

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1766
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 8 DP 6984, 18 Alexander Street COLLAROY NSW 2097 Lot 9 DP 6984, 18 Alexander Street COLLAROY NSW 2097
Proposed Development:	Demolition works and construction of a housing development comprising five (5) self-contained apartments including basement car parking pursuant to SEPP (Housing for Seniors or People with a Disability) 2004
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes, under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Laxland Group Pty Ltd
Applicant:	Laxland Group Pty Ltd

Application Lodged:	05/10/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	22/10/2021 to 05/11/2021
Advertised:	22/10/2021
Submissions Received:	2
Clause 4.6 Variation:	4.3 Height of buildings: 5.8%
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,069,059.30
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EXECUTIVE SUMMARY

The development application involves the construction of a seniors housing development comprising five (5) apartments, made pursuant to the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (SEPP (HSPD)).

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the proposal does not comply with the development standard under Clause 40(4)(c) of the SEPP

(HSPD), in that a portion of the building in the rear 25% of the site is greater than one storey in height.

The lodgement of this application follows the granting of two previous consents by the Land and Environment Court of NSW for the construction of two side by side boarding house developments on the two lots the subject of the current application. These two consents have not been activated and will be need to be surrendered (by condition) if the proposal seniors housing development is approved.

The exhibition of the application resulted in one (1) submission from a neighbouring property, which requested amendments to the building height and landscaping, and refuted the findings of the Flood Report. On balance, these matters have been found to either not hold determining weight or can be resolved via conditions. A second submission was received in response to the report from Council's Design and Sustainability Advisory Panel.

The proposal generally achieves compliance with the applicable planning controls, and is found to provide for a good level of internal amenity for occupants and neighbours alike. Notwithstanding any non-compliances to the relevant controls, the impacts of the non-compliances are largely inconsequential to the merits of the proposal.

This assessment concludes that the development is well designed, appropriately proportioned and will sit within an appropriate landscape setting. The development will make a positive contribution to the streetscape and character of the area, notwithstanding it is a larger and more substantial building than what is typical in the street, which pertains to its seniors housing characterisation and the associated planning controls.

Accordingly, it is recommended that the NBLPP as the consent authority, **APPROVE** the application, subject to draft conditions provided.

PROPOSED DEVELOPMENT IN DETAIL

Development Consent is sought for demolition works and construction of a seniors housing development comprising five (5) apartments made pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Specifically, the proposal involves:

- Demolition of all structures on-site
- Removal of four (4) trees (one of which is high value, and three of which are exempt palm trees)
- Excavation works to a maximum depth of 5.7m
- Construction of one (1) level of basement accommodating ten (10) car parking spaces, including one (1) visitor space
- Construction of two (2) buildings atop of the basement, one being two storeys and the other three storeys. The building accommodates five (5) apartments to be occupied by seniors or people with disabilities. Four (4) units are three (3) bedrooms and one (1) unit is two (2) bedrooms
- Planting of 14 new trees and several hundred new shrubs and groundcovers

Each of the apartments in the development are large in size, with the proposal having an overall Floor Space Ratio of 0.5:1.

During the course of the assessment, revised plans were received in response to Council's Development Engineers and Design and Sustainability Advisory Panel. The revisions made to the plans include:

- Internal layout changes to the car park
- Modification of driveway gradient
- In-filling of void space above car park with storage, waste room, cycle parking and mechanical systems
- Reduction in scale of temporary bin holding bay and changes to perimeter structure
- Addition of a privacy screen to stairwell
- Deletion of one bedroom from Unit 3
- Addition of ensuite windows
- Addition of more solar panels

The revised plans are not considered to involve changes that require the re-notification of the application, which is consistent with Council's Community Participation Plan.

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

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D7 Views

SITE DESCRIPTION

Property Description:	Lot 8 DP 6984 , 18 Alexander Street COLLAROY NSW 2097 Lot 9 DP 6984 , 18 Alexander Street COLLAROY NSW
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	2097
Detailed Site Description:	<p>The site is legally identified as Lots 8 and 9 in Deposited Plan 6984 and are cumulatively known as No. 18 Alexander Street, Collaroy. Herein this report reference to 'the site' pertains to both these lots.</p> <p>The site has a frontage to Alexander Street of 24.38m with a maximum depth of 47.955m equating to an overall area of 1,156.1 square metres. The site presently accommodates a part two / part three storey detached dwelling house with a detached single storey secondary dwelling, decking and an in-ground swimming pool.</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the <i>Warringah Local Environmental Plan 2011</i>. The site is approximately 150m west of Pittwater Road and 200m west of Collaroy Beach. The site is bound by detached dwelling houses to the north, east and west. South of the site is a large bushland site occupied by the Salvation Army.</p>

Map:



SITE HISTORY

Development Consents

DA2020/0205 and DA2020/0261 (Boarding Houses) - These development consents each relate to one of the lots making up the subject site, and were granted for the construction of a boarding house on each lot.

The two DA's were refused by the Northern Beaches Local Planning Panel on 2 September 2020. An appeal was lodged in the Land and Environment Court of NSW (*Waights v Northern Beaches Council [LEC No: 2020/145123]*), which was upheld by the Court (after significant amendments were made to

address built form and character issues), with consent being granted on 29 March 2021.

These consents have not been activated. In the event that the current application is approved, a condition will be imposed requiring the surrender of the two boarding house consents.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to the design following on from DSAP comments.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has</p>

Section 4.15 Matters for Consideration	Comments
	<p>been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter may be addressed via a condition of consent.</p>
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 Warringah 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 development application has been publicly exhibited from 22/10/2021 to 05/11/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

Name:	Address:
Andreas Lehr	20 Alexander Street COLLAROY NSW 2097
Mr Niall Alastair Lindsay Johnston	11 Alexander Street COLLAROY NSW 2097

Two (2) submissions were received in response to the public exhibition of the application, one is support and one in objection.

The submission in support of the application did raise issue with a number of the recommendations made by the Design and Sustainability Advisory Panel. Specifically, the submission states that, if the recommended changes were to occur, there would be greater impacts on their amenity. The submission concludes with; *"The current proposed design, with extensive setback, landscaping and use of high quality materials is aesthetically pleasing. Significant changes as recommended by the DSAP Report are unlikely to result in better aesthetics and if implemented would result in a much more "block like" structure."*

The changes made to the design in response to the DSAP comments were relatively minor or internal and are not considered to result in any adverse impacts to neighbouring properties over and above the original scheme.

The following issues were raised in the submission which objected to the proposal:

- **Building Height**
- **Flood Report**
- **Landscape Plan Inaccuracies**

The matters raised in the submission are addressed as follows:

- **Building Height**

Comment:

The submission states that the building exceeds the height control and requests that the building height be lowered, that the lift overrun be lowered and that solar panels be installed flush to the roof (rather than projecting upwards).

The applicable building height provision for a seniors housing development is contained within SEPP (HSPD) which prevails over Council's LEP height control. The SEPP height is a maximum of 8.0m and is measured to the underside of the ceiling of the uppermost floor (rather than the roof ridge) and prohibits Council from refusing an application on the grounds of building height, if it complies with the 8.0m provision.

The plans submitted show the solar panels being installed directly atop the roof with no additional rise.

In this instance, as compliance is achieved with the SEPP, the building height variation to the LEP control does not permit the refusal of the application.

- **Flood Report**

Comment:

The submission states that the submitted Flood Study contains results and conclusions that are incorrect, and states that the drainage plans for the proposal do not show how to prevent run-off from entering adjacent properties.

A detailed Overland Flow Study and Flood Impact Assessment Report has been provided with the application and has been reviewed by Council's Water Management Officer and Development Engineering Officer. The review reveals that the experts are satisfied with the proposed flooding and stormwater arrangements.

No expert evidence has been provided by the concerned resident to support the assertion that the submitted flooding reports are incorrect.

Accordingly, this matter does not warrant the refusal of the application.

- **Landscape Plan Inaccuracies**

Comment:

The submission states that where shrubs are shown on the landscape plan, they should be replaced with native trees, as apparently had been discussed between the objector and the developer. Civil agreements between the parties are not relevant to the consideration of this application, and no evidence of an agreement has been provided.

Notwithstanding, Council's Landscape Officer has reviewed the proposal and the Landscape Plan and has indicated support for the application, subject to conditions as provided.

The objection is satisfied by way of conditions.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p>The application was referred to the DSAP on 25 November 2021 and a copy of their report is attached.</p> <p>The panel made a number of recommendations to the proposal regarding solar access, amenity and privacy. Concerns were also raised about the large void space above the car park.</p> <p>In response to these concerns, the applicant revised the plans in the following ways:</p> <ul style="list-style-type: none">• <i>Provision of a privacy screen to the outermost edge of the external stairway.</i>• <i>Utilisation of the void space to now accommodate storage for residents, bicycle parking, waste storage rooms, batteries and air conditioning units.</i>• <i>Provision of communal seating ("meeting") areas in the</i>

Internal Referral Body	Comments
	<p><i>breezeway.</i></p> <ul style="list-style-type: none"> • <i>Addition of new windows in some units.</i> • <i>Deletion of one bedroom from Unit 3 to improve solar access.</i> <p>Whilst the revised plans did not address all the comments raised by the DSAP, they have responded to the overarching intent of improving internal amenity and better utilising wasted space.</p> <p>The applicant did not relocate the car park entry to the side of the site as suggested by the Panel. Council's Traffic Engineer has raised no concerns with the proposed location of the driveway from an accessibility or safety perspective.</p> <p>It is considered that the proposal generally satisfies the DSAP recommendations.</p>
Building Assessment - Fire and Disability upgrades	<p><i>Supported, with conditions</i></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Landscape Officer	<p><i>Supported, with conditions</i></p> <p>This application is for the demolition of an existing residential dwelling and swimming pool, and the construction of a new housing development for seniors or people with a disability. The proposed development comprises of five three-bedroom apartments, with underground parking and new landscape works.</p> <p>Councils Landscape Referral section has assessed for compliance with the following relevant controls and policies:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004 - <i>Clause 33 Neighbourhood amenity and streetscape</i>; and <i>Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings</i>, • Seniors Living Policy - Urban Design Guidelines for Infill Development - <i>Clause 2 Site Planning and Design</i>; and <i>Clause 3 Impacts on Streetscape</i>, • Warringah Local Environmental Plan 2011, • Warringah Development Control Plan 2011 - <i>D1 Landscaped Open Space and Bushland Setting</i>; and <i>E1 Preservation of Trees and Bushland Setting</i>. <p>The Statement of Environmental Effects provided with the application notes that a number of existing trees are to be removed as a result of</p>

Internal Referral Body	Comments
	<p>proposed works, and for this reason, an Arboricultural Impact Assessment has been provided.</p> <p>This Arboricultural Impact Assessment has identified a total of nine trees, three of which are located in the adjoining property to the south, two within the adjoining property to the west, with the remaining four trees located within the site boundaries. Of the nine trees identified, all trees outside of the site boundaries are proposed to be retained, with all those within the site proposed for removal. These trees proposed for removal include Tree No. 1, 2, 3 and 9. Tree No. 1 has been identified as two individual trees that have grown around each other, hence their health and structural integrity are heavily intertwined. These trees are located centrally within the site, and have been identified as being in good health, fair structure, with a high landscape amenity value. Tree No. 1 has been proposed for removal as it falls within the footprint of proposed works and is unable to be retained with the current site layout. Trees No. 2, 3 and 9 have all been identified as exempt palm species, and as a result, may therefore be removed without Council's approval. Trees No. 2 and 3 are located centrally within the site adjacent to Tree No. 1, whereas Tree No. 9, a group of palms, is located adjacent to the western boundary. Considering a large number of compensatory canopy trees have been proposed within the development, no concern is raised, and the removal of these trees is supported.</p> <p>Of the five trees proposed to be retained, identified as Trees No. 4, 5, 6, 7, and 8, Tree No. 6 is the only tree likely to be impacted by proposed works. The Arboricultural Impact Assessment has noted that the proposed basement, is anticipated to encroach into the Tree Protection Zone (TPZ) of this tree by less than 10%, with no encroachment into its Structural Root Zone (SRZ). The Arboricultural Impact Assessment has also accommodated for the over excavation that is likely to occur to construct the basement, hence no major concerns are raised regarding the impact of proposed works on the health and vitality of these trees. The retention of these trees is vital to satisfy control E1, as key objectives of this control include "to effectively manage the risks that come with an established urban forest through professional management of trees", "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological populations", as well as "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide".</p> <p>A Landscape Plan has been provided with the application, with proposed works including the in-ground planting of trees, shrubs, accents, grasses and groundcovers, as well as the on-slab planting of shrubs, accents, grasses and groundcovers. Trees in pots have also been proposed.</p> <p>Generally, the proposed landscape works are supported as it is evident proposed works seek to enhance the landscape amenity of the site, whilst ensuring compensatory canopy trees are incorporated</p>

Internal Referral Body	Comments
	<p>to replace those trees removed. In addition, the significant planting in the front and rear setbacks, alongside the use of on-slab planting with spill over planting, provides valuable built form mitigation and softening, whilst positively contributing to the streetscape character of the locality. This is particularly important considering the proposed works seek to increase the overall scale of the built form when compared to that of the existing dwelling. Although this is the case, concern is raised with some of the proposed plant species, specifically the use of <i>Archontophoenix cunninghamiana</i>, <i>Brachychiton populneus x acerifolius</i> 'Bella Pink', <i>Pennisetum alopecuroides</i> 'Nafray' and <i>Rhaphiolepis indica</i> 'Oriental Pearl', as these have been identified as exempt species, or environmental weeds, and are therefore considered undesirable species. For this reason, it is recommended that these be substituted for locally native alternatives. Rather than the need for the applicant to re-submit an amended Landscape Plan, the need for this species change can be addressed through conditions of consent. The completion of these landscape works, inclusive of the required species change, is necessary to satisfy control D1, as key objectives of this control include "to enable planting to maintain and enhance the streetscape", "to provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the dwelling", as well as "to enhance privacy between buildings".</p> <p>In terms of the State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004, with respect to Clause 33 Neighbourhood amenity and streetscape, development should, according to sub-clause (e) embody planting that is in sympathy with, but no necessarily the same as, other planting in the streetscape, sub-clause (f) retain, wherever reasonable, major existing trees, and, sub-clause (g) be designed so that no building is constructed in a riparian zone. In addition, with respect to Clause 34 Visual and acoustic privacy, development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by (a) appropriate site planning, the location and design of window and balconies, the use of screening devices and landscaping. Upon further review of the proposal, it is evident that sub-clause (e) and (f) of Clause 33 have been satisfied, as the proposal seeks to largely retain significant native canopy trees adjacent to the southern boundary. Although a major tree within the site is to be removed to accommodate proposed works, the proposal seeks to supplement this with a number of additional locally native canopy trees, alongside shrubs and under-storey planting, significantly improving the landscape amenity, character and value of the site. Sub-clause (g) has also been satisfied as no riparian zone is to be affected or impacted by proposed works. The landscape component of Clause 34 has also been satisfied, as the Landscape Plan demonstrates significant screen planting is to be incorporated on the ground floor along each boundary, as well as in raised on-slab planters to prevent overlooking to neighbouring properties.</p> <p>Additionally, under the State Environmental Planning Policy (Housing</p>

Internal Referral Body	Comments
	<p>for Seniors or People with a Disability), 2004, with respect to Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings, a consent authority must not refuse consent to the development application made pursuant to this chapter for carrying out of development for the purpose of self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds: (c) landscaped area if - (i) in the case of a development application made by a social housing provider - a minimum 25 square metres of landscape area per dwelling is provided, or (ii) in any other case - a minimum 30% of the area of the site is to be landscaped, (d) deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres. The Landscape and Architectural Plans provided illustrate a total landscape area of 43.3%, of which 25.8% is deep soil. This is well above the minimum requirements outlined in sub-clause (c) (ii) and (d), with a significant area dedicated to deep soil planting. The whole rear setback of the site, totalling 154.6 square metres has been dedicated to deep soil, with a minimum dimension of approximately 4 metres at its smallest, and 6.5 metres at its largest. In addition, a deep soil area of 117.4 square metres has been allocated to the north-east corner of the site, within the front setback. This area provides valuable deep soil area to establish large canopy trees which are necessary to mitigate and soften the bulk and scale of the dwelling. Considering the above information, the proposal appears to be compliant against the State Environmental Planning Policy (Housing for Seniors or People with a Disability), 2004.</p> <p>Furthermore, with relation to the Seniors Living Policy 'Urban Design Guidelines for Infill Development', the objectives of this policy are largely synonymous with that of the State Environmental Planning Policy. The two primary clauses that relate to landscape include <i>Clause 2 Site Planning and Design</i>: and <i>Clause 3 Impacts on Streetscape</i>. The objectives of Clause 2 include "to retained existing natural features of the site that contribute to the neighbourhood character", "to provide high levels of amenity for new dwellings", "to maximise deep soil and open space for mature tree planting, water percolation and residential amenity" as well as "to minimise the physical and visual dominance of car parking, garaging and vehicular circulation". The key objectives of Clause 3 include "to minimise impacts on the existing streetscape and enhance its desirable characteristics", "to ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape". As discussed above, the proposed landscape works seek to retain significant trees at the rear of the site, compensate tree removal with the planting of new native canopy trees, as well as</p>

Internal Referral Body	Comments
	<p>improve the overall amenity of the site through the implementation of layered planting to enhance privacy of the site and its immediate neighbours. For this reason, the proposal appears to be compliant and achieve the key objectives of this design policy.</p> <p>The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as the completion of landscape works as proposed on the Landscape Plans, inclusive of the required species changes.</p>
NECC (Development Engineering)	<p>UPDATED COMMENTS 7/3/22</p> <p>The design engineer has provided a crest within the driveway to provide approximately 330mm of freeboard above the 1 in 100 year AEP water surface level adjoining the driveway entrance.</p> <p>The bin bay walls and an adjoining blade wall extend over Councils existing stormwater line, the bin bay needs to be modified slightly so the location of the bin bay north west corner wall can comply with Councils Water Management policy for development.</p> <p>No objection to the development subject to conditions.</p> <p>UPDATED COMMENTS 13/1/2022</p> <p>In terms of the flood study, the post development results indicate that overland flows will pass the north western corner of the site. This portion of the site proposes a front wall, the entry gate and the bin store walls. These structures have not been modelled in the flood report and will likely impede the flows. In this regard, the applicant must amend the design to ensure no structures impede the flows. Open style fences and gates will be acceptable. The applicant's Engineer must review the design and confirm the flows will not be impeded.</p> <p>The existing Council pipeline has been accurately located and is outside of the existing drainage easement burdening the site. In this regard, a new easement will need to be created 3 metres wide centrally over the pipeline and the old easement extinguished. The bin store walls must not be located within the area of this proposed easement. The architectural plans are to include the proposed easement.</p> <p>Finally, I have reviewed the proposed driveway grades and they do not appear to be in accordance with the requirements of AS/NZS2890.1:2004. In this regard, the applicant must provide sections on both sides of the driveway from the kerb invert to the basement demonstrating compliance. The grade from the kerb invert to the boundary is to be a maximum of 5% and internal grades must</p>

Internal Referral Body	Comments
	<p>include a maximum grade of 1 in 8 for 6 metres from the boundary up to the required crest. Transitions to the basement are to be in accordance with the above standard.</p> <p>Previous comments</p> <p>The proposed stormwater drainage plans were reviewed and the following further information is required.</p> <p>1) Submission of a DRAINS model for Council review including design summary parameters . Please note the pre existing condition is to be set at state of nature. The model has to be prepared in accordance with Councils Water Management Policy for Development and Australian rainfall and runoff 2019.</p> <p>Additionally Councils overland flow mapping indicated the property is affected by overland flow and as such a Overland flow hydrological/hydraulic study is to be provided in accordance with the design parameters and relevant chapters of Australian Rainfall and Runoff 2019. Councils preferred model is DRAINS and the study is also to be in accordance Councils Water Management Policy for Development.</p>
NECC (Riparian Lands and Creeks)	<p>Supported, without conditions</p> <p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. The property is not impacted by the riparian and creek corridor.</p>
NECC (Water Management)	<p>Supported, with conditions</p> <p>The application meets the requirements of the relevant Environmental Planning Instruments and policies and complies with controls for water quality/groundwater.</p>
Traffic Engineer	<p>Supported, with conditions</p> <p>The proposed development includes demolishing the existing dwelling and building 5 Seniors Living 3-bedroom self-contained residential apartments with an associated basement car park with 15 car spaces.</p> <p>The site comprises two (2) adjoining allotments with a combined area of 1,156.117sq.m.</p> <p>The consolidated site is rectangular with a frontage of 24.38 metres to Alexander Street.</p> <p>Traffic:</p> <p>· Traffic generation as per the updated TfNSW traffic generation guidelines TDT 2013/04a :</p> <p>0.4 peak hour vehicle trips per dwelling. $0.4 \times 5 = 2$ vehicle trips /</p>

Internal Referral Body	Comments
	<p>peak hour</p> <p>Existing (for 1 dwelling) traffic generation about 1 vehicle / hour</p> <p>Therefore nett increase in traffic due to the proposed development = 2-1= 1 vehicle /hour</p> <p>Traffic impact is not significant.</p> <p>· Demolition and Construction Traffic Management Plans are required.</p> <p>Public transport availability</p> <p>Available on Pittwater Road about 250 m from the subject site.</p> <p>Parking:</p> <p>· Required</p> <p>- As per SEPP, 0.5 space/bed room for residents and no visitors' parking is required.</p> <p>So required number of resident parking spaces = 0.5 X 15 = 7.5 ~ 8 parking</p> <p>· Provided:</p> <p>Proposing 15 spaces. Includes 1 visitors' accessible parking.</p> <p>Also, Motorbike parking facilities and Bike Storage is available.</p> <p>Parking requirements are satisfied.</p> <p>Access and circulation swept paths:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> · Access: <ul style="list-style-type: none"> - Two (2) existing driveways will be removed and new vehicular access to the basement parking area is provided via a combined entry/exit driveway extending to/from Alexander Street. - The driveway width is 5.5 m. - Exit/Entry in a forward direction · Swept paths <p>Submitted and satisfactory.</p> <p>-</p> <p>Pedestrian safety: Vehicular entry and building entry are separated.</p> <p>No safety concerns.</p> <p>Servicing: Normal domestic waste collection applies. On-street waste collection is deemed acceptable.</p> <p>Ongoing</p> <p>All facilities should be maintained throughout the lifetime of the project.</p> <p>Conclusion In view of the above, the development proposal can be approved with conditions.</p>
Waste Officer	<i>Supported, with conditions</i>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who raised no objections to the development, subject to conditions as recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP 65 - Design Quality of Residential Apartment Development

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

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

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

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

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

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

As previously outlined, the proposed development is for the erection of a part-two/part-three storey seniors housing development plus basement car parking for the provisions of five (5) self-contained dwellings. Whilst the habitable components of the building are limited to two-storeys, the semi-below ground level accommodating storage and services is not less than 1.2m above ground level, and does not provide for car parking and therefore, by the SEPP 65 definition, constitutes a storey.

As per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application as the proposal is part 3 storeys in height.

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

Clause 28 of SEPP 65 requires:

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

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

DESIGN REVIEW PANEL

The proposal was reviewed by the Design and Sustainability Advisory Panel, noting that Council does not have a SEPP 65 Design Review Panel.

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

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

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

Comment:

The character of Alexander Street is defined by its narrow roadway and steepness as it rises to the west and the predominant urban character is its residential nature and the appearance of predominantly 2 storey buildings with landscaped frontages.

The proposal maintains the distinctive residential look of the street and employs a deep front setback with dense landscaping to both enhance the streetscape and to minimise the visual impact of the building.

The building as a whole is considered to be well designed and contextually appropriate for the neighbourhood.

Principle 2: Built Form and Scale

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

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

Comment

Whilst the proportions of the built form are greater than those of a single dwelling house, the overall scale of the building is not so great that it appears incongruous with the other buildings in the street.

The architecture of the proposal incorporates materiality changes, significantly stepping and tiered landscaping which, combined with the large setbacks, results in a built form that is of an appropriate built form and scale for the land, the street and the locality.

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 addition of five (5) residential units along Alexander Street is appropriate and commensurate with the sites proportions and proximity to the local centre, public transport and the beach reserve.

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 incorporates both passive sustainability measures (solar access, shading, cross-ventilation) and built solutions (photovoltaic panels, EV chargers, water harvesting).

Principle 5: Landscape

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

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

Comment

The building is surrounded by landscaping on all sides in a manner which is more formalised than most other buildings in Alexander Street. The quality of proposed landscaping is considered to be high and will enhance the site and the wider streetscape and character. The landscaping will also enhance the quality of accommodation afforded to future residents.

Principle 6: Amenity

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

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

Comment

The proposal provides a high level of amenity for future occupiers and for neighbours.

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 level of documentation submitted at DA stage is satisfactory and sufficient to show that the building is capable of providing a safe environment for residents and the public.

Principle 8: Housing Diversity and Social Interaction

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

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

Comment

The development is situated in a zone that is dominated by detached dwelling houses and is proximate to the B2 Local Centre zone to the east. The addition of four (4) x three (3) bedroom apartments and one (1) x two (2) bedroom apartment is considered to provide diversity and alternate housing choice for the community commensurate with the prevailing housing typology.

Principle 9: Aesthetics

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

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

Comment

For the reasons detailed throughout this report, the development as a whole is considered to exhibit a good standard of architecture in terms of its massing, proportions and materiality. On balance, the building will enhance the streetscape and character of the locality, whilst providing a high level of

amenity for future occupants without being to the detriment of existing neighbours.

APARTMENT DESIGN GUIDE

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

Development Control	Criteria / Guideline	Comments
Part 3 Siting the Development		
Site Analysis	Does the development relate well to its context and is it sited appropriately?	Consistent The development is sited appropriately on the land commensurate to the prevailing planning controls and contextually relates to the setbacks and heights of adjacent buildings.
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	Consistent The site is orientated in a northerly direction to optimise solar access within the development without causing any unreasonable overshadowing of neighbouring properties.
Public Domain Interface	Does the development transition well between the private and public domain without compromising safety and security? Is the amenity of the public domain retained and enhanced?	Consistent The development has an appropriate interface to the street-edge for a residential development. That interface does not compromise safety or security.
Communal and Public Open Space	Appropriate communal open space is to be provided as follows: 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)	Inconsistent (Satisfactory on merit) The proposal does not provide a sufficient area of communal open space, however as each unit is dedicated a private outdoor area greater in scale than the requirements, and given the proximate location to the beach, the absence of communal open space is found to be acceptable.
Deep Soil Zones	Deep soil zones are to meet the following minimum requirements:	Consistent The development

Site area	Minimum dimensions	Deep soil zone (% of site area)
Less than 650m ²	-	7%
650m ² – 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

dedicates 25% of the total site area to deep soil zones.

Visual Privacy

Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

Inconsistent (Satisfactory on merit)

The building is up to 12.0m (4 storeys) in height and therefore the appropriate spatial separation distances are 6.0m and 3.0m. As the site is within a zone which permits 0.9m side boundary setbacks, compliance with this control is largely contingent on the design of the building itself, rather than neighbouring buildings.

Unit 1 (located at ground level and above the driveway entrance) is orientated to the street (north) with minimal flank windows. To the south the terraced is screened by a wall and landscaping.

Unit 2 (located above Unit 1) is the same situation as Unit 1.

Units 3 and 4 (located to the rear of the block, level with the ground in that location) are primarily orientated to the south, but do have windows on their

		<p>flank elevations, including doors from a dining room on the western elevation. However, these doors and windows open onto a garden that is landscaped and bound by a 1.8m high boundary fence. These factors result in there being no unreasonable level of overlooking into neighbouring properties.</p> <p>Unit 5 (top floor) is orientated northwards and only has side-facing flank windows from bedrooms which are not anticipated to cause any unreasonable overlooking.</p> <p>Unit 5 does benefit from a larger roof terrace which is set off the eastern boundary by 5.6m and western boundary by 7.0m. Beyond those measurements are landscaped planter boxes along the perimeter of the terrace which would restrict opportunities for downwards viewing and, over time, would block horizontal views from the terrace.</p> <p>On balance, the proposal is considered to be well designed for its context and, despite not strictly complying with the requisite spatial separation requirements, results in an acceptable visual privacy outcome.</p>
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	Consistent

Vehicle Access	Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?	Consistent
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	<p>Consistent</p> <p>Carparking is to be provided in accordance with the provisions of SEPP (HSPD) as discussed later in this report (ratio of 0.5 spaces per bedroom - 14 bedrooms proposed, 7 spaces required, ten provided).</p>
Part 4 Designing the Building		
Amenity		
Solar and Daylight Access	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter. 	<p>Consistent</p> <p>Four out of the five units receive an adequate provision of solar access in mid-winter with Unit 4 being non-compliant. This equates to 80% compliance.</p>
	<ul style="list-style-type: none"> A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter. 	Consistent
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at 	Consistent

	<p>these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <ul style="list-style-type: none">Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.	Consistent												
Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Consistent
Minimum ceiling height														
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Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Consistent All apartments exceed the prescribed dimensions.		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Consistent												
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Consistent												
	In open plan layouts (where the living, dining and	Consistent												

	kitchen are combined) the maximum habitable room depth is 8m from a window.																
	Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).	Consistent															
	Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension.	Consistent															
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments	Consistent															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Consistent															
Private Open Space and Balconies	All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	Consistent
	Dwelling Type	Minimum Area	Minimum Depth														
	Studio apartments	4m ²	-														
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
	The minimum balcony depth to be counted as contributing to the balcony area is 1m																
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Consistent															
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Consistent															
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A															
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m²</td></tr><tr><td>1 bedroom apartments</td><td>6m²</td></tr><tr><td>2 bedroom apartments</td><td>8m²</td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²					Consistent			
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	Studio apartments	4m ²															
	1 bedroom apartments	6m ²															
	2 bedroom apartments	8m ²															

	3+ bedroom apartments	10m ²	
	At least 50% of the required storage is to be located within the apartment.		
Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	Consistent	
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	Consistent	
Configuration			
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	Consistent	
Ground Floor Apartments	Do the ground floor apartments deliver amenity and safety for their residents?	Consistent The ground floor apartment provides a satisfactory level of safety for the residents.	
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	Consistent The building is considered to be a high quality design which manages to obscure its true scale by way of its pavilion design. The architecture, generous setbacks and landscaped treatment result in the building facade being contextually appropriate with the street.	
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.	Consistent	
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	Consistent	
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes:	Consistent	

	<table><tr><th>Plant type</th><th>Definition</th><th>Soil Volume</th><th>Soil Depth</th><th>Soil Area</th></tr><tr><td>Large Trees</td><td>12-18m high, up to 16m crown spread at maturity</td><td>150m³</td><td>1,200mm</td><td>10m x 10m or equivalent</td></tr><tr><td>Medium Trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m³</td><td>1,000mm</td><td>6m x 6m or equivalent</td></tr><tr><td>Small trees</td><td>6-8m high, up to 4m crown spread at maturity</td><td>9m³</td><td>800mm</td><td>3.5m x 3.5m or equivalent</td></tr><tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr><tr><td>Ground Cover</td><td></td><td></td><td>300-450mm</td><td></td></tr><tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr></table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm	3.5m x 3.5m or equivalent	Shrubs			500-600mm		Ground Cover			300-450mm		Turf			200mm		
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Ground Cover			300-450mm																																		
Turf			200mm																																		
Universal Design	Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features	Consistent																																			
Adaptable Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A The development does not seek to utilise the existing structures for adaptive re-use.																																			
Mixed Use	Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	N/A The development is not for a mixed use development.																																			
Awnings and Signage	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development. Signage must respond to the existing streetscape character and context.	N/A No awnings or signage to the public domain are proposed.																																			
Performance																																					

Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	Consistent
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Consistent
Waste Management	Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?	Consistent
Building Maintenance	Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?	Consistent

STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

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

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

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

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

Comment:

The development application is not being refused on any of these grounds.

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

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

(3) To remove doubt:

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

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

Comment

The development application is not being refused on any of these grounds.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1238507M_02 dated 28 January 2022).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	45	60

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

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

The application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (**SEPP (HSPD)**) as the development is for the construction of five (5) self-contained dwellings for seniors or people with a disability. An assessment against the relevant provisions of SEPP (HSPD) is as follows.

Chapter 1 – Preliminary

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

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

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

Comment:

The development seeks to provide five (5) dwellings for seniors or people with a disability on an unusually large parcel of land in an accessible location. Notwithstanding any numerical non-compliances as discussed later in this report, the overall design and outcomes of the proposal are supported and on balance the proposal is considered to achieve the aims of the SEPP (HSPD).

Chapter 2 – Key Concepts

Comment:

The development is appropriately described as "*in-fill self-care housing*" falling under the umbrella term of *self-contained dwellings*, as permitted under the SEPP (HSPD).

Chapter 3 – Development for Seniors Housing

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

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	The development provides satisfactory access to shops, banks and other retail and commercial services as required, as well as community services and recreation facilities, and a GP. The site is proximate to the Collaroy Beach town centre area.	YES
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	The site is located within 400m of a bus stop that is regularly serviced throughout the day and not. The adjoining commercial area also accommodates a number of services and uses that will contribute to the amenity of residents.	YES
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not located within bushfire prone land.	N/A
28	(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The site is capable of being connected to a reticulated water system and sewerage infrastructure. Evidence of this infrastructure is detailed on the accompanying survey plan.	YES
29	Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b)(i), 25(5)(b)(iii),	This clause applies as Clause 24 (Site compatibility certificate) does not apply. The site is situated within an urban context comprised by commercial	YES

Development Criteria			
Clause	Requirement	Proposal	Complies
	<p>and 25(5)(b)(v):</p> <p>i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development</p> <p>iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision,</p> <p>v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p>	<p>developments to the north and east and low density residential developments to the south and west. The transitional scale of this development in terms of its proportions and density represent an appropriate development for the vicinity given existing uses.</p> <p>The provision of landscaped area is generally consistent with what can reasonably be expected to be provided on adjacent sites.</p> <p>The proposed development, by virtue of its proportions, form and character is not considered likely to prejudice the amenity or development potential of surrounding sites.</p>	
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	A site analysis is provided in the submitted architectural plans and Statement of Environmental Effects.	YES

Clause 31 Design of In-fill Self-care Housing

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

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

Section	Requirements	Comment
1. Responding to Context	<p>Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p>Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique</p>	<p>Proportionately the subject development site is larger in area than adjoining residential sites to north, east and west. Whilst the scale of the development is larger than a traditional dwelling house, the land it sits on is also larger which enables the development to be visually congruous with neighbouring properties.</p> <p>The WLEP 2011 and WDCP 2011</p>

Section	Requirements	Comment
	character.	do not have any specific locality statements as such but rather seek to define an appropriate character through the applicable built form controls. An assessment of these factors can be found later in this report under Part B of the WDCP 2011.
2. Site Planning and Design	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Minimise the impact of new development on neighbourhood character -Minimise the physical and visual dominance of car parking, garaging and vehicular circulation. 	<p>The proposal is a well-designed residential building integrated within a landscaped setting. The landscaped characteristics of the proposal, combined with the material palette and proportions of the development ensure that any negative impact on neighbourhood character is minimise.</p> <p>The car parking entrance is considered to be a safe, efficient and acceptable option. It is noted that Council's DSAP recommended that access be reduced in size and changed in location, however this has been objected to by an adjoining land owner and could (unassessed) compromise road and pedestrian safety.</p> <p>On that basis the site planning and design is acceptable.</p>
3. Impacts on Streetscape	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Minimise impacts on the existing streetscape and enhance its desirable characteristics -Minimise dominance of driveways and car park entries in streetscape. 	<p>The primary desirable characteristic of Alexander Street is the landscaped frontages of houses, however this character has somewhat been eroded by the dominance of car parking both within those frontages, and on the street.</p> <p>The design of the development ensures that the frontage of the site is densely landscaped and does not provide any car parking within the frontage. In that respect, the proposal enhances the desirable characteristics of the streetscape and minimises the dominance of driveways and car park entries in the streetscape.</p>
4. Impacts on Neighbours	The proposal is generally in accordance with the requirements of this section.	The proposal is not found to have any unreasonable impacts on neighbours as expanded upon

Section	Requirements	Comment
		(where necessary) in the WDCP 2011 section of this report and in the below table against the criterion of Division 2 of the SEPP.
5. Internal Site Amenity	Objectives of this section are to: -Provide safe and distinct pedestrian routes to all dwellings and communal facilities.	Appropriate internal amenity and circulation is provided for occupants and their guests.

Clause 32 Design of Residential Development

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

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

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood Amenity and Streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	The proposal recognises the proportions of nearby buildings and the prevalence of landscaped frontages. The design responds to those frontages by providing a greater than average setback and ample landscaping to ameliorate any perceived visual bulk of the structure.	YES
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that are identified in a local environmental plan.	On that basis, the design appropriately responds to the streetscape. There are no adjacent or proximate heritage items.	YES
	c. Maintain reasonable neighbour amenity and appropriate residential character by; (i) providing building setbacks to reduce bulk and	These matters are considered elsewhere in this report under the provisions of SEPP 65 (Apartment Design Guide).	YES

Control	Requirement	Proposed	Compliance
	<p>overshadowing (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, (iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbors.</p> <p>d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,</p> <p>e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p> <p>f. retain , wherever reasonable, major existing trees, and</p> <p>g. be designed so that no building is constructed in a riparian zone.</p>	<p>The proposed front setback is significantly greater than neighbouring buildings. The WDCP 2011 requires a setback of 6.5m. The proposed first floor (above basement) is setback 14.5m and the floor above is setback 28.7m from the front boundary.</p> <p>The proposed Landscape Plan and planting schedule has been accepted by Council's Landscape Officer, subject to conditions as recommended.</p> <p>Achieved.</p> <p>Achieved.</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
CL34 Visual and Acoustic Privacy	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) Appropriate site planning, the location and design of windows and</p>	<p>The development is considered to provide an acceptable level of visual and acoustic privacy to both occupants of the development itself, and to neighbouring buildings.</p>	<p>YES</p>

Control	Requirement	Proposed	Compliance
	balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.		
CL35 Solar Access and Design for Climate	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(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.</p>	<p>This matter is discussed in greater detail elsewhere in this report under the Apartment Design Guides assessment criteria but in summary, the proposal is considered to provide acceptable solar access appropriately designed for the climate.</p>	YES
CL36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	Council's Development Engineers are satisfied with the proposed stormwater solution.	YES
CL37 Crime Prevention	<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of</p>	<p>Access to the development is via a secure lobby. The front garden areas and access pathways are overlooked by the units within the development itself which provide for natural passive surveillance of the surrounding area.</p>	YES

Control	Requirement	Proposed	Compliance
	the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The individual apartments can be designed with 'peep holes' in the doors to see who is standing at them.	
CL38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The site is afforded a reasonably level footpath from its frontage to the Pittwater Road shops, amenity and bus stops. That pedestrian environment is considered to be appropriately safe and comfortable for pedestrians. Internally within the site an adequate provision of safe and easy-to-navigate pedestrian amenity is provided.	YES
CL39 Waste Management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The waste storage room will provide appropriate recycling facilities as required.	YES

Part 4 - Development Standards to be Complied With

Clause 40 – Development standards – minimum sizes and building height

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

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

Control	Required	Proposed	Compliance
Site Size	1000 sqm	(surveyed) 1,156sqm	Yes
Site frontage	20 metres	24.39 metres	Yes
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	Less than 8 metres	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height	Noted	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height	The building proposes a two storey component in the rear 25% of the site.	No (see Clause 4.6 discussion elsewhere in this report)

Clause 41 Standards for Hostels and Self-contained Dwellings

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

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50%	Capable of complying as secured via condition.	YES

Control	Required	Proposed	Compliance
	whichever is the greater.		
Security	Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) Must provide at least 20 lux at ground level	Capable of complying as secured via condition.	YES
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.	Capable of complying as secured via condition.	YES
Private Car Accommodation	(a)Carparking space must comply with AS2890 (b)One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	Capable of complying as secured via condition.	YES
Accessible Entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299	Capable of complying as secured via condition.	YES
Interior General	Widths of internal corridors and circulation at internal doorways must comply with AS1428.1.	Capable of complying as secured via condition.	YES
Bedroom	At least one bedroom within each welling	Capable of complying as secured via condition.	YES

Control	Required	Proposed	Compliance
	<p>must have:</p> <p>(a) An area sufficient to accommodate a wardrobe and a queen size bed</p> <p>(b) A clear area for the bed of at least 1200 mm wide at the foot of the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction.</p> <p>(c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.</p>		
Bathroom	The bathroom is to comply with the requirements described in Clause 9 of Schedule 3.	Capable of complying as secured via condition.	YES
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	Capable of complying as secured via condition.	YES
Surface Finishes	Balconies and external paved areas must have slip resistant surfaces.	Capable of complying as secured via condition.	YES
Door Hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	Capable of complying as secured via condition.	YES
Ancillary Items	Switches and power points must be provided in accordance with AS4299.	Capable of complying as secured via condition.	YES
Living & Dining Room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	Capable of complying as secured via condition.	YES
Kitchen	The kitchen must comply with the	Capable of complying as secured via condition.	YES

Control	Required	Proposed	Compliance
	requirements of Clause 16 of Schedule 3		
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Capable of complying as secured via condition.	YES
Laundry	The laundry must comply with the requirements of Clause 19 of Schedule 3.	Capable of complying as secured via condition.	YES
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299	Capable of complying as secured via condition.	YES
Garbage	A garbage storage area must be provided in an accessible location.	Capable of complying as secured via condition.	YES

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

This part is not applicable to the subject site.

Part 6 Development for vertical villages

This part is not applicable to the proposed development.

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

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

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

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

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

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

Control	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to	The development has a building height (measured from the underside of the top-	YES

Control	Required	Proposed	Compliance
	ground level immediately below)	most level ceiling to the ground level immediately below) of less than 8.0 metres.	
Density and Scale	0.5:1	0.583:1 (583.6sqm to 1,156.1sqm)	NO
Landscaped Area	30% of the site area is to be landscaped	43.3% (500.7sqm)	YES
Deep Soil Zone	15% of the site area Two thirds of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3 metres.	The site provides two thirds of its deep soil zones located to the rear of the site.	YES
Solar Access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	This matter is discussed in greater detail elsewhere in this report under the Apartment Design Guides assessment criteria but in summary, the proposal is considered to provide acceptable solar access appropriately designed for the climate. The proposal is not being recommended for refusal on this basis.	YES
Private Open Space	(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a	Each dwelling is afforded satisfactory private open space.	YES

Control	Required	Proposed	Compliance
	<p>living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area</p>		
Parking	(i) 0.5 car parking spaces for each bedroom where the development application is made by a person other than a social housing provider.	14 bedrooms requiring 7 car parking spaces. Nine residential car parking spaces providing plus one visitor space.	YES
Visitor Parking	None required if less than 8 dwellings	Five dwellings proposed therefore no visitor parking required, however one space is provided.	YES

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Since the lodgement of this development application on 05 October 2021 the new State Environmental Planning Policy (Housing) 2021 (*Housing SEPP*) has become adopted and supersedes the previous SEPP (HSPD).

The new Housing SEPP includes standards for seniors housing development, however as the application was lodged prior to the coming into force of the new instrument (being 26 November 2021) a savings provision pursuant to Schedule 7 states that the former provisions of a repealed instrument (being the SEPP (HSPD)) continue to apply.

Accordingly, an assessment against the provisions of the Housing SEPP is not required in this instance.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an

application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment

The proposal was referred to Ausgrid who raised no objections to the development, subject to conditions as recommended.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings*	8.5m	Roof: 8.5m	-	Yes
		Lift shaft: 9.0m	5.8%	No*
		Underside of ceiling: <8.0m	-	Yes

***Note:** Clause 50 of the SEPP (HSPD) prevails over Clause 4.3 of the WLEP and provides for a maximum building height of 8.0m (measured to the underside of the top-most ceiling). As the consent authority cannot refuse a development application that complies with the SEPP (HSPD) standard, regardless of compliance with the WLEP 2011 standards, the 5.8% breach to the lift shaft is nullified and is not discussed further in this report.

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.3 Development near zone boundaries	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes

$47.955/4=11.988$. $(11.723+11.988)/2=11.855$. $59.4/(11.855 \times 24.4) = 20.1\%$

Assessment of Request to Vary a Development Standard

The following assessment of the variation to SEPP (HSPD) Clause 40(4)(c) development standard, has taken into consideration the judgements contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130.

Clause 4.6 Exceptions to Development Standards

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

SEPP (HSPD) Clause 40(4)(c) development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

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

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the

circumstances of the case, and

Comment:

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

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

Comment:

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

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

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

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

Applicants Submissions

The applicants written request argues, in part:

- *that the objectives and purposes of the standard are achieved*
- *that the underlying purpose of the standard is not relevant to the development*
- *that the proposal complies with the setback controls under the WDCP 2011*
- *that the existing development on the site displays a similar level of non-compliance*
- *that the non-compliance is not directly attributable to any impacts on adjacent land*

Comment: It is concurred with that the subject site is not regular in that it doesn't back onto another R2 zoned property and thus the assumed intent of (4)(c) is either not relevant, or is assumed to be achieved. Notwithstanding the numerical non-compliance, the portion of building in the rear 25% of the site is not found to impact on the amenity of neighbouring properties on either side and has a lesser impact on neighbours and the streetscape than a building that was situated closer to the street (which could have been proposed).

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

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

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

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

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

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the SEPP (HSPD) Clause 40(4)(c) development standard and the objectives of the R2 Low Density Residential zone. An assessment against these objectives is provided below.

Objectives of the Development Standard

SEPP (HSPD) Clause 40(4)(c) does not contain any specific objectives pertaining to the requirements of the control. The primary purpose of the control is to limit two storey development in the rear quadrant of a site in zones that are intended to accommodate low density residential development only (i.e. not accommodate residential flat buildings). On that basis, it can reasonably be deduced that the intent of the control revolves around an increased impact on neighbouring amenity consequent of an increased density, and the potential for an increased building bulk and scale.

In the absence of any specific objectives, it has been determined that an assessment of the proposal against the underlying objectives of the Clause 4.3 Height of Building development standard is

necessary, as it is the most relevantly aligned development standard pertaining to height.

(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

Comment:

The proposed development is broken into two pavilions that are generally two storeys in height and are of an architectural typology that is not inconsistent with a typology that could be expected to be found in a residential street.

The height of the development is generally consistent with neighbouring properties, if not lesser. The majority of the building height sits below the 8.5m building height control (under WLEP 2011) with the exception of the lift shaft which reaches 9.0m. The height of the development remains congruous with residential properties on sloping sites.

The site entails two standard size allotments which, together make the site one of the largest in Alexander Street. Whilst the development may have a larger footprint than neighbouring detached dwelling houses, the site does have an area double the size of neighbouring properties. The footprint of the building is not so large as to be double the size of nearby properties. On that basis, the scale and footprint of the development is compatible with the scale of surrounding and nearby development.

For the reasons detailed below [particularly in subclause (d)] the overall development, whilst it is non-compliant with respect to the rear 25% setback requirement, it is considered acceptable.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access

Comment:

The R2 zone is subject to a 6.5m front building setback control which, generally is the character of development in the street. The proposal provides for a 14.5m front setback at ground level, and a 28.7m front setback at first floor level. These significant setbacks serve to minimise the visual impact of the development.

The works overall are not found to result in any detrimental disruption of views, loss of privacy or loss of solar access to neighbouring properties.

Whilst SEPP (HSPD) Clause 40(4)(c) seeks, in part, to minimise overlooking of properties to the rear, such is not an issue in this circumstance, as the site adjoins a large and densely vegetated parcel of land owned by the Salvation Army. It is not anticipated that in the foreseeable future any development of this neighbouring site would occur within a 6.0m distance of the shared boundary and as such, the intent of (4)(c) and the WDCP 2011 rear setback control are achieved. Furthermore, the impacts on the two adjoining properties, both to the east and west, are reasonable and acceptable.

c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments

Comment:

As described throughout this report, the proposal is well designed and is of a reasonable density and proportions commensurate to the lot size and proximity to the local centre. These proportions and the overall architecture of the proposal are found to be enhancing to the Alexander Street streetscape and do not compromise the scenic quality of the environment.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities

Comment:

For the reasons described above pertaining to the front setback distances, combined with the details of the Landscape Plan, it is considered that from the streetscape the buildings overall proportions would not be readily visible, and even less-so when the vegetation matures over time. From Alexander Street, the building has an appropriate visual impact.

As the reason for this assessment is the rear setback, it is also relevant to consider the visual impact when viewed from the Salvation Army parkland area (despite not being public land). The proposed development is lesser in height than the existing house and is of a similar width. The 'first floor' (backing onto gardens) will not readily be seen from the Salvation Army site as it will be behind a fence and landscaping. The first floor will have greater visibility, however that facade is simple view few window openings which result in no unacceptable degree of overlooking, or perception of being overlooked.

The visual impact on the development from both the street and the property to the rear is acceptable.

Zone Objectives

The underlying objectives of the R2 Low Density Residential zone are:

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

Comment:

The development provides for five new dwellings on a large lot surrounded by a landscaped curtilage. The proposal maintains a reasonably low density, without impacting on the amenity of neighbours and provides for new housing.

It is considered that the development satisfies this objective.

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

Comment:

The proposal provides for residential accommodation in a residential zone. The proposed apartments and site provide sufficient services and facilities to cater for the day to day needs of residents.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah*

Comment:

The development provides a compliant provision of landscaped open space in accordance with the SEPP and the DCP, providing more than 500m² of vegetated areas that will enhance the site and the overall street, and will overtime screen the development from public view.

It is considered that the development satisfies this objective.

Conclusion on Objectives

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) Assessment:

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

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning & Infrastructure, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the SEPP (HSPD) cl. 40(4)(c) Development Standard is assumed by the Local Planning Panel.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall Height	7.2m	7.8m	8.3%	No
B3 Side Boundary Envelope	east - 4.0m	No encroachments	-	Yes
	west - 4.0m	Unit 5 - two encroachments measuring 0.9m(h) by 4.1m(l) and 0.8m(h) by 5.9m(l)	22.5%	No
B5 Side Boundary Setbacks	east - 0.9m	Building - 2.6m +	-	Yes
	west - 0.9m	Balcony - 1.2m Building - 2.2m +	- -	Yes Yes
B7 Front Boundary Setbacks	north - 6.5m	Bin Room - 0.8m Building - 12.1m +	12.3% -	No Yes
B9 Rear Boundary Setbacks	south - 6.0m	Terrace - 5.3m Building - 6.55m +	11.6% -	No Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (462.44m ²)	43.3% (500.7m ²)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

Clause B1 of the WDCP 2011 limits external wall heights in a singular plane to 7.2m. The proposal exceeds this by providing a wall height of 7.8m thus resulting in a 8.3% variation to the control. It is noted that the development complies with the prevailing building height control under the SEPP

(HSPD).

Merit consideration

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

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The non-conforming wall height is not attributable to any unreasonable or excessive visual bulk or visual impact when viewed from neighbouring properties or the public domain.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The development maintains a height generally beneath the existing tree canopy level.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

As described later in this report the proposal does not result in any unreasonable sharing of views.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The non-conforming wall height is not found to be attributable to any amenity impact on neighbouring properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

Whilst exceeding the prescribed wall height, the overall development is of a compliant building height which demonstrates responsiveness to the site topography.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

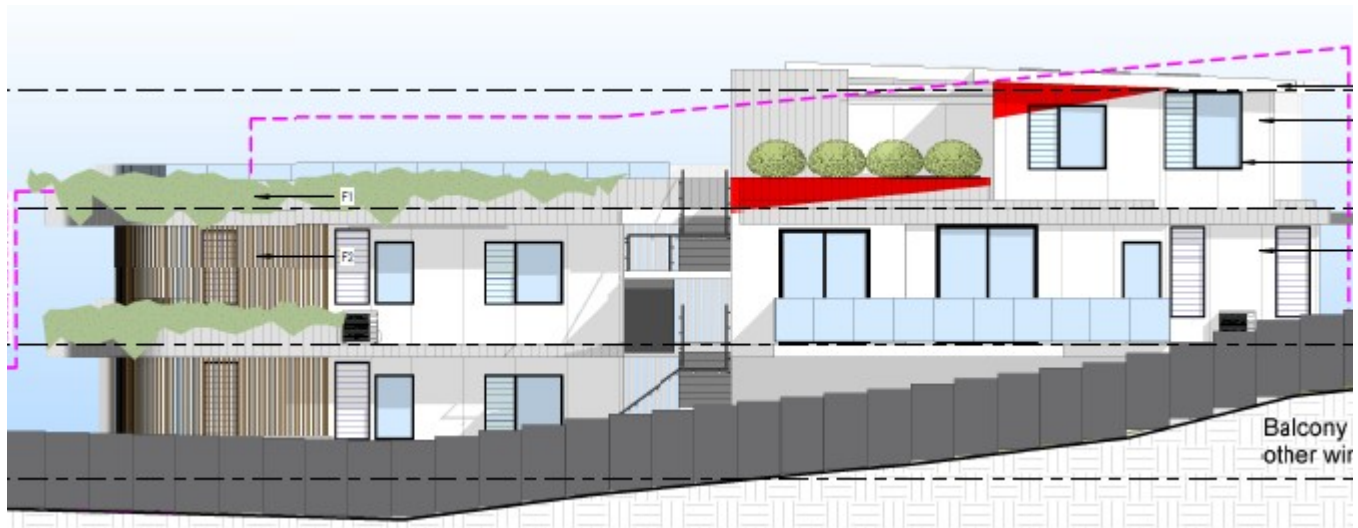
The proposal provides a sufficient innovative roof pitch and is broken into two pavilions to ensure a visual break is afforded when viewed from the public or private domain.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The site is subject to the 4.0m side boundary envelope control. The development encroaches this prescribed envelope on the western elevation by up to 22.5%, as shown in red on the following working drawing:



Merit Consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk*

Comment:

Despite the encroachment of the envelope as shown above, the overall design does not exhibit a height of bulk that is congruous with a typical dwelling house on a sloping block. The overall massing of the building is compliant with the building heights and side setback requirements and is therefore deemed to be acceptable.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings*

Comment:

The encroachment of the side boundary envelope is inconsequential to amenity impacts on neighbouring properties.

- *To ensure that development responds to the topography of the site*

Comment:

The development is split into two pavilions and follows the contours of the land to both minimise the presentation of the building from the street and from neighbouring houses. The design is therefore considered appropriately responsive to the topography of the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent

with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The site is subject to a 6.5m front boundary setback control. Whilst the building significantly exceeds this requirement, with a minimum setback of 12.1m, the temporary waste holding area encroaches with a setback of under 1.0m. This holding bay does not permanently accommodate bins, rather it is only to have bins in it on collection day when they will be transported from the basement.

Merit Consideration

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

- *To create a sense of openness*

Comment:

The non-conforming element consists of a lightweight roof structure elevated above the fence height on posts. The open nature of the structure, and the landscaped curtilage of it ensures a sense of openness is maintained.

- *To maintain the visual continuity and pattern of buildings and landscape elements*

Comment:

The presence of structures within the front setback area is not unprecedented in the street and, given the minimal scale and openness of the structure, maintains an appropriate visual continuity.

- *To protect and enhance the visual quality of streetscapes and public spaces*

Comment:

The streetscape is considered to be enhanced by the development

- *To achieve reasonable view sharing*

Comment:

The non-conforming element does not contribute to any view loss.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

The development is subject to a 6.0m rear building setback control. The building complies with that requirement, but a portion of the Unit 3 terrace encroaches the setback by 700mm.

Clause B9 includes a variation provision that reads:

On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.

That variation provision is applicable to this development.

Merit Consideration

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

- *To ensure opportunities for deep soil landscape areas are maintained*

Comment:

The development provides a compliant provision of landscaping and deep soil zones.

- *To create a sense of openness in rear yards*

Comment:

The encroaching element consists of paving tiles at grade and thus does not compromise a sense of openness.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings*

Comment:

The encroachment element is positioned nearly 8m from the western side boundary and backs onto the aforementioned Salvation Army site and thus, does not harm the amenity of adjacent land.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements*

Comment:

The variation sought is not inconsistent with landscaped elements in the streetscape.

- *To provide opportunities to maintain privacy between dwellings*

Comment:

The encroaching element does not jeopardise the privacy of neighbouring dwellings or future occupants.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C3 Parking Facilities

The car parking ratio provided under SEPP (HSPD) prevails over Appendix 1 of the WDCP 2011, but in any event, the proposal complies with both ratios and is therefore considered to provide an appropriate provision of car parking facilities.

D3 Noise

The proposal is not anticipated to generate any day-to-day noise that would be detrimental to the amenity of adjacent properties above and beyond what could readily be anticipated to be audible from a residential properties.

The mechanical systems of the proposal are located in the semi-underground level between the basement and residential accommodation above, and this will provide acoustic shielding to any noise emitted from these systems.

D7 Views

The proposed development has not been found likely to cause any unreasonable impacts on the provision of views currently enjoyed from neighbouring properties. Given the general compliance with the Built Form Controls, the proposal is likely to have the same level of impact (or lesser) than that of a detached dwelling house on just one of the two lots.

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 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$20,691 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,069,059.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah 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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of Clause 40(4) of the SEPP (HSPD) has adequately addressed and demonstrated that:

- a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- b) There are sufficient environmental planning grounds to justify the contravention.

2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Summary of Assessment and Conclusions

The assessment, notification and review by the DSAP has determined that the proposed development has merit and it is noted that the main design and amenity issues that arose during the assessment process were addressed by the applicant and resolved.

The revised design appropriately responds to the context and topography of the site and on balance, presents as an appropriate built form for the locality. The variation that is sought to the rear 25% building development standard is inconsequential to the context, setting and amenity of residents and does not detract from the overall merits of the application.

The larger than required front setback, stepped nature and pavilion-type design, and the landscape setting will all serve to lessen the visual impact of this infill seniors housing development, acknowledging that it is a larger scale and density of development in this R2 - Low Density Residential zoned area, that is envisaged and made permissible pursuant to SEPP HSPD.

The proposal is worthy of support and for that reason, it is recommended that the Northern Beaches Local Planning Panel grant **APPROVAL** to the application.

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

RECOMMENDATION

That Northern Beaches Council as the consent authority vary clause 40(4) of SEPP (HSPD) pursuant to clause 4.6 of the WLEP 2011 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/1766 for Demolition works and construction of a housing development comprising five (5) self-contained apartments including basement car parking pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 on land at Lot 8 DP 6984, 18 Alexander Street, COLLAROY, Lot 9 DP 6984, 18 Alexander Street, COLLAROY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA101 Proposed Site Plan Rev. B	31 January 2022	Walsh Architects
DA102 Demolition Plan Rev. A	03 September 2021	Walsh Architects
DA110 Basement Plan Rev. B	31 January 2022	Walsh Architects
DA111 Undercroft Floor Plan Rev. B	31 January 2022	Walsh Architects
DA112 Level 1 Floor Plan Rev. B	31 January 2022	Walsh Architects
DA113 Level 2 Floor Plan Rev. B	31 January 2022	Walsh Architects
DA114 Roof Plan Rev. B	31 January 2022	Walsh Architects
DA200 Sections Rev. B	31 January 2022	Walsh Architects
DA201 Sections Rev. B	31 January 2022	Walsh Architects
DA300 Elevations Rev. B	31 January 2022	Walsh Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Access Assessment Report (ref:114672-Access-r 1)	09 September 2021	BCA Access
Arboricultural Impact Assessment Report	26 August 2021	Hugh The Arborist
BASIX Certificate No. 1238507M_02	28 January 2022	Building Sustainability Assessments
BCA Assessment Report	21 September	BCA Logic

	2021	
Overland Flow Study and Flood Impact Assessment Report (ref:210804) Issue A	10 September 2021	RTS Civil Consulting Engineers Pty Ltd
Flood Management and Civil Access Response (ref:210804)	31 January 2021	RTS Civil Consulting Engineers Pty Ltd
Geotechnical Investigation (ref:J3685)	03 September 2021	White Geotechnical Group
Traffic and Parking Impact Assessment (ref:21278) Issue A	September 2021	Transport and Traffic Planning Associates

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
LS501.1 Ground Level - Landscape Plan - Sheet 1 Issue C	27 January 2022	Plot Design Group
LS501.2 Level 1 - Landscape Plan - Sheet 2 Issue C	27 January 2022	Plot Design Group
LS501.3 Level 2 - Landscape Plan - Sheet 3 Issue C	27 January 2022	Plot Design Group
LS503.1 Landscape Details - Sheet 4 Issue C	27 January 2022	Plot Design Group

Waste Management Plan		
Report Title	Dated	Prepared By
Waste Management Plan	10 September 2021	Walsh Architects

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

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Undated

(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.

FEES / CHARGES / CONTRIBUTIONS

3. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$20,690.59 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 2021. The monetary contribution is based on a development cost of \$2,069,059.30.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

4. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

5. **Construction, Excavation and Associated Works Bond (Councils Stormwater Drainage line)**

The applicant is to lodge a bond of \$15,000 as security against any damage during to course of construction works for councils 750mm diameter concrete drainage line that runs through the north wester corner of the site.

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

Reason: Protection of Council's infrastructure.

6. **Construction, Excavation and Associated Works Security Bond (Crossing / Kerb)**

The applicant is to lodge a Bond of \$20,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent.

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

Reason: Protection of Council's infrastructure.

7. **Construction, Excavation and Associated Works (Security Bond)**

A bond of \$10,000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

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

Reason: Protection of Council's infrastructure.

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

8. **On Slab Landscape Works**

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

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

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

- i) 300mm for lawn
- ii) 600mm for shrubs
- iii) 1m for small trees

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).

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

9. **Walls located within the overland flow path.**

Any proposed walls including the walling within the bin bay area are to feature openings to allow for the free passage of overland flow as defined by the flood engineer in the RTS consulting engineers overland flow and flood impact assessment report.

Details demonstrating compliance are to be submitted to the certifier prior to issue of the construction certificate.

Reason: To manage impacts of flooding on adjoining properties.

10. **Deletion of walling within Councils 750mm drainage line and easement.**

All proposed walling is to be removed from proposed Council relocated 3m wide easement footprint in accordance with Councils water management policy for development. The bin bay north west corner wall will need to be relocated to achieve this requirement.

Details demonstrating compliance are to be submitted to the certifier prior to issue of the construction certificate.

Reason: Compliance with Councils Water management policy for development.

11. **Traffic Management and Control**

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

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

12. **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.

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

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

13. **Car Parking Finishes**

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

14. **Construction Traffic Management Plan**

As a result of the 3T Load Limits on Alexander Street, site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

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

The CTMP must address following:

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

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

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

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

15. **Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages 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 Certifying Authority prior to the issue of a Construction Certificate.

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

16. **Building Code of Australia Requirements**

The Building Code of Australia works and recommendations as detailed in the Building Code of Australia Assessment Report prepared by BCA Logic dated 3/9/2021, Ref No. 114672-BCA-r1 are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

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

17. **Building Code of Australia Access**

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard the Access Assessment Report prepared by BCA Access ref: 114672-Access-r1, is to be taken into consideration as part of the assessment of the Construction Certificate. 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.

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

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY FOR DEVELOPMENT, and generally in accordance with the concept drainage plans prepared by RTS Civil Consultants, drawing number 210804 SW01-SW02A ,SW200A , dated 3/9/21. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or RPENG and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. The discharge line from the on site stormwater detention tank is to be connected directly into the kerb and gutter with a No 200x100mm RHS gal pipes. Services in the footpath area are to be located to avoid conflicts.
- ii. The discharge line from the pump sump within the basement is to be directly connected to Councils kerb inlet pit fronting the property.
- iii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

19. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

20. **Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

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

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

available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.1>

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

Reason: Protection of Council's infrastructure.

22. **Pre-commencement Dilapidation Report**

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

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

Reason: Protection of Council's infrastructure during construction.

23. **Compliance with Standards**

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

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

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

24. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

25. **Surrender of Consent**

The applicant shall surrender to Council Development Consent Nos: DA2020/0205 and DA2020/0261 in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg).

26. **Sydney Water "Tap In"**

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

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

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

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

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

27. Fencing Height and Vegetation

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. This requires that vegetation does not exceed one (1) metre in height. Appropriate plants shall be selected within the 2.0 x 2.5m splay to ensure this condition is met. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure maximum vehicular and pedestrian visibility.

28. Waste and Recycling Requirements

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

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

29. 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.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

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

- i) all works within the TPZ's and SRZ's of trees to be retained.

All tree protection measures specified must:

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

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

Note:

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

Reason: Tree protection.

30. **Tree Removal Within the Property**

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

- i) *Ficus rubiginosa*, located centrally within the site within the footprint of proposed works, Tree No. 1.

Note:

- i) Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.
- ii) Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: To enable authorised building works.

31. **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 Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

32. **Demolition Traffic Management Plan**

As a result of the 3T Load Limits on Alexander Street, site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by a suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of 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 DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

33. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

- 16 ALEXANDER STREET, COLLAROY
- 20 ALEXANDER STREET, COLLAROY

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

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

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

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

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

34. Public Liability Insurance - Works on Public Land

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

35. 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, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

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, as listed in the following sections:
- i) Section 8 - Conclusions,
 - ii) Section 10 - Recommendations,
 - iii) Section 11 - Arboricultural Work Method State and Tree Protection Requirements,
 - iv) Section 12 - Hold Points,
 - v) Appendix 1A - Proposed Basement and Tree Protection Plan.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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.

36. Road Reserve

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

Reason: Public safety.

37. 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 by <INSERT> 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.

38. **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 Certifying Authority for approval prior to installation.

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

39. **Dewatering Management**

Tailwater (surface water and rainwater): Please contact catchment@northernbeaches.nsw.gov.au for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact catchment@northernbeaches.nsw.gov.au for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

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

Reason: Protection of the receiving environment and groundwater resources.

40. **Implementation of Demolition Traffic Management Plan**

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

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

41. **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 RMS 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.

42. **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.

43. **Removing, Handling and Disposing of Asbestos**

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

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

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

44. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

45. **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.

46. **Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve.

47. **Notification of Inspections (infrastructure works to be handed over to Council)**

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

(a) Pouring of the vehicle crossing and any footpath works.

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

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

48. **Traffic Control During Road Works**

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

Reason: Public Safety.

49. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval.

The proposed boundary RLs are to comply with the longitudinal driveway design provided by RTS consulting engineers DRW no 210804 CW200 B .

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Authority.

Reason: To facilitate suitable vehicular access to private property.

50. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

51. **Waste/Recycling Requirements (Materials)**

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

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

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

52. **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plan, inclusive of the following conditions:

- i) substitute the proposed *Archontophoenix cunninghamiana* for a native alternative, minimum 45L pot size. Suggested species include: *Livistona australis*,
- ii) substitute the proposed *Brachychiton populneus x acerifolius 'Bella Pink'* for a native alternative, minimum 75L pot size. Suggested species include: *Angophora hispida*, *Banksia serrata*, or *Corymbia ficifolia*,
- iii) substitute the proposed *Pennisetum alopecuroides 'Nafray'* with a native alternative, minimum 140mm pot size. Suggested species include: *Ficinia nodosa*, *Imperata cylindrica*, or *Lomandra longifolia*,
- iv) substitute the proposed *Rhaphiolepis indica 'Oriental Pearl'* with a native alternative, minimum 200mm pot size. Suggested species include: *Banksia spinulosa*, *Grevillea sericea*, or *Westringia fruticosa*.

Tree planting shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 metres from existing and proposed buildings, and other trees.

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

Reason: Environmental amenity.

53. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, 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 protection.

54. **Stormwater Disposal**

The stormwater drainage/on site detention works shall be certified as compliant with the approved Construction certificate drawings and Council water management policy for development by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

55. **Post-Construction Road Reserve Dilapidation Report (Major Development)**

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

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

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

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

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

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

Reason: Protection of the receiving environment.

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

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

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

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

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

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

58. **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 visitsAdditionally for vegetated devices:
 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

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

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

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

Reason: Protection of the receiving environment.

60. **Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

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

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

Reason: To conserve potable water.

61. **Strata Management Statement**

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

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

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

62. **Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

63. **Shared Zone Bollard**

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

64. **Post-Construction Dilapidation Report**

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

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

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

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

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

65. **Reinstatement of Kerb**

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

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

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

66. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

The applicant is to create a 3m wide drainage easement in favour of Council over the centre line of Council's 750mm RCP pipe that traverses the north west corner of the site. All costs associated with the creation of this easement are to be borne by the applicant.

Additionally all structures are to be located clear of any Council pipeline or the relocated Council easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; (in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification). Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted) - Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure

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

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures

within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

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

68. 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.

69. House / Building Number

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

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

Reason: Proper identification of buildings.

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

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

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

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

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

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition

and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

71. Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

72. Reinstating the damaged road reserve during construction

Any damages to road reserve shall be reinstated to Council standard. Suitably prepared plans shall be submitted to for an approval under and approved by Council. All costs associated with the works shall be borne by the applicant.

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 maintain road reserve to the standards.

73. Removal of Redundant Driveways.

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

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.

74. Waste and Recycling Facilities Certificate of Compliance

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

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

Reason: To ensure waste and recycling facilities are provided.

75. Positive Covenant for Council and Contractor Indemnity

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

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

76. Authorisation of Legal Documentation Required for Waste Services

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

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

Reason: To create encumbrances on the land.

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

77. **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 Plan and any conditions of consent.

For all new residential works with two or more dwellings and mixed use developments, a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

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

Reason: To maintain local environmental amenity.

78. **Undesirable Trees**

Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.

79. **Maintenance of Stormwater Treatment Measures - Major**

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.

80. **Resident Parking Permits**

Any residents and/or tenants of the subject site are not eligible for resident parking permits. This condition is to be provided on the property Title.

Reason: To ensure the tenants are aware that they are not entitled to a permit regardless if they are within a Resident Parking Scheme (RPS).

81. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

82. **Accessibility of parking facilities**

The parking facilities and vehicular access should be maintained to the Standards and accessible throughout the lifetime of the development.

Reason: To ensure parking facilities are maintained and minimise the on-street parking impacts.