sizes, bedrooms and accessible living is proposed with accessible onsite parking. The proposal therefore addresses lifestyle issues of the immediate area and the broader LGA.

The proposal will therefore provide for a positive social and economic impact as the site is in a location that is close to good public transport infrastructure, businesses, shops, employment and various medical and educational services.

4.5 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

4.6 The public interest

The interest of the public will be served by approval of this development. As stated, the proposed development will increase the supply of housing available in this location, which is well serviced by public transport in all directions. The proposal provides for a mix of apartments, including accessible living opportunities.

The site is well serviced by public transport, making access to and from the site easy for the future occupants. Notwithstanding this, the site also provides for adequate on-site parking.

5.0 CONCLUSION

The proposal seeks approval for a shop top housing development comprising nine (9) ground floor retail/business premises and sixteen (16) residential apartments above. Parking and services are provided in the basement. The development site comprises 5 allotments – the eastern section of the existing May Road neighbourhood centre. A concept plan for the whole Centre is submitted that demonstrates that the remaining properties to the west can be developed in the future.

The site is zoned B1 Neighbourhood Centre under WLEP 2011. The proposal maintains and enhances the built and natural values of the May Road Neighbourhood Centre, seeking to construct a contemporary shop top housing development, thereby revitalising the local centre. Combined, the uses will activate the Neighbourhood Centre further and importantly, provide opportunities for passive surveillance of the centre, particularly after dark. Onsite parking is provided for residents within a secure basement level. The orientation of the upper level apartments provides passive surveillance to the public car park, the rear laneway and the eastern pocket park.

The building is designed and orientated to both northern and southern boundaries, with respect to the existing urban morphology of the adjoining and adjacent residential development. The execution of the design with attention to detail, and high-quality materials and textures enables the development to be complementary in terms of its height, bulk, scale and proportioning and responds to its site specifics and essential characteristics of the area in a contemporary interpretation.

The proposed development is non-compliant with clause 4.3 Height of Buildings in the WLEP 2011. A clause 4.6 variation is requested to support the proposal. This has been addressed in this Statement and found to be reasonable in terms of consistency with adjoining development, the emerging character and nature of development in the vicinity of the site and the low level of environmental impact proposed by the development.

The plans and reports accompanying the Development Application demonstrate that the proposal is compatible with the adjoining and adjacent development, including townhouse development that has been constructed relatively recently. These are changing the existing and likely future character and nature of development within this area as the proximity and convenience of the Narraweena area becomes more

popular. It is considered that the development will sit within the building envelope of the site and its characteristics without undue impacts on neighbouring properties.

Services are readily accessible to residents in the vicinity of the subject site, including local and regional level shopping services. The site is well serviced by public transport and is very accessible for residents.

The proposal has been assessed in accordance with the provisions of Warringah LEP 2011, Warringah DCP and the heads of consideration under Section 4.15 of the *EP&A Act 1979* and found to be satisfactory.

The beneficial aspects of the proposal include:

- The proposal will contribute to the supply of housing within the local area and within an area which permits such development;
- The development is well designed and provides for internal amenity and outlook with a focus on the provision of amenity for residents, whilst maintaining reasonable privacy to neighbouring properties;
- The proposed development is considered to be of a scale and mass that is compatible with existing residential development in the immediate area.
- The site is naturally constrained by its orientation, location, site characteristics and existing development of neighbouring properties. The design, layout and presentation reflects the particular circumstances of this case.
- The proposal is compatible with Council's planning objectives and controls for the site and locality.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979*, State Government Policy and Local Government legislation have been duly satisfied, the proposed application is worthy of approval.

APPENDIX 1

Summary of changes post PRE-DA meeting

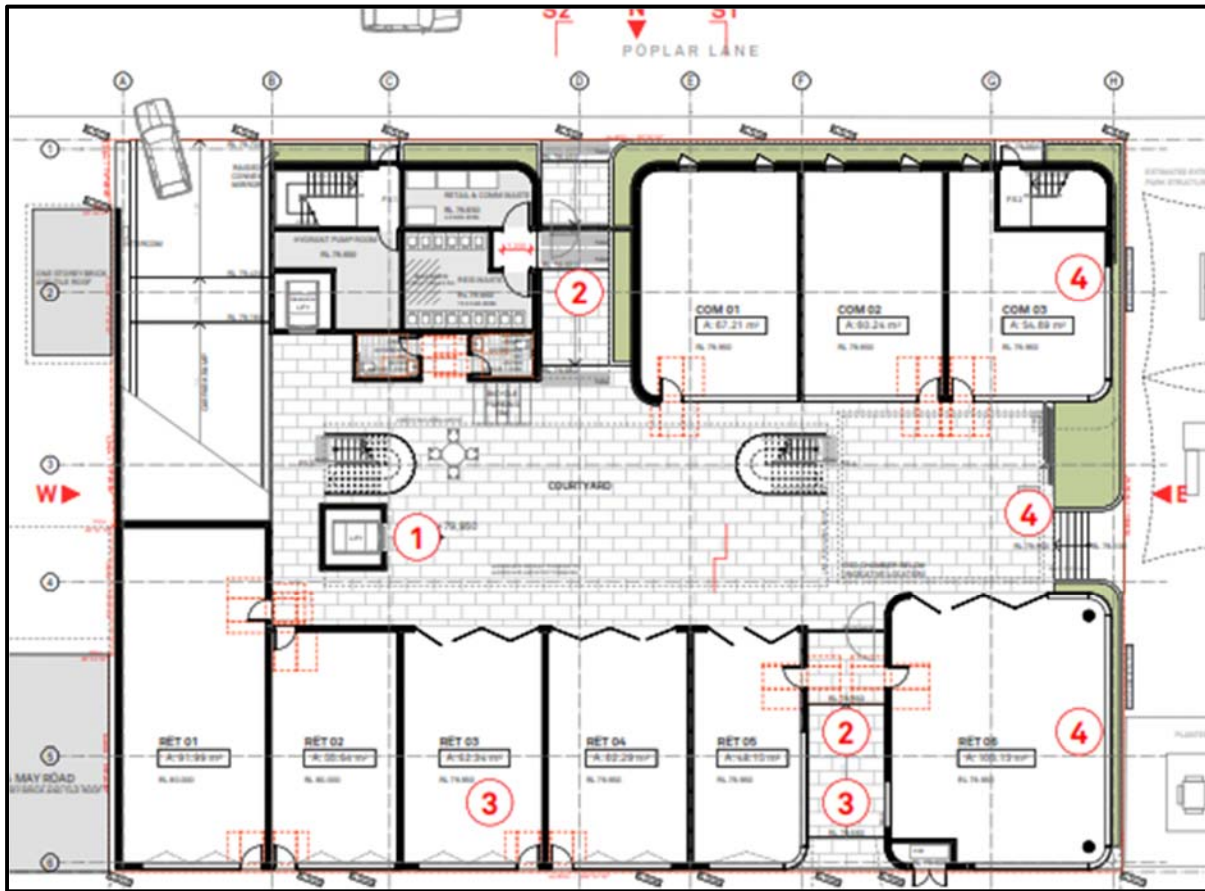
SCHEDULE OF CHANGES TO ADDRESS COUNCIL'S PRE-DA COMMENTS

The following is an extract of the notations on the submitted DA plans that set out the changes made by the proponent as a result of the discussions and matters raised by Council staff during the Pre-DA meeting in August 2019.

The following is not in numerical order.

Each notation is numbered and each number located on the plan set:

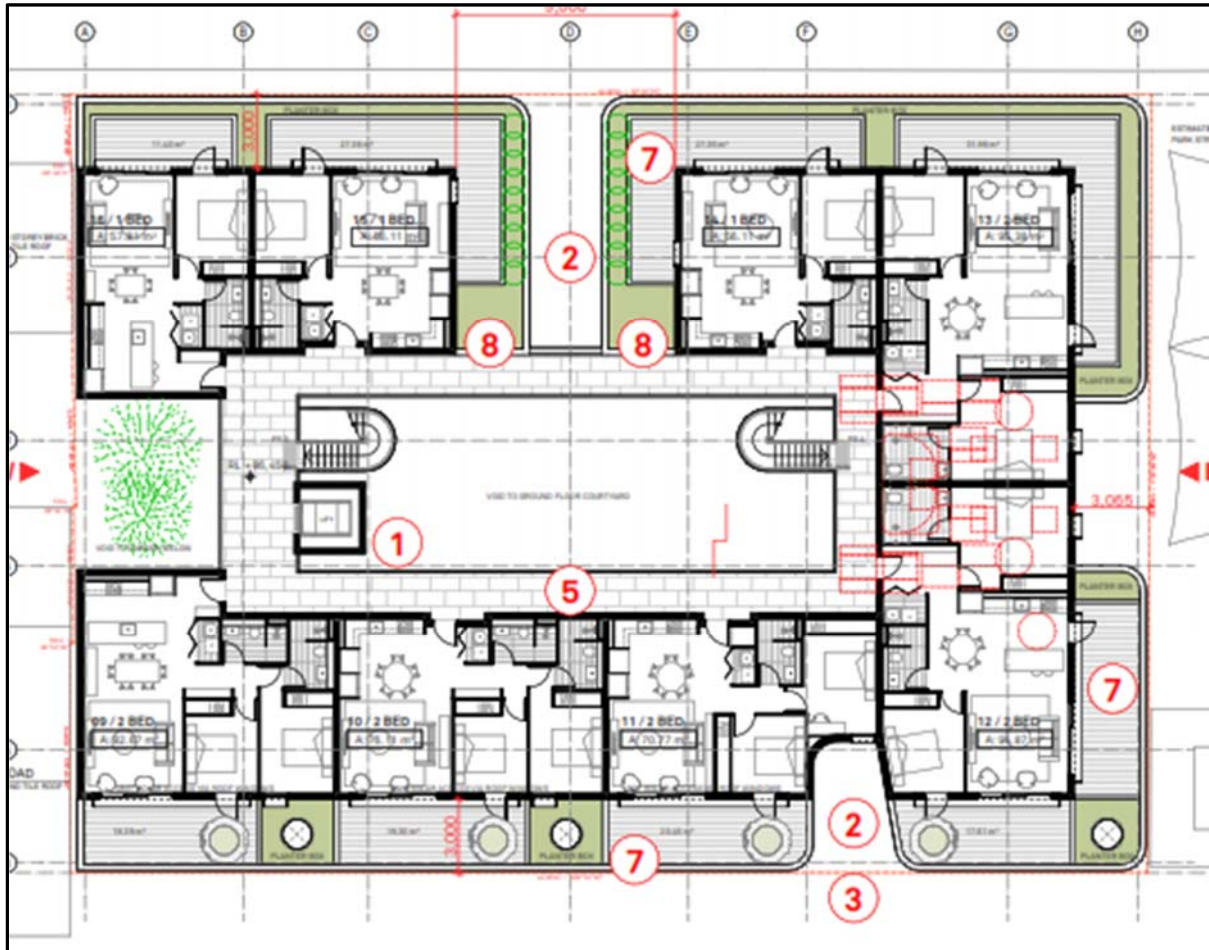
1. Relocation of lift core to the western end of courtyard at Ground. This provides a greater sense of openness to the Ground Floor courtyard and assists with greater solar access. This change looks to address comments made by Council's Urban Planner.
2. Introduction of breaks within both the Southern and Northern facades are proposed to reduce the perceived bulk and scale of the proposal, whilst providing greater solar access to the internal courtyard. These changes are proposed to address comments made by council in their Pre-DA advice.
3. The entry from May Road to the internal courtyard has been visually strengthened by widening the entry and the relocation of the passenger lift. Further to this, the design of retail units 03 - 06, provides clear lines of sight from May Road to the internal courtyard. These changes are proposed to address comments made by council in their Pre-DA advice.
4. Interfacing development with adjoining park, creating a connective transition to and from the park and the internal courtyard. By opening up the Eastern façade to the adjacent park, it also provides solar access to the internal courtyard. This aims to create visual connectivity and visual surveillance to and from the retail/commercial and internal courtyard to the park in a form of raised deck. This change looks to address comments made by Council's Urban Planner.



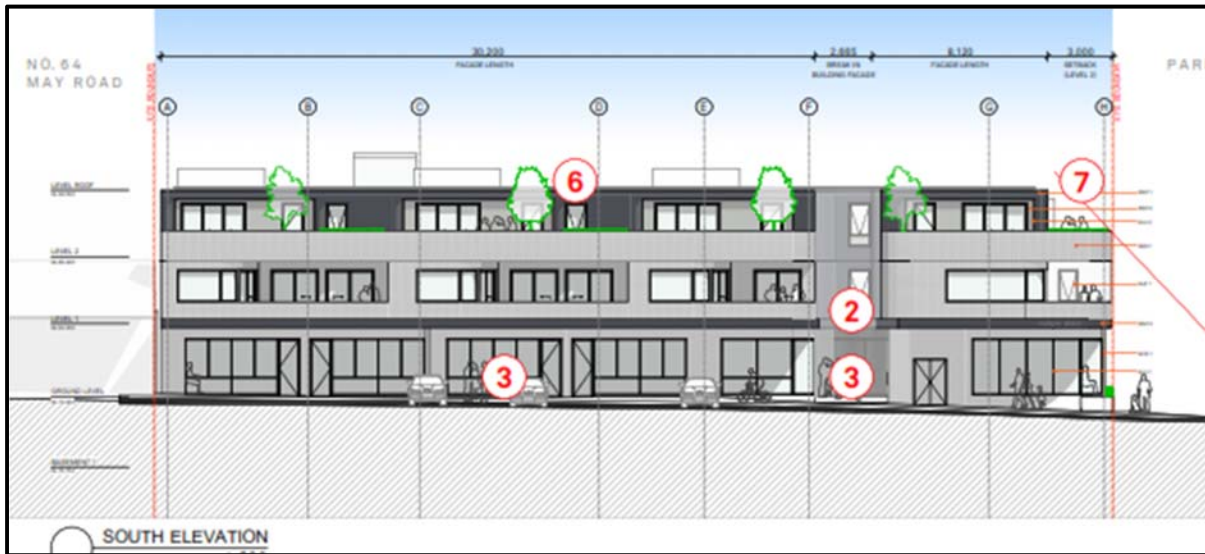
5. Introduction of Feature Wall and Glass Balustrade in the internal courtyard to soften the common corridor surrounds. Unit entry doors are also recessed to reduce perceived visual length of common corridor. This change looks to address comments made by Council's Urban Planner.

7. Stepping back of the top storey of the proposed building to reduce bulk and to maintain a predominantly 2 storeys character, form and appearance from the street. This change is proposed to address comments made by council in their Pre-DA advice.

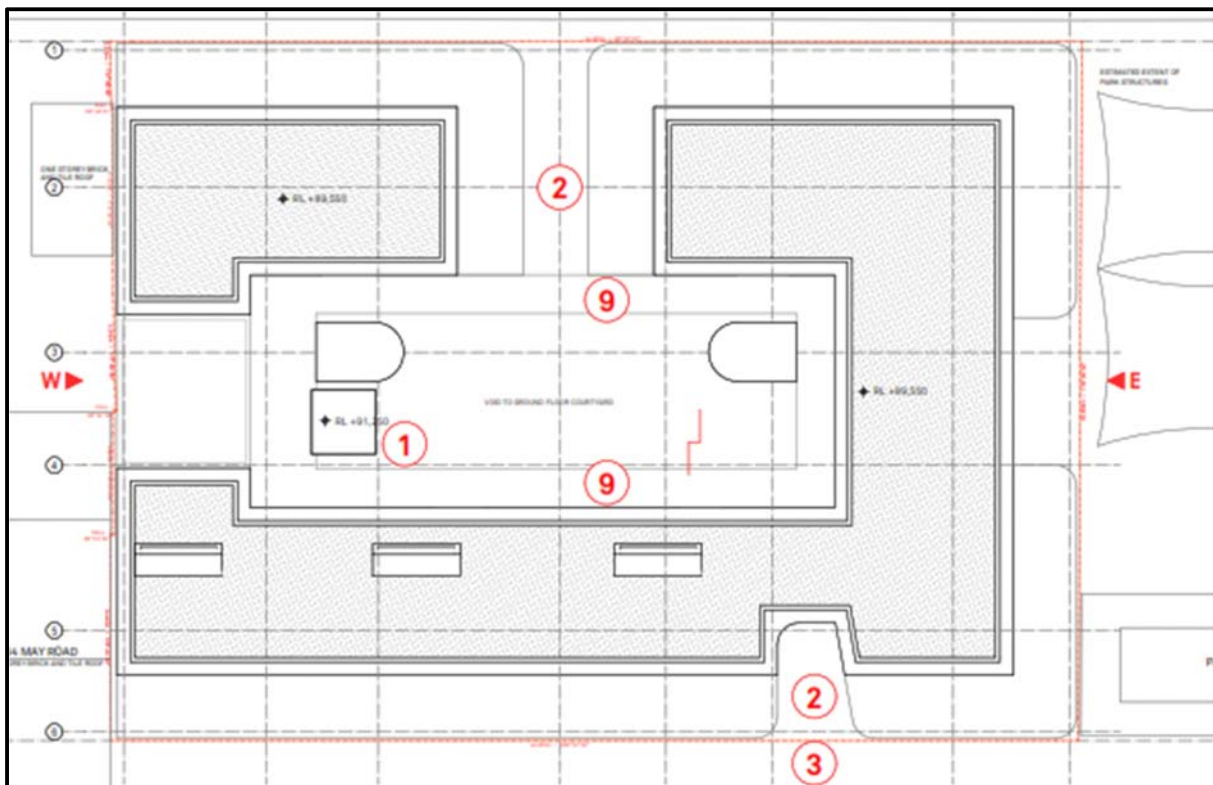
8. Increase in building gap from 3m to 9m on the Northern facades to provide greater solar access to the internal courtyard. These changes are proposed to address comments made by council.



6. Adjustment to Level 2 external wall colour to provide a darker colour scheme to contrast against the two lower floors. This is implemented to give an impression of a predominantly 2 storey character, form and appearance. This change looks to address comments made by Council's Urban Planner.



9. Introduction of translucent canopy to the top floor common corridor to improve solar access to the courtyard.



APPENDIX 2

SEPP 65 - ADG Compliance Table

APPENDIX 3

Clause 4.6 Variation to clause 4.3 Height of Buildings – Warringah LEP 2011

APPENDIX 4

Photo Montages

APPENDIX 5

A3 Reduced Plans