



Land and Environment Court

New South Wales

Case Name: A.C.N. 637 462 250 Pty Ltd v Northern Beaches Council

Medium Neutral Citation: [2021] NSWLEC 1055

Hearing Date(s): 17, 18 and 29 September 2020

Date of Orders: 03 February 2021

Decision Date: 3 February 2021

Jurisdiction: Class 1

Before: Espinosa C

Decision: The Court orders that:
(1) The appeal is upheld.
(2) Development application No. DA2020/0090 seeking development consent for the Demolition of the existing structures at 20 Westminster Avenue, Dee Why (the Site) and construction of a three (3) and four (4) storey split level boarding house containing twenty-two (22) double rooms and basement parking, Earthworks and excavation, Associated civil infrastructure, including on-site stormwater detention and a new driveway centrally located at 20 Westminster Avenue, Dee Why NSW, legally identified as Lot 15 DP 9125 (676m²) and (b) Lot A DP 392346 (105m²) is approved subject to conditions of consent filed 29 January 2021 and Annexed marked 'A'.
(3) The exhibits marked 2 and B are to be returned.

Catchwords: DEVELOPMENT APPEAL – boarding house – compatibility with local area – bulk and scale – privacy – public interest – orders

Legislation Cited: Environmental Planning and Assessment Act 1979
Land and Environment Court Act 1979
State Environmental Planning Policy (Affordable Rental

Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy No 55— – Remediation of Land
State Environmental Planning Policy No 65— – Design Quality of Residential Apartment Development
Warringah Local Environmental Plan 2011

Cases Cited: 193 Liverpool Road Pty Ltd v Inner West Council [2017] NSWLEC 13
Madss Properties No 2 Pty Ltd ATF Newtown Property Trust (No 2) v Blacktown City Council [2019] NSWLEC 126
Project Venture Developments v Pittwater Council (2005) 141 LGERA 80; [2005] NSWLEC 191
Super Studio v Waverley Council (2004) 133 LGERA 363; [2004] NSWLEC 91

Texts Cited: Warringah Development Control Plan 2011
Northern Beaches Community Participation Plan

Category: Principal judgment

Parties: ACN 637462250 Pty Ltd (Applicant)
Northern Beaches Council (Respondent)

Representation: Counsel:
A Hemmings (Applicant)
S Patterson (Solicitor) (Respondent)

Solicitors:
Addisons (Applicant)
Wilshire Webb Staunton Beattie (Respondent)

File Number(s): 2020/112917

Publication Restriction: No

JUDGMENT

1 **COMMISSIONER** This is a Class 1 Development Appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act) being an appeal against the deemed refusal of a development application No. DA2020/0090 seeking development consent for the demolition of the existing

structures and construction of a three (3) and four (4) storey split level boarding house containing twenty-two (22) double rooms and basement parking, earthworks and excavation, associated civil infrastructure, including on-site stormwater detention and a new driveway centrally located (the Proposed Development) at 20 Westminster Avenue, Dee Why NSW, legally identified as Lot 15 DP 9125 (676m²) and Lot A DP 392346 (105m²) (the Site).

- 2 The development application was refused by the Northern Beaches Local Planning Panel on 1 July 2020. The Applicant filed a Notice of Motion on 13 July 2020 and leave was granted to rely on amended plans and seeks development consent in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH). Some further amendments were made to the Proposed Development without objection during the hearing.
- 3 The amended proposed boarding house as summarised in the Amended Statement of Facts and Contentions filed 31 July 2020, comprises of the following:
 - (1) Basement Level (RL 11.050) - Twelve (12) parking spaces including one (1) manager's space and one (1) accessible space.
 - (2) Six (6) motorbike parking spaces - Five (5) wall mounted bicycle parking spaces - Accessible WC - Lift access - Services zone to accommodate air conditioner condenser units;
 - (3) Ground Floor Level (RL 14.00 and RL 14.850) - Rooms 1, 2, 3 and 4 - Managers residence with private bathroom and kitchen facilities - Relocated Room 21 from Level 3 - Waste/bin storage - Sectioned off private open space areas removed from side setback - Waste storage area for 21 x 240L bins - Single driveway crossing onto Westminster Avenue;
 - (4) Level 1 (RL 16.80 and RL 17.650) - Rooms 6, 7, 8, 9, 10, 11 and 12;
 - (5) Level 2 (RL 19.90 and RL 20.450) - Rooms 13, 14, 15, 16, 17, 18 and 19;
 - (6) Level 3 (RL 23.00 and RL 23.250) - Rooms 20, 21, 22 and 23 - Managers residence relocated from Ground Floor level to the north-west corner - Communal Common Room (44.4m²) - Roof Terrace (29m²) - Increased planter width to the northern side of the roof terrace to 1.1m.
- 4 The site is located within the R3 – Medium Density Residential zone pursuant to the Warringah Local Environmental Plan 2011 (WLEP).

- 5 This case is essentially about whether the Proposed Development is compatible with the character of the local area and if approved, how to address the privacy impact of the Proposed Development insofar as overlooking from the communal open space on the roof terrace on the northern neighbouring property.
- 6 A Joint Expert Report was prepared by Michael Haynes and Renee Ezzy, town planners for the Applicant and Respondent respectively and Jon Johannsen and Dominic Chung, urban designers for the Applicant and Respondent respectively, dated 11 September 2020 and filed 15 September 2020 (Exhibit 3).
- 7 The Respondent's Amended Statement of Facts and Contentions (ASOFAC) filed 31 July 2020 (Exhibit 1) responds to amended plans for which the Applicant was granted leave to amend the development application. The Respondent has also filed written submissions and helpfully summarises the status of the issues and dispute between the parties. I extract the relevant portion from the Respondent's submissions as follows:
- “4. [...] As a result of agreement between the experts of the parties during the joint conferencing process and further information and amended plans that were provided during the course of the hearing the only issues that remain in contention relate to the following:
- a) Whether the proposal is incompatible with the character of the locality having regard to the requirements of cl.30A of SEPP ARH;
- b) Whether the proposal has excessive bulk and scale; and
- c) Whether the proposal will have an unacceptable privacy impact on the amenity of adjoining property to the north.
5. The amendments to the proposal during the course of the matter coupled with a number of agreed conditions of consent have narrowed the dispute between the parties to whether the proposed top floor should be stepped in on both sides so as to achieve compliance with the side boundary envelope control set out in Part B5 of WDCP with respect to a) and b) above. The only other dispute is whether a condition of consent should be imposed requiring screening of a portion of the northern side of the communal open space on the top floor towards the front of the development (with respect to c) above).”
- 8 The Respondent takes care to specify in the written submissions that although there are many contentions which have been resolved or which are not pressed, “[i]t is Council's position that the proposal is not compatible with the existing character and likely future character of the local area, it will exhibit

unacceptable bulk and scale and it should not be approved. Should the Court determine that the proposal is acceptable, Council submits the Court should require the installation of a privacy screen as detailed in draft conditions 24 and 39.”

- 9 The Applicant also filed written submissions. The Applicant relies upon its Statement of Facts and Contentions in Reply filed on 6 August 2020 (ASOFAC in Reply) marked Exhibit A and the Draft Agreed Conditions of Consent filed 1 October 2020 which disputes proposed conditions of consent number 24 and 39. (Draft Conditions) (Exhibit L).
- 10 I will firstly address compatibility and bulk and scale and whether the top floor should be stepped in to achieve compliance with the side boundary envelope as set out in Part B5 in the WDCP. If the consideration of compatibility is satisfactory then the bulk and scale concern of the Proposed Development is similarly resolved.

Is the Proposed Development compatible with the character of the locality?

- 11 The dispute between the parties is narrowed to whether the proposed top floor should be stepped in on both sides so as to achieve compliance with the side boundary envelope control set out in Part B5 of Warringah Development Control Plan 2011 (WDCP) with respect firstly to character and secondly with respect to bulk and scale.
- 12 The objectives and requirements of Part B5 of the WDCP are as follows:

“B5 Side Boundary Setbacks

...

Objectives

- To provide opportunities for deep soil landscape areas.
- To ensure that development does not become visually dominant.
- To ensure that the scale and bulk of buildings is minimised.
- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.
- To provide reasonable sharing of views to and from public and private properties.

Requirements

Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.

Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.

On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.”

- 13 In Contention 1 of the ASOFC Council maintains that the proposal is incompatible with the predominant scale of development in the local area by virtue of its size, scale, density and massing. This contention was the subject of considerable written and oral evidence as to compatibility with local character.
- 14 In determining what the character of the local area is, it is relevant to note the agreement reached between the expert urban designers regarding the character of the area, namely at [13] of the Joint Expert Report Mr Johannsen and Mr Chung agree that “the area has a character that is defined by some dwellings that are single or two (2) storey, and a range or residential flat buildings of three (3) and four (4) storeys.” Similarly, the expert town planners, Mr Haynes and Ms Ezzy agree that there are a range of 2, 3 and 4 storey buildings within the local area, that the predominant development type is residential flat buildings and at [19] “when viewed from directly in front of the site, the building’s height, bulk and scale is assessed as appropriate.” During the proceedings Mr Haynes and Ms Ezzy further agreed that the local area is defined by the visual catchment and does not go to the extent depicted in figure 1 on page 8 of the Joint Expert Report.
- 15 The area of disagreement between the town planning and urban design experts focuses on the Proposed Development’s non-compliance with the Side Boundary Envelope and whether the Proposed Development is consistent with cl 30A of the SEPP ARH. I have also considered the Applicant’s written submission that:

“there is no specific locality statement that would define the desired future character of the area in the WLEP or the Warringah Development Control Plan 2011 (**WDGP**) and it is common ground that the proposed development is compliant with the following principal built form controls that shape the desired development outcome for the location:

- a. Building height controls (SEPP ARH and WLEP);
- b. All above ground setbacks controls – front, rear and side setbacks (except for imperceptible basement intrusions) (WDCP);
- c. Landscape area controls (WDCP); and
- d. Car parking controls (WDCP)."

16 The Respondent submits that the failure of the Proposed Development to comply with the side boundary envelope control results in a development that is not compatible with the character of the local area and which exhibits unacceptable bulk and scale.

17 Clause 30A of SEPP ARH provides as follows:

Character of local area

A consent authority must not consent to development to which this division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

18 The Respondent made submissions regarding what the phrase “take into consideration” means in the context of cl 30A of SEPP ARH and relevantly submits as follows:

“8. Clause 30A requires the Court to “*take into consideration*” whether the design of the development is compatible with the character of the local area. In *Zhang v Canterbury City Council* (2001) 51 NSWLR 589 Spigelman CJ at [71] to [75] made the following comments as to what is required by the words “take into consideration”

“[71] The statutory power in s80 of the Act to “determine a development application” by granting or refusing consent does not confer an unfettered discretion. It is subject to the obligation to “take into consideration” the matters identified in s79C(1). This obligation is of a similar character to that which has been found to be imposed by a statutory obligation to “have regard to” identified matters.

[72] In one such statutory context Mason J said:

“When subs(7) directs the Permanent Head to ‘have regard to’ the costs, it requires him to take those costs into account and to give weight to them as a fundamental element in making his determination”. (*R v Hunt; Ex parte Sean Investments Pty Ltd* (1979) 180 CLR 323 at 329 emphasis added). 4

[73] In the case of a statute which empowered the court to make such order “as to it seems just and equitable having regard to: (a) ... and (b) ...”, Gleeson CJ and McLelland CJ in Eq said:

“... para(a) and para(b) prescribe the focal points by reference to which the discretionary judgment as to what seems just and equitable must be made. They are not merely two matters, or groups of matters, which take their place amongst any other

relevant considerations." (Evans v Marmont (1997) 42 NSWLR 70 at 79-80 emphasis added)."

- 19 The Applicant's case is that the SEPP ARH is a "*facultative and beneficial*" state environmental planning policy and refers the Court to the decisions of Justice Moore in *193 Liverpool Road Pty Ltd v Inner West Council* [2017] NSWLEC 13 (193 Liverpool Road) at [19] and in *Madss Properties No 2 Pty Ltd ATF Newtown Property Trust (No 2) v Blacktown City Council* [2019] NSWLEC 126 at [7]. The Applicant submits that the SEPP ARH provides for specific "*beneficial*" provisions or the provision of affordable rental housing, with the particular "*facultative*" provisions that apply depending on the nature of the affordable rental housing proposed to be developed (193 Liverpool Road at [20] per Moore J). In this instance, as the proposal is for a boarding house, the provision of Pt 2 Div 3 Boarding Houses apply. Relevantly, cll 29(2)(a) and 29(4) provide as follows:

29 Standards that cannot be used to refuse consent

(1) ...

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,

(b)-(f) ...

(3) ...

(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

- 20 The Applicant relies on the observation of Moore J in *193 Liverpool Road* at [21]:

"this "*facultative mandatory and permissive provision*" does, or can, permit a boarding house to receive the benefit of additional, otherwise nonconforming, height for its development envelope and there is no such provision in the SEPP ARH that applies to residential flat buildings or shop top housing."

- 21 The Respondent states in written submissions that "[n]either the need for or the incentivised approach of SEPP ARH to the delivery of affordable rental housing is in dispute."

22 The R3 Medium Density Residential zoning of the Proposed Development is relied on by the Applicant to support the following submission:

“it should be observed that the Site is within the R3 – Medium Density Residential zone pursuant to the *Warringah Local Environmental Plan 2011 (WLEP)*. Development for the purposes of a boarding house is permissible with consent within this zone. It is common ground that the proposed development complies with the height of buildings development standard under clause 4.3 of the WLEP and that there is no applicable storey or floor space ratio control in the WLEP, or indeed the SEPP ARH.”

23 Both parties referred the Court to the character compatibility tests in the planning principle established by the decision of Roseth SC in *Project Venture Developments v Pittwater Council* (2005) 141 LGERA 80; [2005] NSWLEC 191 (Project Venture).

24 There are two limbs to the compatibility. The first limb or the first test is to consider whether the physical impacts of the Proposed Development are acceptable. The Applicant submits that the Court would be satisfied on the evidence that the Proposed Development does not result in unreasonable physical impacts.

25 For the purposes of character compatibility, the Respondent submits that the following physical impacts are not acceptable:

- (1) Visual bulk view from surrounding private dwellings and from the identified locations in Westminster Avenue and Holburn Avenue, and
- (2) Constraint on the development potential of the adjoining property to the south at 18 Westminster Avenue.

26 The second limb or test to compatibility is whether the visual appearance of the Proposed Development is in harmony with existing buildings around it. This relationship is created by building height, setbacks and landscaping (Project Venture at [26]).

27 The likely future character of the local area is also a relevant consideration and the Respondent submits that the likely future character of the local area is guided by the controls set out in any applicable SEPP, WLEP and WDCP. At [22] of the Respondent’s written submissions, the Respondent submits that “both the proposed number of storeys control and the side boundary envelope control are primary indicators of the desired future character of the area. The building envelopment provided by the combined operation of the overall height

permitted by cl 29(2)(a) of SEPP ARH and the side boundary control in WDCP is an important consideration for the Court when assessing this matter [...]"

- 28 I accept that these are important considerations for the Court however I note that it is within the context of my consideration of whether the design of the Proposed Development is compatible with the character of the local area as required by cl 30A of the SEPP ARH.

Are the physical impacts of the Proposed Development acceptable for the purpose of assessing compatibility of character?

- 29 The first physical impact of the Proposed Development, relied on by the Respondent, is the visual bulk view from surrounding private dwellings and from identified locations in Westminster Avenue and Holburn Avenue.
- 30 The Respondent submits that the Proposed Development “does not achieve the objectives of the side boundary envelopment control in that it is visually dominant and the excessive bulk of the top floor building elements is visible from surrounding properties and from the public domain.” (at [23] Respondent’s written submissions).
- 31 The experts agree that when viewed directly in front of the Site the result of setting back the fourth storey results in an appropriate character to Westminster Ave in terms of the building’s height, bulk and scale (at [19] of the Joint Expert Report).
- 32 Other viewing opportunities were considered during the on-site inspection and these were agreed between the experts that “they are only limited viewing opportunities of the setback fourth storey of the proposal – described as “*oblique views*” along the side setbacks or ‘three viewing corridors – southern boundary setback, northern boundary setback and a corridor to the northwest.” (oral agreement in hearing and at [38] of the Joint Expert Report).
- 33 I have considered the submissions and evidence of the expert witnesses and agree that there will be only limited opportunities to see the setback fourth storey of the Proposed Development and am satisfied that these ‘oblique views’ will remain in harmony with the character of the local area.

- 34 The second physical impact of the Proposed Development, relied on by the Respondent, is the unreasonable constraint on the development potential of the adjoining land at 18 Westminster Ave insofar as it is impacted by overshadowing created by the non-compliance with the side boundary envelope.
- 35 The Respondent submits that Project Venture recognises that the physical impacts include unreasonable constraints on the development potential of adjoining land. The Respondent refers the Court to the shadow diagrams prepared by the Applicant (marked Exhibit 7) which depict a possible new development at 18 Westminster Ave and at [35] of the Respondent's written submissions submits that these shadow diagrams "demonstrates that the leading edge of the southern side of the top floor of the proposal has the potential to limit solar access to north facing windows."
- 36 The Applicant submits that the Court would reject the oral evidence of Mr Chung during cross examination that "any increase" in overshadowing to 18 Westminster Ave is unacceptable, in circumstances where he agrees that the solar access control for the Site and a hypothetical redevelopment scheme for 18 Westminster Ave both comply with Part D6 of the WDCP, as this would set a more onerous standard as to solar access than in Part D6 of WDCP in breach of s 4.15(3A)(a) of the EPA Act.
- 37 Mr Johannsen, urban designer, considers what a side boundary envelope compliant built form would look like and states at [57] of the Joint Expert Report that:
- "A reconfiguration of the fourth floor within a mansard roof form to meet the side setback plane would result in a built envelopment less in character with the surrounding buildings"
- 38 In relation to the overshadowing impact of the non-compliant side boundary envelope, Mr Johannsen explains further at [58] of the Joint Expert Report that:
- "While the additional fourth floor will result in some minor additional overshadowing for the neighbouring house and open space to the south (and likely future development envelope) at the winter solstice, this would not create significant impacts at that time of the year and would be inconsequential for most of the year."

- 39 At [48] of the Joint Expert Report, the urban designers agree that “the non-compliance with the Side Boundary Envelopes will increase the number of boarding rooms on the top floor and will cast additional shadow to the neighbouring site on the southern side.”
- 40 During cross examination Mr Johannsen explained that the amount of increased overshadowing was very minor, and he emphasised the point of it being a very minor increase when comparing a compliant side boundary envelope with the Proposed Development. Mr Johannsen confirmed in cross examination that there was still capacity for a future development at number 18 Westminster Ave to comply with the Australian Design Standards which would be applicable to a residential flat building in that he was confident that more than 70% of the (hypothetical) units would receive more than 2 hours of sunlight per day.
- 41 I am satisfied that the physical impact on the adjoining property at 18 Westminster Ave, regarding any overshadowing as a result of non-compliance with the side boundary envelope, has been demonstrated to be very minor and does not result in unreasonable constraints on the development potential of this adjoining land and I accept the evidence of the urban design experts that there remains capacity and scope to comply with the Australian Design Guidelines for residential flat buildings regarding solar access and that the solar access control for the Site and a hypothetical redevelopment scheme for 18 Westminster Ave both comply with Part D6 of the WDCP.
- 42 I find that the design of the Proposed Development will not exhibit unacceptable bulk and scale for the reason that it complies with the WLEP height limit and is consistent with the SEPP ARH in respect to storey control, and satisfies the development standards under cl 29 and cl 30 of the SEPP ARH. I have also taken into consideration the agreements reached between the experts.
- 43 I have taken into consideration whether the design of the Proposed Development is compatible with the character of the local area and having looked at the local area during the site inspection and having taken into account the agreements between the experts, the evidence and submissions, I

am satisfied that cl 30A of the SEPP ARH is complied with and that I am able to favourably determine the development application for the Proposed Development.

Does the Proposed Development have unacceptable privacy impacts on neighbouring amenity?

44 I am now required to deal with the only other dispute between the parties which is, if the Proposed Development is approved, whether a condition of consent should be imposed requiring screening of a portion of the northern side of the communal open space on the top floor towards the front of the development with respect to the privacy impact on the adjoining property to the north of the Proposed Development.

45 Contention 5(d) of the ASOFAC particularises unacceptable impact upon the amenity of surrounding dwellings as “overlooking from the communal roof terrace”. The Respondent contends that the proposed communal roof terrace is unacceptable as it will enable overlooking of the adjoining property to the north and south. In oral evidence, Ms Ezzy limited this contention to the property to the north at 22A Westminster Ave and opined that this contention would be resolved by proposed additional conditions requiring a privacy screen to be installed.

46 The Respondent proposes Conditions of Consent numbered 24 and 39 as follows:

“24. Privacy screen to the Level 3 Terrace

A 1.5m high louvre privacy screen (height measured from finished floor level) is to be installed extending for 4m from the face of the common room wall along the northern most (inner edge of the planter) of the Level 3 common terrace.

Reason: To ensure adequate privacy measures are installed to discourage overlooking of the adjoining property’s private open space courtyards.

[...]

39. Privacy screen to the Level 3 Terrace

A 1.5m high louvre privacy screen (height measured from finished floor level) is to be installed extending for 4m from the face of the common room wall along the northern most (inner edge of the planter) of the Level 3 common terrace. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure adequate privacy measures are installed to discourage overlooking of the adjoining property's private open space courtyards."

47 The Applicant does not agree to these consent conditions and relies on compliance with other controls to satisfy the Court that there are sufficient means to minimise adverse environmental impacts in respect of privacy to 22A Westminster Ave. These include:

- (1) A compliant side boundary setback control in Part B5 of the WDCP and the 1m wide planter box to the northern edge of the communal terrace which the Applicant relies on as an additional 1m setback of the terrace from the northern boundary to that required under the WDCP.
- (2) Compliance with Part D8 of the WDCP – the location of the communal terrace with respect to windows and balconies of 22A Westminster Ave is consistent with design requirement (3) of Part D8 of the WDCP which the Applicant submits is expressly in the control to be in preference to the use of screening devices.

48 It is the Applicant's case that as the Proposed Development complies with Parts B5 and D8 of the WDCP with respect to side setback and privacy, the disputed conditions seek to impose a more onerous requirement in breach of s 4.15(3A) of the EPA Act.

49 The experts agree in relation to a number of aspects of 22A Westminster Ave such as the type of windows and whether they have high sills and opaque glass, and it is common ground that the two ground floor units of 22A Westminster Ave have southern terraces as well as northern terraces, both of which have outdoor furniture.

50 The focus here is these southern terraces of the two ground floor units of 22A Westminster Ave being private open space of adjoining property to the Proposed Development.

51 Photos of the courtyards were shown during the hearing sourced from a real estate sales site. Mr Haynes opined in oral evidence that the northern terraces for these ground floor units are the 'principle' open space for the purposes of this control as they obtain northern sunlight.

52 The Applicant submits in written closing submissions at [52] and [53] as follows:

"52. Mr Haynes is of the opinion that any views of the southern ground floor terraces from the communal terrace will be limited by the combination of

privacy measures proposed by the Applicant: terrace design and location, separation, planter boxes, dense planting, location of the Manager's Residence and the Operational Plan of Management. In areas of higher density (such as the subject R3 medium density residential zone) privacy is more difficult to protect and the Applicant submits that the Court would find that the combination of these privacy measures are sufficient and consistent with the planning principle for privacy identified in *Meriton v Sydney City Council* [2004] NSWLEC 313 at [46]

53. Further, the Court would accept the evidence of Mr Haynes, who opined during cross examination that the disputed privacy screen may result in undesirable outcomes by unnecessary bulk and an unnecessary restriction to the northern sunlight access to the communal terrace."

53 I accept that in high density zones the impacts on neighbouring properties is perhaps more challenging to protect however I do not agree in relation to the Proposed Development that the privacy of the northern adjoining property is unable to be protected because the solution has been identified and proposed by Mr Ezzy and is detailed in the terms of the draft Conditions of Consent at 24 and 39. The Respondent has not identified the louvre privacy screen as increasing bulk and the access to sun to the communal terrace of the Proposed Development will be minimally impacted, if at all, as a result of the privacy screen proposed being in the form of a louvre.

54 The Respondent submits that "the introduction of a raised common open area for the benefit of the future occupants of the boarding house gives rise to potential privacy impacts on the dwellings on the southern side" of the adjoining property. The Respondent notes the reliance by the Applicant on proposed landscaping in the planter boxes to provide adequate privacy and, after noting that Ms Ezzy does not agree that the proposed landscaping will provide adequate privacy, refers the Court to the planning principle relating to the use of landscaping to safeguard against overlooking as set out in *Super Studio v Waverley Council* (2004) 133 LGERA 363; [2004] NSWLEC 91 quoting the following extract:

"6. The second principle is that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climate conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens."

- 55 While I note the general design features of the communal terrace in accordance with Part D8 of the WDCP I do not accept that the planter boxes are sufficient to wholly satisfy this control and I find that a privacy screen, being a relatively simple solution, as proposed by the Respondent and detailed in the proposed Conditions of Consent 24 and 39, is required to safeguard the privacy of the private open spaces of the adjoining property.
- 56 I accept that the southern terraces of the ground floor units of 22A Westminster Ave are furnished with outdoor furniture and are used as private open space and therefore the conditions of consent should be imposed as proposed by the Respondent at 24 and 39 quoted above at [46] in this judgment.

Public Interest

- 57 The ASOFAC indicates that the Proposed Development was notified and advertised for a period of 21 days from 22 February 2020 to 14 March 2020 in accordance with the Northern Beaches Community Participation Plan. Council received twenty-one (21) submissions as a result of this notification. The issues raised in the submissions include the following: (a) Amenity impacts in terms of noise and privacy; (b) Traffic and parking; (c) Location and character; (d) Solar access; (e) Safety concerns; (f) Density; (g) Height; (h) Community Benefit; (i) Permissibility; (j) Consistency with SEPP ARH; (k) Tree Removal; (l) Evidence of Affordable Housing and future on-selling as one bedroom flats; and (m) Mental Health Impacts – consistency with Section 1.3 of the EPA Act.
- 58 The Respondent contends that the proposal should be refused having regard to the matters that have been raised in the resident's submissions to the extent that these submissions are consistent with the contentions set out in the ASOFAC.
- 59 The Applicant notes that the town planning and urban design experts agree that there were limited public objections to the Proposed Development and the particulars of this contention repeat earlier contentions and warrant no further consideration (Joint Expert Report at [93]-[95]).
- 60 Finally, the Applicant relies on Council Policy regarding Boarding Houses and meeting demand for affordable rental housing in the Northern Beaches Local Government Area in support of the submission that the Proposed Development

is in the public interest. At tabs 21 to 23 in Exhibit B, the Applicant's Bundle of Documents filed 16 September 2020 there are the following documents:

- (1) Northern Beaches Affordable Housing Needs Analysis dated December 2016;
- (2) Northern Beaches Council Policy Affordable Housing dated 28 August 2018; and
- (3) Northern Beaches Council Affordable Housing Policy Action Plan.

61 I have read these documents and note that one of the principles adopted by the Respondent is embedding affordable housing in Council's strategies, plans and policies and action 8 recognises that affordable rental housing is essential social and economic infrastructure for the Northern Beaches in Council's land-use planning strategies, plans and policies.

62 I have considered the public interest and I accept the opinion of the experts that the particulars of this contention have already been addressed in the Joint Expert Report and that the public interest contention warrants no further consideration in the determination of the Proposed Development.

Orders

63 The Court orders that:

- (1) The appeal is upheld.
- (2) Development application No. DA2020/0090 seeking development consent for the Demolition of the existing structures at 20 Westminster Avenue, Dee Why (the Site) and construction of a three (3) and four (4) storey split level boarding house containing twenty-two (22) double rooms and basement parking, Earthworks and excavation, Associated civil infrastructure, including on-site stormwater detention and a new driveway centrally located at 20 Westminster Avenue, Dee Why NSW, legally identified as Lot 15 DP 9125 (676m²) and Lot A DP 392346 (105m²) is approved subject to conditions of consent filed 29 January 2021 and Annexed marked 'A'.
- (3) The exhibits marked 2 and B are to be returned.

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E Espinosa

Commissioner of the Court

[Annexure A \(275772, pdf\)](#)

[Plans \(6406875, pdf\)](#)

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Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2020/0090

Development: Demolition of existing structures and construction of a boarding house containing 22 rooms and manager's room and associated parking.

Site: 20 Westminster Avenue, Dee Why NSW 2099 legally identified as Lot 15 DP 9125 and Lot A DP 392346.

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 3 February 2021

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 20 Westminster Avenue, Dee Why NSW 2099 legally identified as Lot 15 DP 9125 and Lot A DP 392346.

The conditions of consent are as follows:

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
DA100 Rev 2 Site Plan	7 July 2020	Walsh Architects
DA101 Rev 1 Basement Floor Plan	23 January 2020	Walsh Architects
DA102 Rev 3 Ground Floor Plan	16 Sept 2020	Walsh Architects
DA103 Rev 1 Level 1 Plan	23 January 2020	Walsh Architects
DA104 Rev 1 Level 2 Plan	23 January 2020	Walsh Architects
DA105 Rev 2 Level 3 Plan	7 July 2020	Walsh Architects
DA106 Rev 2 Roof Plan	7 July 2020	Walsh Architects
DA200 Rev 2 Sections	7 July 2020	Walsh Architects
DA201 Rev 2 Sections	7 July 2020	Walsh Architects
DA300 Rev 2 Elevations (Eastern and Southern)	7 July 2020	Walsh Architects
DA301 Rev 2 Elevations (West and Northern)	7 July 2020	Walsh Architects
DA901 Rev 2 Material Schedule	7 July 2020	Walsh Architects
DA210 Rev 4 Northern Boundary Interface	18 Sep 2020	Walsh Architects
DA 211 Rev 1 Southern Boundary Interface	16 Sep 2020	Walsh Architects

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Boarding House Development Acoustic Assessment (50.5415.R1:MSC)	20 July 2020	The Acoustic Group
Traffic and Parking Assessment	3 February 2020	McLaren Traffic Engineering

BCA Assessment Report (111525-BCA-r1.1)	24 January 2020	BCA Logic
Operational Plan of Management - Boarding House 20 Westminster Avenue Dee Why	19 September 2020	Gannet Developments
Access Assessment Report (111525-Access-r1.1)	24 January 2020	BCA Logic
Arboricultural Impact Assessment Report	16 January 2020	Hugh The Arborist
Preliminary Geotechnical Assessment	29 January 2020	Ascent Geotechnical Consulting
Basix Certificate (No. 1072073M_3)	15 September 2020	Building Sustainability Assessments

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
20/2135 Issue C – Sheet 1 of 2 – Ground Floor Plan	28 August 2020	Paul Scrivener Landscape Architecture
20/2135 Issue C – Sheet 2 of 2 – Level 3 Terrace Plan and Planting Plan	28 August 2020	Paul Scrivener Landscape Architecture

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

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

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for

the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- ⋄ 7.00 am to 5.00 pm inclusive Monday to Friday,
- ⋄ 8.00 am to 1.00 pm inclusive on Saturday,
- ⋄ No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- ⋄ 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain

onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

(k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

(i) Swimming Pools Act 1992

(ii) Swimming Pools Amendment Act 2009

(iii) Swimming Pools Regulation 2008

(iv) Australian Standard AS1926 Swimming Pool Safety

(v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

(vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan. The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 3,216,262.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 30,554.49
Section 94A Planning and Administration	0.05%	\$ 1608.13
Total	1%	\$ 32,162.62

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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 Northern Beaches Council's Development Contributions Plan.

5. Security Bond

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

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

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

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

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

6. Construction, Excavation and Associated Works Bond (Road, footpath & drainage)

A Bond of \$25,000.00 as security against any damage or failure to complete the construction of road pavement/shoulder and drainage reconstruction and footpath construction works as part of this consent.

Reason: Protection of Council's Infrastructure

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

7. Amended Landscape Plans

Landscape Plans are to be amended to incorporate additional planting of a minimum of 10 x *Crinum pedunculatum* within the planters located on the Level Three terrace.

Reason: Environmental amenity

8. Amended Landscape Plans - screen planting

- a) Landscape Plans are to be amended to incorporate additional screen planting in accordance with the following schedule:

Minimum Required Spacing	Species	Location	Minimum Pot Size
1 metre centres	Evergreen species capable of attaining a minimum height of 3 metres at maturity	Northern boundary, along the length of the stepped retaining wall	25 litre

b) Plants are to be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

c) Amended plans are to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

Reason: to maintain environmental amenity.

9. Boundary Identification Survey

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

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

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

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

10. Acoustic Report

Prior to the issue of a Construction Certificate, the design and location of the mechanical

ventilation is to be provided to the private certifying authority. An acoustic assessment is to be

undertaken to determine acoustic treatments to control noise emissions from all mechanical

plant noise in accordance with the criteria set out in Table 3 of the Acoustic Report dated 20 July 2020 by The Acoustic Group Pty Ltd (Reference 50.5415.R1.MSC)

Reason: To achieve satisfactory internal and external noise levels to protect public health.

11. On-site Stormwater Detention Compliance

Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850 and generally in accordance with the concept drawing by Taylor Consulting Engineers sheet 1, 2 and 3 dated 8 July 2020.

Stormwater connection from the development site must be to the nearest Council's pit. Basement car park pumpout drainage system shall be connected to the nearest Council's Pit. Approval to connect into Council drainage is to be obtained prior to issue of construction certificate.

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

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

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

An Application for Works to be approved within Council Roadway, including engineering plans is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of footpath, drainage and driveway crossing which are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and/ or Council's Minor Works Policy. The plan shall be prepared by a qualified structural engineer. The design must include the following information: Construction of a vehicular crossing.

1. Construction of one vehicular crossing in accordance with Northern Beaches Council Drawing No A4-3330/1.
2. Construction of 1.5 metres wide concrete footpath fronting the entire development site.
3. A minimum 375mm stormwater pipe shall be extended from the development site to the nearest Council's pit.
4. The pipe shall be located below the kerb and gutter.
5. Reinstatement of redundant layback and crossing.
6. Any public utility services adjustment required must be carried out at applicant expense.

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 Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To provide public and private safety.

13. Vehicle Driveway Gradients

Driveway driveway and parking area within the private property are not to exceed a gradient recommended in AS/NZS 2890.1;2004 prior to a level parking facility. Details demonstrating compliance from a traffic/civil engineer are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure suitable vehicular access to private property

14. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary ground anchors are to be used within Council land. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

15. Stormwater Discharge Point to the Road Drainage System

As part of an integrated on-site storm water management system, storm water is to be discharged by direct connection into Council's drainage pit.

Reason: To ensure appropriate Stormwater disposal.

16. 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. (DACPLC02)

17. 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.

18. 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.

19. Condition for prior to construction certificate - Compliance with Australian Standards

The proposed driveway, car parking area, disable parking space and associated shared area shall be designed in compliance with AS2890.1:2004 and AS2890.6:2009. A compliance certificate shall be prepared by a suitably qualified person identifying the compliance of the car park in accordance with the appropriate standards. This shall be submitted to and approved by the Certifying Authority prior to the release of any Construction Certificate.

Reason: Compliance with Australian Standards (DACTRCPC2)

20. 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.

21. Acoustic Report Recommendations

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifying Authority, that recommendations within the acoustic report by The Acoustic Group Pty Ltd Dated 20 July 2020 (Reference 50.5415.R1:MSC) have been implemented/incorporated into the design of the premises including but not limited to:

- The design of the Common Room on the top floor of the development is to have fixed glazing on the northern and southern facades and be mechanically ventilated.

Reason: To protect surrounding residence from any noise generated by the operation of the development.

22. On slab landscape planting and associated works

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete slab over which soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
- c) The following soil depths are required in order to be counted as landscaping:
 - 300mm for lawn
 - 600mm for shrubs
 - 1metre for trees

Reason: To ensure appropriate soil depths and secure waterproofing and drainage is installed to above slab planters.

23. Operable louvres to be included on all windows and balconies

All windows and balconies on Level 3 on the western and southern facades are to include operable louvres (being adjustable, horizontal or vertical, not fixed, for example, stackable sliding screens). Details to be provided to the Principal Certifying authority prior to the issue of a Construction Certificate.

Reason: To ensure appropriate measures are installed to protect the privacy of the occupant and adjoining neighbours.

24. Privacy screen to the Level 3 Terrace

A 1.5m high louvre privacy screen (height measured from finished floor level) is to be installed extending for 4m from the face of the common room wall along the northern most (inner edge of the planter) of the Level 3 common terrace.

Reason: To ensure adequate privacy measures are installed to discourage overlooking of the adjoining property's private open space courtyards.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

25. 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 Warringah 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

26. Pre-Construction Dilapidation Report

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths etc).

Specifically, a dilapidation report for the following properties must be provided:

- 22 Westminster Avenue
- 2 Holborn Avenue (driveway only)
- 18 Westminster Avenue

A copy of the report must be provided to Council and any other owners of public infrastructure and the owners of adjoining and affected private properties

Reason: Protection of Council's Infrastructure and private property during construction

27. Tree trunk, branch and root protection

- a) Existing trees which must be retained:

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant
 - ii) planning instruments or legislation
 - iii) Trees located on adjoining land

- b) Tree protection
 - i) i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
 - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the Project Arborist on site.
 - iii) All tree protection to be in accordance with the Arboricultural Impact Assessment dated 16 January 2020 prepared by Hugh the Arborist and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
 - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees.
 - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

28. Project Arborist

- a) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- b) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment dated 16 January 2020 prepared by Hugh the Arborist and AS4970-2009 Protection of trees on development sites.
- c) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

29. Footpath Construction

The applicant shall construct concrete footpath 1.5 metres wide fronting the development site to the existing footpath in Westminster Avenue. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's Specification
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the

works are in accordance with Council's specification for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

30. Traffic Management and Control Plan

The Applicant is to submit an application for Traffic Management and control 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.

31. 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 Principal Certifying 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

32. Vehicle Crossings

The provision of one vehicle crossing metres 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 and specifications. 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. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

33. Maintenance of Road Reserve

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

Reason: Public Safety.

34.Noise and Vibration

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

Reason: To ensure the amenity of the surrounding area for residents

35.Waste/Recycling Requirements (Waste Plan Submitted)

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

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

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.

36.Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03)

37. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

38. Operable louvres to be included on all windows and balconies

All windows and balconies on Level 3 on the western and southern facades are to include operable louvres (being adjustable, horizontal or vertical, not fixed, for example, stackable sliding screens). Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate measures are installed to protect the privacy of the occupant and adjoining neighbours.

39. Privacy screen to the Level 3 Terrace

A 1.5m high louvre privacy screen (height measured from finished floor level) is to be installed extending for 4m from the face of the common room wall along the northern most (inner edge of the planter) of the Level 3 common terrace. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure adequate privacy measures are installed to discourage overlooking of the adjoining property's private open space courtyards.

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

40. Boarding House Plan of Management

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the operator that the requirements of the Boarding House Operational Plan of Management have been implemented and are compliant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

41. Application for Authorisation of Legal Documentation Required for Onsite Detention and Pump Out Pit

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To create encumbrances on the land.

42. Registration of Encumbrances for On-site Stormwater Detention

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 any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

43. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a hydraulic Certificate is to be issued by the Civil Engineer in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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 stormwater disposal is constructed to Council’s satisfaction.

44. Positive Covenant and Restriction as to User for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant 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 restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council’s standard requirements at the applicant’s expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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 the on-site detention and/or pump system is maintained to an appropriate operational standard.

45. 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.

46. 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.

47. Waste/Recycling Compliance Documentation

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

Reason: To ensure waste is minimised and recycled.

48. 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.

49. 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.

50. Fire Safety Matters

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

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

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

51. Post-Construction Dilapidation Report

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the adjoining and affected private properties.

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

52. Acoustic Report Certification

Prior to any occupation certificate being issued, an acoustic certification is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations in the report by The Acoustic Group Pty Ltd Dated 20 July 2020 (Reference 50.5415.R1:MSC), including but not limited to:

- The Common Room on the top floor of the development has fixed glazing on the northern and southern facades and is mechanically ventilated;
- The mechanical plant is acoustically treated to ensure the sound contribution of any plant does not exceed noise limits for mechanical plant set out in Table 3 of the acoustic report by The Acoustic Group Pty Ltd dated 20 July 2020 (Reference 50.5415.R1:MSC)..

Any recommendations made by the consultant must be implemented prior to issuing the Occupation Certificate in order to achieve compliance with noted conditions of this consent.

Certification of acoustic compliance as specified in this condition is to be submitted to the PCA for certification.

Reason: To protect the acoustic amenity of neighbouring properties.

53. Certification of Civil Works

Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed road and drainage works have been constructed in accordance with this consent and the approved Section 138 Road Act approved plans. Works as Executed plan drawn in red over the approved plan certified by a registered surveyor in relation to boundaries shall be submitted to Council and the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate.

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

54. Landscape completion certification

- a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.
- b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

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

55. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be

submitted to the Principal Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and 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: To ensure compliance with the requirement to retain and protect significant planting on development sites.

56. Required Planting

- a) Trees shall be planted in accordance with the following schedule:
- b) 2 x *Tristanopsis laurina* are to be planted in the Westminster Avenue road reserve as indicated on the landscape plans. These street trees shall be planted into a prepared planting hole of 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, and mulched to 75mm depth minimum, watered and maintained to ensure establishment
- c) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity.

57. Signage and Linemarking – External.

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

If approved by Council's Traffic Committee, line markings are to be made on the road to indicate a "small car space" or "motorbike parking".

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

Reason: To ensure consistent parking amenity

58. Signage and Linemarking – Implementation.

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

Note: Should the Local Traffic Committee decline any signage and linemarking plan, the applicant will not be required to implement any signage and linemarking in the Public Domain.

Reason: To ensure compliance with the requirements of this consent.

59. Site Consolidation

The site consisting of Lot 15 DP 9125 and Lot A DP 392346 must be consolidated prior to the issue of an Occupation Certificate.

Reason: To ensure the orderly development of land.

60. No mechanical plant to be located on the roof of the development.

All mechanical plant is to be located within the basement of the development and must not be installed on the roof of the building. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure the amenity of surrounding properties is maintained.

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

61. Landscape maintenance

- a) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- b) 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.

Reason: To maintain local environmental amenity

62. Occupancy of Boarding House

The building is to contain a maximum of 23 rooms (excluding the Boarding House Manager unit), being no more than 1 persons per designated single bedroom or 2 persons per designated double bedroom. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of each room.

Reason: To ensure the amenity of occupants.

63. Mechanical Plant Noise

No mechanical plant is to be installed on the roof of the building. The sound contribution of any mechanical plant shall not exceed the noise limits for mechanical plant set out in Table 3 of the acoustic report by The Acoustic Group Pty Ltd dated 20 July 2020 (Reference 50.5415.R1:MSC), ..

Reason: To protect the acoustic amenity of neighbouring properties.

64. Compliance with the Boarding House Plan of Management

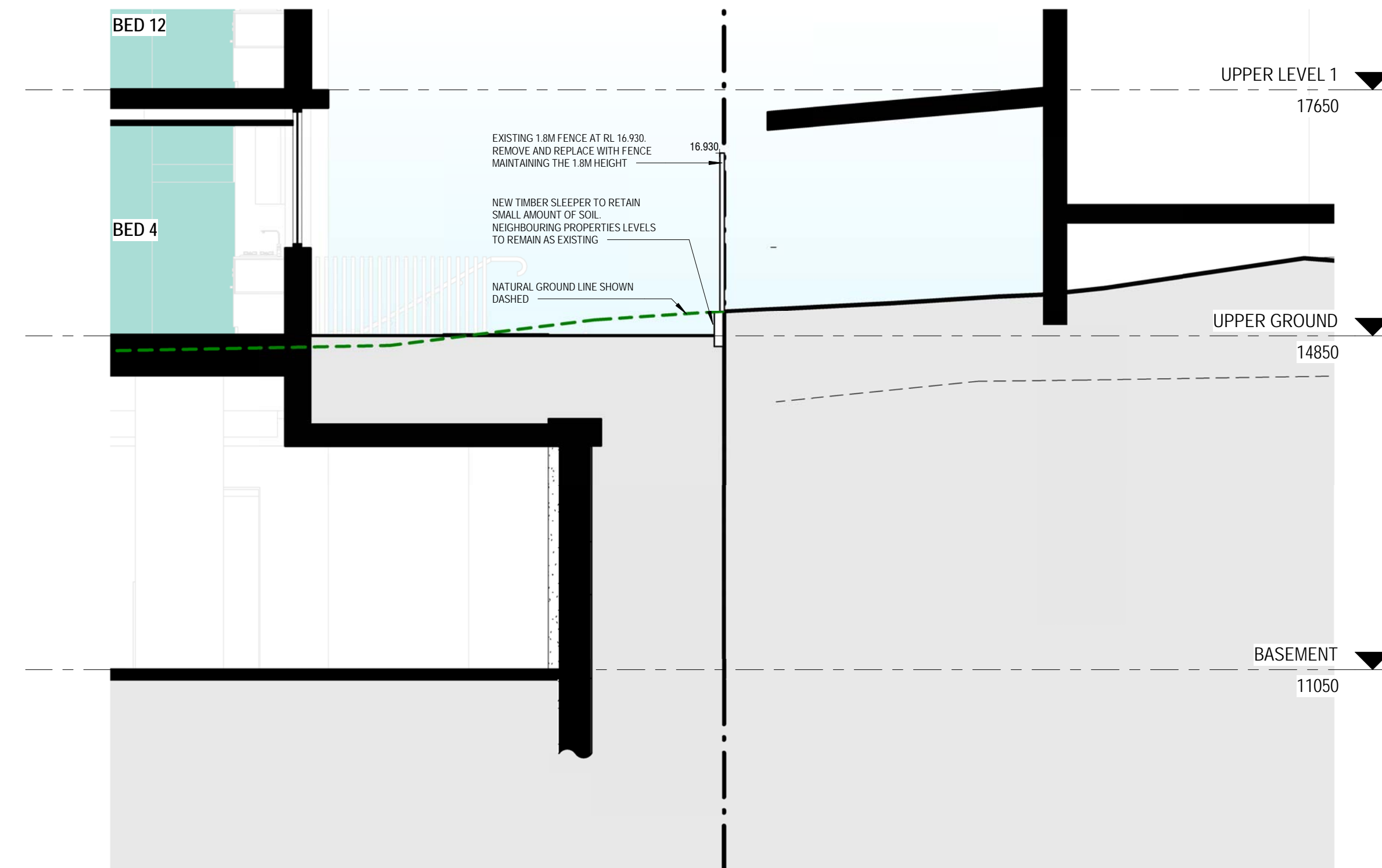
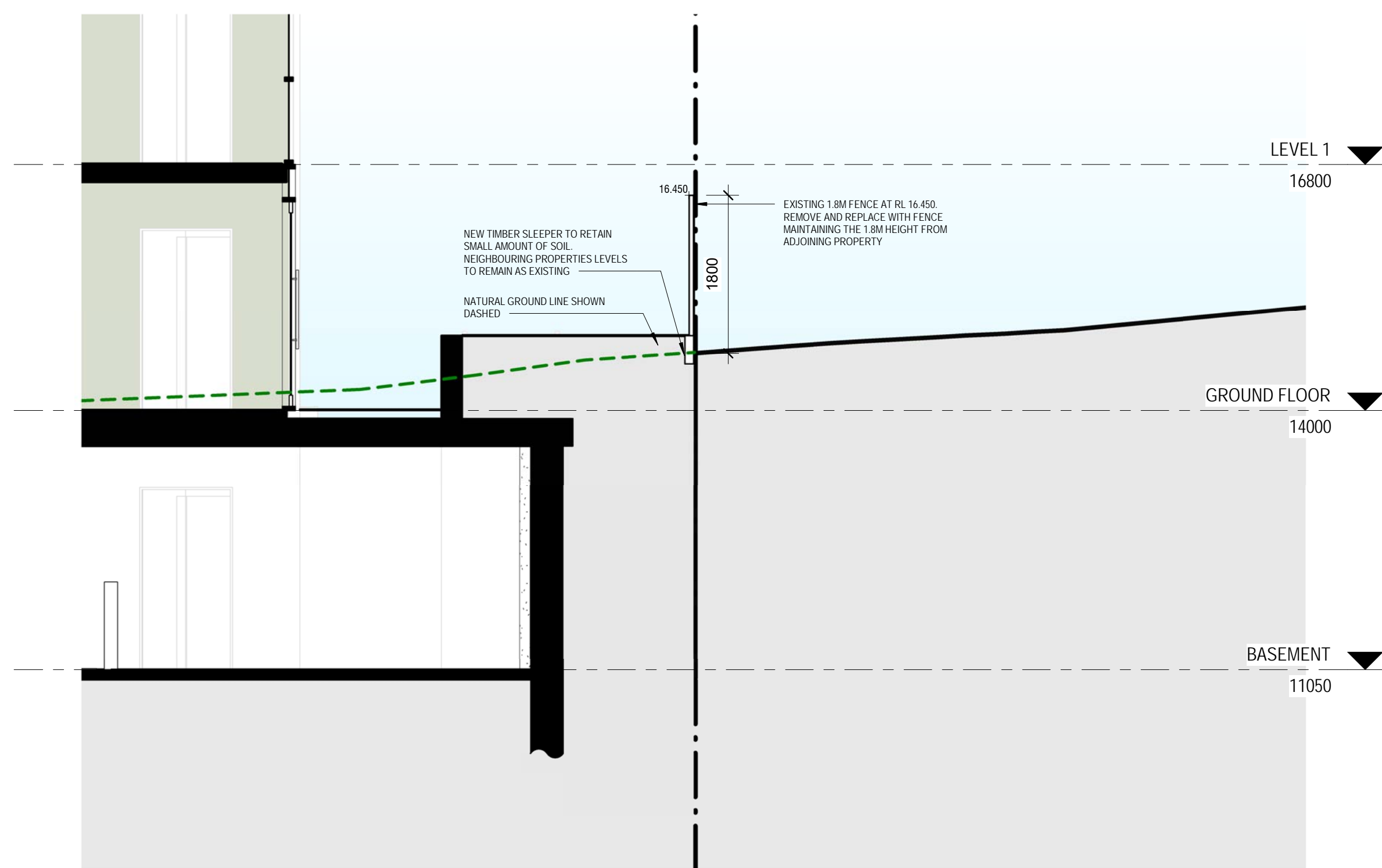
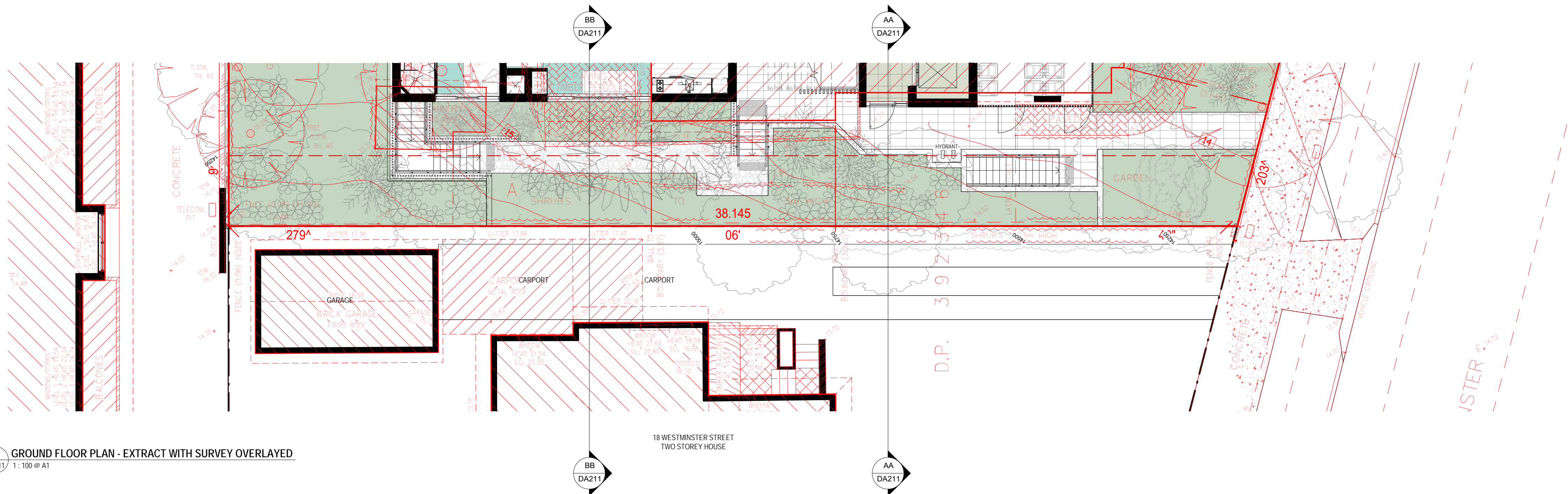
The requirements of the Boarding House Plan of Management are to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

To ensure the premises is maintained in an appropriate manner in perpetuity.

65. Occupancy of Boarding House

The building is to contain a maximum of 44 persons (excluding the managers residence), being no more than 2 persons per designated bedroom (not including children under the age of 5 years). In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

Reason: To ensure the amenity of occupants.



Project: 22 BED BOARDING HOUSE
20 WESTMINSTER AVE DEE WHY
Client: ACN 637 462 250 Pty Ltd

Walsh² Architects
Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

Scale
As indicated @
A1

Sheet Name
SOUTHERN BOUNDARY INTERFACE

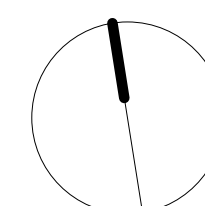
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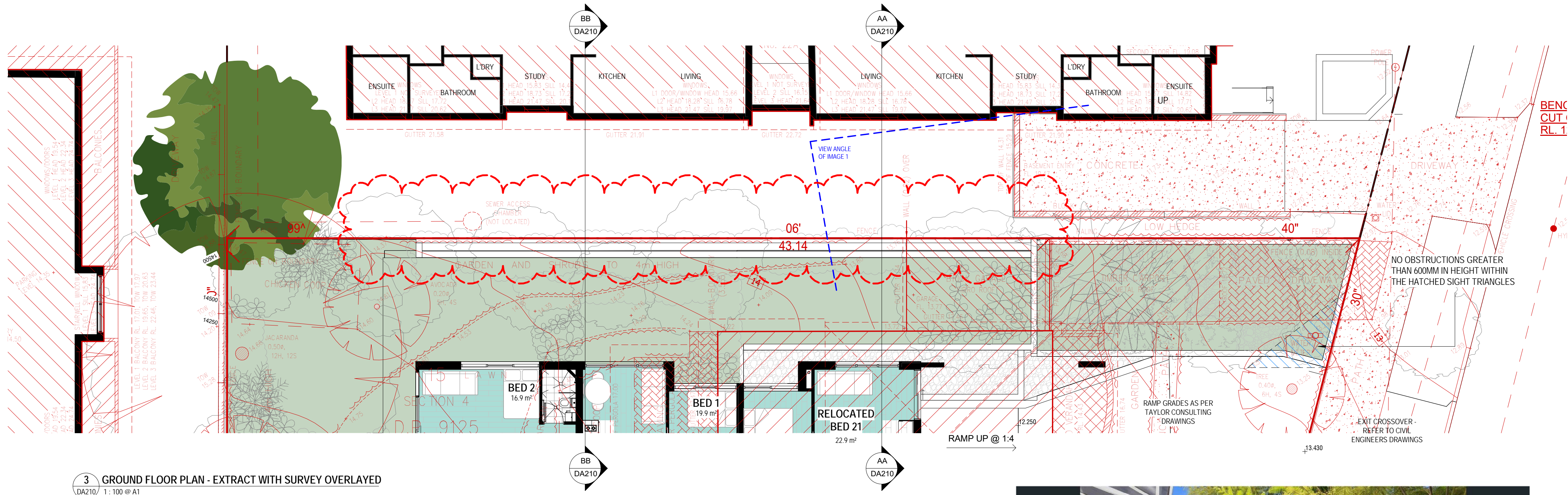
Number
DA211

No. 1
Description
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Date
16.09.20

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1

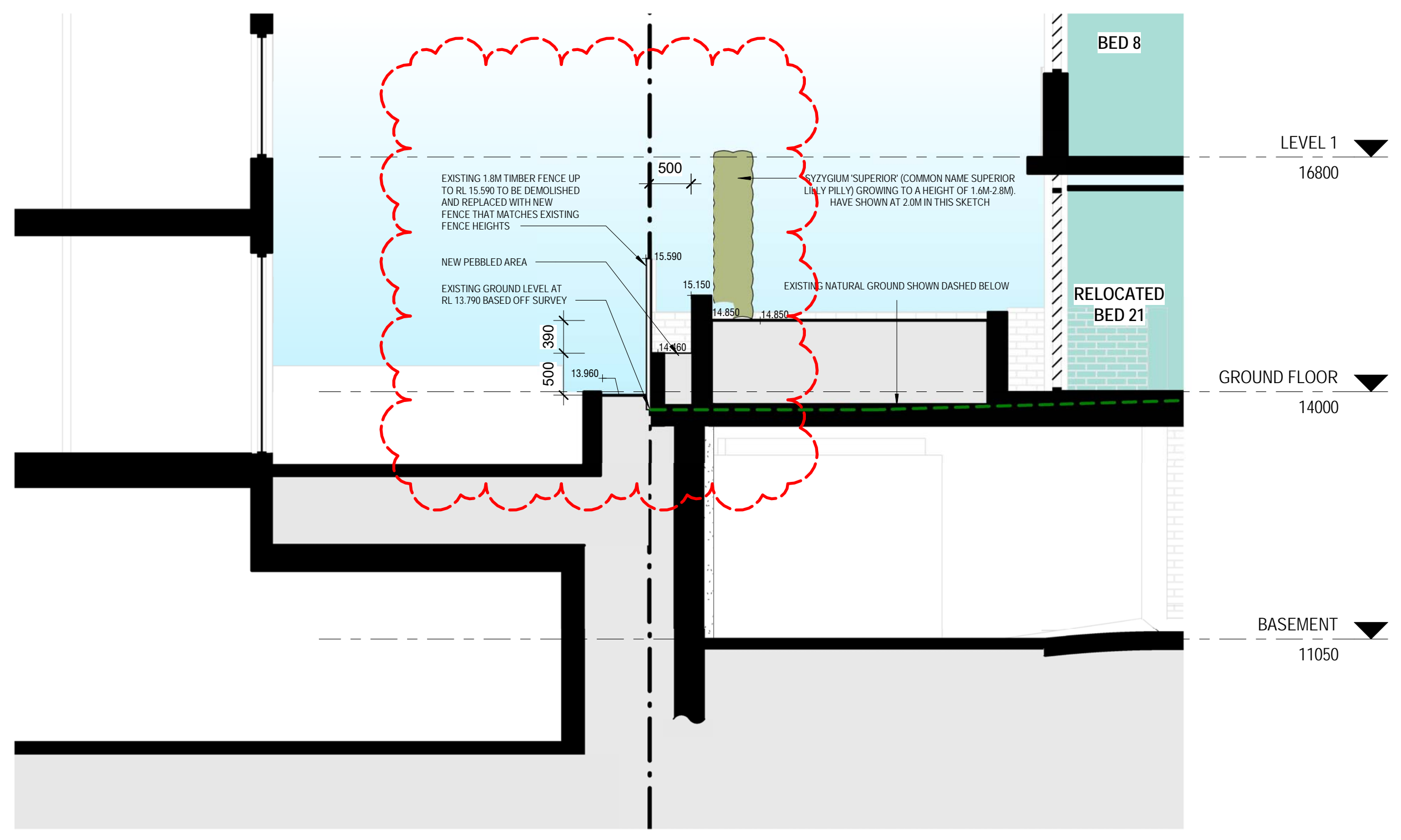




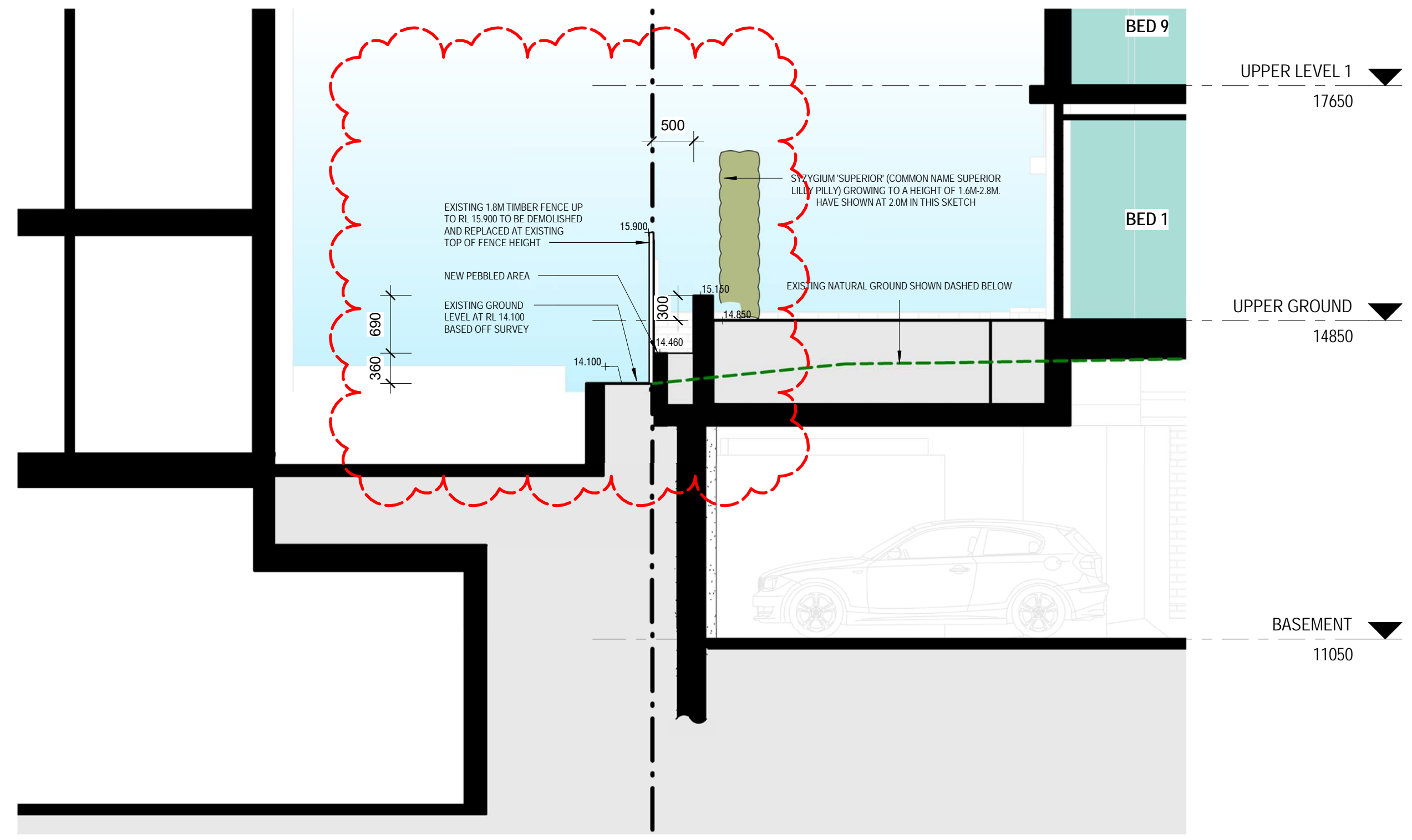
3 GROUND FLOOR PLAN - EXTRACT WITH SURVEY OVERLAYED
1:100 @ A1



IMAGE 1 - LOCATION SHOWN ON PLAN ABOVE
IMAGE SOURCE: <https://www.realestate.com.au/used/property/apartment-row-dee-why-127554390>



AA SECTION AA
1:50 @ A1



BB SECTION BB
1:50 @ A1

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20 WESTMINSTER AVE DEE WHY
Client: ACN 637 462 250 Pty Ltd

Walsh² Architects
Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

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A1

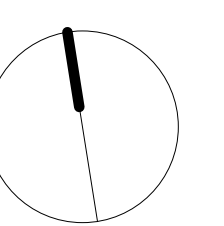
Sheet Name
NORTHERN BOUNDARY INTERFACE

Number
DA210

No.	Description	Date
2	PLANS WITHOUT PREJUDICE	17.09.20
3	UPDATED INTERFACE DRAWING	18.09.20
4	UPDATED INTERFACE DRAWING	18.09.20

Date
17.09.20
18.09.20
18.09.20

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4



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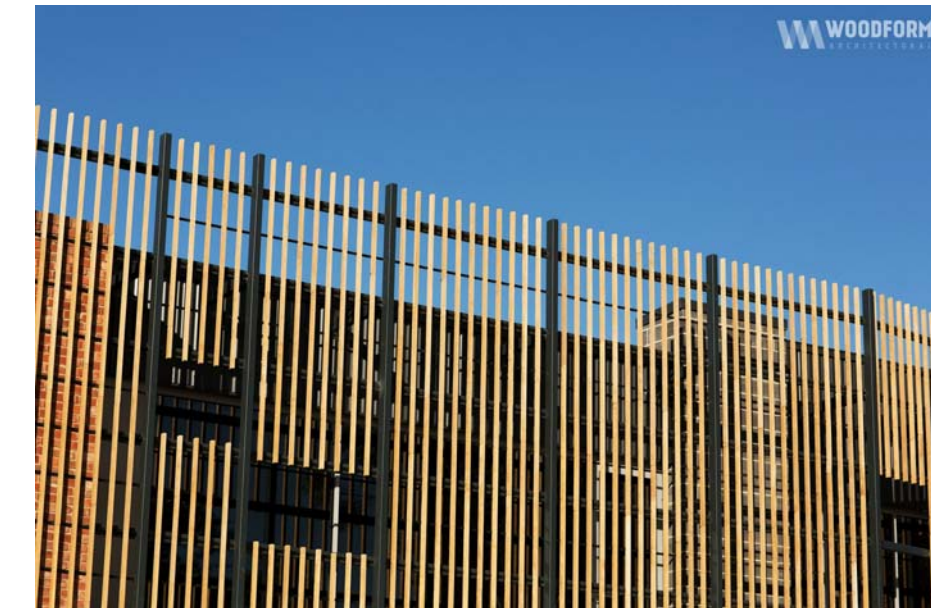
1. AUSTRAL WILDERNESS BRICK RANGE - BLACKBUTT



2. AUSTRAL WILDERNESS BRICK RANGE - GREY GUM



3. PROFILED METAL CLADDING - MONUMENT



4. TIMBER BATTERNS - FIRE STAIR SCREEN
WOODFORM ALUMINUM RANGE WITH TIMBER LOOK
POWDERCOATING



5. BALUSTRADES - MONUMENT

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Client: ACN 637 462 250 Pty Ltd

Walsh²
Architects
Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

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1 : 200 @ A1
1 : 400 @ A3

Sheet Name
MATERIAL SCHEDULE

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Number
DA901

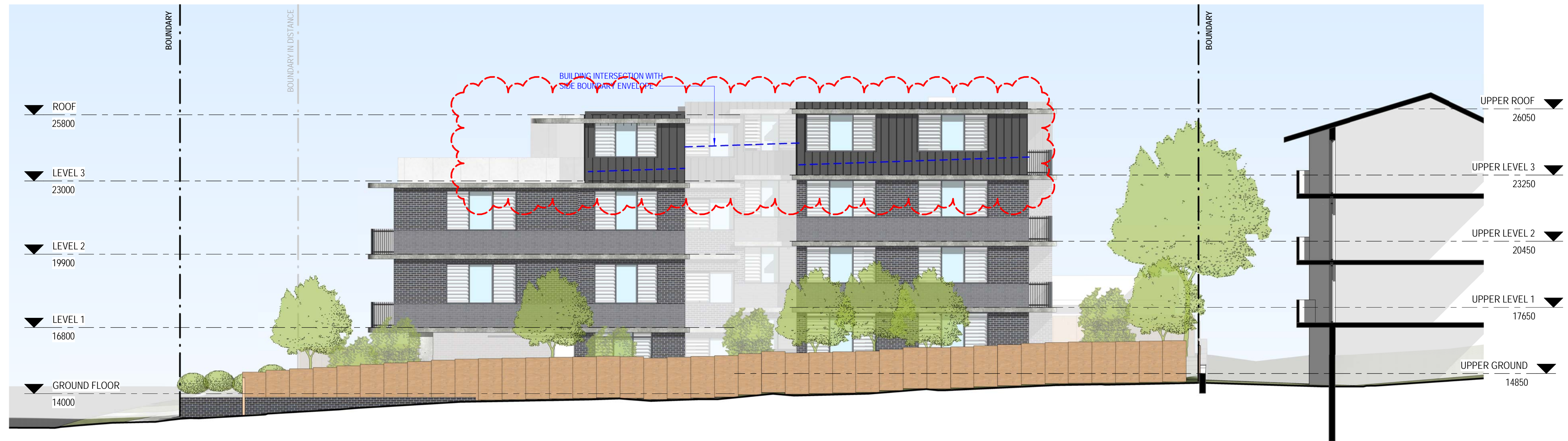
No. 2
Description
UPDATED PLANS FOR LEC

Date
07.07.20

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2



1 WEST ELEVATION
DA301 1:100 @ A1



2 NORTHERN ELEVATION
DA301 1:100 @ A1

Project: 22 BED BOARDING HOUSE
20 WESTMINSTER AVE DEE WHY
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Walsh²
Architects

Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

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Sheet Name
ELEVATIONS

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No. 2
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2



1 EASTERN ELEVATION - WESTMINSTER AVENUE
DA300 1:100 @ A1



2 SOUTHERN ELEVATION
DA300 1:100 @ A1

CHANGES TO DRAWINGS

- REMOVAL OF PRIVATE OPEN SPACE FROM SIDE SETBACKS
- INCREASED BIN AREA TO ACCOUNT FOR Z1 BINS
- RELOCATED MANAGER WITH BED 21 TO ALLOW FOR BETTER COMMUNAL OBSERVATION
- RELOCATED BED 21
- INCREASED TERRACE BED PLANTER WIDTH TO ALLOW FOR BETTER PRIVACY
- UPDATE OF ALL BED AREAS TO EXCLUDE 600mm INFRONT OF KITCHENS
- UPDATED ENTRY ARRANGEMENT AND INCREASED LANDSCAPING
- AIR CONDENSOR UNITS RELOCATED TO BASEMENT
- LEVEL 3 MATERIAL CHANGED TO EXPRESSED METAL CLADDING

Project: **22 BED BOARDING HOUSE**
20 WESTMINSTER AVE DEE WHY
Client: ACN 637 462 250 Pty Ltd

Walsh² Architects
Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

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Sheet Name
ELEVATIONS

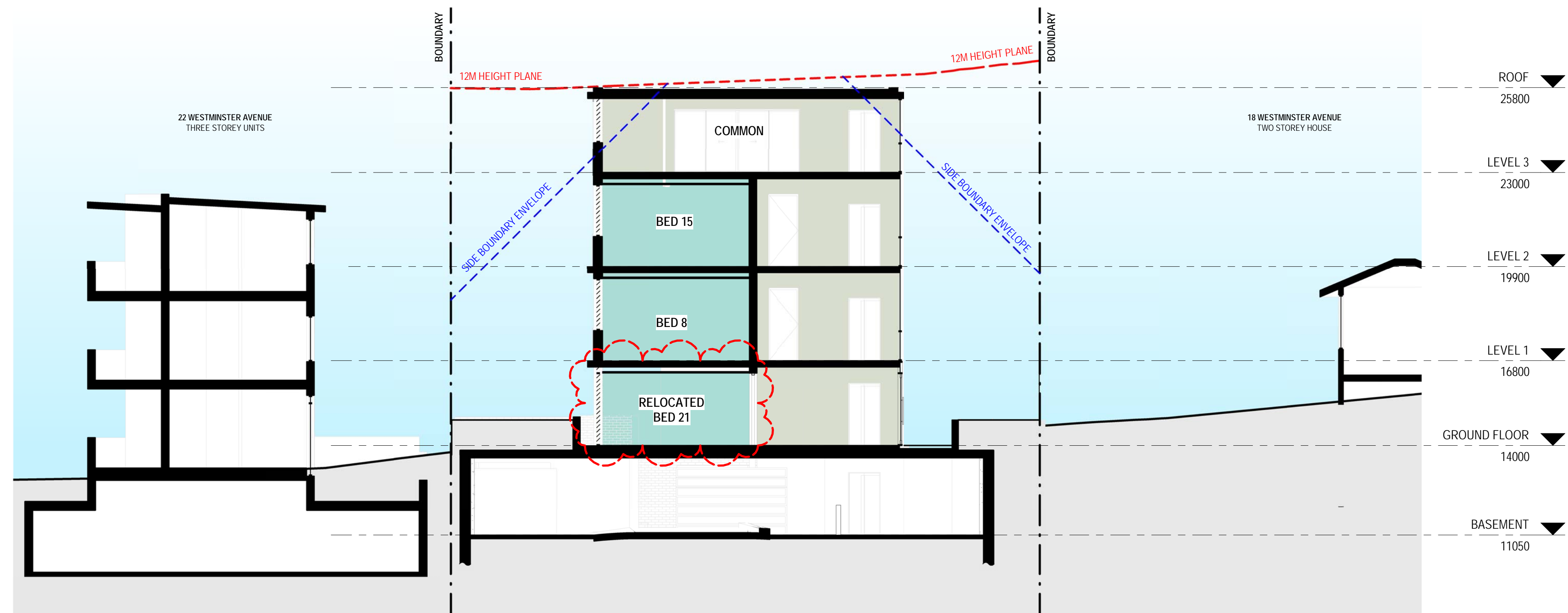
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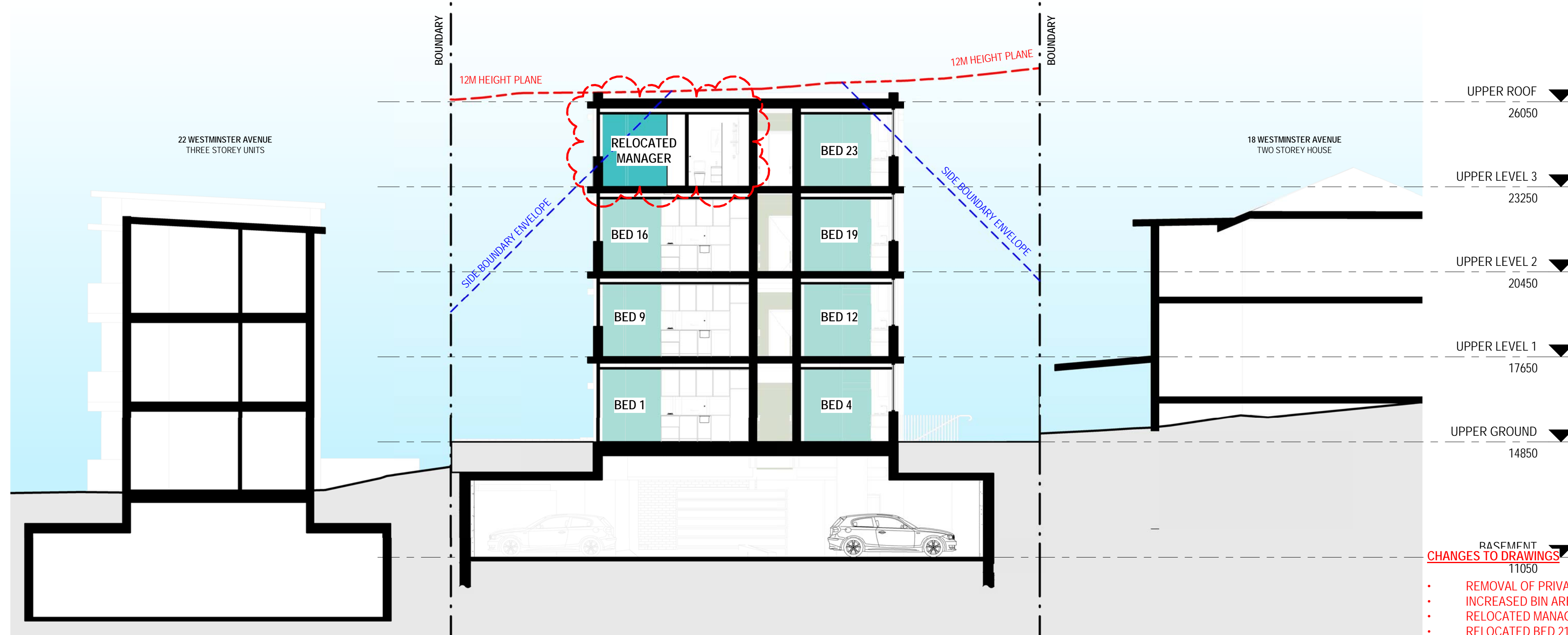
No. 2
Description
UPDATED PLANS FOR LEC

Date
07.07.20

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2



1 CROSS SECTION 1
DA201/ 1:100 @ A1



2 CROSS SECTION 2
DA201/ 1:100 @ A1

- BASEMENT CHANGES TO DRAWINGS**
11050
- REMOVAL OF PRIVATE OPEN SPACE FROM SIDE SETBACKS
 - INCREASED BIN AREA TO ACCOUNT FOR 21 BINS
 - RELOCATED MANAGER WITH BED 21 TO ALLOW FOR BETTER COMMUNAL OBSERVATION
 - RELOCATED BED 21
 - INCREASED TERRACE BED PLANTER WIDTH TO ALLOW FOR BETTER PRIVACY
 - UPDATE OF ALL BED AREAS TO EXCLUDE 600mm INFRONT OF KITCHENS
 - UPDATED ENTRY ARRANGEMENT AND INCREASED LANDSCAPING
 - AIR CONDENSOR UNITS RELOCATED TO BASEMENT
 - LEVEL 3 MATERIAL CHANGED TO EXPRESSED METAL CLADDING

Project: **22 BED BOARDING HOUSE**
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Client: ACN 637 462 250 Pty Ltd

Walsh² Architects

Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

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Sheet Name
SECTIONS

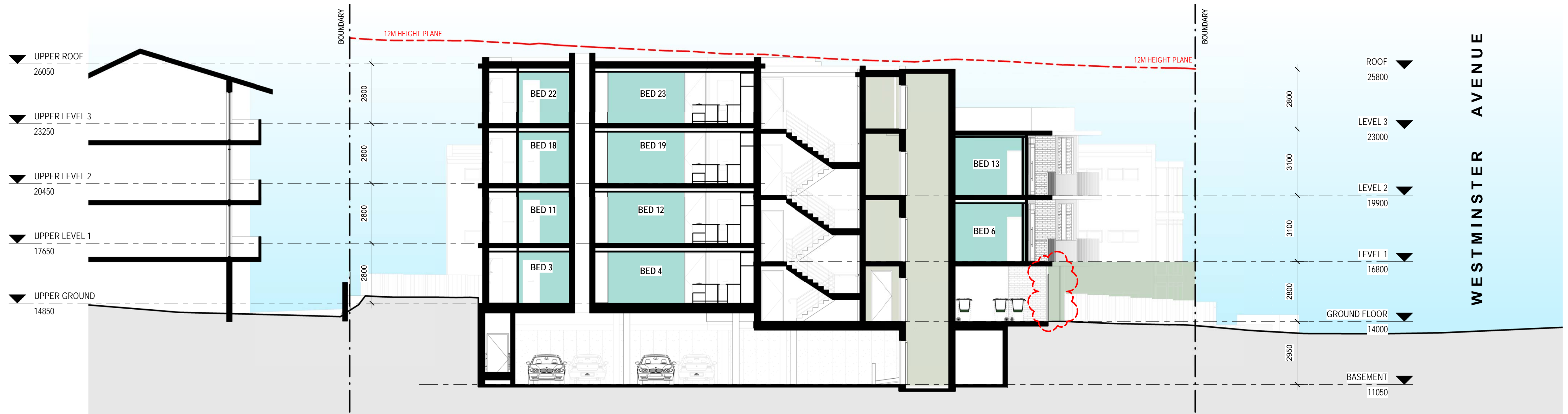
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DA201

No. 2
Description
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2



1 SECTION 1
DA200 1:100 @ A1



2 SECTION 2
DA200 1:100 @ A1

CHANGES TO DRAWINGS

- REMOVAL OF PRIVATE OPEN SPACE FROM SIDE SETBACKS
- INCREASED BIN AREA TO ACCOUNT FOR 21 BINS
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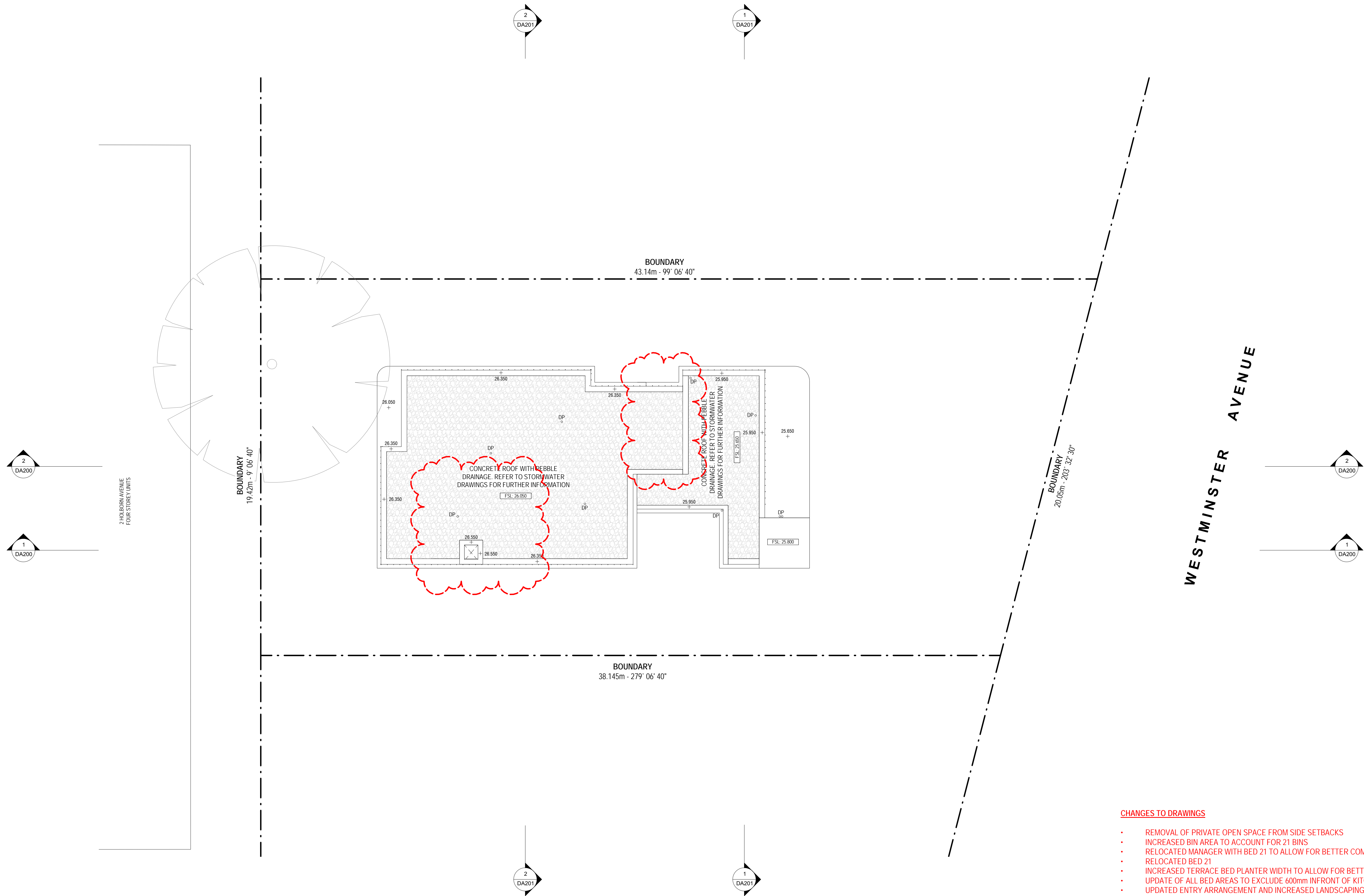
Walsh² Architects
Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

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SECTIONS
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Number
DA200

No.	Description	Date	Rev.
2	UPDATED PLANS FOR LEC	07.07.20	2



CHANGES TO DRAWINGS

- REMOVAL OF PRIVATE OPEN SPACE FROM SIDE SETBACKS
- INCREASED BIN AREA TO ACCOUNT FOR 21 BINS
- RELOCATED MANAGER WITH BED 21 TO ALLOW FOR BETTER COMMUNAL OBSERVATION
- RELOCATED BED 21
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- LEVEL 3 MATERIAL CHANGED TO EXPRESSED METAL CLADDING

Project: **22 BED BOARDING HOUSE**
 20 WESTMINSTER AVE DEE WHY
 Client: ACN 637 462 250 Pty Ltd

Walsh²
 Architects

Registered Architect
 ACT 2624 NSW 10366
 scott@walsharchitects.com.au
 0466 049 880

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Sheet Name
ROOF PLAN

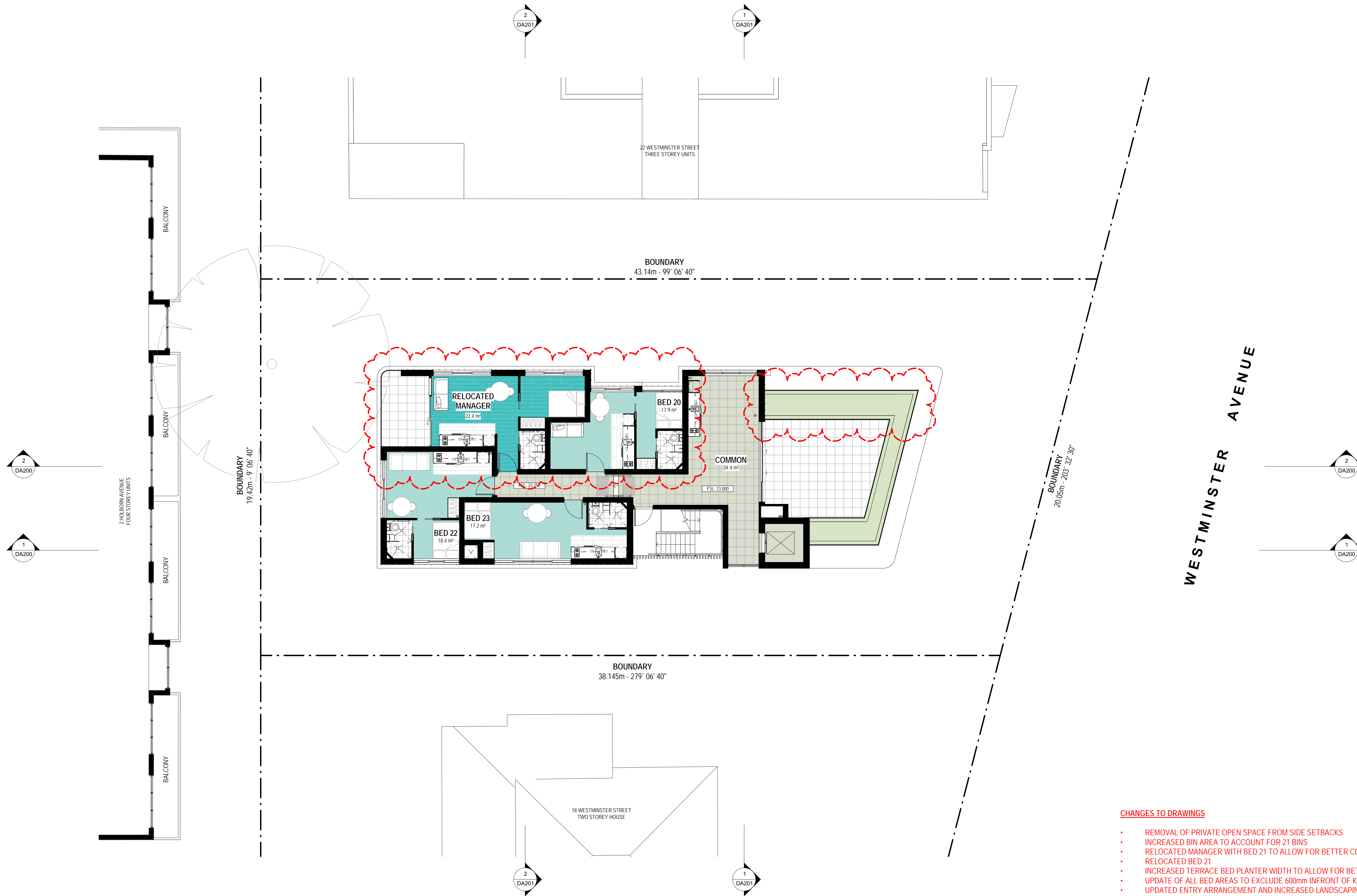
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Number
DA106

No. 2
 Description
 UPDATED PLANS FOR LEC

Date
 07.07.20

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2



CHANGES TO DRAWINGS

- REMOVAL OF PRIVATE OPEN SPACE FROM SIDE SETBACKS
- INCREASED BIN AREA TO ACCOUNT FOR 21 BINS
- RELOCATED MANAGER WITH BED 21 TO ALLOW FOR BETTER COMMUNAL OBSERVATION
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Project: **22 BED BOARDING HOUSE**
20 WESTMINSTER AVE DEE WHY
Client: ACN 637 462 250 Pty Ltd

Walsh²
Architects

Registered Architect
ACT 2624 NSW 10366
scott@walsharchitects.com.au
0466 049 880

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Sheet Name
LEVEL 3 PLAN

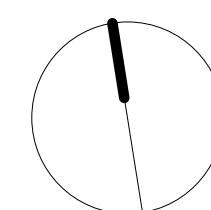
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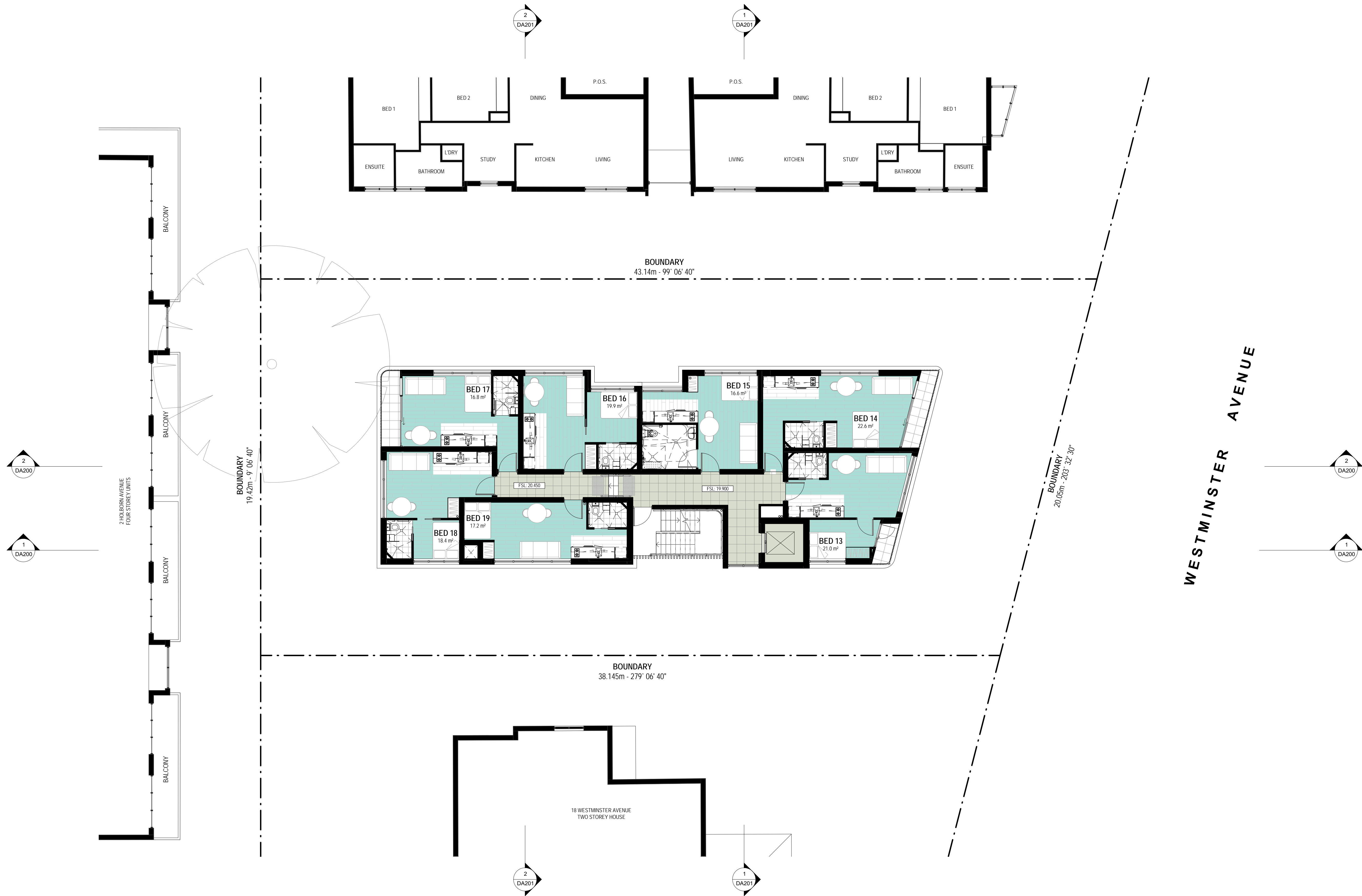
Number
DA105

No. 2
Description
UPDATED PLANS FOR LEC

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07.07.20

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Project: **22 BED BOARDING HOUSE**
 20 WESTMINSTER AVE DEE WHY
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Walsh² Architects
 Registered Architect
 ACT 2624 NSW 10366
 scott@walsharchitects.com.au
 0466 049 880

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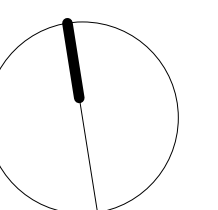
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LEVEL 2 PLAN

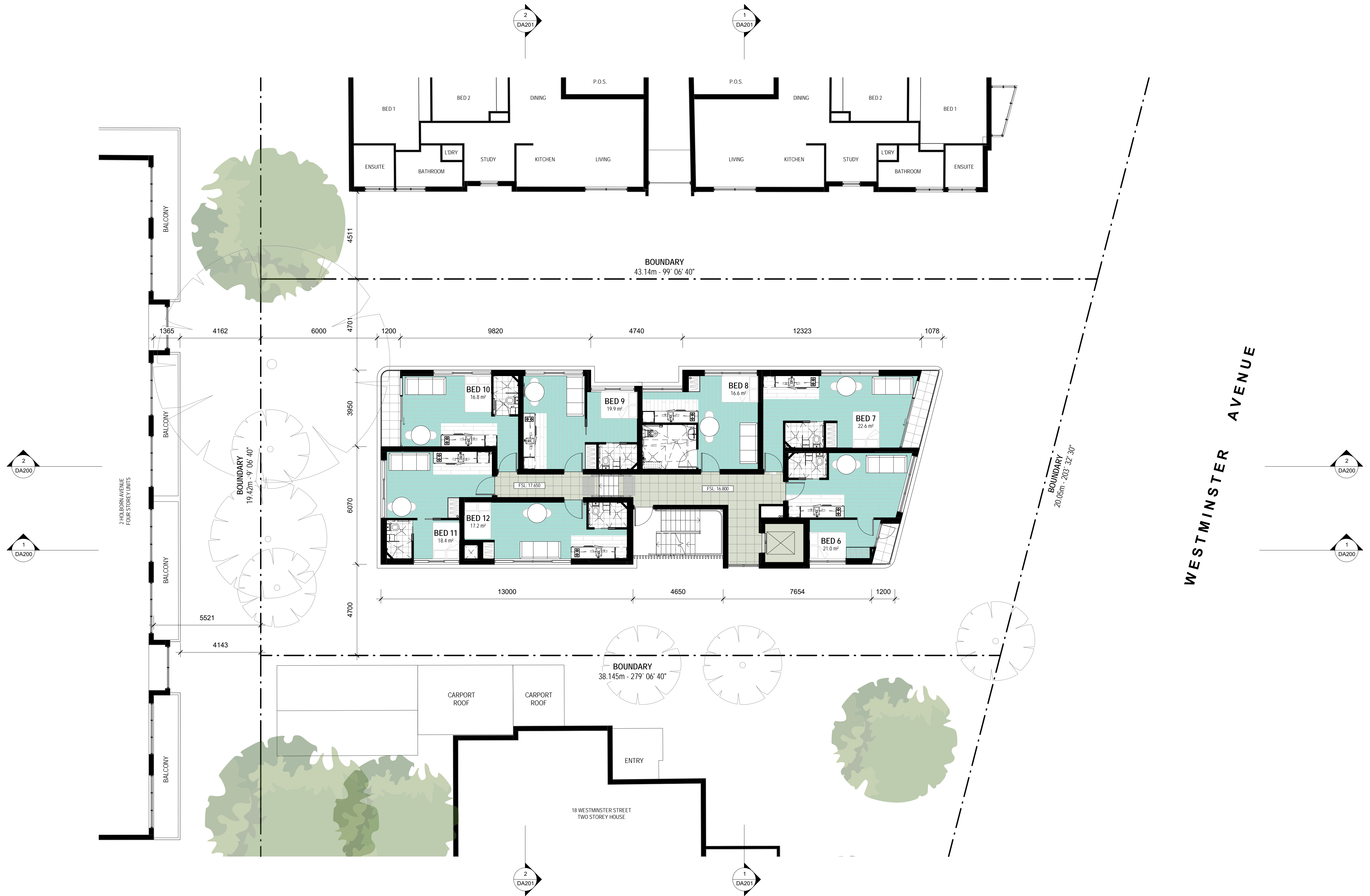
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DA104

No. 1
 Description
 FOR DEVELOPMENT APPLICATION APPROVAL
 Date
 23.01.20

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1





Project: **22 BED BOARDING HOUSE**
 20 WESTMINSTER AVE DEE WHY
 Client: ACN 637 462 250 Pty Ltd

Walsh² Architects
 Registered Architect
 ACT 2624 NSW 10366
 scott@walsharchitects.com.au
 0466 049 880

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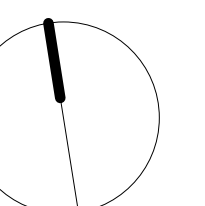
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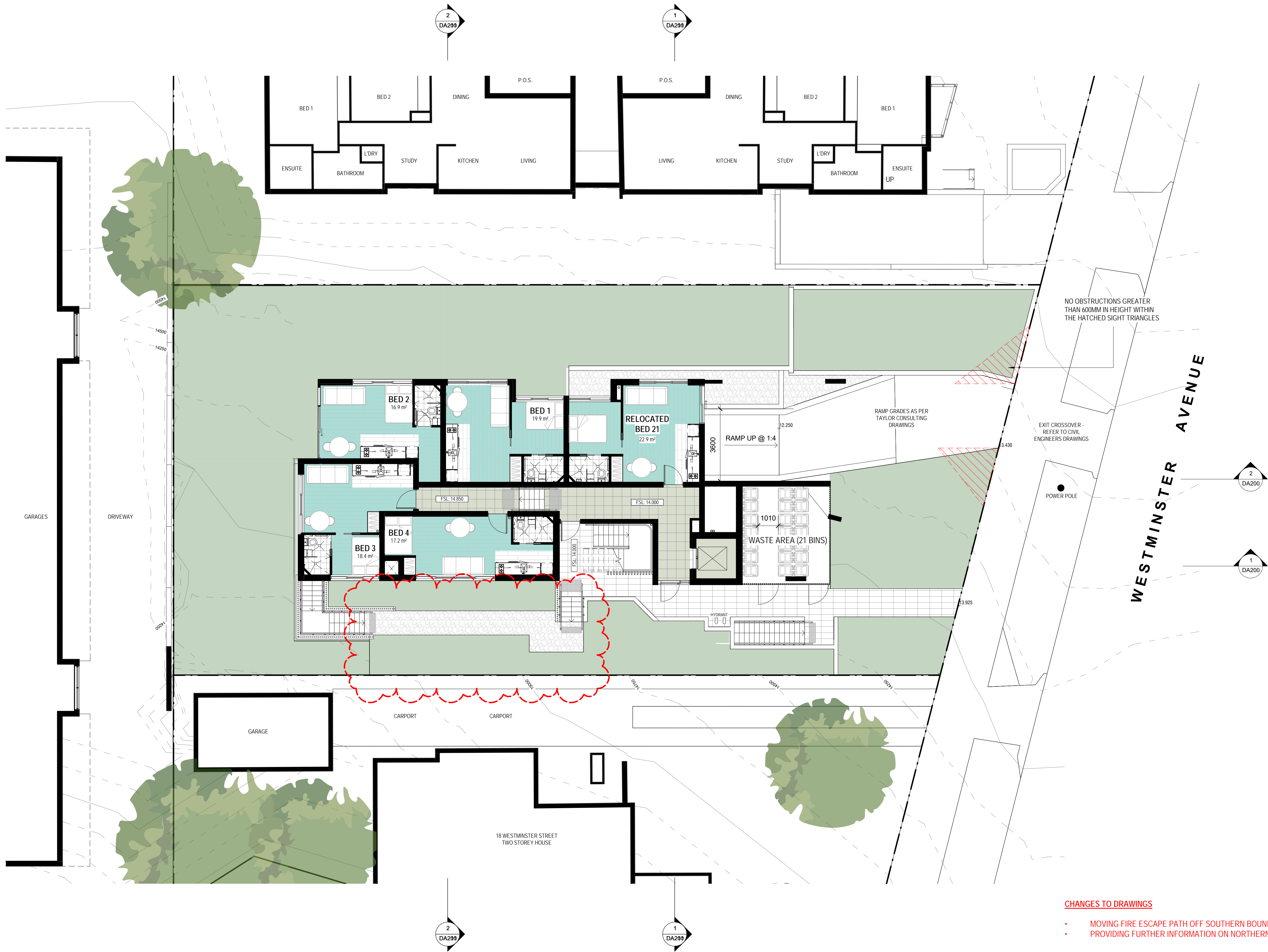
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DA103

No.	Description	Date
1	FOR DEVELOPMENT APPLICATION APPROVAL	23.01.20

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1





- CHANGES TO DRAWINGS**
- MOVING FIRE ESCAPE PATH OFF SOUTHERN BOUNDARY
 - PROVIDING FURTHER INFORMATION ON NORTHERN BOUNDARY INTERFACE

Project: **22 BED BOARDING HOUSE**
 20 WESTMINSTER AVE DEE WHY
 Client: ACN 637 462 250 Pty Ltd

Walsh² Architects
 Registered Architect
 ACT 2624 NSW 10366
 scott@walsharchitects.com.au
 0466 049 880

Scale
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 1 : 200 @ A3

Sheet Name
GROUND FLOOR PLAN

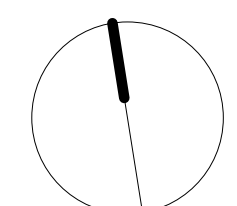
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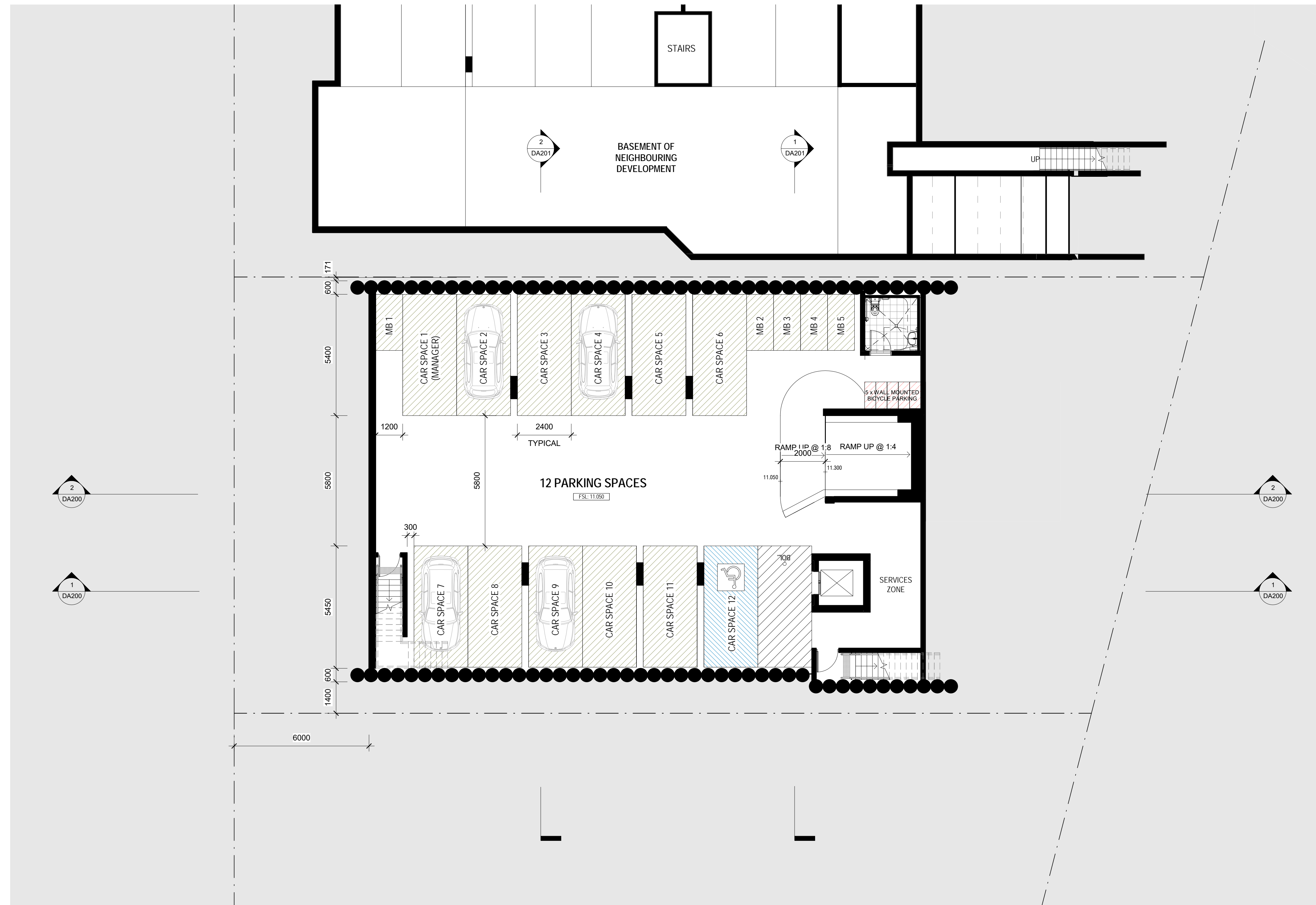
Number
DA102

No. 3
 Description
 UPDATED FOR LEC

Date
 16.09.20

Rev.
3





SEPP CAR PARKING REQUIREMENTS

0.5 SPACES PER ROOM = 0.5 * 22 = 11 SPACES
 1 SPACE PER ONSITE MANAGER = 1 SPACE
TOTAL REQUIRED = 12 SPACES
PROVIDED = 12 SPACES

SEPP MOTORBIKE & BICYCLE REQUIREMENTS

1 SPACE PER 5 ROOMS = 22 / 5 = 4.4 SPACES; THEREFORE 5 PROVIDED.

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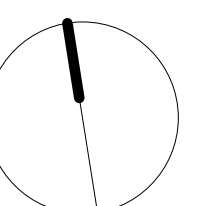
Sheet Name
BASEMENT FLOOR PLAN

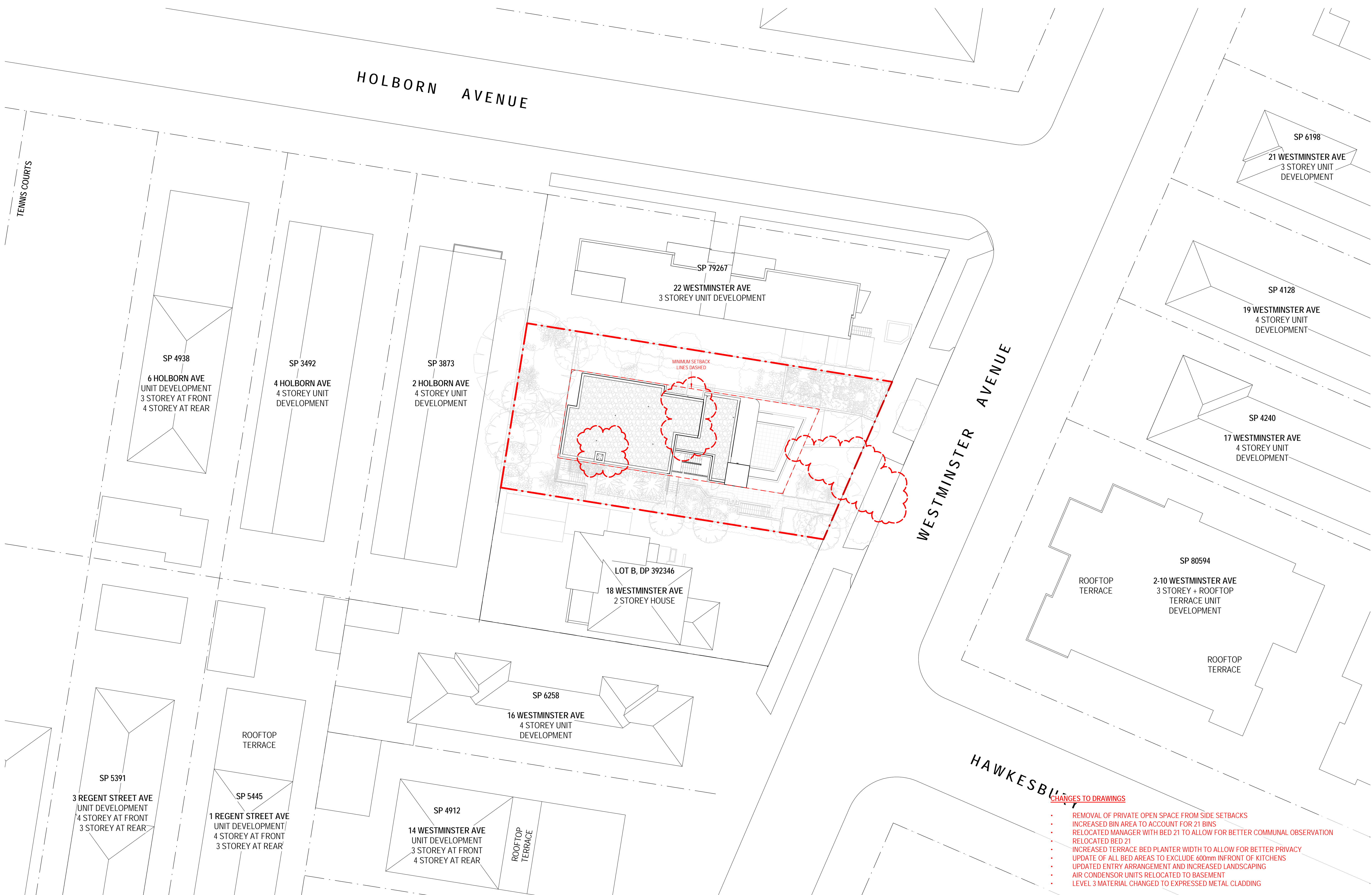
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Number
DA101

No. 1
 Description
 FOR DEVELOPMENT APPLICATION APPROVAL
 Date
 23.01.20

Rev.
1





- CHANGES TO DRAWINGS**
- REMOVAL OF PRIVATE OPEN SPACE FROM SIDE SETBACKS
 - INCREASED BIN AREA TO ACCOUNT FOR 21 BINS
 - RELOCATED MANAGER WITH BED 21 TO ALLOW FOR BETTER COMMUNAL OBSERVATION
 - RELOCATED BED 21
 - INCREASED TERRACE BED PLANTER WIDTH TO ALLOW FOR BETTER PRIVACY
 - UPDATE OF ALL BED AREAS TO EXCLUDE 600mm INFRONT OF KITCHENS
 - UPDATED ENTRY ARRANGEMENT AND INCREASED LANDSCAPING
 - AIR CONDENSOR UNITS RELOCATED TO BASEMENT
 - LEVEL 3 MATERIAL CHANGED TO EXPRESSED METAL CLADDING

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Scale
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 1 : 400 @ A3

Sheet Name
SITE PLAN

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Number
DA100

No. 2
 Description
 UPDATED PLANS FOR LEC

Date
 07.07.20

Rev.
2

