

**SYDNEY NORTH PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	2018SNH055
Application Number	DA2018/1574
LGA	Northern Beaches
Proposed Development	Construction of a mixed use development comprising three residential flat buildings, commercial use of a heritage listed building, car parking, infrastructure and landscaping
Land to be developed (Address)	Part Lot 11 DP 577062 23 Fisher Road, Dee Why NSW 2099
Owner	Hamptons By Rose Pty Ltd
Applicant	Hamptons By Rose Pty Ltd
Date of Application lodgement	25 September 2018
Number of Submissions	3
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Development with a Capital Investment Value (CIV) of more than \$30 million
List of all relevant s4.15(1) (a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulations 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Infrastructure) 2007 • Warringah Local Environmental Plan 2011 • Warringah Development Control Plan 2011
List all documents submitted with this report for the Panel’s consideration	<ul style="list-style-type: none"> • Architectural Plans • Clause 4.6 submissions
Report prepared by	Andrew Pigott – Acting Director, Planning and Place
Responsible Officer	Rebecca Englund – Principal Planner, Development Assessment
Report date	4 June 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of development application DA2018/1574 from Hamptons By Rose Pty Ltd for the construction of a mixed use development, comprising three residential flat buildings, commercial use of a heritage listed building, car parking, infrastructure and landscaping at 23 Fisher Road, Dee Why.

The subject site is zoned B4 Mixed Use Residential under the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011), and the proposed development is permissible with consent.

The public notification of the application resulted in three submissions in objection to the proposal. The concerns raised in these objections have been addressed in the assessment report, and overall, there were no matters raised that would warrant the refusal of the subject application in the public's interest.

The design and layout of the proposed development is reasonably well resolved, with high levels of amenity for the majority of units proposed. Despite short term canopy loss, the landscaped solution will ensure an enhancement of vegetation on the site, and key natural features including significant canopy trees and rock outcrops are to be retained. The proposal has also been designed to ensure that Pacific Lodge, an item of local heritage significance, is retained and protected, with a reasonable landscaped curtilage evident when viewed from Council land to the east.

The proposal is reliant upon variations to two development standards of WLEP 2011; being the maximum building height prescribed by clause 4.3 and the restriction on dwellings of the ground floor of residential flat buildings prescribed by clause 6.7. The applicant's written requests to vary these standards satisfactorily addresses the matters required and overall, the consent authority can be satisfied of the matters of clause 4.6 of WLEP 2011.

The applicant has indicated a cost of works, or Capital Investment Value, of approximately \$70 million, and as such, the application must be referred to the Sydney North Planning Panel (SNPP) for determination. The SNPP can be satisfied that the proposal meets the aims/objectives and outcomes of all relevant policies/plans, as detailed in the body of this report. Accordingly, it is recommended that the SNPP, as the determining authority, approve the application subject to the draft conditions of consent attached.

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted, and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SITE DESCRIPTION

Property Description:	Part Lot 11 23 Fisher Road, Dee Why NSW 2099
Detailed Site Description:	<p>The site is irregularly shaped, with frontages to Fisher Road to the west and St David Avenue to the south, and a total area of 10,060m². The site currently contains a number of one and two storey buildings, which were previously used for aged care and community services operated by the Salvation Army. One of the buildings 'Pacific Lodge', located centrally on the site, is identified as an item of local heritage significance under the provisions of WLEP 2011.</p> <p>The site undulates, with varying ground levels ranging from RL 28m AHD to RL 43m AHD, and areas of significant rock outcrops and canopy trees interspersed across the site. Vehicular access to the site is gained by two separate driveways on Fisher Road, one on either side of the Fisher Road/McIntosh Road roundabout. The primary pedestrian access point is located centrally on the Fisher Road frontage, with an unregulated pedestrian access way connecting the site to Civic Road to the east; an internal private road on the adjoining land owned by Northern Beaches Council containing Council Chambers, Dee Why Library and an at-grade public carpark.</p> <p>Fisher Road is a four lane regional road. The Fisher Road street frontage curves around the Fisher Road/McIntosh Road roundabout. The properties on the western side of Fisher Road are zoned R2 Low Density Residential and are characterised by single storey dwellings. The property immediately to the north of the site on Fisher Road contains a residential flat building, with the Northern Beaches PCYC building and residential flat buildings further north along Fisher Road.</p> <p>St David Avenue is a four lane local road. The length of the St David Avenue Street frontage features a significant rock embankment and canopy trees, up to 4m above the level of the adjacent footpath. The properties on the southern side of St David Avenue are zoned B4 Mixed Use, and contain a police station, a church and shoptop housing development.</p>

The site is located within Area 10 – Civic Centre of the Dee Why Mixed Use Area, as mapped by WDCP 2011. The site is located approximately 100m from Pittwater Road and the Dee Why Town Centre, and approximately 1km from Dee Why Beach.



Figure 1 – Aerial image of Site (12.05.2019)
Source: Nearmap

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for the construction of a mixed use development comprising three residential flat buildings, retention of a heritage listed building, car parking, infrastructure and landscaping at the subject site. Specifically, the development comprises:

- Three x residential flat buildings, comprising 126 dwellings and basement car parking;
 - Building A (61 dwellings):
 - 14 x one bedroom apartments
 - 35 x two bedroom apartments
 - 12 x three bedroom apartments
 - Building B (23 dwellings):
 - 8 x one bedroom apartments
 - 13 x two bedroom apartments
 - 1 x three bedroom apartment
 - Building C (43 dwellings):
 - 13 x one bedroom apartments
 - 22 x two bedroom apartments
 - 8 x three bedroom apartments
- The retention of Pacific Lodge, to be used for a commercial purpose subject to a future development application
- Basement car parking for 191 vehicles
- Internal private service laneway
- Site works and
- Landscaping.

Note: At the time of lodgement, the application also sought consent for:

- The Torrens title subdivision of the land associated with Pacific Lodge,

- The use of Pacific Lodge as a dwelling house
- Commercial floor area at the south-east corner of the site
- An additional 4 dwellings within the residential flat buildings

These elements of the original proposal were removed by the applicant in response to concerns raised by Council throughout the assessment of the application.

SITE HISTORY

On 15 February 2012, the Sydney East Joint Regional Planning Panel approved development application DA2011/1274, a Stage 1 concept proposal for the construction of three residential flat buildings and associated car parking, landscaping and site works at the subject site, as shown in **Figure 2**.

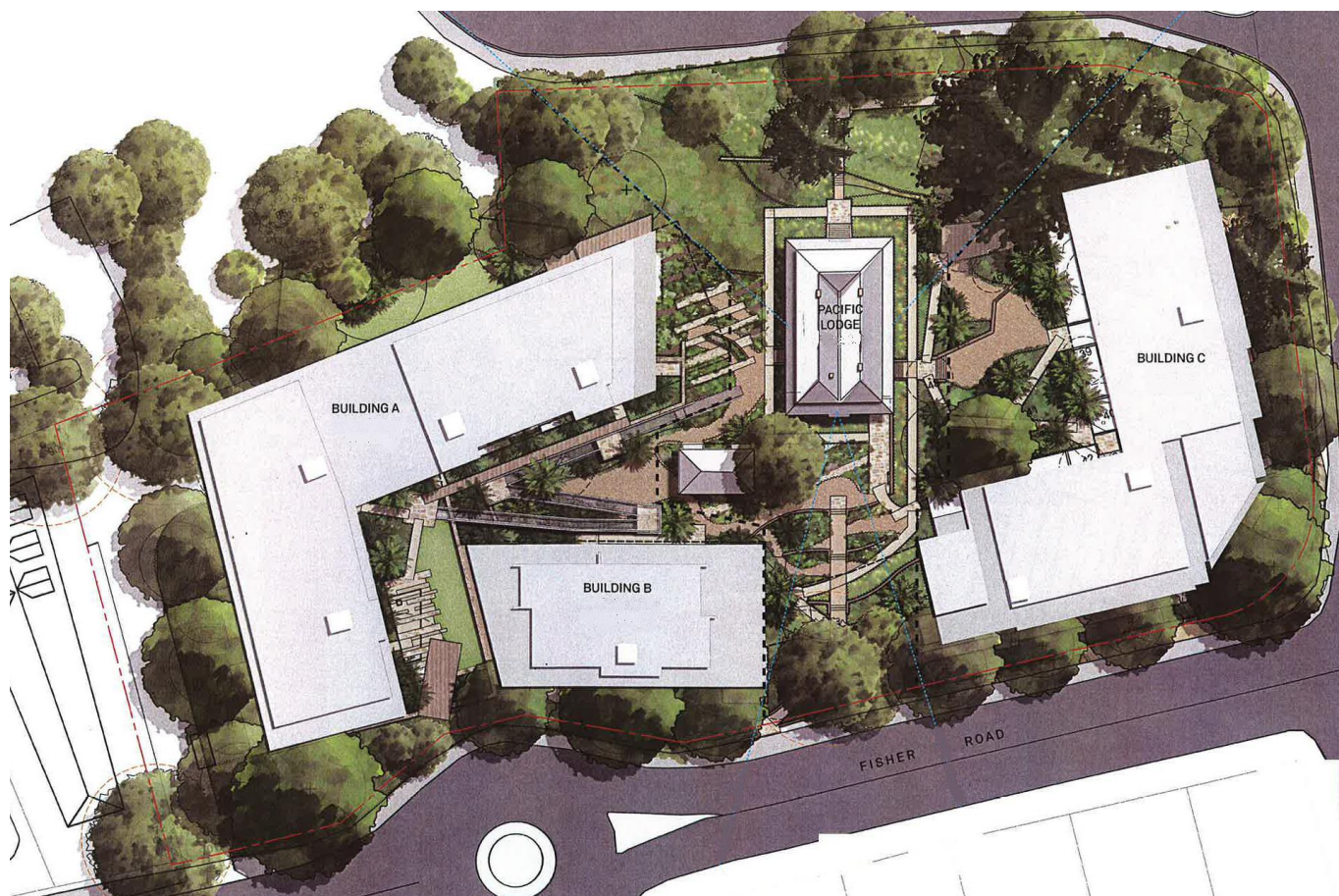


Figure 2 – Building layout approved under development application DA2011/1274

Specifically, development application DA2011/1274 provided for:

- Building A (no nominated yield) with four storeys of apartments, with a maximum ceiling height of RL 53.830m AHD, a maximum roof height of RL 55.030m AHD, and a maximum building height of 16.33m
- Building B (no nominated yield) with four storeys of apartments, with a maximum ceiling height of RL 49.200m AHD, a maximum roof height of RL 50.400m AHD, and a maximum building height of 13.7m
- Building C (no nominated yield) with four storeys of apartments, with a maximum ceiling height of RL 47.515m AHD, a maximum roof height of RL 48.715m AHD, and a maximum building height of 16.515m
- Basement car parking for 146 vehicles, with access gained via Fisher Road along the northern boundary
- The retention of Pacific Lodge, to be used for commercial or community use
- A landscaped area of 42.9% (4,556.5m²)

On 6 November 2013, a prelodgement meeting was undertaken to discuss potential changes to the concept approval. In particular, the prelodgement meeting focused on potential changes to Building C, to increase the height of the development up to 27.315m. The prelodgement minutes advised that the additional building height proposed in relation to Building C was “considered to have merit but must be considered in its context to the remaining Stage 1 proposal, the vision contained within the Dee Why Town Centre Masterplan and its peripheral impact in terms of building bulk and scale, view sharing and overshadowing”.

On 21 September 2016, a prelodgement meeting was undertaken to discuss the activation of the Stage 1 concept approval, which was set to expire on 16 February 2017.

On 30 November 2016, Council approved development application DA2016/1101 for driveway works in accordance with the Stage 1 concept proposal approved under development application DA2011/1274.

On 3 February 2017, a construction certificate was issued in relation to the works approved under DA2016/1101, activating both DA2011/1274 and DA2016/1101 such that they will not expire.

On 3 May 2018, a prelodgement meeting was undertaken to discuss the proposal as submitted in the subject application. Of relevance, the prelodgement minutes recommended that the built form should not exceed the approved building height in the Stage 1 concept approval and that any new exceedances should be purely architectural features with no additional usable floor area. Further, the minutes advised that the application should be lodged as a new development application, as opposed to Stage 2 of the concept approval.

On 25 September 2018, the subject application was lodged with Council.

On 18 December 2018, the Sydney North Planning Panel were briefed in relation to the application, following an inspection of the site.

On 17 January 2019, the applicant was provided an opportunity to amend the proposal, to address matters relating to the following:

- Heritage conservation (subdivision of Pacific Lodge)
- Stormwater management
- Interference with groundwater
- Height, bulk and scale
- Vehicular access and parking
- Objectives of the ADG
- The request to vary development standards
- Access to Civic Drive

On 30 January 2019, the assessing officer met with the applicant to go through the issues raised.

On 28 February 2019, additional information was received by Council.

On 9 April 2019, the assessing officer met with the applicant to go through all outstanding issues with the proposal, noting that a number of issues previously raised had not been addressed.

On 10 April 2019, the applicant committed to the amendments identified by the assessing officer, and as such, the applicant was provided an opportunity to further amend the proposal.

On 27 April 2019, additional information was received by Council.

On 22 May 2019, the applicant was provided with a draft copy of the conditions of consent.

On 24 May 2019, the applicant confirmed that the draft conditions of consent were generally acceptable.

SUMMARY OF KEY ASSESSMENT ISSUES

- Building height non-compliance
- The lack of commercial space fronting the public domain
- Extent of tree removal

LEGISLATION, PLANS AND POLICIES

The following planning legislation, environmental planning instruments, development control plans and policies are relevant to the subject application:

- Environmental Planning and Assessment Act 1979 ('**the EP&A Act**')
 - Environmental Planning and Assessment Regulation 2000 ('**the Regulation**')
 - State Environmental Planning Policy No.55 – Remediation of Land
 - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ('**SEPP 65**')
 - The Apartment Design Guide ('**the ADG**')
 - State Environmental Planning Policy (Infrastructure) 2007
 - Warringah Local Environmental Plan 201 ('**WLEP 2011**')
 - Zoning Map – B4 Mixed Use
 - Height of Buildings Map – 13m
 - Heritage Item – Pacific Lodge (Salvation Army)
 - Land Risk Slip Map – Areas 1 and 2
 - Warringah Development Control Plan 2011 ('**WDCP 2011**')
 - Mixed Use Area 10 Civic Centre

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft WLEP 2011 has been publically exhibited and is with the Department of Planning and Environment for determination. Draft WLEP 2011 is relevant in so far as the draft documents seeks to remove the application of clause 6.7 of WLEP 2011 in relation to the subject site.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	WDCP 2011 applies to this proposal. Draft amendments to WDCP 2011 have been publically exhibited, but have not been adopted.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the Regulation requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the Regulation requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the Regulation requires the submission of a design verification certificate from the building designer prior to the issue of a</p>

Section 4.15 Matters for Consideration'	Comments
	construction certificate. This matter may be addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the WDCP 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Regulation and WDCP 2011. As a result of the public exhibition process council is in receipt of three submissions. The relevant matters raised within the submissions have been considered and addressed as follows:

1. Development of Pacific Lodge

A submission was received in objection to the excision/subdivision of Pacific Lodge from the remainder of the site, and the deferral of any potential use of the building. These concerns were echoed by Council, and the application was subsequently amended to maintain Pacific Lodge as part of the development site, to be used for a commercial use in the future. The amended development has been reviewed by internal and external heritage advisors and subject to conditions of consent, there is no reason for the refusal of the application on heritage grounds.

2. Impact upon significance of Pacific Lodge

A submission was also received in objection to the potential impact upon the significance of Pacific Lodge associated with the scale of the proposed development. The submission states that the surrounding curtilage should comprise generous setbacks and retain existing trees to reduce the visual impact of the proposal. The proposed development is sited to provide generous setbacks to Pacific Lodge, with the retention of existing landscaping within the nominated curtilage. The proposal is supported by Council in this regard, and as above, Council’s internal and external heritage advisors have confirmed that there is no reason for the refusal of the application on heritage grounds.

3. Architectural Quality

Concerns were raised in a submission received regarding the architectural quality of the proposal, suggesting that the design is rather ordinary for such a prominent site. The proposal has been considered with respect to SEPP 65, WLEP 2011 and WDCP 2011, and is consistent with the design and urban form objectives of these policies and plans. Furthermore, the proposed design has been reviewed by Council’s Urban Design officers, and is supported in this regard.

4. Bulk and Scale

A submission has been received raising concern with the bulk and scale of the development, and in

particular, the need to comply with the 5m building envelope plane and the 13m maximum building height. Minor portions of the eastern elevation of Building A protrude the building envelope plane prescribed by clause G1 of WDCP 2011, however these elements do not contribute to any unreasonable impacts upon adjoining properties and will not be visible from the public domain. Furthermore, as discussed with respect to clause 4.3 (Height of buildings) of WLEP 2011, the minor portions of the development that extend above the height limit are not considered to contribute to excessive bulk and scale. Overall, the bulk and scale of the development is considered to be appropriate for the site.

5. Land Use (no dwellings at ground floor)

A submission was received in objection to the proposal and its inconsistency with the provisions of clause 6.7 (Residential flat buildings in Zone B4 Mixed Use) of WLEP 2011, which prescribe that development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor. As discussed in detail with respect to clause 6.7 of WLEP 2011, Council seeks to delete this provision in WLEP2011, with draft amendments exhibited and currently under review by the Department of Planning and Environment. Council raises no concerns with the proposed development in this regard.

6. Parking

A submission was received in objection to the parking requirements for apartments across Dee Why, raising concerns in relation to parking shortages across Dee Why as a whole. The proposed development provides additional parking, beyond the minimum requirements of WDCP 2011, and is not considered to place unreasonable pressure on public parking within the vicinity of the site.

Overall, there were no matters raised in the submissions received that would warrant the refusal of the subject application in the public's interest.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>Approval subject to conditions</p> <p><i>Proposal is capable of compliance with the National Construction Code via an 'Alternate Solution'. The proposal is therefore acceptable with condition/s.</i></p>
Environmental Health (Contaminated Lands)	<p>Approval subject to conditions</p> <p><i>The site is not designated as contaminated but the applicant for due diligence has undertaken a Phase 1 review Environmental Site Assessment (P1 ESA) for the proposed redevelopment of 23 Fisher Road, Dee Why, NSW (the site) initially undertaken by Coffey Environments Australia Pty Ltd in the first half of 2011 and updated by Coffey Services Australia Pty Ltd (Coffey) to incorporate changes to concept design, conditions on surrounding sites and environmental guidelines.</i></p>

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>Approval subject to conditions</p> <p><i>Applicant has advised:</i></p> <p><i>"Acoustic impacts were considered in the decision to exclude the through site link and the use of Pacific Lodge for commercial purposes. These decisions will ensure that acoustic impacts are minimised on occupants of the development. Furthermore, the proposal will not result in any adverse acoustic impacts on the surrounds as it will provide a development suitable for the site which provides an appropriate transition between the Dee Why town Centre and residential development"</i></p> <p><i>Agreed.</i></p> <p><i>There is however a small commercial component which can be further assessed when actual use is proposed(DA) at a future date. It is not expected to impact on proposed residential areas anyway depending on hours of use and any noise generation.</i></p> <p><i>Note: The commercial component of the development has since been removed from the proposal.</i></p>
Landscape Officer	<p>Approval subject to conditions</p> <p><i>Amended plans are noted which have generally addressed the previous comments. The amended plans have rationalised the terraces to provide more substantial soil volume to proposed planting areas forward of the building on Fisher Road, which is supported.</i></p> <p><i>Based on the amendments provided by the applicant to the plans over several iterations, no objections are raised subject to conditions as recommended.</i></p>
NECC (Bushland and Biodiversity)	<p>Refusal</p> <p><i>Council's Natural Environment – Biodiversity section does not support the application. The proposal has an unacceptable impact to significant trees and environmental features.</i></p> <p><i>The Arborist assessment (Bluegum, August 2018) reports that 55 trees to be removed as a result of the proposal, 14 and 35 of these trees having a high and medium retention value respectively. Another 15 high and medium retention value trees will have TPZ encroachment; at least 5 of these trees will incur a significant 15-30% encroachment.</i></p> <p><i>In terms of biodiversity impacts the current proposal will remove 16 significant local native trees and 8 significant local native and habitat trees will incur TPZ encroachment.</i></p> <p><i>This site was the subject of a previous approved DA (DA2011/1274).</i></p> <p><i>The current proposal compared to the previously approved DA, will remove an additional 7 local native trees, as well as result in significant TPZ encroachment to at least 7 local native trees. The excavation of the basement carpark is likely to impact on the TPZ of additional significant trees that have not been assessed in the submitted Arborist Report.</i></p>

Internal Referral Body	Comments
	<p><i>During the site inspection it was noted that 8 significant local native trees have been removed since the approved DA, 4 of these since the Arborist Report was finalised (Bluegum, August 2018).</i></p> <p><i>The updated architectural package and landscape plan were reviewed and assessed against relevant controls. The revised plans do not indicate the retention of any additional trees (still 55 to be removed), however, the applicant has responded to draft conditions relating to landscaping and retention of natural rock features. The Planting Schedule has been updated to reflect locally native species and includes the provision of 59 replacement canopy tree plantings that will reach a minimum height of 8m. Replacement canopy species are indicated to be of a semi-advanced pot size (75L or 100L). Three proposed apartments have been removed from the north-western corner of the site, which reduces impacts to the natural rock escarpment in this area.</i></p> <p><i>The proposed replacement canopy trees across the site and further retention of the natural rock in the north-western corner will help to mitigate impacts to biodiversity.</i></p>
NECC (Development Engineering)	<p>Refusal</p> <p><i>The amended Stormwater management by ADW Johnson (dated February 2019) has been reviewed and is still not satisfactory for the following reasons:</i></p> <ol style="list-style-type: none"> <i>1. As required by Councils "On site detention technical specification" the minimum information which includes a detailed stormwater drainage plan detailed in section 3.1.3 has not been provided.</i> <i>2. The DRAINS model submitted is not satisfactory. No detailed information has been input into the DRAINS model for either of the proposed OSD basins. A detailed assessment of the OSD design cannot be undertaken. A preliminary assessment indicates that the proposed basin may need to be increased in size.</i> <i>3. No detail has been provided of the proposed OSD basin for the northern catchment, including any levels or sections.</i> <i>4. The Report states that existing stormwater infrastructure within St David Avenue does not have capacity to accommodate flows from the development. However, this is based on assumptions and not on surveyed information. No detail, calculations, or DRAINS model has been provided for assessment of the capacity check.</i> <i>5. The Report states that OSD is proposed within the footprint of Building C to ensure that existing stormwater infrastructure can accommodate flows from the development. However, no detail has been provided as to location, sizing, levels or sections.</i> <p>Council's Development Engineer recommends that the application should be refused for the following reason:</p> <ol style="list-style-type: none"> <i>1. The proposal is not supported because On Site Stormwater Detention has not been provided and this requirement was communicated at the most recent pre lodgement a meeting . On-site Stormwater Detention in accordance with the Northern Beaches Council's Warringah "On-site Stormwater Detention Technical Specification" Drainage plans detailing the provision of</i>

Internal Referral Body	Comments
	<p><i>On-site Stormwater Detention. The post development flows are to be limited to the state of nature condition i.e. 0% impervious for all storm events up to and including the 1 in 100 year ARI. The size and location of all proposed detention tanks are to be shown on the architectural and landscaping plans to ensure there is no conflict. All requirements of the Technical Specification for this type of development are to be addressed.</i></p> <p>However, Council's Development Engineer has acknowledged that there is no impediment to achieving a satisfactory stormwater management outcome on the site, and has provided detailed conditions of consent to ensure consistency with Council's stormwater requirements. These conditions have been incorporated into the draft determination attached.</p>
Traffic Engineer	<p>Approval subject to conditions</p> <p><u>Parking:</u> <i>The traffic report identifies provision of 191 parking spaces. This is compliant with the Warringah DCP. Parking spaces will need to be marked according to their allocation.</i></p> <p><i>Bicycle spaces are deemed adequate.</i></p> <p><u>Traffic:</u> <i>The site is anticipated to generate approximately 32 vehicles in the peak hour. This is in accordance with RMS Guide to Traffic Generating Developments. The SIDRA data provided identifies the distribution of the vehicles on the network and the impact on the operation of the RAB and the signals at Lewis Street. Council Traffic staff agree with the information provided in the output data sheets. Accordingly the impact on the network is deemed negligible.</i></p> <p><u>Servicing:</u> <i>Loading and Waste collection service facilities have been catered for onsite. The dimensions of the bay appear adequate. The applicant should provide the swept path of the largest anticipated vehicle (removalist truck) to ensure maneuverability is achievable in this location.</i></p> <p><u>Pedestrian Access:</u> <i>Pedestrian access to and from the site is deemed acceptable. The applicant will be required to upgrade all Public Domain infrastructure along all site frontages, including the footpath and pedestrian refuge facilities to cross Fisher Road.</i></p>
Waste Officer	<p>Approval subject to conditions</p>
Strategic and Place Planning (Urban Design)	<p>Approval subject to conditions</p> <p><i>The revised documentation has been reviewed by Urban Design with previous comments addressed to the satisfaction of the officer. The proposed design addresses the main issues of concern and as such, the proposed development can be supported.</i></p>

Internal Referral Body	Comments
Strategic and Place Planning (Heritage)	<p>Approval subject to conditions</p> <p><i>This application has been referred as the site contains a listed local heritage item and is within the vicinity of a number of local heritage items and a proposed State heritage precinct. The site contains the building known as "Pacific Lodge" which is listed in Schedule 5 of Warringah Local Environmental Plan 2011 as Item I43 - Pacific Lodge (Salvation Army), 15-23 Fisher Road, Dee Why.</i></p> <p><i>Local heritage items in the vicinity include Item I42 Dee Why Fire Station - 38 Fisher Road; Item I50 Dee Why Public Library and Item I137 Civic Centre Landscaping. The site is also adjacent to a proposed State heritage precinct - Dee Why Civic Precinct, which is with the Minister for Heritage awaiting gazettal.</i></p> <p><u><i>Item I43 - Pacific Lodge (Salvation Army), 15-23 Fisher Road, Dee Why.</i></u></p> <p><u><i>Statement of Significance:</i></u> <i>A rare example of a Victorian Filigree residence and one of the oldest structures in the area. Historically important for its association with Elizabeth Jenkins & the continued occupation & use of the building by the Salvation Army since the 1890's.</i></p> <p><u><i>Physical Description</i></u> <i>Substantial elevated single storey building of rendered masonry. Corrugated iron hipped roof with tall rendered chimneys. Verandah on 3 sides with cast iron balustrade, columns & valence. Balustrade panels specially made with the letters "SAHR". Sympathetic refurbishment works have been undertaken. Restored verandah includes original cast iron balustrade panels. Adapted for use as administration offices for "Pacific Lodge".</i></p> <p><u><i>Comments:</i></u> <i>Revised DA plans and supplementary information were submitted which was referred back to Council's external heritage advisor, Chris Betteridge of Betteridge Heritage, for review and comment. He concluded that:</i></p> <p style="padding-left: 40px;"><i>...the proposed amendments to the application represent an improvement from a heritage viewpoint and I see no reason for refusal of the application on heritage grounds, subject to the following recommendations being imposed as conditions of consent:</i></p> <ol style="list-style-type: none"> 1. <i>The owner to enter into an agreement with Council to ensure the ongoing conservation and maintenance of Pacific Lodge and its curtilage, both in terms of funding and provision of minimum standards of repair and maintenance, the latter to be guided by the standards in Section 118 of the Heritage Act 1977, as amended, namely:</i> <ol style="list-style-type: none"> <i>(a) the protection of the building from damage or deterioration due to weather (including such matters as the weatherproofing of roof, doors and windows),</i> <i>(b) the prevention of and the protection of the building from damage or destruction by fire,</i> <i>(c) security (including fencing and surveillance measures to prevent vandalism),</i>

Internal Referral Body	Comments
	<p>(d) essential maintenance and repair (being maintenance and repair necessary to prevent serious or irreparable damage or deterioration).</p> <ol style="list-style-type: none"> 2. The Applicant to have prepared by a suitably qualified consultant an Interpretation Strategy for the site in accordance with the Heritage Council's Policy and Guidelines for the Interpretation of Heritage Places which provides for the communication of the heritage values of the place to users of the site and the wider community in informative, entertaining and culturally appropriate ways. 3. During site works and construction, all significant vegetation on the site to be protected in accordance with Council requirements and with Australian Standard AS AS4970-2009 – Protection of Trees on Development Sites. <p>Additionally, in relation to removal of pedestrian access to the heritage item from Civic Drive, Chris Betteridge has advised:</p> <p><i>From a heritage viewpoint, I believe closing that access will remove an historic point of access to Pacific Lodge and may put a further constraint on viable future uses. While the access from Civic Drive does not meet universal access requirements it does provide a direct and shortest pedestrian link to the Council complex and the Dee Why Town Centre. I would prefer it to remain open, particularly since a future use for Pacific Lodge has not been decided. I don't think we want to put any impediments in the way of finding a sympathetic new use whether it ends up being commercial, community or residential.</i></p> <p><i>Therefore, no objections are raised to the revised development application, from a heritage point of view, subject to the imposition of conditions. These conditions should include those recommended by Betteridge Heritage (see above) and also a condition requiring a full archival photographic record of the whole site before any demolition works commence. From a heritage point of view it would be preferable for some pedestrian access to remain to Civic Drive.</i></p>
Property Management and Commercial	<p>Approval subject to conditions</p> <p><i>Currently, the site has informal access stairs leading down to Civic Drive which appear to have been in existence for many years, however Council records do not show a formal right of way or other legal agreement allowing this access over the Civic Centre site. It should be noted that Civic Drive is not a public road under the Roads Act 1993, but forms part of the overall Civic Centre site.</i></p> <p><i>Property is not opposed to the proposed development, however, concern is raised that retention of the stairs leading to Civic Drive could prejudice any future development of the Civic Centre site. For this reason, any redevelopment of the site should remove pedestrian access from the site to Civic Drive.</i></p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>No Comment</p> <p><i>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</i></p>
NSW Police - Local Command (CPTED)	<p>Not Supported</p> <p><i>The application was referred to the NSW Police Force for comment and recommendations. Separate responses were received from both the Crime Prevention Officer and the Traffic Supervisor of the Northern Beaches Police Area Command, as follows:</i></p> <ol style="list-style-type: none"> <li data-bbox="576 629 1497 797">1. <i>Crime Prevention Officer: The Crime Prevention Officer proffered a number of recommendations to maximise safety and minimise theft and malicious damage. A number of these recommendations can be included as conditions of consent, to be adopted in a Plan of Management for the site.</i> <li data-bbox="576 831 1497 1066">2. <i>Traffic Supervisor: The Traffic Supervisor advised that the police do not support the construction and operation of vehicular access to the development from the Fisher Road/McIntosh Road roundabout. The response identified existing concerns with traffic at the subject roundabout and in the vicinity of the site, and placed preference on alternate locations such Civic Parade or the secondary driveway to Fisher Road to the north.</i>
NSW Roads and Maritime Services (Traffic Generating Development)	<p>Supported subject to conditions</p> <p><i>The application was referred to NSW RMS for comment in accordance with Schedule 3 of SEPP Infrastructure. NSW RMS reviewed the proposal and provided the following advisory comment for consideration in the determination of the development application:</i></p> <ol style="list-style-type: none"> <li data-bbox="576 1346 1497 1447">1. <i>No Stopping (R) restrictions are to be installed between the two indicated driveways, following approved [sic] by the Local Traffic Committee.</i>

SEPP (INFRASTRUCTURE) 2007

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP No.55 – REMEDIATION OF LAND

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

SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been submitted with the application, indicating compliance with the required targets. The application was also supported by NatHERS Certificates. Conditions have been included in the draft conditions attached to require compliance with the commitments indicated in BASIX certificate.

SEPP No.65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The application seeks consent for 3 residential flat buildings, all above three storeys in height, comprising between 23-63 dwelling each, and as such, the provisions of SEPP 65 apply to this development.

Clause 28 of SEPP 65 requires a consent authority to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the design quality of the development when evaluated in accordance with the design quality principles identified in Schedule 1 of SEPP 65, and the ADG.

The proposal is considered to be consistent with the design quality principles of SEPP 65, as follows:

1. Context and Neighbourhood Character

Comment: The proposed development is located at the north-western edge of the Dee Why Mixed Use Area, and is surrounded by development of varying land use, scale, character and density. The character of the proposed development is compatible with that of other development within the B4 Mixed Use zone, and consistent with other nearby and adjacent residential flat buildings.

The natural features of the site are somewhat of an anomaly within the B4 Mixed Use area, and the retention of these features is desirable in light of the visual prominence of the site and the general lack of remnant bushland throughout the wider Mixed Use zone. In light of the zoning of the site, the proposal is considered to achieve an appropriate balance between the retention of these natural features and the development of the site, with key areas and bands retained and enhanced to soften the visual impact of the proposal and to assist in providing an appropriate transition to the low density residential development on the opposite side of Fisher Road.

The site also contains an item of local heritage significance, being Pacific Lodge. The existing building and its associated garden curtilage has long been identified as a desirable element of the area and the local context, and as such, the retention of these elements is considered to positively contribute to the context and character of the neighbourhood.

2. Built Form and Scale

Comment: The proposed development generally presents as a series of four and five storey residential flat buildings, consistent with the size/scale of other residential flat buildings along Fisher Road and nearby mixed use developments within the commercial centre. Whilst minor elements of the proposal exceed the maximum building height plane, this is a result of the irregular ground levels of the site, and does not alter the perceived scale of the proposed development as seen from the public domain.

Concern was initially raised in relation to the bulk and scale of the north-western corner of Building A, which presented with 7 storeys to the public domain. Subsequently, the application was amended to remove four x two storey townhouses previously located at the north-western corner of Building A, to allow for the retention and enhancement of the natural rock outcrop and landscaped setback

at the corner of the site to soften the apparent size of the development as seen from Fisher Road.

The subject site is in a highly prominent position and the proposal will be visible from a number of vantage points throughout the wider locality. The slope of the site will increase the apparent height of the development, particularly Building A as seen from the north on Fisher Road. However, the proposed incorporates a reasonable amount of articulation, and subject to the use of appropriate colours, the development will recede behind existing and proposed landscaping to ensure that the visual impact of the development is minimised.

3. Density

Comment: There are no provisions within WLEP 2011 or WDCP 2011 that relate to the density anticipated on the subject site, and as such, the appropriateness of the density proposed is appraised based on the amenity of the development, the size/scale of the development and the impact of the development upon the surrounding environment.

The proposed development is an appropriate contextual fit for the site, with a density that is suitable within the B4 Mixed Use Zone and for a site that is in such close proximity to the Dee Why Town Centre and the main transport links on Pittwater Road. The proposed density does not attribute to excessive bulk and scale, nor does it compromise the amenity for future occupants of the development. As such, the proposed density is considered to be appropriate for the site.

4. Sustainability

Comment: The proposed development was supported by BASIX and NatHERS Certificates, which include recommendations to ensure that the building performs in accordance with industry standards. Furthermore, the majority of apartments achieve natural cross ventilation with adequate levels of natural daylight, such that the amenity and livability of apartments is high, without excessive reliance upon air-conditioning and artificial lighting.

5. Landscape

Comment: The application was supported by detailed landscape plans that demonstrate an appropriate landscape solution for the site, including the retention and enhancement of key bands of existing vegetation and the garden curtilage surrounding Pacific Lodge. The landscaped solution comprises an appropriate scale of plantings to ensure that the visual impact of the built form will be screened and softened as seen from the public domain and adjoining properties.

6. Amenity

Comment: As detailed in the assessment against the ADG and WDCP 2011, the proposed development provides a reasonable level of amenity for future occupants of the development, without unreasonably compromising the amenity of adjoining residences. Whilst the layout of some apartments is somewhat awkward and not ideal, the majority of apartments are reasonably resolved and appropriately dimensioned, with adequate natural ventilation and access to direct sunlight. The expanse of landscaped communal areas and the garden curtilage of Pacific Lodge are a positive contribution to the amenity of the development within a high density environment.

7. Safety

Comment: Subject to some minor refinements of the division between private and public spaces, which is discussed in more detail further in the report, the proposed development is considered to maximise safety of future occupants of the development.

8. Housing Diversity and Social Interaction

Comment: The proposed development comprises a mix of one, two and three bedroom apartments, inclusive of 26 “Livable” apartments interspersed throughout the development. The development provides an appropriate balance of different housing options for a variety of living needs and

household budgets.

9. Aesthetics

Comment: The proposed development incorporates varied colours and materials, which change as the height of the development increases to break down the scale of the façade. Concern is raised in relation to the proposed use of cream and white colours for the majority of the development, which is antipathetic with the desire for the development to blend with the surrounding natural environment. However, subject to the use of darker tones, the visual impact and presentation of the development is considered to be appropriate for the site.

The following table is an assessment against the ADG as required by SEPP 65:

DC – Is the development consistent with the Design Criteria?

DG – Is the development consistent with the Design Guidance?

O – Is the development consistent with the Objective?

ADG reference	Subclause	Design Criteria	DC	DG	O
Part 3 Siting the Development					
3A Site analysis	3A-1	Design decisions based on site analysis.	-	Y	Y
3B Orientation	3B-1	Layouts respond to the streetscape and optimise solar access.	-	Y	Y
	3B-2	Overshadowing of neighbouring properties is minimised during mid winter.	-	Y	Y
3C Public domain interface	3C-1	Transition between private and public places is achieved without compromising safety and security.	-	N	N
	3C-2	Amenity of the public domain is retained and enhanced.	-	Y	Y
3D Communal and public open space	3D-1	Communal open space has a minimum area equal to 25% of the site.	Y	Y	Y
		Development must achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (midwinter).	Y	Y	Y
	3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	-	Y	Y
	3D-3	Communal open space is designed to maximise safety.	-	N	N
	3D-4	Public open space is responsive to the existing pattern and uses of the neighbourhood.	-	Y	Y
3E Deep soil zones	3E-1	At least 7% of the site are shall comprise deep soil zones.	Y	Y	Y
3F Visual privacy	3F-1	For development up to 4 storeys in height, a minimum setback of 6m is to be provided between habitable rooms and balconies and side or rear setbacks, and a minimum setback of 3m is to be provided is to be provided between non-habitable rooms and side and rear setbacks. For development between 5-8 storeys in height, a minimum setback of 9m is to be provided between habitable rooms and balconies and side or rear setbacks, and a minimum setback of 4.5mm is to be provided is to be provided between non-habitable rooms and side and rear setbacks.	N	Y	Y
	3F-2	Building design elements increase privacy without compromising access to light and air and balance outlook from habitable rooms and private open space.	-	Y	Y
3G Pedestrian access and entries	3G-1	Entries and pedestrian access connects to and addresses the public domain.	-	Y	Y
	3G-2	Access, entries and pathways are accessible and easy to identify.	-	Y	Y
	3G-3	Large sites provide pedestrian links for access to streets and	-	Y	Y

ADG reference	Subclause	Design Criteria	DC	DG	O										
		connection to destinations.													
3H Vehicle access	3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	-	N	Y										
3J Bicycle and car parking	3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	-	N	Y										
	3J-2	Parking and facilities are provided for other modes of transport.	-	Y	Y										
	3J-3	Car park design and access is safe and secure.	-	Y	Y										
	3J-4	Visual and environmental impacts of underground car parking are minimised.	-	N	Y										
	3J-5	Visual and environmental impacts of on-grade parking are minimised.	-	-	-										
	3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	-	-	-										
Part 4 Designing the building															
Amenity															
4A Solar and daylight access	4A-1	Living rooms and private open space of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at midwinter.	Y	Y	Y										
		A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Y	Y	Y										
	4A-2	Daylight access is maximised where sunlight is limited.	-	Y	Y										
	4A-3	Design incorporates shading and glare control, particularly for warmer months.	-	Y	Y										
4B Natural ventilation	4B-1	All habitable rooms are naturally ventilated.	-	Y	Y										
	4B-2	The layout and design of single aspect apartments maximises natural ventilation.	-	Y	Y										
	4B-3	At least 60% of all apartments are naturally cross ventilated.	Y	Y	Y										
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		Y	Y	Y											
4C Ceiling heights	4C-1	As measured from the finished floor level, the minimum ceiling height for a habitable room is 2.7m, and 2.4m for a non-habitable room.	Y	Y	Y										
	4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.	-	Y	Y										
	4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.	-	Y	Y										
4D Apartment size and layout	4D-1	Apartments are required to have the following minimum internal areas:													
		<table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Min. internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 Bedroom</td> <td>50m²</td> </tr> <tr> <td>2 Bedroom</td> <td>70m²</td> </tr> <tr> <td>3 Bedroom</td> <td>90m²</td> </tr> </tbody> </table>	Apartment Type	Min. internal area	Studio	35m ²	1 Bedroom	50m ²	2 Bedroom	70m ²	3 Bedroom	90m ²	Y	Y	Y
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		Studio	35m ²												
1 Bedroom	50m ²														
2 Bedroom	70m ²														
3 Bedroom	90m ²														
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.															
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Y	Y	Y												
4D-2	Habitable room depths are limited to a maximum of 2.5 x	Y	Y	Y											

ADG reference	Subclause	Design Criteria	DC	DG	O															
		ceiling height.																		
		In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Y	Y	Y															
	4D-3	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobes).	Y	Y	Y															
		Bedrooms have a minimum dimension of 3m (excluding wardrobes).	Y	Y	Y															
		Living rooms or combined living/dining rooms have a minimum width of 3.6m for 1 bedroom apartments and 4m for 2 bedroom apartments.	Y	Y	Y															
		The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Y	Y	Y															
4E Private open space and balconies	4E-1	All apartments are required to have primary balconies as follows:	N	Y	Y															
		<table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Min. area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 Bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 Bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 Bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table>				Apartment Type	Min. area	Min. depth	Studio	4m ²	-	1 Bedroom	8m ²	2m	2 Bedroom	10m ²	2m	3 Bedroom	12m ²	2.4m
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	3 Bedroom	12m ²	2.4m																	
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m ² .	N	Y	Y																	
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.	-	Y	Y																
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	-	N	Y																
4E-4	Private open space and balcony design maximises safety.	-	Y	Y																
4F Common circulation and spaces	4F-1	The maximum number of apartments off each circulation core on a single level is eight.	N	Y	Y															
	4F-2	Common circulation spaces promote safety and provide for social interactions between residents.	-	Y	Y															
4G Storage	4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:	Y	Y	Y															
		<table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Min. area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 Bedroom</td> <td>6m³</td> </tr> <tr> <td>2 Bedroom</td> <td>8m³</td> </tr> <tr> <td>3 Bedroom</td> <td>10m³</td> </tr> </tbody> </table>				Apartment Type	Min. area	Studio	4m ³	1 Bedroom	6m ³	2 Bedroom	8m ³	3 Bedroom	10m ³					
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Studio		4m ³																		
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At least 50% is to be located within the apartment.																				
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.	-	Y	Y																
4H Acoustic privacy	4H-1	Noise transfer is minimised through the siting of buildings and building layout.	-	Y	Y															
	4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.	-	Y	Y															
4J Noise and pollution	4J-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	-	-	-															
	4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are	-	Y	Y															

ADG reference	Subclause	Design Criteria	DC	DG	O
		used to mitigate noise transmission.			
Configuration					
4K Apartment Mix	4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	-	Y	Y
	4K-2	The apartment mix is distributed to suitable locations within the building.	-	Y	Y
4L Ground floor apartments	4L-1	Street frontage activity is maximised where ground floor apartments are located.	-	Y	Y
	4L-2	Design of ground floor apartments delivers amenity and safety for residents.	-	Y	Y
4M Facades	4M-1	Building facades provides visual interest along the street while respecting the character of the local area.	-	Y	Y
	4M-2	Building functions are expressed by the facade.	-	Y	Y
4N Roof design	4N-1	Roof treatments are integrated into the building design and positively respond to the street.	-	Y	Y
	4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	-	Y	Y
	4N-3	Roof design incorporates sustainability features.	-	Y	Y
4O Landscape design	4O-1	Landscape design is viable and sustainable.	-	Y	Y
	4O-2	Landscape design contributes to the streetscape and amenity.	-	Y	Y
4P Planting on structures	4P-1	Appropriate soil profiles are provided.	-	Y	Y
	4P-2	Plant growth is optimised with appropriate selection and maintenance.	-	Y	Y
	4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces.	-	Y	Y
4Q Universal design	4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members.	-	Y	Y
	4Q-2	A variety of apartments with adaptable designs are provided.	-	Y	Y
	4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	-	Y	Y
4R Adaptive reuse	4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	-	-	-
	4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	-	-	-
4S Mixed Use	4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	-	-	-
	4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	-	-	-
4T Awnings and signage	4T-1	Awnings are well located and complement and integrate with the building design.	-	-	-
	4T-2	Signage responds to the context and desired street character.	-	-	-
Performance					
4U Energy efficiency	4U-1	Development incorporates passive environmental design.	-	Y	Y
	4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	-	Y	Y
	4U-3	Adequate natural ventilation minimises the need for mechanical cooling.	-	Y	Y
4V Water management and conservation	4V-1	Potable water use is minimised.	-	Y	Y
	4V-2	Urban stormwater is treated on sit before being discharged to receiving waters.	-	Y	Y
	4V-3	Flood management systems are integrated into site design.	-	Y	Y

ADG reference	Subclause	Design Criteria	DC	DG	O
4W Waste management	4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	-	Y	Y
	4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	-	Y	Y
4X Building maintenance	4X-1	Building design detail provides protection from weathering.	-	Y	Y
	4X-2	Systems and access enable ease of maintenance.	-	Y	Y
	4X-3	Material selection reduces ongoing maintenance costs.	-	Y	Y

Detailed Assessment

• **3C Public domain interface & 3D Communal and Public Open Space**

At the time of lodgement, the application comprised a commercial area on the lowest level of Building C presenting to the intersection of St David Avenue and Civic Parade. In response to concerns raised by Council in regard to the lack of a regularised and defined pedestrian connection to the public domain, the area was subsequently relabelled as a residential common room, with adjacent communal open space.

Whilst the design of the area was generally supported when nominated for commercial use, concerns are raised in relation to the proposed residential communal use. The space is considerably exposed to the public domain and given the isolated positioning of the room on the site, there is no opportunity for casual surveillance of the area from apartments or the primary communal landscaped areas. The internal amenity of the space is questionable, noting the generous proportions of the room with glazing limited to the eastern façade, and any means of screening or fencing that would be required to secure the space and delineate between the public and private domain would further reduce what little daylight and amenity the space achieves.

The proposed space is not considered to positively contribute to the development, and is inconsistent with Objectives 3C-1 and 3D-3 of the ADG. As such, it is considered that the area should be setback into the slope of the land as a subfloor space, so that the space below the cantilevered balcony can be revegetated to enhance the natural setting at the south-eastern corner of the site. A condition has been included to require this change in the draft determination attached.

• **3F Visual privacy**

There are a number of areas on Levels 1-4 where the spatial separation between Buildings A and B is less than 12m, resulting in inconsistency with the Design Criteria of Objective 3F-1 of the ADG. Whilst the spatial separation between external walls of Buildings A and B exceeds 12m at all points between the buildings, the application seeks consent for a minimum setback of 7.6m between opposing courtyards on Level 1 and 11.3m between opposing balconies on Levels 2-4, resulting in inconsistency with the 12m minimum setback required.

The reduced spatial separation between the courtyards on Level 1 is ameliorated by the incorporation of screen hedging and canopy tree plantings within the central landscaped space, which will mitigate any direct lines of sight between apartments on the same level, and provide some screening from overlooking from the upper floors. The non-compliances on Levels 2-4 are limited to a maximum depth of 700mm, associated with the two corners of the northern façade of Building B. The majority of the area of the relevant balconies is otherwise sited to achieve spatial separation in accordance with, or in excess of the 12m minimum prescribed. In addition to landscaping, the 1m difference in the floor levels of Buildings A and B assists to mitigate the impacts associated with the spatial separation non-compliance.

Overall, the proposal is considered to provide adequate spatial separation between dwellings and reasonable levels of internal visual privacy are achieved, consistent with the objective of this criteria.

- **3H Vehicle access**

The location and design of the basement carpark entrance is inconsistent with the guidance contained within the ADG, which identifies that entrances to carparks should be at the lowest level of the site to avoid excavation, and that access should be to secondary streets.

However, access onto St David Avenue is not feasible due to the significant rock outcrop along the entire frontage of the site, and access onto Civic Drive is not supported by Council, noting that Civic Drive is a private road on land owned by Council, which may be developed in a different manner in the future.

The application seeks consent for the primary access point to feed off the existing Fisher Road/McIntosh Road roundabout. Whilst Council and RMS raised initial concerns in relation to this primary access point, the applicant has subsequently demonstrated that the design solution is feasible and that the roundabout can accommodate the additional traffic generated by the proposed development. Access at any other point of the development would be limited to left in/left out only, and as such, the proposed location of the primary access point is considered to be the most efficient primary access point for the site.

The application also proposes a secondary access point for services on Fisher Road at the northern boundary of the site. The incorporation of a secondary access point for services eliminates the need to provide access for service vehicles into the basement carpark and avoids conflict with occupants of the development.

- **3J Bicycle and car parking**

Objectives 3J-3 and 3J-4 of the ADG aim to ensure that access to carparks are safe and secure and that the visual impact of basement car parking is minimised. As currently proposed, the development fails to achieve an appropriate balance between the security of the basement and the visual impact of the development, with the proposed security doors set well back into the basement, such that the garage opening is exposed to the public domain.

To minimise the visual impact of the basement carpark, it is recommended that a roller door is provided at the basement entrance. This roller door should not be security controlled, but rather be designed to open and close when vehicles approach. This will ensure that cars do not back up along the driveway, and will allow cars that have entered the site in error to turn around behind the roller door to avoid vehicles reversing into the roundabout. Additional internal security roller doors can still be located further within the basement to achieve appropriate security for future residents of the development.

The visual impact of the garage entrance can then be further minimised by more appropriate landscaping atop of the proposed basement, to actively enhance the appearance of the structure being submersed into the slope and below ground level. Conditions of consent are recommended in this regard, and are included in the draft determination attached.

- **4A Solar and daylight access**

The proposed development achieves 2 hours of direct sunlight between 9am and 3pm in midwinter to living rooms and areas of private open space in 72.2% (91/126) of the units proposed, consistent with the 70% design criteria of the ADG. Further, with 14.3% (18/126) of the units proposed receiving no solar access during this time, the proposal is also consistent with the 15% maximum prescribed.

- **4D Apartment size and layout**

A number of the apartments proposed contain enclosed or unenclosed spaces nominated 'S' for storage. In some apartments, the areas are comparably small and obviously resemble cupboards, however in others, the spaces present as separate rooms that may be ultimately be marketed and/or used for habitable floor space. The majority of these spaces do not have access to a window for light and ventilation, and the potential use of these spaces as habitable floor space (eg: a study), would result in inconsistency with the design criteria and guidance of Objective 4D-1 of the ADG.

A condition of consent is recommended to ensure that, with the exception of the space marked 'S' in Apartment A.301, all rooms/spaces marked 'S' are to be used for storage and not as habitable floor space. In relation to Apartment A.301, which features a 3m x 3m room marked as 'S' with double sliding doors onto the balcony, a further condition is recommended to ensure that the room is not marketed or described as a bedroom.

• **4E Private open space and balconies**

Nine apartments (Apartments A.G11, A.G14, A.203, A.205, A.207, A.208, A.304, A.306 and A.307) have been designed with courtyards/balconies that are less than the minimum area/dimensions prescribed by the design criteria of Objective 4E-1 of the ADG. The areas of non-compliance are not significant (limited to a maximum of 1m² in relation to the 8m² balcony requirement and 4m² in relation to the 15m² ground floor podium requirement) and a usable area of private open space remains available for future occupants of the development.

As proposed, the design of the balustrades associated with all balconies/courtyards is also inconsistent with the design guidance of Objective 4E-3, which identifies that solid and partially solid balustrades are preferred. The clear glazing and vertical slatted balustrades proposed do not provide adequate privacy to the lower floor units presenting to Fisher Road, and will not minimise the visual impact of haphazard clutter that often eventuates. To maximise visual privacy to lower floor units and to minimise visual clutter as seen from the public domain, conditions of consent are recommended to require solid balustrades on all Level 1 and Level 2 apartments presenting to Fisher Road.

• **4F Common circulation and spaces**

Objective 4F-1 of the ADG limits the number of apartments off a circulation core on a single level to a maximum of eight apartments. The southern portions of Level 1 and Level 3 of Building A are inconsistent with this requirement, with the circulation core servicing 11 apartments and 9 apartments respectively.

The southern end of Level 1 of Building A has been designed with two apartments (A.G05 and A.G08) that have a direct connection to the communal landscaped areas, lessening the load on the circulation core. This could be further reduced with the incorporation of a direct connection between the communal landscaped area and Apartment A.G01, such that only 8 apartments are solely reliant upon the circulation core.

The southern end of Level 3 of Building A has been designed such that the circulation core has access to daylight and natural ventilation, and the inclusion of 1 additional apartment beyond the nominated maximum is not considered to unreasonably impact the amenity of the circulation space.

The consent authority can be satisfied that the development has been considered in accordance with the requirements of clause 28 of SEPP 65, and that the proposal is generally consistent with the design principles of SEPP 65 and the objectives of the ADG.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

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

Principal Development Standards

Standard	Requirement	Proposed	Variation	Complies
Height of Buildings:	13m	15.9	2.9m (max) (37.7%)	No*

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No*
4.6 Exceptions to development standards	Yes*
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.7 Residential flat buildings in Zone B4 Mixed Use	No*

* discussed in further detail, below.

• **B4 Mixed Use Zone**

The subject site is zoned B4 Mixed Use as shown on the Zoning Map of WLEP 2011, and in accordance with the Land Use Table of this instrument, residential flat buildings and commercial premises are permitted with consent. Further, the proposal is consistent with the relevant objectives of the zone, as follows:

- *To provide a mixture of compatible land uses.*

Comment: The proposed residential flat buildings and the commercial use of Pacific Lodge are compatible with each other, and with the surrounding land uses. The proposed uses are not at odds with surrounding development, will not constrain the development potential of surrounding sites and the proposal can be developed and maintained in harmony with surrounding land uses.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Comment: The subject site is located in close proximity to the Dee Why Town Centre and the main bus stops on Pittwater Road, with excellent access to shops, services and public transport. Furthermore, shared pathways have been upgraded throughout the area, with easy access to walking and bicycle paths that extend along the Northern Beaches.

- *To reinforce the role of Dee Why as the major centre in the sub-region by the treatment of public spaces, the scale and intensity of development, the focus of civic activity and the arrangement of land uses.*

Comment: The subject site is located on the fringe of the Dee Why Mixed Use Area, opposite and adjacent to low and medium density residential development. As such, the public presentation of the development differs to that which is evident in the town centre. Nonetheless, the density of development provided on the site contributes to that anticipated throughout the Dee Why Mixed Use Area; being a Strategic Centre of the wider Eastern Harbour City, as identified in the Greater Sydney Region Plan 'A Metropolis of Three Cities'.

The proposed commercial use of Pacific Lodge, and the way it presents to Council land, positively promotes the local heritage of the area, in a sympathetic manner that will ensure its protection and enhancement into the future.

- *To promote building design that creates active building fronts, contributes to the life of streets and public spaces and creates environments that are appropriate to human scale as well as being comfortable, interesting and safe.*

Comment: The proposed development has been designed to maximise casual surveillance of street, whilst providing adequate setbacks and landscaping to ensure continuity with the existing streetscape. The proposed built form is of an appropriate scale, consistent with that anticipated on the site and compatible with nearby development. Subject to conditions of consent, the proposed development will be developed and maintained to provide a safe environment for future occupants and visitors alike, and the area will be activated by the density of residential development proposed.

- *To promote a land use pattern that is characterised by shops, restaurants and business premises on the ground floor and housing and offices on the upper floors of buildings.*

Comment: The Dee Why Mixed Use Area is the only land under the provisions of WLEP 2011 to be subject to the B4 Mixed Use Zoning. Residential flat buildings are expressly permitted with consent within the B4 Mixed Use zone, and as such, their inclusion within the Dee Why Mixed Use Area must be seen to be consistent with the objectives of the zone.

As emphasised in the Planning Proposal 'Dee Why Town Centre Masterplan' Report presented to and adopted by Council on 25 September 2018, the subject site is more appropriately developed for residential purposes, and as such, draft amendments to WLEP 2011 seek to exclude any requirement for ground floor business premises at the subject site. Nonetheless, the wider B4 mixed use zone will still be characterised by shops, restaurant and business premises on the ground floor and housing and/or offices on the upper floors of building. These amendments to WLEP 2011 have been publically exhibited on two separate occasions and are before the Department of Planning and Environment for determination. See further discussion with respect to clause 6.7 of WLEP 2011 below.

- *To encourage site amalgamations to facilitate new development and to facilitate the provision of car parking below ground.*

Comment: The site is comparably large, and amalgamation with adjoining properties is not required to provide a suitable development outcome at the site and to facilitate car parking below ground.

- **4.3 Height of Buildings & 4.6 Exceptions to development standards**

With a maximum height of 15.9m, the proposed development is non-compliant with the 13m maximum building height prescribed by clause 4.3 of WLEP 2011. The maximum building height is a development standard, as defined by the EP&A Act, and as such, the provisions of clause 4.6 of WLEP 2011 can be applied.

Pursuant to clause 4.6(2) of WLEP 2011, consent may be granted for development even though the development contravenes a development standard prescribed by an environmental planning instrument. Whilst this clause does not apply to those standards expressly excluded from this clause, the maximum building height is not expressly excluded and thus the clause can be applied in this instance.

Has the Applicant's submission addressed the relevant criteria?

Pursuant to clause 4.6(4) of WLEP 2011, consent can only be granted if the consent authority is satisfied that the applicant's written request to vary the development standard has addressed the criteria of clause 4.6(3) of WLEP 2011. The application was supported by a detailed submission (**attached**) addressing the provisions of clause 4.6 of WLEP 2011. The submission is considered with regard to the criteria of clause 4.6(3) of WLEP 2011, as follows:

- a. *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,*

Comment: In accordance with the decision of the NSW LEC in the matter of *Wehbe v Pittwater Council [2007] NSWLEC 827*, one way in which strict compliance with a development standard may be found to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are achieved, despite non-compliance with the development standard. The

applicant's submission has satisfactorily demonstrated that the proposed development will achieve consistency with the objectives of the building height development standard, and as such, strict compliance with the 13m height limit is considered to be unreasonable and unnecessary in the circumstances of this application.

- b. *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, "environmental planning grounds" were found to be grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects prescribed by clause 1.3 of that Act.

The applicant's submission provides that the comparably minor areas of non-compliance are a result of the uneven and irregular fall of the land, with the majority of the development maintained below the maximum building height levels. Strict compliance with the building height plane is said to negatively impact the overall presentation of the development, resulting in irregular setbacks and voids which would appear unnecessary in the context of the resultant development. The submission states that a better and more orderly planning outcome is achieved on the site as a result of the coherent and architecturally uniform development proposed. Furthermore, the statement demonstrates that, despite minor non-compliance with the maximum height prescribed, the proposed development is of good design and amenity, the height of which is compatible with surrounding built form, consistent with the objects of the EP&A Act.

The submission also highlights that the development is generally consistent with the built form approved by the Sydney East Joint Regional Planning Panel in 2012 (DA2011/1274), which also relied upon a variation to the 13m maximum building height prescribed under the provisions of clause 4.3 of WLEP 2011. Whilst the current proposal seeks to introduce a pitched roof form (as opposed to the flat roof form approved in DA2011/1274), the footprint of the development and amount of floor space at the upper levels of the development are almost identical. Furthermore, through the refinement of the internal layout of each building, the maximum height and RL of the proposed development is marginally reduced compared to that previously approved.

With this in mind, it is considered that the applicant's written request to vary the maximum building height development standard satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravention of the 13m maximum building height development standard.

Therefore, the consent authority can be satisfied that the applicant's written request has satisfactorily addressed the matters required by clause 4.6(3) of WLEP 2011.

Is the proposal in the public interest?

Under the provisions of clause 4.6(4)(a) of WLEP 2011, consent must not be granted to a proposal that contravenes a development standard unless that proposed development (as a whole) will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is to be carried out.

The proposal is considered to be consistent with the objectives of the building height development standard, as follows:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment: As discussed in the matter of *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*, compatibility does not require sameness, but rather the capability of existing in harmony together. The proposed development has been refined to ensure that the height and scale of the resultant development does not result in any unreasonable impacts upon the amenity of adjoining development, and appropriate landscaping and setbacks will ensure that the height and

scale is not jarring in the streetscape context. As such, the bulk and scale of the proposed development is considered to be compatible with surrounding and nearby development.

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

Comment: The proposed development is broken down into three separate buildings, with appropriate articulation and modulation to ensure that the visual impact of the development is reduced. Furthermore, the upper floors have been designed with increased setbacks and clear breaks in the built form, to reduce the apparent size of the development and minimise any potential disruption of distant ocean views as seen from properties upslope from the site. The proposal has also been designed with generous setbacks to its closest residential neighbours to the north, and does not result in any unreasonable over shadowing of adjoining sites.

- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

Comment: The subject site is located in a visually prominent position on the highest point of the Dee Why Mixed Use Area, and the upper floors of the development will be visible from a number of vantage points throughout the wider locality. The proposal has been designed to minimise the scale of these upper floors with good setbacks, articulation and varied materials. This will be further complimented by proposed conditions to ensure the appropriate use of dark and earthy finishes, to ensure that the development blends with the surrounding natural environment, particularly when seen from properties up slope. Significant additional landscaping is also proposed to enhance the bushland character of the site to a degree that is reasonable within the B4 Mixed Use Zone.

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

Comment: As above, the proposed development has been designed to minimise the visual impact of the development by means of modulation of architectural form, varied materiality and landscaping. The built form has been sited to maintain the key natural features of the site that present to the public domain, specifically the natural rock outcrops at the north-west corner of the site and along the St David Avenue frontage. Furthermore, the proposal maintains Pacific Lodge and its landscaped curtilage, which positively contributes to the adjoining civic site.

Furthermore, as discussed in further detail separately above, the proposal is considered to be consistent with the relevant objectives of the B4 Mixed Use zone.

Therefore, the consent authority can be satisfied that the proposal is in the public interest.

Has concurrence been obtained?

Pursuant to clause 4.6(4)(b) of WLEP 2011, development consent must not be granted to a development that contravenes a development standard unless the concurrence of the Secretary has been obtained. In accordance with Planning Circular PS 18-003 (dated 21 February 2018) issued by the NSW Department of Planning and Environment, the Secretary's concurrence may be assumed in this instance as the application is regionally significant development to be determined by the Sydney North Planning Panel.

Conclusion

Overall, the consent authority can be satisfied of the matters prescribed by clause 4.6 of WLEP 2011, and the proposal can be supported, despite contravention of the building height development standard.

• **6.7 Residential flat buildings in Zone B4 Mixed Use & 4.6 Exceptions to development standards**

Clause 6.7 of WLEP 2011 prescribes that “*development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level*”. The proposed development is inconsistent with this requirement, with dwellings proposed at the ground level of each residential flat

building proposed. The provisions of clause 6.7 of WLEP 2011 are not considered to be a prohibition, but rather a development standard as defined by the EP&A Act, and as such, the provisions of clause 4.6 of WLEP 2011 can be applied.

Pursuant to clause 4.6(2) of WLEP 2011, consent may be granted for development even though the development contravenes a development standard prescribed by an environmental planning instrument. Whilst this clause does not apply to those standards expressly excluded from this clause, clause 6.7 of WLEP 2011 is not expressly excluded and thus the clause can be applied in this instance.

Has the Applicant's submission addressed the relevant criteria?

Pursuant to clause 4.6(4) of WLEP 2011, consent can only be granted if the consent authority is satisfied that the applicant's written request to vary the development standard has addressed the criteria of clause 4.6(3) of WLEP 2011. The application was supported by a detailed submission (**attached**) addressing the provisions of clause 4.6 of WLEP 2011. The submission is considered with regard to the criteria of clause 4.6(3) of WLEP 2011, as follows:

- a. *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,*

Comment: As clause 6.7 of WLEP 2011 does not identify any specific objectives associated with the development standard, the traditional means of demonstrating that a standard is unreasonable or unnecessary by outlining consistency with the objectives of the standard is not able to be employed. Rather, the applicant's statement relies upon two alternate methods identified in *Wehbe v Pittwater Council [2007] NSWLEC 827*, as follows:

1. The underlying objective or purpose of clause 6.7 of WLEP 2011 is not relevant to the development such that compliance is unreasonable or unnecessary. In this regard, the statement highlights the contextual features of the site, and emphasises the constraints to ground floor commercial activation of the street frontage associated with the topographical features of the site and the adjacent low density environment. Furthermore, the statement highlights Council's own admission that the site is not suitable for shoptop housing style developments, and the current amendments to WLEP 2011 to remove the application of this clause in relation to the subject site.
2. The standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard. In this regard, the statement highlights the previous approval issued by the JRPP in 2012, which included residential apartments of the ground floor of residential flat buildings proposed, despite clause 6.7 of WLEP 2011 being a relevant matter for consideration in the assessment of that application.

Overall, the applicant's written request is considered to satisfactorily demonstrate that compliance with the provisions of clause 6.7 of WLEP 2011 is unreasonable and unnecessary in the circumstances of this application.

- a. *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The applicant's submission provides a range of reasons, or environmental planning grounds, to justify contravention of the development standard. The primary reason suggested is that the proposed development provides for a more orderly and economic outcome for the site, which is not suited for ground floor commercial or business development. This sentiment is echoed by Council, with the following comments contained within a report adopted by Council:

"Currently, Dee Why Town Centre is the only B4 Mixed Use Zone under WLEP2011. Residential flat buildings are permitted within this zone however the zone objectives require the promotion of 'active building fronts, contributing to the life of streets and public spaces' and 'a land use pattern that is characterised by shops, restaurants and business premises on the ground floor'. These objectives are re-enforced by Clause 6.7 of the WLEP 2011 which states the following:

Development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level.

Although relevant for the commercial component of the Town Centre, the above zoning does not take into account those sites which share a boundary with the Civic Site and that contain apartment style housing with landscape setbacks, and which are a similar scale to the adjacent R3 Medium Density Zone. This includes 15-23 Fisher Road which is currently occupied by an aged care and assisted living facility. These sites do not contain active building fronts and are not characterised by shops, restaurants and business premises on the ground floor. They are also physically and functionally separated by their topography to neighbouring civic uses. Council does not consider it necessary for commercial uses to be contained on these sites. Although it may be appropriate to rezone these sites to R3 Medium Density Residential, this may require re-exhibition of the Planning Proposal creating further delays. Consequently, it is recommended to exclude certain planning controls from these sites, namely, controls promoting retail and economic activity..."

Page 7-8, Planning Proposal 'Dee Why Town Centre Masterplan' - August 2018
Warringah Local Environmental Plan 2011
Adopted by Council on 26 February 2019

With this in mind, it is considered that the applicant's written request satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravention of the development standard prescribed by clause 6.7 of WLEP 2011.

Therefore, the consent authority can be satisfied that the applicant's written request has satisfactorily addressed the matters required by clause 4.6(3) of WLEP 2011.

Is the proposal in the public interest?

Under the provisions of clause 4.6(4)(a) of WLEP 2011, consent must not be granted to a proposal that contravenes a development standard unless that proposed development (as a whole) will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is to be carried out.

As identified above, there are no particular objectives prescribed in relation to clause 6.7 of WLEP 2011. However, it is considered that the intent of the standard is to promote activation of the street with ground floor commercial and retail uses. As evident in the extract from the adopted Council report above, this intent is not relevant in relation to the subject site. Nonetheless, the proposal is considered to be consistent with the relevant objectives of the B4 Mixed Use Zone.

Therefore, the consent authority can be satisfied that the proposal is in the public interest.

Has concurrence been obtained?

Pursuant to clause 4.6(4)(b) of WLEP 2011, development consent must not be granted to a development that contravenes a development standard unless the concurrence of the Secretary has been obtained. In accordance with Planning Circular PS 18-003 (dated 21 February 2018) issued by the NSW Department of Planning and Environment, the Secretary's concurrence may be assumed in this instance as the application is regionally significant development to be determined by the SNPP.

Conclusion

Overall, the consent authority can be satisfied of the matters prescribed by clause 4.6 of WLEP 2011, and the proposal can be supported, despite contravention of clause 6.7 of WLEP 2011.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011

Built Form Controls

Built Form Control	Requirement	Proposed	Variation	Complies
Front building line	Fisher Road - No setback prescribed	2.8 – 10m	-	Yes
	St David Avenue - Nil	5.1 – 8.1m	-	Yes
Side building line	4.5m	4.5 – 16.2m	-	Yes
Landscaped Open Space	40% (4248m ²)	41.3% (4376.9m ²)	-	Yes
Building envelope	45 degrees at 5m	Outside envelope	1.3m	No*

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes*	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	No*	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes*	Yes
D8 Privacy	No*	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	No*	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	No*	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	No*	Yes
E10 Landslip Risk	Yes	Yes
G1 Dee Why Mixed Use Area – Area 10 Civic Centre	No*	Yes

* discussed in further detail, below.

Detailed Assessment

• **C3 Parking Facilities**

In accordance with the car parking requirements of WDCP 2011, the development generates demand for 189 car parking spaces, as follows:

- 1 x car space for each of the 35 x 1 bedroom apartments (35 spaces)
- 1.2 x car spaces for each of the 70 x 2 bedroom apartments (84 spaces)
- 1.5 x car spaces for each of the 21 x 3 bedroom apartments (31.5 spaces)
- 1 x visitor car space for every 5 apartments (25.2 spaces)
- 6.1 x car spaces per 100m² GLFA for the future commercial use of Pacific Lodge (12 parking spaces)

The proposed development provides 191 car spaces, consistent with the minimum requirements of WDCP 2011.

Given the scale of the development and the lack of on-street parking along the entire frontage of the site, it is recommended that the 2 additional car spaces be used as dedicated delivery spaces for small delivery vehicles. Furthermore, condition of consents are recommended to ensure that access to these delivery spaces and all commercial spaces remain unobstructed between 7am and 9pm, with these hours subject to review once the trading hours of the future commercial use is known. This would require the relocation of the southern 'residential carpark control roller door' to a position further south within the basement. A further condition is recommended in this regard.

• **C4 Stormwater**

The proposed stormwater management solution is comparably vague, and lacks detail to confirm compliance with the provisions of this development control. As such, Council's Development Engineer does not support the proposal and has recommended that the application be refused in this regard.

However, as discussed in relation to the Development Engineering referral response, there is no impediment to achieving compliance with the technical requirements of this control, and conditions have been drafted by Development Engineering to ensure an appropriate stormwater solution for the site. Subject to the conditions included in the draft determination attached, the proposal is able to be achieved consistently with the provisions of this development control.

• **D7 Views**

Whilst no specific concern was raised in submissions received, the proposed built form will extend above the tree canopy and existing built form on site, and is likely to interrupt water views currently enjoyed by properties upslope from the site. A reasonable indication of views currently available from upslope properties can be garnered by viewing the site from McIntosh Road. When viewing the site from McIntosh Road, it appears that the likely impact will be limited to only a portion of the views available, with the degree of impact lessened as you move up the slope.

The impact of the proposal upon such views was considered as part of the assessment of DA2011/1274, which deemed that the resultant impact was not unreasonable in the context of the site, and it is noted that the height and scale of the proposal is generally consistent with that proposed and approved at that time. Figure 4 was provided to assist the consideration and assessment of DA2011/1274, and with the inclusion of a pitched roof to the height of the lift overruns, the visual representation is considered to fairly represent the likely impact of the proposed development upon views from McIntosh Road.



Figure 4 – Visual representation of approved Stage 1 concept approval

Properties up and along McIntosh Road were individually notified of the proposal, and the application was advertised in the local paper. In the absence of any objections to the proposal on the grounds of view loss, and noting that the impact from the public domain is acceptable, the proposal is considered to provide for the reasonable sharing of views.

- **D8 Privacy**

The proposed development fails to provide separation between a number of balconies. It is assumed that this is a drafting error, and as such, conditions of consent are recommended to ensure that these screens are incorporated into the proposal prior to the issuance of the construction certificate.

A few balconies are also located in close proximity of adjoining or nearby balconies, with opportunities for direct overlooking between dwellings. However, potential for overlooking is limited to a small portion of the relevant balconies, and each respective balcony has some space that is protected from overlooking and areas with spatial separation greater than 9m.

As discussed in relation to the ADG, concern is also raised in relation to privacy to certain ground floor apartments located in close proximity to Fisher Road, which are highly exposed due to the proximity to the street and the transparency of the proposed balustrading. Particular concern is raised in relation to the bedrooms with adjacent balconies presenting to Fisher Road sited with minimum setbacks of 2m from the street.

To maximise privacy to the more awkwardly sited apartments and to ensure a greater level of consistency with the ADG and the provisions of this development control, conditions of consent are recommended to require the following amendments to the architectural plans:

- (a) The incorporation of 1.7m high privacy screens to separate the courtyards/balconies adjacent to:
 - i. Apartments C.G01 and C.G02
 - ii. Apartments C.101 and C.102
 - iii. Apartments C.401 and C.402
 - iv. Apartments A.201 and A.302
- (b) The incorporation of a 1.7m high privacy screen on the eastern elevation of the balcony associated with Apartment C.204.

- (c) The deletion of the balconies associated with:
 - i. Bedroom 1 in Apartment C.110
 - ii. Bedroom 2 in Apartment C.112
 - iii. Bedroom 2 in Apartment B.101
 - iv. Bedroom 2 in Apartment B.106

With the sliding doors to be replaced with windows of the same size and design as the respective windows on the level above.

- **D10 Building Colours and Materials**

The application seeks consent for the majority of external walls to be finished in Taubmans “Cotton Ball”, which is best described as off-white or light cream. The use of such a light and reflective colour for such a considerable proportion of the development is inconsistent with the provisions of this development control, which prescribe that the visual impact of the development is to be minimised through the use of appropriate colours and materials to blend with surrounding bushland. As such, conditions of consent are recommended to ensure the use of darker colours on all external surfaces to achieve consistency with this development control.

- **E1 Preservation of Trees or Bushland Vegetation & E6 Retaining unique environmental features**

The application proposes the removal of a number of existing canopy trees on the site, the extent of which is not supported by Council’s Natural Environment - Biodiversity Team, who have recommended that the proposal be refused due to inconsistency with the provisions of these development controls. Upon review of the assessment report prepared in relation to DA2011/1274, it is apparent that the Natural Environment team supported the impact associated with the previous proposal, and upon review of the most recent comments, it is appears that it is the proposed additional impacts upon canopy trees that is causing the primary area of concern.



Figure 5 – Trees where proposed impacts differ to that approved pursuant to DA2011/1274

The difference between the impacts deemed acceptable and approved under DA2011/1274 and that now proposed is highlighted in Figure 5 and is identified as follows:

Tree	Species	Retention value	DA2011/1274	DA2018/1574
Tree 1	Bottlebrush <i>Callistemon viminalis</i>	Low	Retained	Removal
Tree 27	Monteray Pine <i>Pinus radiata</i>	Medium	Retained	Removal
Tree 30	Monteray Pine <i>Pinus radiata</i>	Medium	Retained	Removal
Tree 41	Smooth-Barked Apple <i>Angophora Costata</i>	High	Retained – Potential impacts	Removal
Tree 56	Yellow Bloodwood <i>Corymbia eximea</i>	High	Retained	Retained – Potential impacts
Tree 58	Tallowood <i>Eucalyptus microcarys</i>	Medium	Retained	Retained – Potential impacts
Tree 64	Red Cedar <i>Toona australia</i>	High	Retained	Removal
Tree 65	Red Cedar <i>Toona australia</i>	High	Retained	Removal
Tree 67	Bracelet Honey Myrtle <i>Melaleuca armillaris</i>	Medium	Retained	Removal
Tree 69	Scribbly Gum, <i>Eucalyptus haemastoma</i>	High	Retained – Potential impacts	Removal*
Tree 73	Monteray Pine <i>Pinus radiata</i>	Medium	Retained – Potential impacts	Removal
Tree 105	Smooth-Barked Apple <i>Angophora Costata</i>	High	Retained – Potential impacts	Removal
Tree 107	Smooth-Barked Apple <i>Angophora Costata</i>	High	Removal	Retained – Potential impacts
Tree 111	White Cedar <i>Melia azederach</i>	Medium	Retained – Potential impacts	Removal
Tree 112	White Cedar <i>Melia azederach</i>	Medium	Retained – Potential impacts	Removal
Tree 113	White Cedar <i>Melia azederach</i>	Medium	Retained	Removal
Tree 114	White Cedar <i>Melia azederach</i>	Low	Retained	Removal

Note: Tree 69 is identified for removal in the arborist report provided to support the application, however the applicant has since amended the proposal and it is likely that this tree can now be retained. A condition has been recommended to require the protection and retention of this tree.

Whilst the removal of 4-5 trees of high retention value and 7 trees of medium retention value previously identified for retention is not ideal, the loss of these additional trees is not considered to be unreasonable in the context of the B4 Mixed Use zoning of the site, and noting compliance with the minimum landscaped open space area prescribed and the lack of any prescribed minimum setbacks to Fisher Road. Furthermore, the application provides for the retention of 1 tree of high retention value that was previously nominated for removal and proposes adequate replacement canopy trees plantings and a significant enhancement of landscaping across the site, such that the outcomes of these development controls can be achieved, as follows:

- To protect and enhance the urban forest of the Northern Beaches.

Comment: The proposed development retains a key band of existing canopy trees along the St David Avenue boundary, in addition to a significant cluster adjacent to Civic Drive, and all existing healthy trees within the curtilage of Pacific Lodge. The application also proposes extensive landscaping across the site, including 82 replacement canopy trees (with a maturity height >8m) and large expanses of mass plantings, to significantly enhance the amount of vegetation across the site. The proposed development is considered to protect and enhance the urban forest of the Northern Beaches to an extent that is reasonable in light of the B4 Mixed Use zoning of the site.

- *To effectively manage the risks that come with an established urban forest through professional management of trees.*

Comment: A condition of consent is recommended to require the preparation of a plan of management to ensure that the owners corporation of the resultant Strata Plan appropriately maintains the proposed landscaping over the life of the development.

- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, stormwater retention, energy conservation and noise reduction.*

Comment: The proposed landscape solution will provide more than adequate compensatory plantings to minimise soil erosion and to improve air quality, water quality, carbon sequestration, stormwater retention, energy conservation and noise reduction.

- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*

Comment: The proposal maintains key area of rock outcrops and significant canopy trees, and is considered to be a balanced approach to the development of the site in light of its context and zoning.

- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*

Comment: The site is located in a highly urbanised environment and the proposed development will provide for the enhancement of vegetation on site in the long term.

- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Comment: The proposed landscaping will ensure that the vegetated character of the site will be preserved and enhanced. The application has sought to minimise the short-term visual impact associated with the loss of existing canopy trees by proposing semi-mature replacement canopy plantings with a pot size between 75-100L.

- *To conserve those parts of land which distinguish it from its surroundings.*

Comment: The application provides for the retention of the key landscape features of the site, including the rock outcrop along St David Avenue, the rock outcrop in the north-western corner of the site presenting to Fisher Road and the landscaped curtilage surrounding Pacific Lodge presenting to Civic Drive.

Overall, the impact is considered to be reasonable in light of the zoning of the site, and noting that the proposed landscape solution will provide an enhancement to the quality and quantity of landscaping on the site in the medium-long term. As such, the proposal is not considered to warrant refusal in this regard.

- **G1 Dee Why Mixed Use Area – Area 10 Civic Centre**

The site is located within Area 10 Civic Centre in the Dee Why Mixed Use Area. Clause G1 of WDCP 2011 provides a series of specific controls the Civic Centre, including the following requirements relevant to the subject site:

- a. The minimum front setback will be zero metres from St David Avenue,
- b. Development must be sited within an envelope determined by projecting plans at 45 degrees from a height of 5m above natural ground level at the side boundaries,
- c. The minimum setback from a building to the side boundary is 4.5 metres,
- d. The minimum area of landscaped open space is 40% of the site area
- e. Car parking facilities must be provided below ground or behind buildings in shared parking areas.

The proposed development is consistent with these development controls, with the exception of minor breaches of the building envelope on the eastern elevation of Building A, as shown in **Figure 6**.

The objectives of clause G10 of WDCP 2011 are comparably board, with only two objectives that can be said to be relevant to the imposition of a building envelope control;

- *To encourage good design and innovative architecture.*
- *To ensure shops and dwellings enjoy good access to natural light and buildings address the street.*

The three minor areas of non-compliance are limited to a maximum height of 0.91m, 1.05m and 1.33m respectively. The breaches are limited in scale due to the articulated nature of the eastern elevation, will not contribute to excessive bulk and scale, and will not be visible from the public domain. Overall, the minor areas of non-compliance along the eastern elevation of Building A do not detract from consistency with these objectives of clause G10 of WDCP 2011.

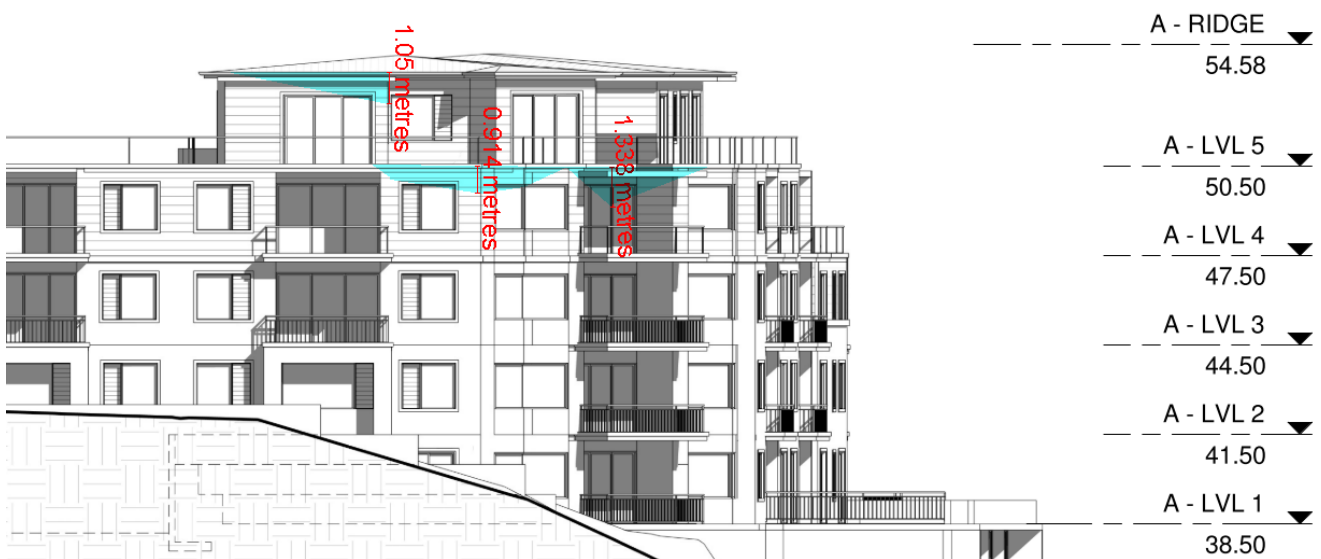


Figure 6 – Extent of building envelope non-compliance (Building A)

CONCLUSION

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

- ♦ Environmental Planning and Assessment Act 1979;
- ♦ Environmental Planning and Assessment Regulation 2000;
- ♦ All relevant and draft Environmental Planning Instruments;
- ♦ Pittwater Local Environment Plan;
- ♦ Pittwater Development Control Plan; and
- ♦ Codes and Policies of Council.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- ♦ Consistent with the objectives of the DCP
- ♦ Consistent with the zone objectives of the LEP
- ♦ Consistent with the aims of the LEP
- ♦ Consistent with the objectives of the relevant EPIs
- ♦ Consistent with the objects of the Environmental Planning and Assessment Act 1979

RECOMMENDATION

That the SNPP grant development consent to DA2018/1574 for the construction of a mixed use development comprising residential apartments, commercial use of a heritage listed building, car parking, landscaping and subdivision at 23 Fisher Road, Dee Why subject to the following draft conditions of consent:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan, A1.01, revision C	24 April 2019	Rose Architectural Design
West Elevation & South Elevation, A3.02, revision C	24 April 2019	Rose Architectural Design
East Elevation & North Elevation, A3.04, revision C	24 April 2019	Rose Architectural Design
Basement Parking Plan 1, A2.01, revision C	24 April 2019	Rose Architectural Design
Basement Parking Plan 2, A2.02, revision C	24 April 2019	Rose Architectural Design
Level 1 Plan, A2.03, revision C	24 April 2019	Rose Architectural Design
Level 2 Plan, A2.04, revision C	24 April 2019	Rose Architectural Design
Level 3 Plan, A2.05, revision C	24 April 2019	Rose Architectural Design
Level 2 Plan, A2.06, revision C	24 April 2019	Rose Architectural Design
Level 5 Plan, A2.07, revision C	24 April 2019	Rose Architectural Design
Roof Plan, DA2.08, revision C	24 April 2019	Rose Architectural Design
Section A-A & B-B, A3.05, revision B	20 February 2019	Rose Architectural Design
Section C-C & D-D, A3.06, revision B	20 February 2019	Rose Architectural Design
Schedule of Colours and Materials, A5.01, revision B	20 February 2019	Rose Architectural Design
Landscape Plans - Endorsed with Council's stamp		
Concept Masterplan (p.13), revision E	April 2019	Context Landscape Design
Southern & Eastern Bushland Zone (p.14), revision E	April 2019	Context Landscape Design
Fisher Road Frontage (p.15), revision E	April 2019	Context Landscape Design
Northern Bushland Zone (p.16), revision E	April 2019	Context Landscape Design
Community Parkland (p.17), revision E	April 2019	Context Landscape Design
Heritage Zone (p.18), revision E	April 2019	Context Landscape Design
Rooftop Garden (p.19), revision E	April 2019	Context Landscape Design
Planting Schedule (p.21-22), revision E	April 2019	Context Landscape Design

- (b) The following Approved Supporting Documents are relied upon in this consent:

Reports / Documentation:		
Report	Dated	Prepared By
BASIX Certificate 944202M	29 August 2019	Rose Management Services Pty Ltd
Flora and Fauna Report	April 2018	Ecological Consultants Australia Pty Ltd
Geotechnical Study	29 June 2011	Coffey Services Australia Pty Ltd
Geotechnical Addendum Letter	13 March 2018	Coffey Services Australia Pty Ltd
Arboricultural Impact Assessment Report	August 2018	Bluegum Tree Care and Consultancy

- (c) The development must be carried out in compliance (except as amended by any other condition of consent) with any plans and/or documentation submitted to satisfy the conditions of this consent.

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 the consent authority.

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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 maybe 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.
- (c) 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.
- (d) 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

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:

- 8.00am 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.

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

4. Commercial Use of Pacific Lodge

A separate development application is required for the specific use and fitout of Pacific Lodge.

Reason: to ensure an appropriate assessment of the development in accordance with relevant legislation, plans and policies.

5. No approval for signage

This consent does not authorise the erection of any signage at the subject site.

Reason: To ensure the outcome anticipated by this development consent.

FEES / CHARGES / CONTRIBUTIONS

6. 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.northernbeaches.nsw.gov.au).

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

7. Construction, Excavation and Associated Works Bond (Shared Pedestrian Footpath Construction)

A Bond of \$75,000 as security against any damage or failure to complete the construction of the shared pedestrian footpath and associated works as part of this consent.

Reason: Protection of Council's Infrastructure

8. Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$20,000 for the construction of shared pedestrian footpath. The Maintenance Bond will only be refunded on completion of the six month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion and may be exchanged for the works bond.

Reason: To ensure adequate protection of Council infrastructure

9. Development Contributions

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan. The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$70,820,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$672,790.00
Section 7.12 Planning and Administration	0.05%	\$35,410.00
Total	1%	\$708,200.00

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 certifying authority.

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

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

10. Stormwater Management

A stormwater management system incorporating an on-site stormwater detention system must be designed and constructed in accordance with Northern Beaches Council's *Warringah Water Management Policy PL850*.

Detailed stormwater management plans are to be prepared by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.) demonstrating the following:

- (a) Stormwater discharges from the developed site are to be limited to the pre-developed state of nature flows up to the 1 in 100 year ARI as required by Northern Beaches Council's *Warringah Water Management Policy PL850*.
- (b) The Council Fisher Road drainage network is to be analysed to determine the capacity using a DRAINS model. If the capacity of the downstream drainage system is less than the 1 in 5 year ARI event then either the system shall be upgraded at the applicants cost or a Detention Structure is to be sized to reduce the post development flows to a level that can be accommodated within the existing downstream Council network.

The detailed stormwater management plans and a report, including engineering certification confirming the above requirements have been satisfied and that the stormwater system is compliant with Council's requirements and specifications, are to be submitted to the certifying authority for approval prior to the issue of the construction certificate.

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

11. Geotechnical recommendations

The recommendations of the approved Geotechnical Study referenced in Condition 1 of this consent are to be incorporated into the construction certificate detail plans. Detailed plans demonstrating consistency in this regard are to be submitted to the certifying authority.

Reason: To minimise the risk of development on a landslip affected site.

12. Tanking of Basement Level

The basement area is to be permanently tanked. Details of the tanking are to be prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the relevant authority. The bore license must be obtained prior to commencement of dewatering works. All requirements of the relevant authority are to be complied with and a copy of the approval must be submitted to the certifying authority. Details demonstrating compliance are to be submitted to the certifying authority prior to the issue of the construction certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

13. Structural Adequacy and Excavation Work

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

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

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

Reason: To provide public and private safety.

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. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the 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. Utilities Services

Prior to the issue of the construction certificate, written evidence is to be submitted to the certifying authority from all relevant utility suppliers that satisfactory arrangements have been made for the approved development to be connected to all required services.

Reason: To ensure that service have been provided as required by this Consent.

16. Underground Services

All services for the proposed dwellings/lots are to be located underground. The location of any trenching for underground services is to take into account future/proposed landscaping. Details demonstrating compliance with this requirement are to be submitted to the certifying authority prior to the issuance of the construction certificate.

Reason: To protect services and minimise visual clutter.

17. Compliance with Standards

The development is required to be designed and 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.

18. Construction Traffic Management Plan.

A Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the certifying authority prior to issue of any construction certificate.

The CTMP must address following:-

- (a) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (b) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (c) Make provision for all construction materials to be stored on site, at all times;

- (d) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (e) The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (g) Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- (h) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- (i) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- (j) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- (k) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- (l) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- (m) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (n) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- (o) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (p) Proposed protection for Council and adjoining properties;
- (q) The location and operation of any on site crane; and
- (r) The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

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

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

19. Pre-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, stormwater assets etc). In relation to stormwater infrastructure, the report must be prepared in accordance with Council’s *Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset*. A copy of the report must be provided to Council,

any other owners of public infrastructure and the owners of adjoining and affected private properties.

Reason: Protection of Council's and Private Party's Infrastructure during construction.

20. External Finishes

The External Materials & Finishes Palette referenced in Condition 1 of this consent is to be amended, as follows:

- (a) "External Wall 2" shall be a tone equivalent to or darker than Colorbond "Jasper",
- (b) "External Wall 3" shall be a tone equivalent to or darker than Colourbond "Windspray",
- (c) "Applied Detail & Trim" shall be a tone equivalent to or darker than Colorbond "Windspray",
- (d) "External Metalwork" shall be a tone equivalent to or darker than Colorbond "Windspray",
- (e) "Privacy Screens and Fences" shall be a tone equivalent to or darker than Colorbond "Windspray".

The use of red, white or light colours on any external surface is not permitted.

The development is to be in accordance with the amended External Materials and Finishes Palette required by this condition. Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure that the visual impact is appropriately minimised.

21. BASIX Requirements

BASIX affected development must comply with the schedule of BASIX commitments specified within the BASIX Certificate referenced in Condition 1 of this consent.

Details demonstrating compliance are to be included on the plans/specifications is required prior to the issue of the construction certificate.

Reason: Legislative requirement.

22. Amendments to Approved Plans

Prior to the issuance of the construction certificate, the Approved Architectural Plans referenced in Condition 1 of this consent are to be amended, as follows:

- (d) The deletion of the residential common room, to be replaced with a sub floor area that is setback 1m from the alignment of the balcony above.
- (e) The deletion of the paved area adjacent to the common room, with the retention of natural ground levels in this area.
- (f) An adjustment to the setback of the south-eastern corner of the balcony associated with Apartments C.G01, such that no part of the structure is within 4m of the eastern property boundary, whilst ensuring the retention of the proposed planter boxes.
- (g) An adjustment to the setback of the south-eastern corner of the balcony and courtyard associated with Apartments C.101, such that no part of the structure is within 6m of the eastern property boundary, whilst ensuring the retention of the proposed planter boxes.
- (h) The incorporation of 1.7m high privacy screens to separate the courtyards/balconies adjacent to:
 - i. Apartments C.G01 and C.G02
 - ii. Apartments C.101 and C.102
 - iii. Apartments C.401 and C.402
 - iv. Apartments A.201 and A.302
- (i) The incorporation of a 1.7m high privacy screen on the eastern elevation of the balcony associated with Apartment C.204.
- (j) The deletion of the balconies associated with:
 - i. Bedroom 1 in Apartment C.110
 - ii. Bedroom 2 in Apartment C.112

- iii. Bedroom 2 in Apartment B.101
 - iv. Bedroom 2 in Apartment B.106
- With the sliding doors to be replaced with windows of the same size and design as the respective windows on the level above.
- (k) The incorporation of a light-weight roof above the two letter box areas.
 - (l) The incorporation of solid balustrades for all Level 1 and Level 2 courtyards/balconies presenting to Fisher Road, finished in horizontal cladding and slightly setback from the dominant façade of the adjacent external wall.
 - (m) The incorporation of a garage door at the entrance of the garage, setback 1m from the façade of the parapet above, that automatically opens as vehicles approach from both inside and outside the development between 7am and 9pm, and when the commercial tenancy is open for trading.
 - (n) The deletion of the pedestrian exit from Basement Level 1C towards the east.

Reason: To ensure an appropriate level of amenity and consistency with relevant plans and policies.

23. Amendments to Approved Landscape Plans

Prior to the issuance of the construction certificate, the Approved Landscape Plans referenced in Condition 1 of this consent are to be amended, as follows:

- (a) To ensure consistency with the amended Approved Architectural Plans,
- (b) The passive hardscape area and bench seating above the garage entrance, between Apartments B.106 and A.G16, is to be removed and replaced with a planting area with a minimum soil depth of 1m, to accommodate 3 x small canopy trees. Further, soft plantings are to be incorporated along the western parapet to drape down over the garage entrance.
- (c) The retaining wall to the north of the main driveway/garage entrance is to step up in height from 34.80 at the street frontage to 36.0 to allow for the land to be battered up away from the street to screen the subfloor wall below Apartment A.G16.
- (d) The retaining wall surrounding the planter fronting Fisher Road, adjacent to Apartment B.106 is to be increased in height from 34.80 to 36.00.
- (e) The incorporation of Southern /Eastern Bushland Planting in the area between the subfloor area below Apartments C.G01 and C.G02 and the eastern property boundary, with the retention of natural ground levels.

24. Landscape Maintenance Plan

A Landscape Maintenance Plan is to be prepared and submitted to the certifying authority that outlines the technique and frequency of maintenance tasks during the establishment of the landscaping on the subject site. The Landscape Maintenance Plan is to be implemented for a period 24 months immediately following the completion of landscape and hardscape works on site. The Landscape Maintenance Plan is to incorporate maintenance and care of hardscape elements (e.g. paving, retaining walls), weeding, watering, mowing, consideration of other endemic species where plantings do not respond to the conditions as expected and a procedure for the replacement of failed plantings.

Reason: To ensure the establishment of proposed landscaping.

25. On slab landscape planting and associated works

The following landscape details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate:

- (a) indicating the proposed method of waterproofing to concrete slabs and planters to which soil and planting is being provided.
- (b) indicating soil type, plant species, irrigation, services connections, maintenance activity schedule and soil depth compliant with iii) below.
- (c) The following minimum soil depths are required to be provided in approved landscape areas:
 - 300mm for lawn
 - 600mm for shrubs
 - 1 metre for trees

Reason: To ensure the provision of suitable landscape amenity and character.

26. Tree Protection Plan

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

- (a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:
 - i. Layout of the approved development
 - ii. Location of trees identified for retention
 - iii. Extent of canopy spread
 - iv. Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
 - v. General tree protection measures
- (b) The Tree Protection Plan is to be submitted to the certifying authority for approval prior to issue of the construction certificate.
- (c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

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

27. Engagement of a Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out according to the conditions of consent and the submitted Flora and Fauna Report (Ecological Consultants Australia Pty Ltd, April 2018).

The Project Ecologist must have one of the following memberships/accreditation:

- (a) Practising member of the NSW Ecological Consultants Association, OR
- (b) Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Employment of a project ecologist is to be certified by the certifying authority prior to issue of the construction certificate.

Reason: To protect native vegetation and wildlife.

28. Engagement of a Project Arborist

A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to the issuance of a construction certificate. The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved Arboricultural Impact Assessment Report referenced in Condition 1 of this consent and AS4970-2009 Protection of trees on development sites. The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Employment of a project ecologist is to be certified by the certifying authority prior to issue of the construction certificate.

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

29. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Council Waste Management Guidelines, including the required Northern Beaches Council Waste Management Plan, 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 Northern Beaches Council 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.

30. Separate waste room and bulk store

The applicant must ensure the room is partitioned to ensure separate area for waste room and bulk store. Applicant is to partition to ensure both room can utilize the roller door. It is recommended the right side of the room (facing the room) is used as the bulk store and the remainder of the space as the waste room.

A separate residence door to the bulk room is required. The door to the waste room and bulk store must be 1200mm wide.

The rolling door must not be lockable.

Reason: This is to ensure separation of waste and ensure the bulk waste does not block access to the bins and vice versa.

31. Sydney Water

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The appropriately stamped plans must then be submitted to the Certifying Authority prior to the issuance of the construction certificate demonstrating the works are in compliance with Sydney Water requirements.

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

32. Sydney Water

A section 73 Compliance Certificate under the provisions of the Sydney Water Act, 1994 must be obtained from Sydney Water. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

33. Application for works within the public road reserve

An application for works within Council's public road reserves is to be submitted to Council for approval under the provisions of Section 138 and 139 of the Roads Act. The application is to include four (4) copies of civil engineering plans for the design of the shared pedestrian footpath and retaining walls, 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. and is to be accompanied by the associated fee. An approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: Statutory requirement.

34. Footpath Construction

The applicant shall reconstruct the footpath in Fisher Road to a 2.5m wide shared pedestrian footpath from the existing shared pedestrian footpath fronting the Police Citizens Youth Club building to the corner of St David 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.

35. Vehicle Crossings Application

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the certifying authority prior to the issue of the construction certificate.

Reason: To facilitate suitable vehicular access to private property.

36. Livable Housing

Prior to the issuance of the construction certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all 26 "livable" apartments (and access thereto) have been designed to meet the Silver Level requirements of the Livable Housing Design Guidelines.

Reason: To provide livable housing options.

37. Residential Apartment Development

Prior to the issuance of the construction certificate, a statement by the qualified designer is to be submitted to the certifying authority to verify that the plans and specifications of the development achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

Reason: Legislative requirement.

38. Car wash

The car wash bay is to incorporate a tap/hose for use by residents. The car wash bay is to be graded to drain to the sewerage system. The perimeter of the wash bay is to be suitably bunded to prevent stormwater entering the sewer. Details demonstrating compliance are to be submitted to the certifying authority prior to the issuance of the construction certificate.

Reason: To provide a usable area for car washing.

39. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development. Details demonstrating compliance are to be submitted to the certifying authority prior to the issuance of the construction certificate.

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

40. Driveways/internal roadways

Any driveway and internal roadway is to be constructed to an all-weather standard, non-slip finish

and is to be appropriately line-marked and signposted. Dark grey/black oxide or pigment is to be added to the proposed concrete finish to achieve a dark coloured driveway and parking area. Details demonstrating compliance with these requirements are to be included as part of the construction certificate application.

Reason: To ensure that the visual impact of roadways/driveways are minimised.

41. Car Parking and driveways design

Prior to the issue of the construction certificate, certification is to be provided from a suitably qualified professional to the certifying authority to confirm:

- (a) that the layout and design of the basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is strictly in accordance with the provisions of AS2890.1-2004,
- (b) that the design of the service bay conforms with the swept path of the largest anticipated vehicle (removalist truck or garbage truck), and
- (c) that all disabled parking spaces and the internal access route dimensions/gradient comply with AS2890.6-2009,

Reason: To ensure safe vehicular egress.

42. Archival Record

A black and white photographic survey, in accordance with the guidelines of the Heritage Council, is to be submitted in an unbound report format. The report shall contain:

- (a) A front cover marked with:
 - i. the name/location of the property;
 - ii. the date of the survey;
 - iii. the name of the Company or persons responsible for the survey.
- (b) A layout plan of the existing building; identifying rooms and features shown in the photographs.
- (c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan and elevations of the building; and a set of negatives. All photographs are to be mounted in acid-free photographic corner mountings and photographs are to be fixed into acid-free corner mounting.
- (d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs (with negatives) are to be included in the photographic survey report.

These documents are to be provided to Council's historical archives.

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

Reason: To provide a historical record of heritage significant works on the site for archival purposes.

43. Heritage Interpretation Strategy

Prior to the issuance of a construction certificate, a suitably qualified professional is to prepare an Interpretation Strategy for the site in accordance with the Heritage Council's Policy and Guidelines for the Interpretation of heritage Place, which provides for the communication of heritage values of the place to users of the site and with wider community in informative, entertaining and culturally appropriate ways.

Reason: To promote the heritage significance of the site.

44. Memorial ashes

Prior to the issuance of the construction certificate, the memorial ashes on the site should be recorded, retained and relocated where necessary under the guidance of the Salvation Army. If they

are required to be moved from site, they should be given to the Salvation Army. Details demonstrating compliance with this requirement is to be submitted to the certifying authority.

Reason: To ensure appropriate protection of items of heritage significance.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

45. Public Liability Insurance

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

46. 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.

47. Progress Certification (Road & Subdivision)

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Council for the following stages of works:

- (a) Footpath sub-grade trimmed and compacted **
- (b) Base-course laid and compacted **
- (c) Kerb and gutter construction
- (d) Pouring of concrete for the shared pedestrian footpath.
- (e) Landscaping and vegetation
- (f) Clean-up of site, and of adjoining Council roadway and drainage system.

(**To be tested by a recognised N.A.T.A. approved laboratory).

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

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

48. Notification of Inspections

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

- (a) Installation of Silt and Sediment control devices
- (b) Prior to pouring of kerb and gutter
- (c) Shared Footpath subgrade level / basecourse level

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements.

49. Civil Works Supervision

All civil works approved in the construction certificate are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

50. 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

51. Vehicle Crossings

An authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. 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.

52. Excavation and Erosion Control

Prior to commencement of any works, temporary sedimentation and erosion controls are to be installed to eliminate the discharge of sediment from the site, including:

- (a) A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
- (b) Sediment is not to leave the site or enter areas of riparian vegetation, and the appropriate sediment fencing is to be installed.
- (c) The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.
- (d) Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.
- (e) Measures required in permits issued under the Water Management Act shall be implemented. This Act requires that people obtain approval for any proposed works within 40 metres of a watercourse.
- (f) Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.
- (g) Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
- (h) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries.
- (i) Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
- (j) Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters.

Reason: To minimise soil erosion

53. Maintenance of Sediment

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

54. Site Entry Access way

An all-weather access way at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.

Reason: To reduce sediment being taken offsite

55. Cleaning of Vehicles Leaving Site

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite

56. Potential Land Contamination

Any new information which comes to light during excavation or construction works which has the potential to alter previous conclusions about site contamination or hazardous materials must be notified to the certifying authority and Council as soon as reasonably practicable and appropriate complying action must be taken to protect site workers and the environment.

Reason: To human health and the environment.

57. Dust during works

Measures shall be documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: To prevent air pollution from dust and comply with legislation.

58. Construction Traffic Management Plan

The Construction Traffic Management Plan (CTMP) required by this consent is to be implemented and adhered to throughout the construction phase of the development on site.

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

59. Tree Protection

All trees not approved for removal are to be safely retained and protected during works. Specifically:

- (a) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- (b) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by the Project Arborist on site.
- (c) All tree protection to be in accordance with the approved Tree Protection Plan, the recommendations of the Approved Arboricultural Impact Assessment referenced in Condition 1 of this consent and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- (d) 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
- (e) 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.

60. Protection of rock and sites of significance

All rock outcrops outside of and below the area of approved works are to be preserved and protected at all times during demolition excavation and construction works. Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

61. Tree Clearing Protocols

The Project Ecologist is to be present to:

- (a) relocate any displaced fauna that may be disturbed during any tree clearance and/or construction works;
- (b) direct the tree removal contractor to salvage any tree hollows within the development area and place them within areas of retained native vegetation on the site.
- (c) certify in writing that the above has been undertaken and submit this to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native wildlife in accordance with Sections 2.1 and 2.4 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls.

62. Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction, as specified in the approved Flora and Fauna report referenced in Condition 1 of this consent and any other conditions. Compliance with these measures is to be certified by the project ecologist prior to issue of the occupation certificate.

Specifically:

- (a) Vegetated areas outside of approved disturbance zones to be protected from any impact of development.
- (b) Dead wood including upright dead trees and fallen logs on the ground should be retained or relocated onsite and protected during works as they provide high quality habitat for threatened fauna species.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

63. Waste/Recycling Requirements

During demolition and/or construction the proposal/works shall be generally consistent with the Waste Management Plan referenced in Condition 1 of this consent.

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

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

64. Landscaping

Prior to the issuance of the occupation certificate, a qualified landscape architect/designer is to certify that the landscaping works have been completed in accordance with the approved Landscape Plans referenced in this consent, as amended by any conditions of consent.

Furthermore, evidence is to be provided to confirm the engagement of a suitably qualified landscape

architect who will be responsible for the implementation of the Landscape Maintenance Plan for a minimum period of 2 years. The landscape architect is to confirm that they will undertake to:

- (a) visit the site immediately following completion of the landscaping and hardscape works on site (those other than in the creekline corridor); and
- (b) visit the site on a three (3) monthly basis for a period of 2 years to ensure implementation of the Landscape Maintenance Plan.

Reason: To ensure the approved landscaped solution is provided and appropriately established and maintained.

65. Tree Protection

The Project Arborist is to provide written certification that all trees not nominated for removal have been safely retained and that all works adjacent to protected trees were undertaken strictly in accordance with the recommendations outlined in the approved Arboricultural Impact Assessment Report referenced in Condition 1 of this consent and AS4970-2009 Protection of trees on development sites.

Reason: To ensure tree retention.

66. Compliance with Ecologist's Recommendations

Prior to the issuance of the occupation certificate, the project Ecologist is to provide written certification that the development has been completed in accordance with the recommendations of the approved Flora and Fauna Report referenced in Condition 1 of this consent.

Reason: Preservation and enhancement of the natural environment.

67. Post-Dilapidation Report

The applicant is to engage a suitably qualified person to prepare a post-dilapidation report of the condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc) following the completion of works. Any noted damage is to be rectified by the applicant, to the satisfaction of Council, prior to the release of the security bond. The post construction dilapidation report must be submitted to the Council for review and the certifying authority prior to the issue of the occupation certificate.

Reason: To ensure all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.

68. 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 Compliance Certificate is to be issued by an Accredited Certifier 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 in accordance with the approved plans.

69. Certification of Water Management

Certification is to be provided to the accredited certifier by a qualified experienced practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.

Reason: To ensure stormwater management infrastructure has been built in accordance with the plans and specifications required under this consent

70. Garbage and Recycling Facilities

All internal walls of the storage area 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.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

71. 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 the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the occupation certificate.

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

72. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with Northern Beaches Council Waste Management Guidelines. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure waste and recycling facilities are provided.

73. Section 73 Compliance Certificate

Prior to the issuance of the occupation certificate, a copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be submitted to the certifying authority.

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

74. Livable Housing

Prior to the issuance of the occupation certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all 26 "livable" apartments (and access thereto) have been constructed in accordance with the Silver Level requirements of the Livable Housing Design Guidelines.

Reason: To provide livable housing options.

75. Car Parking

Prior to the issue of the occupation certificate, certification is to be provided from a suitably qualified professional to the certifying authority to confirm:

- (a) that the layout and design of the as-built basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is strictly in accordance with the provisions of AS2890.1-2004,
- (b) that the service bay conforms with the swept path of the largest anticipated vehicle (removalist truck or garbage truck), and
- (c) that all disabled parking spaces and the internal access route dimensions/gradient comply with AS2890.6-2009,

Reason: To ensure safe vehicular egress.

76. External Finishes

Prior to the issuance of the occupation certificate, written certification is to be provided by the project architect that the finishes of the as-built development are consistent with those nominated in the amended External Materials & Finishes Palette required by this consent.

Reason: To ensure that the as-built finishes of the development are consistent with the high quality finishes approved.

77. BASIX Requirements

Prior to the issuance of the occupation certificate, certification is to be provided to confirm that the commitments identified in the BASIX Certificate referenced in Condition 1 of this consent have been fulfilled.

Reason: Legislative requirement.

78. Restriction as to User for On-site Stormwater Detention

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, (available from Northern Beaches Council), 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 the subdivision certificate for the Community Management subdivision.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval.

79. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land 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 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 covenant.

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

80. Removal of redundant driveways

All redundant laybacks and crossings are to be restored to footpath/grass.

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

Reason: To facilitate suitable vehicular access to private property.

81. Pedestrian Signal Phasing

Prior to the issuance of an occupation certificate, the applicant is to engage with RMS to implement a Pedestrian Crossing Phase along the northern leg of the Lewis Street/Fisher Road signalised intersection. Any costs associated with facilitating the fourth crossing facility shall be borne by the applicant at no cost to Council or RMS. Details demonstrating compliance are to be submitted to the certifying authority prior to the issue of the occupation certificate.

Reason: To facilitate pedestrian access to the Bus Stop on the western Side of Fisher Road.

82. Footpath Construction

The footpath, in accordance to Council's standard specifications, shall be constructed along all site frontages to Council's satisfaction. Details demonstrating compliance are to be submitted to the certifying authority prior to the issue of the occupation certificate.

Reason: To provide pedestrian access around the site and to/from the property.

83. No Stopping Restrictions

Prior to the issuance of the occupation certificate, No Stopping (R) restrictions are to be installed between the two indicated driveways, following approval by the Local Traffic Committee.

Reason: To maximise visibility and safety at the Fisher Road/McIntosh Road roundabout and ensure consistency with the advice of RMS.

84. Plan of Management

Prior to the issuance of the occupation certificate, a Plan of Management is to be produced for the management of the site and submitted to the certifying authority, identifying:

- (a) Consistency with all 'on-going' conditions of consent over the life of the development,
- (b) Measures to ensure the ongoing conservation and maintenance of Pacific Lodge and its curtilage, both in terms of funding and provision of minimum standards of repair and maintenance, the latter guided by the standard in Section 118 of the *Heritage Act 1977*, as amended, namely:
 - i. The protection of the building from damage or deterioration due to weather (including such matters as the weatherproofing of roof, doors and windows),
 - ii. The prevention of and protection of the building from damage or destruction by fire,
 - iii. Security (including surveillance measures to prevent vandalism),
 - iv. Essential maintenance and repair (being maintenance and repair necessary to prevent serious or irreparable damage or deterioration).
- (c) Outlining all required maintenance responsibilities for private infrastructure, including water management infrastructure and landscaping, and
- (d) Space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the maintenance of lighting and landscaping,

85. CPTED measures

The following measures are to be employed to maximise security for future occupants of the development:

- (a) A closed circuit television system which complies with AS4806:2006 is to be implemented on site and should consist of surveillance cameras strategically placed around the development to provide maximum surveillance, and
- (b) A suitably qualified professional is to confirm that the lighting strategy employed at the site is consistent with AS1158, and compatible with the surveillance system installed.

Details demonstrating compliance are to be submitted to the certifying authority prior to the issuance of the occupation certificate.

Reason: to maximise safety for future occupants of the development.

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

86. Landscaping

All approved landscape works are to be maintained for the lifetime of the development.

Reason: To ensure vegetation is retained and maintained.

87. Plant Equipment

Air-conditioning units and other plant equipment shall not be located on roof forms or in any location that will be visible from the public domain.

Reason: To avoid additional visual clutter.

88. Parking

All parking spaces are to be maintained free of obstruction and used solely for the parking of vehicles. The development is to maintain the following spaces for the life of the development:

- (a) 151 dedicated car spaces for the 126 residential apartments, with at least 1 space for each one and two bedroom apartments and 2 spaces for each three bedroom apartments,
- (b) 12 dedicated spaces for Pacific Lodge, clearly marked “commercial”,
- (c) 26 dedicated visitor parking spaces, clearly marked “visitor”, including 1 parking space for people with disabilities compliant with the provisions of AS2890.6, and
- (d) 2 x dedicated spaces for small delivery vehicles, clearly marked “deliveries”

The 12 dedicated spaces for Pacific Lodge and the 2 dedicated delivery spaces must be accessible at all times and must not be located behind the ‘residential carpark control door’.

Reason: To ensure that off-street parking is maintained for the life of the development.

89. Livable Housing

26 apartments are to be maintained in accordance with the Silver Level Livable Housing Design Guidelines.

Reason: To provide livable housing.

90. Maintenance of Infrastructure

All private stormwater management devices and other internal infrastructure (including roads, driveways, etc.) are to be maintained in accordance with the accepted design, maintenance plan and manufacturer's specifications and associated operational guidelines.

Reason: to ensure that infrastructure is appropriately maintained.

91. Fire Safety Matters

Each year the Owners must send to the Council and the NSW Fire Brigade 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.

92. Access to Civic Drive

Occupants of the development have no legal right to access the site across Civic Drive. Council may remove the existing pathway at any time.

Reason: To ensure that the future development of Civic Drive is not compromised by the development.

93. Loading and Unloading

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity.

94. Consistency with the Plan of Management

The proposed development is to be maintained in accordance with the Plan of Management required by this consent.

Reason: To ensure that the site, specifically Pacific Lodge, is maintained in accordance with the standards required by this consent.

95. Pacific Lodge

All original fabric, including but not limited to, doors, windows, floors, walls, ceilings, decorative features, fireplaces and ashlar finish to the central hallway of Pacific Lodge should be retained, with appropriate maintenance.

Reason: To protect the significance of Pacific Lodge.

96. Storage Areas

With the exception of the space marked 'S' in Apartment A.301, all rooms/spaces marked 'S' are to be used solely for storage and not as habitable floor space. In relation to Apartment A.301, the 3m x 3m room with double sliding doors onto the balcony and an area marked 'S' is not to be identified, described or used as a bedroom.

Reason: To ensure appropriate levels of amenity and consistency with the development proposed and approved.