

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0850
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Responsible Officer:	Daniel Milliken
Land to be developed (Address):	Lot 1 DP 1208984, 1320 Pittwater Road NARRABEEN NSW 2101
Proposed Development:	Alterations and additions for shop top housing including basement carparking and strata subdivision
Zoning:	LEP - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Volcano Pty Ltd
Applicant:	Volcano Pty Ltd

Application lodged:	17/08/2016
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	16/09/2016 to 04/10/2016
Advertised:	17/09/2016
Submissions:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,947,805.74
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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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

NORTHERN BEACHES COUNCIL

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B2 Number of Storeys
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - C9 Waste Management

SITE DESCRIPTION

Property Description:	Lot 1 DP 1208984 , 1320 Pittwater Road NARRABEEN NSW 2101
Detailed Site Description:	<p>The site is located between Pittwater Road and Lagoon Street (i.e. the site has two street frontages), on the eastern side of Pittwater Road and the western side of Lagoon Street. The site has an area of 616.1sqm.</p> <p>The site is irregular in shape having an angled frontage addressing Pittwater Road of 13.51 metres. The site has a variable depth of between 47.605 and 53.345 metres and a secondary frontage to Lagoon Street. The western portion of the site is generally flat before rising approximately 3.0m across its surface to the Lagoon Street frontage. The site does not contain any trees or significant landscape features.</p> <p>The western portion of the site is currently occupied by a two storey brick and rendered mixed use building containing three ground floor commercial tenancies, associated shared bathroom and laundry facilities with an external stair providing access to 2 × one and 1 × two bedroom apartments above. A timber staircase provides pedestrian access from Lagoon Street to the rear portion of the site.</p> <p>The surrounding development consists of:</p> <ul style="list-style-type: none"> • Similar shop top housing developments to the north, south and east, and; • Pittwater Road car parking facilities and a public reserve to the west.

Map:



SITE HISTORY

BC2015/0019

This application was a Building Certificate to formalise the retail shops and offices at ground level and upper level structures, rooms and facilities and was issued on 12 March 2015.

DA2015/0282

This application was for the use of the upper floor of the premises as residential units and was approved on 22 June 2015.

PLM2015/0018

A prelodgement meeting was held to discuss the current development. Relevant comments provided in the minutes include:

Council's preferred option would be for the site to be amalgamated with one or both of its neighbours. This would allow the width to provide adequate parking (without the use of mechanical devices) and more retail space on the ground floor. While it is noted that amalgamation may not be possible in the short term Council still recommends that it be explored.

The amended design still does not comply with the 11m height limit or the 3 storey control. It is strongly recommended that the top floor be stepped back from Lagoon Street and back from the Pittwater Road end to reduce the extent of the non-compliance.

Council would not support the current proposal as a result of non-compliances or inconsistencies with:

- 1. Clause 4.3 Height of buildings of the WLEP 2011 in that the development does not comply with the 11m height limit.*
- 2. Part B2 Number of Storeys of the WDCP in that the development is four storeys exceeding the maximum requirement of three storeys.*
- 3. Part B7 Front Boundary Setbacks of the WDCP in that the second storey is not adequately set back from Lagoon Street.*
- 4. Part C3 Parking Facilities of the WDCP in that the development necessitates the use of mechanical parking devices.*

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves alterations to the existing shop top housing building fronting Pittwater Road and the construction of a four storey shop top housing building fronting Lagoon Street but attached and integrated with the existing building.

In detail the proposal includes:

Existing building:

- The addition of a study to the southern side of residential unit one.
- The construction of new balconies to the northern and southern sides of the residential level.

New building:

Basement level - RL 3.45

- Six car parking spaces.
- Two plant rooms, a WC and a storage room.
- Elevator shaft and a car lift.

Ground floor - RL 6.15 to RL 6.25

- Five car parking spaces.
- One office/retail shop.
- A bin room and entry foyer.
- Elevator shaft and a car lift.
- The construction of a new driveway crossing.

First floor - RL 9.70

- 2 x two bedroom apartments with balconies on both the eastern and western elevations.
- Elevator shaft and stairwell.

Second floor - RL 13.20

- 2 x two bedroom apartments with balconies on both the eastern and western elevations.
- Elevator shaft and stairwell.

The proposal also includes the construction of an awning over the Council footpath.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any	Warringah Development Control Plan applies to this proposal.

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Section 79C 'Matters for Consideration'	Comments
development control plan	
Section 79C (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter may be addressed via a condition of consent.</p>
Section 79C (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) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

NORTHERN BEACHES COUNCIL

Section 79C 'Matters for Consideration'	Comments
	(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections against the approval of the development. <i>Note: The proposed development may not comply with some requirements of the BCA. Issues such as this however may be determined at Construction Certificate stage.</i>
Development Engineers	The proposed development is located within a flood prone area and as such OSD is not required. Connection of drainage to Pittwater Rd is satisfactory. The proposed driveway crossing grade is satisfactory. Full width paving to Lagoon St will be required as part of the works which has been conditioned. No objection to approval, subject to conditions as recommended.
Environmental Investigations (Acid Sulphate)	The results summarised in the Acid Sulphate Soils Investigation showed field indications of Potential Acid Sulphate Soils (PASS) at a depth of at least 1.5m to a depth of at least 3.4m.

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Internal Referral Body	Comments	
	<p>As a precautionary measure, it is considered that all soils encountered below 1m depth and above 6m depth should be considered PASS.</p> <p>The laboratory results show that the rate of liming needed to neutralise the acids in the PASS would be approximately 127kg lime/tonne of soil disturbed.</p> <p>The exceedance of the action criteria triggers the need to prepare an Acid Sulphate Soils Management Plan (ASSMP) and consent for development at the site will be needed to disturb soils.</p> <p>Recommendation is for approval, subject to conditions.</p>	
Landscape Officer	No objections to the proposed works.	
Natural Environment (Flood)	Provided the development complies with the recommendations of the Flood Risk Assessment report it is not anticipated that the development will have adverse impacts on flood risk. The development is recommended for approval subject to conditions.	
Natural Environment (Riparian Lands/Creeks)	No objection to approval with no conditions recommended.	
Strategic Planning - Urban Design	URBAN DESIGN ASSESSMENT	
	Project background	
	Comments: (+) positive (-)negative (NA) Not Applicable	
	Layout: Urban structure	
	Clear urban structure that integrates with the surrounding context (DCP provisions for surrounding area)	+
	Makes pedestrian connections (safe, logical, suitable, path of travel)	+
	Consider site and environmental constraints (site analysis/detail)	+
	<u>Comment:</u>	
	Layout: Urban Grain	
	Relation to the context of the surrounding area in terms of: Urban grain (continuity, identity, appearance)	+
	Plot layout (access, presentation, services, compartments of building)	+
	Rhythm of frontages (theme, visual interest, appropriate form)	+
	<u>Comment:</u>	

NORTHERN BEACHES COUNCIL

Internal Referral Body	Comments	
	Layout: Density and Mix	
	Economically and socially viable development	+
	Relation to the density of the surrounding area (over development, floor space, parking displacement)	+
	Higher densities can be achieved in town centres and locations with good public transport	NA
	Comment:	
	Scale: Height and Massing	
	Relation to the surrounding built environment in terms of: Height and massing (storeys, human scale)	-
	Articulation of the buildings' facades (detail, adequacy, inappropriate bulk)	-
	Relation to human scale	-
	Comment: The residential floor to floor height can be reduced to 3.1m (2.7m clear height + 0.4m structure/ service) from the proposed 3.5m and 3.65m to reduce the overall building height especially in the middle of the site to comply with the 11m building height.	
	Façade and Interface	
	Positively address the street with an active frontage that encourages passive surveillance	+
	Encourages activity and relates to the contextual built form (footpath area, street activity)	+
	Comment:	
	Appearance: Details	
	Exhibit a high quality of architectural detail that has been developed with careful consideration of its relationship with its context (advertising signs, street activity)	+
	Comment:	
	Appearance: Materials	
	Use a palette of materials, which has been developed with careful consideration of its relationship with its	+

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Internal Referral Body	Comments	
	context	
	Comment:	
	Landscape and Streetscape	
	Design of public spaces and landscape (within and surrounding) carefully considered	+
	Successful built environment that is easy to understand ('sense of place')	+
	Comment:	
	Other/Further Strategic Investigations	
	SEPP 65 – Residential Flat Design Code	+
	Further Comments	
	<p>The proposal is currently unacceptable due to additional residential floor to floor height that could be reduced as per comment above.</p>	
	<p>Planners Comment:</p> <p>Reducing the floor to ceiling height will not bring the building into full compliance with the 11m height control across the site.</p> <p>The development complies with the height of buildings development standard at the Lagoon Street frontage. However, the site slopes almost immediately down away from the street meaning that approximately 500mm from the front boundary, the development becomes non compliant. This non compliance increases as the site slopes away towards the middle of the property with the difference in height between Lagoon Street and Pittwater Road reaching approximately 3.0m to 4.0m at various points on the site.</p> <p>This issue is faced by all the properties along this stretch of Lagoon Street and it has resulted in buildings that are compatible with the height and scale of the proposed development being approved and constructed on nearby sites.</p> <p>As a result of the unique topography of the site, in particular the sudden and steep sloping of the land down from the Lagoon Street boundary, strict compliance with the height of buildings development standard is considered to be unreasonable and would necessitate a two storey development when viewed from Lagoon Street. This would be inconsistent with nearby developments and is not what the desired future character of the zone encourages.</p> <p>The large setback to Pittwater Road will reduce the impact of the appearance of a four storey building and the development will not have</p>	

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Internal Referral Body	Comments
	an unreasonable impact on the Pittwater Road streetscape. Given that the development will result in no unreasonable amenity impacts to adjoining or nearby properties, strict compliance with the height of buildings development standard is also considered to be unnecessary.
Traffic Engineer	<p>The proposal is for retaining the existing 3 retail/commercial premises on the ground floor and 3 residential apartments above, and constructing additional 4 residential apartments and a car park at the rear of the existing building. The proposed car park comprises 7 parking spaces with the allocation of 6 spaces to the proposed addition and 1 space to the existing retail premises.</p> <p>The proposed development has provided adequate parking spaces for the proposed addition to the existing building. No objection is raised to the proposal subject to the Development Assessment Officer approval and following condition.</p> <p>The proposed additional trip generation is minimal and will not have adverse impact on the road network.</p> <p>No objection is raised to the proposal on traffic ground subject to conditions.</p>
Waste Officer	No objections raised, subject to conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP 65 - Design Quality of Residential Apartment Development

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

- (1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:
- (a) the development consists of any of the following:
 - (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
 - (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
 - (c) the building concerned contains at least 4 or more dwellings.

As previously outlined the proposed development is for the erection of a four storey residential flat 'housing' development plus basement car parking for the provisions of seven self-contained dwellings (this includes the existing residential apartments in the existing building on the site).

As per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application.

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

Clause 28 of SEPP 65 requires:

- (2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):
- (a) the advice (if any) obtained from the design review panel, and
 - (b) the design quality of the development when evaluated in accordance with the design quality principles, and
 - (c) the Apartment Design Guide.

DESIGN REVIEW PANEL

Warringah Council does not have an appointed Design Review Panel.

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

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

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

Comment:

The development will sit well within the context created by existing developments and the current planning controls. The desired future character of this area and this zone is for developments to be similar to the proposal. The three storeys fronting Lagoon Street are consistent with the height of buildings development standard and the number of storeys control and is expected on the site. The building is reasonably well designed and will sit appropriately within the streetscape.

In this regard, the development satisfies this principle.

Principle 2: Built Form and Scale

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

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

Comment:

The height and scale of the proposal provides an appropriate response for the subject site and is compatible with nearby shop top housing developments. The walls of the first and second floors are set back from Lagoon Street to reduce the bulk and provide reasonable visual interest through the use of balconies and other facade treatments. The massing of the building has been located away from Pittwater Road, reducing the impact of the four storey element of the design caused by the topography of the site.

The building provides an appropriate built form and scale when viewed from Lagoon Street, Pittwater Road and the public reserve to the west.

In this regard, the development satisfies this principle.

Principle 3: Density

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

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

Comment:

The proposal includes four new two bedroom apartments and one additional small commercial premises. This is not an unreasonable increase in the density of the area and it is consistent with the desired outcomes created by the planning controls.

In this regard, the development satisfies this principle.

Principle 4: Sustainability

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

Comment:

All the new apartments are cross ventilated and works to the existing building will improve the livability of the existing apartments in the existing shop top housing building. The reuse of the existing building is a positive element of the proposal and will maximise the site while still resulting in an acceptable development.

All apartments within the development will receive adequate sunlight, natural light and ventilation.

In this regard, the development satisfies this principle.

Principle 5: Landscape

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

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

Comment:

There are no large areas of landscaping proposed on the site as this is not required by the planning controls. Small planter boxes have been included within the new portion of the development and on the balconies of the existing building. These will bring a positive natural element that increases the livability of the development.

In this regard, the development satisfies this principle.

Principle 6: Amenity

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

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

Comment:

The proposal has been designed so that the new apartments open to both the east and west, have reasonable private open space and will not have direct or unreasonable views into any nearby residential units. The new apartments will be naturally cross ventilated and will receive adequate sunlight.

The units within the existing development have been upgraded and will also be well ventilated and lit by direct sunlight of natural light.

Overall, the design of the development will result in good amenity for the current and future residents and for surrounding or nearby properties.

In this regard, the development satisfies this principle.

Principle 7: Safety

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

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

Comment:

The design will provide reasonable safety and security for residents and visitors. Passive surveillance of the public domain will be achieved.

In this regard, the development satisfies this principle.

Principle 8: Housing Diversity and Social Interaction

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

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

Comment:

The proposal provides a mix of one and two bedroom apartments within the existing and new portions of the development. This will suit the existing and future social mix of the area and each apartment will be provided with at least one car parking space.

In this regard, the development satisfies this principle.

Principle 9: Aesthetics

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

The visual appearance of well designed apartment development responds to the existing or future local context,

particularly desirable elements and repetitions of the streetscape.

Comment:

The massing of the new element of the development is sited towards the Lagoon Street frontage and away from Pittwater Road. This will reduce the impact when viewed from Pittwater Road. The architectural design of the building is appropriate for the site, the specific controls (eg: nil side boundary setbacks) and the surrounding development. The colours and materials chosen are sympathetic to existing and surrounding development.

In this regard, the development satisfies this principle.

APARTMENT DESIGN GUIDE

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

Development Control	Criteria / Guideline	Comments						
Part 3 Siting the Development								
Site Analysis	Does the development relate well to its context and is it sited appropriately?	Yes, the development will sit appropriately within its context.						
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	Yes, as discussed above, the development is appropriate for the streetscape and will allow adequate solar access for the subject site and neighbouring properties.						
Public Domain Interface	Does the development transition well between the private and public domain without compromising safety and security? Is the amenity of the public domain retained and enhanced?	Yes, the upgrade of the Lagoon Street footpath and the construction of the new awning will improve the transition from the public and private domains. Yes, the development will enhance the public domain.						
Communal and Public Open Space	Appropriate communal open space is to be provided as follows: 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)	No communal open space is required or provided for this development.						
Deep Soil Zones	Deep soil zones are to meet the following minimum requirements: <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Site area</th> <th style="text-align: center;">Minimum dimensions</th> <th style="text-align: center;">Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Less than</td> <td style="text-align: center;">-</td> <td style="text-align: center;">7%</td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than	-	7%	No deep soil zones are required or provided for this development.
Site area	Minimum dimensions	Deep soil zone (% of site area)						
Less than	-	7%						

NORTHERN BEACHES COUNCIL

	<table border="1"> <tr> <td>650m²</td> <td></td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </table>	650m ²		650m ² – 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m					
650m ²														
650m ² – 1,500m ²	3m													
Greater than 1,500m ²	6m													
Greater than 1,500m ² with significant existing tree cover	6m													
Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	The development is built with nil setbacks to the side boundaries, however, no windows to living areas or bedrooms face the side boundaries. The site is separated from properties to the east by Lagoon Street.
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	Yes, the entrance to the building fronts Lagoon Street.												
Vehicle Access	<p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	Yes, Council's Traffic Engineers have reviewed the proposal and raised no objections to the vehicle access designs.												
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned, and sites within 400m of 	The development will provide adequate car parking.												

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	<p>land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	
Part 4 Designing the Building		
Amenity		
Solar and Daylight Access	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter 	<p>Six out of the seven apartments (85.7%) will receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.</p> <p>14.3% (i.e. one apartment) will receive no direct sunlight between 9 am and 3 pm at mid winter.</p>
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line. 	<p>100% of apartments are naturally cross ventilated.</p>

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Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="2" style="text-align: left; padding: 5px;">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td style="width: 30%; padding: 5px;">Habitable rooms</td> <td style="padding: 5px;">2.7m</td> </tr> <tr> <td style="padding: 5px;">Non-habitable</td> <td style="padding: 5px;">2.4m</td> </tr> <tr> <td style="padding: 5px;">For 2 storey apartments</td> <td style="padding: 5px;">2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td style="padding: 5px;">Attic spaces</td> <td style="padding: 5px;">2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td style="padding: 5px;">If located in mixed used areas</td> <td style="padding: 5px;">2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	<p>Floor to ceiling heights for the new apartments will be between 2.7m and 3.2m.</p>
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
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If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left; padding: 5px;">Apartment type</th> <th style="text-align: left; padding: 5px;">Minimum internal area</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Studio</td> <td style="padding: 5px;">35m²</td> </tr> <tr> <td style="padding: 5px;">1 bedroom</td> <td style="padding: 5px;">50m²</td> </tr> <tr> <td style="padding: 5px;">2 bedroom</td> <td style="padding: 5px;">70m²</td> </tr> <tr> <td style="padding: 5px;">3 bedroom</td> <td style="padding: 5px;">90m²</td> </tr> </tbody> </table> <p style="margin-top: 10px;">The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p style="margin-top: 10px;">A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p style="margin-top: 10px;">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. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>The new two bedroom apartments are between 119.6sqm and 119.8sqm in area.</p> <p style="margin-top: 10px;">Each apartment has sufficient openings for light and ventilation but will be required to comply with the BCA and relevant Australian Standards.</p>		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													

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	<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>																
<p>Private Open Space and Balconies</p>	<p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="459 1014 1040 1285"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>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 15m² and a minimum depth of 3m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>The new two bedroom apartments will include balconies of between 14sqm and 20sqm.</p>
Dwelling Type	Minimum Area	Minimum Depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
<p>Common Circulation and Spaces</p>	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Two apartments on each level share the circulation core.</p>															
<p>Storage</p>	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="459 1776 1040 2047"> <thead> <tr> <th>Dwelling Type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located</p>	Dwelling Type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	<p>Each apartment contains storage areas. In addition, there is a large storage room in the basement.</p> <p>This will provide each apartment with more than 8m³ of storage space.</p> <p>The amount of storage space is considered to be adequate.</p>					
Dwelling Type	Storage size volume																
Studio apartments	4m ³																
1 bedroom apartments	6m ³																
2 bedroom apartments	8m ³																
3+ bedroom apartments	10m ³																

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	within the apartment.											
Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	The bedrooms are located at least 3.0m away from noise sources.										
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	The noise from Pittwater Road will be minimised by the large setbacks from the western boundary for the new apartments. There will be no change for the existing apartments.										
Configuration												
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	The development will provide a good mix of one and two bedroom apartments.										
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	Lagoon Street is predominantly a street of small scale shop top housing buildings, each containing a small retail area. The development fits this building type in scale and character. The street level façade to Pittwater Road remains but is refurbished. The façade of the new apartments behind is set well back from Pittwater Road and does not have an unreasonable impact on the streetscape.										
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Test whether the roof space can be maximised for residential accommodation and open space.	The roof design is suitable for the building and will fit within the established streetscape.										
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	N/A										
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Plant type</th> <th style="text-align: center;">Definition</th> <th style="text-align: center;">Soil Volume</th> <th style="text-align: center;">Soil Depth</th> <th style="text-align: center;">Soil Area</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Large</td> <td style="text-align: center;">12-18m</td> <td style="text-align: center;">150m³</td> <td style="text-align: center;">1,200mm</td> <td style="text-align: center;">10m x</td> </tr> </tbody> </table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large	12-18m	150m ³	1,200mm	10m x	Planter boxes have been provided that include adequate soil volumes to achieve reasonable planting.
Plant type	Definition	Soil Volume	Soil Depth	Soil Area								
Large	12-18m	150m ³	1,200mm	10m x								

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	Trees	high, up to 16m crown spread at maturity			10m or equivalent	
	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent	
	Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm	3.5m x 3.5m or equivalent	
	Shrubs			500-600mm		
	Ground Cover			300-450mm		
	Turf			200mm		
Universal Design	Developments are to achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.					All units are accessible and have level access from the street via the lift.
Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.					<p>The development improves the area by making use of an existing semi derelict rear yard.</p> <p>The development will improve the amenity of the existing apartments.</p>
Mixed Use	<p>Can the development be accessed through public transport and does it positively contribute to the public domain?</p> <p>Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.</p>					<p>The retail outlets at street level on Pittwater Road are maintained providing an active frontage.</p> <p>The proposed retail shop to Lagoon Street provides some activation of that frontage.</p>
Awnings and Signage	<p>Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development.</p> <p>Signage must respond to the existing streetscape character and context.</p>					<p>A new awning will be constructed over the Lagoon Street footpath.</p> <p>No signage is proposed.</p>
Performance						

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Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	Yes
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Yes
Waste Management	Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and recycling.	A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate. The on-going waste management of the development has been reviewed by Council's Waste Officers who raised no objections, subject to conditions.
Building Maintenance	Incorporates a design and material selection that ensures the longevity and sustainability of the building.	Yes

STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

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

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

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

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

Comment:

The development reasonably meets the Apartment Design Guide.

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

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

(3) To remove doubt:

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

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

Comment:

The development has shown adequate regard to the design quality principles and the objectives specified in the Apartment Design Guide.

The proposal is therefore worthy of support.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 686051M_05 dated 25 July 2016). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 1009951292 dated 4 August 2016).

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

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	35	35

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

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

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- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. 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.

Warringah Local Environment 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:	11m	14.81m	34.64%	No

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard has taken into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	11m
Proposed:	14.81m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or	Numerical

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Performance based variation?	
If numerical enter a % variation to requirement	34.64%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

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

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

Comment:

The development complies with the height of buildings development standard at the Lagoon Street frontage. However, the site slopes almost immediately down away from the street meaning that approximately 500mm from the front boundary, the development becomes non compliant. This non compliance increases as the site slopes away towards the middle of the property with the difference in height between Lagoon Street and Pittwater Road reaching approximately 3.0m.

This issue is faced by all the properties along this stretch of Lagoon Street and it has resulted in buildings that are compatible with the height and scale of the proposed development being approved and constructed on nearby sites.

In this regard, the proposal will be reasonably compatible with the height and scale of nearby development.

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

Comment:

When viewed from Lagoon Street, the development meets the height of buildings development standard. In this regard, the proposal will not have an unreasonable visual impact from Lagoon Street. From Pittwater Road, the large setbacks of the four storey element will reduce the dominance of the development to an extent that there will be no unreasonable visual impacts from Pittwater Road. From the public reserve on the western side of Pittwater Road, the above setbacks will, again, reduce the dominance of the development to an extent that there will be no unreasonable visual impacts from the land zoned for public recreation purposes.

Some views of Narrabeen Lagoon are obtained over the subject site from properties to the east. The height of the building on the Lagoon Street frontage complies with the height of buildings development standard and results in a development that would be reasonably expected on the site. The height of the development on Lagoon Street is the critical control relating to view loss, in this particular case, and given the building complies at this point, the development is considered to result in a reasonable sharing of views.

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The proposal is built to nil side setbacks on both boundaries and does not include any windows that will result in any unreasonable overlooking of the neighbouring commercial properties.

The property to the south is built with a nil setback to the boundary and does not contain any windows or balconies that will be unreasonably overshadowed.

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

Comment:

The proposal will not have an unreasonable impact on the scenic quality of Warringah's coastal and bush environments.

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

Comment:

The proposal will have an acceptable visual impact when viewed from the public reserve on the western side of Pittwater Road due to the large setbacks of the four storey element from the western boundary and the developments compatibility with other similar nearby developments.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the B2 Local Centre zone.

The underlying objectives of the B2 Local Centre zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Comment:

The proposal will maintain the existing retail and business uses and will provide a new commercial premises on Lagoon Street. These uses will serve the needs of people who live in, work in and visit the local area.

- *To encourage employment opportunities in accessible locations.*

Comment:

The addition of a new commercial premises will encourage employment opportunities in this accessible location.

- *To maximise public transport patronage and encourage walking and cycling.*

Comment:

The site is located on the main north south bus route along the Northern Beaches.

- *To provide an environment for pedestrians that is safe, comfortable and interesting.*

Comment:

The proposal includes an upgrade of the Lagoon Street footpath and the construction of a new awning over this new footpath. This will provide an environment for pedestrians that is safe, comfortable and interesting.

- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Comment:

The proposal will be reasonably compatible with existing nearby development and with likely future development on the immediately adjoining sites. The architectural treatment of the building will be to an acceptable standard.

- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

Comment:

The proposal will not result in a conflict between itself and land uses in the adjoining zone. The amenity of nearby residential land uses will be reasonably maintained.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

Applying flexibility in applying the height of buildings development standard, in this particular case, will allow for a better development outcome for the subject site while not resulting in any unreasonable amenity impacts on adjoining or nearby properties.

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

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

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

the case, and

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

Comment:

The applicant has provided a written request to vary the height of buildings development standard that argues in part:

"Having regard to the clause 4.6 variation provisions we have formed the considered opinion:

- (a) that the site specific and contextually responsive development is consistent with the zone objectives, and*
- (b) that the site specific and contextually responsive development is consistent with the objectives of the building height standard, and*
- (c) that there are sufficient environmental planning grounds to justify contravening the development standard, and*
- (d) that having regard to (a), (b) and (c) above that compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (e) that given the design quality of the development, and the developments ability to comply with the zone and building height standard objectives that approval would not be antipathetic to the public interest,*
- (f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.*
- (g) Negotiations with Council's Planners to reduce the development from 7 to 4 apartments has enabled the building to be setback over 19 metres from the Pittwater Road frontage maintaining views over and across the front portion of the site."*

As a result of the unique topography of the site, in particular the sudden and steep sloping of the land down from the Lagoon Street boundary, strict compliance with the height of buildings development standard is considered to be unreasonable and would necessitate a two storey development when viewed from Lagoon Street. This would be inconsistent with nearby developments and is not what the desired future character of the zone encourages. The large setback to Pittwater Road will reduce the impact of the appearance of a four storey building and the development will not have an unreasonable impact on the Pittwater Road streetscape. Given that the development will result in no unreasonable amenity impacts to adjoining or nearby properties, strict compliance with the height of buildings development standard is also considered to be unnecessary.

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

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

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

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Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the B2 Local Centre zone in the WLEP 2011.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B2 Number of storeys	3	4	N/A	No
B5 Side Boundary Setbacks	Merit assessment	Nil to both side boundaries	N/A	Yes
B7 Front Boundary Setbacks	Lagoon street boundary - Ground and first floor maintain street front, second floor up - 5.0m	Ground floor - Nil First floor: Balcony - Nil Wall - 2.43m Second floor: Balcony - Nil Wall - 2.43m	N/A N/A N/A 100% 51.4%	Yes Yes Yes No No
B9 Rear Boundary Setbacks	Merit assessment	The site has two street frontages	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B2 Number of Storeys	No	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	No
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

Detailed Assessment

B2 Number of Storeys

Description of non-compliance

The proposal reaches a maximum of four storeys in height.

The control requires a maximum of three storeys.

Merit consideration:

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

- *To ensure development does not visually dominate its surrounds.*

Comment:

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The development is three storeys at the Lagoon Street frontage (with the basement level at that point sitting below ground). However, the site slopes almost immediately down away from the street meaning that approximately 2.0m from the front boundary, the development becomes four storeys.

When viewed from Lagoon Street, the development meets the number of storeys control and the height of buildings development standard. In this regard, the proposal will not visually dominate Lagoon Street.

From Pittwater Road, the four storey element is set back between 19.17m and 24.925m (the balconies sit between 14.17m and 19.925m from the Pittwater Road boundary). These large setbacks will reduce the dominance of the development to an extent that there will be no unreasonable visual impacts from Pittwater Road.

Overall, the development is reasonably consistent with other established development in the vicinity and will not unreasonably dominate its surrounds.

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

Comment:

When viewed from Lagoon Street, the development meets the number of storeys control and the height of buildings development standard. In this regard, the proposal will not have an unreasonable visual impact.

From Pittwater Road, the large setbacks of the four storey element will reduce the dominance of the development to an extent that there will be no unreasonable visual impacts from Pittwater Road.

From the public reserve on the western side of Pittwater Road, the above setbacks will again, reduce the dominance of the development to an extent that there will be no unreasonable visual impacts from the land zoned for public recreation purposes.

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

Comment:

Some views of Narrabeen Lagoon are obtained over the subject site from properties to the east. The height of the building on the Lagoon Street frontage complies with the height of buildings development standard and results in a development that would be reasonably expected on the site. The height of the development on Lagoon Street is the critical control relating to view loss and given the building complies at this point, the development is considered to result in a reasonable sharing of views.

- *To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.*

Comment:

Similar developments are likely to occur in the future on both neighbouring lots. The proposal will not result in any unreasonable impacts on the adjoining properties as they contain two storey shop top housing developments mainly fronting Pittwater Road. The property to the

south is built with a nil setback to the boundary and does not contain any windows or balconies that will be unreasonably overshadowed.

In this regard, a reasonable level of amenity will be provided to the existing and future developments on adjoining and nearby properties.

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

Comment:

The proposed roof design is appropriate for the area and will be sympathetic to surrounding development.

- *To complement the height of buildings control in the LEP with a number of storeys control.*

Comment:

The development is three storeys at the Lagoon Street frontage (with the basement level at that point sitting below ground) and complies, at this point, with the height of buildings development standard. However, the site slopes almost immediately down away from the street meaning that approximately 2.0m from the front boundary, the development becomes four storeys.

As discussed above in this report, strict compliance with the height of buildings development standard is unreasonable due to the topography of the site and in this regard, the development, including its number of storeys is reasonable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The second floor of the development has a nil setback to the balcony and a 2.43m setback to the face of the wall.

The control requires the second floor to be set back 5.0m.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The control allows the development to sit on a nil setback for the ground and first floors. The setback of the second floor increasing to 5.0m is to reduce any overbearing on the streetscape. By setting both the first and second floors back 2.43m (to the face of the wall)

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and providing balconies to a nil setback, the development creates a visually interesting design that steps the bulk of the walls away from the street. This will create a reasonable sense of openness that will be consistent with the existing streetscape and with likely future development.

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

Comment:

The proposed front setbacks of the development will be reasonably consistent with the visual continuity and pattern of buildings in the vicinity and with likely future development along this stretch of commercial properties.

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

Comment:

The proposed development will be an upgrade from the existing site and will therefore enhance the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

Some views of Narrabeen Lagoon are obtained over the subject site from properties to the east. The height of the development on Lagoon Street is the critical control relating to view loss, in this particular case, and given the building complies on the Lagoon Street frontage, the development is considered to result in a reasonable sharing of views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011, WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C3 Parking Facilities

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
New shop top housing development	Residential component: - 1 space per 1 bedroom	4 x two bedroom units = 4.8 spaces +	5 residential spaces + 1 visitor space	+0.2 spaces

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	dwelling - 1.2 spaces per 2 bedroom dwelling - 1 visitor space per 5 units or part of dwellings	1 visitor space		
	Commercial component: 1 space per 16.4 m ² GLFA (6.1 spaces per 100 m ² GLFA).	1 x retail space of 16sqm = 1 space	1 space	0 spaces
Existing shop top housing development	Residential component: 1 space per 1 bedroom dwelling 1.2 spaces per 2 bedroom dwelling 1 visitor space per 5 units or part of dwellings	1 x two bedroom unit = 1.2 spaces + 2 x one bedroom units = 2 spaces + 1 visitor space	3 residential spaces + 1 visitor space	-0.2 spaces
	Commercial component:	235sqm = 14.3 spaces	0 spaces	-14.3 spaces
Total	New and existing components combined	25.3 spaces	11 spaces	-14.3 spaces

The proposal will provide adequate car parking for the existing residential units, the new residential units, the new shop and for visitors.

It is not considered reasonable to require the site to provide an additional 14.3 spaces as, given the constraints, this would be unachievable. In addition, the existing shops front Pittwater Road, take deliveries from Pittwater Road and do not have any existing parking (although the site has the opportunity to provide some parking spaces for the existing development should the proposal not go ahead).

Given that six of the car spaces are located on the basement level and are only accessible via a car lift, it is critical that this car lift be reliable and be repaired quickly should it break down (the same as the passenger lift within the building). As such, it is recommended that a condition requiring the car lift to be functional at all times be included in the consent.

In this regard, the number of parking spaces provided is considered to be reasonable and overall, the development will provide adequate car parking.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The car parking will be located within the building and will therefore have a minimal visual impact on the street frontage.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The car parking will be located within the building and will not dominate the street frontage.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011, WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C9 Waste Management

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 2,947,806		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 28,004

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Section 94A Planning and Administration	0.05%	\$ 1,474
Total	1%	\$ 29,478

PLANNING PRINCIPLE - SITE ISOLATION AND REDEVELOPMENT

In determining the extent of impacts to the potential redevelopment of the adjacent site(s), in particular No. 1314 Pittwater Road to the immediate south, the planning principles outlined within the Land and Environment Court Cases of *Melissa Grech v Auburn Council [2004] NSWLEC 40* and *Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189* are applied to the proposal.

Reasonable attempts to purchase adjoining land for amalgamation

The principles to be considered when a development will result in the isolation of land through redevelopment were set out by Brown C in *Melissa Grech v Auburn Council [2004] NSWLEC 40*. The Commissioner said:

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.

Comment:

The applicant has provided sufficient detail to demonstrate that reasonable negotiations took place and that attempts to purchase the neighbouring property to the south (as well as the property to the north) have been made. These offers have been turned down by the owners of the affected properties. Evidence in the form of written and signed documentation was provided to demonstrate this.

Can the orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189 added to the above planning principles for applications which will result in an isolated site, particularly where the planning controls envisage a greater intensity and size of development than currently exists on the site, are:

Firstly, is amalgamation of the sites feasible? In determining the answer to this question the principles set out by Brown C are relevant.

Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

In answering this question the key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

Comment:

The applicant has prepared a concept design, that is very similar to the current proposal for the subject site, to demonstrate that No. 1314 Pittwater Road, to the south, could be reasonably redeveloped in the future. The concept design will have similar non-compliances as the current proposal, however, as demonstrated through this assessment report, the proposed development for the subject site is reasonable and therefore, a similar development on the adjoining site is also likely to reasonably meet the planning controls.

In this regard, the proposal satisfies the planning principle.

CONCLUSION

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

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

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2016/0850 for Alterations and additions for shop top housing including basement carparking and strata subdivision on land at Lot 1 DP 1208984, 1320 Pittwater Road, NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
a2001 Issue - ai	31 October 2016	RFA Architects
a2101 Issue - ai	31 October 2016	RFA Architects
a2102 Issue - ai	31 October 2016	RFA Architects
a3001 Issue - ai	31 October 2016	RFA Architects
a3002 Issue - ai	31 October 2016	RFA Architects
a4001 Issue - ai	31 October 2016	RFA Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Flood Risk Management Report	11 December 2015	Northern Beaches Consulting Engineers
Geotechnical Investigation	20 November 2015	D. Katauskas Consulting Geotechnical Engineer
BCA Fire Safety Assessment Report	23 July 2015	GRS Building Reports
Access Review	26 July 2016	Wall to Wall Design and Consulting

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Use of Premises**

This consent approves the use of the development as "Shop top housing" as defined under the Warringah Local Environmental Plan 2011.

Reason: To ensure compliance with legislative requirements.

3. **Prescribed Conditions**

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

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

4. General Requirements

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(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) 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.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary

and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

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

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

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

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

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wastewater system and is separate from any onsite stormwater management system.

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

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.

(2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 2,947,805.74		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 28,004.15
Section 94A Planning and Administration	0.05%	\$ 1,473.90
Total	1%	\$ 29,478.06

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

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

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.warringah.nsw.gov.au/your-council/forms).

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

7. Works Bonds

Construction, Excavation and Associated Works Bond (Crossing/Kerb)

A Bond of \$10,000 as security against any damage or failure to complete the construction of the vehicular crossing, kerb and gutter and footpath works required as part of this consent.

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

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

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

8. Stormwater Disposal

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of a rainwater tank in accordance with the BASIX certificate. Stormwater shall be conveyed from the site to the kerb in Pittwater Road.

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

Reason: To ensure appropriate provision for disposal and stormwater management and compliance with the BASIX requirements, arising from the development. (DACENC07)

9. Application for Works to be Approved within Councils Roadway

An application for works to be approved within Councils roadway under Sections 138 & 139 of the Roads Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the driveway crossing, layback, kerb and gutter and full width paving along the frontage of the site in Lagoon St which are to be generally in accordance with the design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

A traffic control management plan prepared in accordance with RMS Traffic Control at Work Sites shall be submitted with the application.

The fee associated with the assessment and approval of the application is to be in accordance with 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 compliance with Council's specification for engineering works. (DACENC08)

10. **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: Safety. (DACENC19)

11. **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 rock anchors are to be used within Council land.

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. (DACENC05)

12. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with Parts C8 and C9 of the WDCP 2011 and Council's Waste Management Guidelines (that apply to land covered by the WLEP 2011).

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

13. **Acid Sulfate Management Plan**

Prior to the issue of the construction certificate, an Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Council for review.

Reason: To protect the environment and private & public infrastructure (DACHPCPC5)

14. **Flood**

In order to protect occupants from flood inundation the following is required:

a) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the flood planning level of 3.6m AHD. Buoyancy, flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements are to be prepared by a suitably qualified Engineer.

b) Habitable Rooms

No approval is granted by this development consent for new habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the flood planning level of 3.6m AHD.

c) Recommendations

The development must comply with the recommendations outlined in the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Pty Ltd dated 11 December 2015.

d) Hazardous Chemicals

Hazardous Chemicals are not to be stored in areas under the flood planning level of 3.6m AHD.

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

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. (DACNEC09)

15. **Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

16. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water.
(DACPLC12)

17. **Car Park Layout**

The proposed area marked as 'Waste Storage Area' and 'Skip Bin Location' within the car park aisle is to be removed to provide adequate turning area in compliance with Australian Standards.

Reason: Compliance with Australian Standards AS2890.1:2004 (DACTRCPC1)

18. **Waste and Recycling Requirements**

Details demonstrating compliance with Warringah Development Control Plan – Part C9 Waste Management, including the required Warringah Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction

Certificate.

The bin room must be built in accordance with the plan reference a2101 - project number 14023 and comply with the requirements of the Warringah DCP C9. The applicant must also demonstrate that the commercial properties do not have access to the residential bin room.

Note: If the proposal, when compliant with Warringah Development Control Plan – Part C9 Waste Management, 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. (DACWTC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. **Public Liability Insurance - Works on Public Land**

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

20. **Visitor Spaces**

The proposed 2 visitor spaces are to be signposted and be available for shared use of the retail and residential premises.

Reason: Provision of parking spaces for existing premises and Optimising the use of visitor spaces(DACTRDPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Vehicle Crossings**

The provision of one vehicle crossing 3 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. 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. (DACENE05)

22. **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. (DACENE06)

23. Footpath Construction

The applicant shall provide full width pavers along the frontage of Lagoon St including any adjustment to the adjoining properties to suit. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of the base slab 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. (DACENE07)

24. Layback, Kerb and Gutter Construction

A layback 3 metres wide (excluding the wings) and 150mm high kerb and gutter is to be constructed in Lagoon St in accordance with Warringah Council Drawing No A4-2276/A and B and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

25. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

26. 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 the layback, kerb and gutter and driveway crossing
- (c) Prior to pouring base slab for paving in footpath area
- (d) Upon completion of paving

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. (DACENE10)

27. 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 Council's Minor Works Policy 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. (DACENE11)

28. **Waste Management During Development**

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

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

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

29. **Installation and Maintenance of Sediment Control**

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

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

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

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

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

31. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

32. **Positive Covenant for Maintenance of the Car Lift**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the car lift to ensure that it is operational at all times. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Northern Beaches Council's

delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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 ongoing maintenance of the car lift. (DACENF12)

33. 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 any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

34. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with Warringah Development Control Plan – Part C9 Waste Management

The bin room must be built in accordance with the plan reference a2101 - project number 14023 and comply with the requirements of the Warringah DCP C9. The applicant must also demonstrate that the commercial properties do not have access to the residential bin room.

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

Reason: To ensure waste and recycling facilities are provided. (DACWTF01)

35. Waste/Recycling Compliance Documentation

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

Reason: To ensure waste is minimised and recycled. (DACWTF02)

36. 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 prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

37. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation

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Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

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

Reason: To create encumbrances on the land. (DACWTF04)

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

38. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 8 - Residential
- 2 - Residential Visitors / Loading area
- 1 - Retail / Business

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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 that adequate parking facilities to service the development are provided on site. (DACPLG01)

39. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG19)

40. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

41. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

NORTHERN BEACHES
COUNCIL



Daniel Milliken, Planner


The application is determined under the delegated authority of:



Rodney Piggott, Development Assessment Manager

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ATTACHMENT A

























Notification Plan	Title	Date
 2016/277013	Plan - Notification	22/08/2016

ATTACHMENT B

Notification Document	Title	Date
 2016/309604	notification map	15/09/2016


















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ATTACHMENT C

Reference Number	Document	Date
 2016/277074	Report - Flood Risk Report	11/12/2015
 2016/277079	Report - Geotechnical report	16/12/2015
 2016/277086	Report - BCA Fire Safety Upgrade Report	16/12/2015
 2016/277042	Certificate - BASIX Certificate	28/07/2016
 2016/277053	Certificate - NatHERS Summary Certificate	28/07/2016
 2016/277048	Certificate - ABSA Schedule	04/08/2016
 2016/277089	Report - traffic report	10/08/2016
 2016/277070	Report - Flood risk letter_new	10/08/2016
 2016/277094	Report - Access Report	10/08/2016
 2016/277025	Report - SEPP 65 Statement	10/08/2016
 2016/277019	Report - Statement of Environmental Effects	16/08/2016
 2016/277020	Letter to Council - PCA	16/08/2016
 DA2016/0850	1320 Pittwater Road NARRABEEN NSW 2101 - Development Application - New	17/08/2016
 2016/273056	DA Acknowledgement Letter - Volcano Pty Ltd	17/08/2016
 2016/277096	Certification of Shadow Diagrams and plan	22/08/2016
 2016/277177	Plans Master Set	22/08/2016
 2016/276817	Plans Survey	22/08/2016
 2016/276801	Development Application Form	22/08/2016
 2016/276808	Applicant Details	22/08/2016
 2016/277013	Plan - Notification	22/08/2016
 2016/277037	Report - Addendum to the Statement of Environmental Effects	22/08/2016
 2016/277066	Plans ABSA stamped	22/08/2016
 2016/277171	Plans External Layout	22/08/2016
 2016/286582	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2016/0850 - 1320 Pittwater Road NARRABEEN - PR	31/08/2016
 2016/286900	Environmental Investigations (Acid Sulphate) - Assessment Referral - DA2016/0850 - 1320 Pittwater Road NARRABEEN NSW 2101	31/08/2016
 2016/286578	Email from TC to JS re Stop the Clock Letter Wording	31/08/2016
 2016/288064	Waste Referral Response	01/09/2016
 2016/288310	Building Assessment Referral Response	01/09/2016
 2016/290611	Natural Environment Referral Response - Riparian	02/09/2016
 2016/296144	Sent Request further information	05/09/2016
 2016/303699	Natural Environment Referral Response - Flood	09/09/2016
 2016/303814	Advertising Documents and Exhibition Notice for	09/09/2016

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paper on 17 09 2016

	2016/307159	Development Engineering Referral Response	13/09/2016
	2016/309586	notification - DA	15/09/2016
	2016/309604	notification map	15/09/2016
	2016/309814	Advertising sign photo	15/09/2016
	2016/309816	Advertising sign photo	15/09/2016
	2016/320021	Strata Survey Plan - 1320 Pittwater Road, Narrabeen	21/09/2016
	2016/320027	E-mail with applicant re potential DA issues	22/09/2016
	2016/324360	Landscape Referral Response	29/09/2016
	2016/325065	Environmental Investigations Referral Response - acid sulfate soils	29/09/2016
	2016/333733	Traffic Engineer Referral Response	10/10/2016
	2016/351471	Email chain with applicant re amended design	24/10/2016
	2016/349616	Amended basement plans showing car lift	24/10/2016
	2016/352588	E-mail re amended plan	25/10/2016
	2016/352593	Basement plans showing car lift	27/10/2016
	2016/352605	Plans - Amended Master Set	27/10/2016
	2016/355524	Urban Design Referral Response	31/10/2016
	2016/378707	Multi Tenancy Form to be used for DAs - 1320 Pittwater Road NARRABEEN NSW 2101 - Volcano Pty Ltd	18/11/2016