

**SYDNEY NORTH PLANNING PANEL  
COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2018SNH068
<b>Application Number</b>	DA2018/1826
<b>LGA</b>	Northern Beaches
<b>Proposed Development</b>	Construction of a mixed residential development, comprising residential flat buildings, semi-detached dwellings and dwelling houses, with associated internal roads, site works, landscaping and Community and Strata title subdivision
<b>Land to be developed (Address)</b>	Lots 28-29 DP 5464 25-27 Warriewood Road, WARRIEWOOD NSW 2102
<b>Owner</b>	J & G Knowles & Associates Pty Ltd
<b>Applicant</b>	J & G Knowles & Associates Pty Ltd
<b>Date of Application lodgement</b>	15 November 2018
<b>Number of Submissions</b>	4
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Development with a Capital Investment Value (CIV) of more than \$30 million
<b>List of all relevant s4.15(1) (a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulations 2000</li> <li>• Water Management Act 2000</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Pittwater Local Environmental Plan 2014</li> <li>• Pittwater 21 Development Control Plan</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> </ul>
<b>Report prepared by</b>	Andrew Pigott – Acting Director, Planning and Place
<b>Responsible Officer</b>	Rebecca Englund – Principal Planner, Development Assessment
<b>Report date</b>	3 June 2019

### Summary of s4.15 matters

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

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### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

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### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

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### Special Infrastructure Contributions

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

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### Conditions

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

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## EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of development application DA2018/1826 from J&G Knowles & Associates Pty Ltd for the construction of a mixed residential development, comprising residential flat buildings, semi-detached dwellings and dwelling houses, with associated internal roads, site works, landscaping and Community and Strata title subdivision on a yet to be created lot (Lot 2) at 25-27 Warriewood Road, Warriewood. The yet to be created lot forms part of development application N0611/16, which was approved by the Sydney North Planning Panel on 12 July 2017.

The subject site is zoned R3 Medium Density Residential under the provisions of Pittwater Local Environmental Plan 2014 (PLEP 2014), and the proposed development is permissible with consent.

The proposed mixed residential development is well resolved, with well-articulated built form, generous landscaped areas, and a variety of materials and textures that will blend with the proposed landscape solution. Future occupants of the proposed dwellings will enjoy high levels of amenity, commensurate with that of surrounding properties and the proposal is considered to be an appropriate contextual fit for the site, within the Warriewood Valley Release Area. Whilst the proposed residential flat buildings fall shy of the minimum solar access requirements of the ADG and P21 DCP, the amount of solar access received can be optimised with minor refinement of the proposal, which has been addressed in the draft conditions of consent.

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

The applicant has indicated a cost of works, or Capital Investment Value, of approximately \$34 million, and as such, the application must be referred to the Sydney North Planning Panel (SNPP) for determination. The SNPP can be satisfied that the proposal meets the aims/objectives and outcomes of all relevant policies/plans, as detailed in the body of this report. Accordingly, it is recommended that the SNPP, as the determining authority, approve the application subject to the draft conditions of consent attached.

## ASSESSMENT INTRODUCTION

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

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

## SITE DESCRIPTION

<b>Property Description:</b>	Lots 28 and 29 DP 5464 25-27 Warriewood Road, Warriewood NSW 2102
<b>Detailed Site Description:</b>	<p>The application involves works on a yet to be created superlot (Lot 2), resulting from the subdivision of 23-27 Warriewood Road, Warriewood approved pursuant to development application N0611/16.</p> <p>Lot 2 is comprised of two separate parts, divided by Lorikeet Grove. The smaller of the parts has a 16.4m wide frontage to Warriewood Road, irregular boundaries to Lorikeet Grove to the north and the adjoining property to the south and west, and a total area of 398m<sup>2</sup>. The larger of the parts has a 95.3m wide frontage to Warriewood Road to the east, a 94.5m long boundary to the adjoining property to the north, is bounded by Lorikeet Grove to the south and west, and has a total area of 7794m<sup>2</sup>.</p> <p>The site was formerly a rural residential land holding, containing a single storey dwelling house and horse paddocks. The works approved pursuant to development application N0611/16 have commenced on site, and construction is ongoing.</p> <p>The site is burdened by a 5m wide easement for Sydney Water sewer infrastructure and will ultimately be burdened by restrictive covenants requiring the on-going maintenance of water management facilities approved pursuant to development application N0611/16. Furthermore, a restrictive covenant is also to be imposed upon Lot 2 to require a minimum landscaped area calculation of 41% of the total site area to be maintained in perpetuity.</p> <p>The site experiences a gentle slope from Warriewood Road towards the west (Narrabeen Creek), with a maximum gradient of approximately 10%. Upon completion of the construction works, Warriewood Road will be a two-lane collector street, with on-street parking, underground infrastructure, footpaths and street trees on both sides of the road. Lorikeet Grove will be a local street, accessed from Warriewood Road via a roundabout. Canopy trees will line both sides of Lorikeet Grove, with a shared pathway along</p>

the southern/western side of the street to connect with the wider creekline system.

The site is located within 40m of Narrabeen Creek (to the west). Although the site is currently mapped by P21 DCP as being subject to flooding, the site will not be flood prone following the completion of ground works approved pursuant to development application N0611/16.

The site is identified as Buffer Area 1L of the Warriewood Valley Release Area, as shown on the Warriewood Valley Release Area Map of PLEP 2014. Warriewood Valley is currently in transition from rural residential land holdings to medium density residential development.

The eastern side of Warriewood Road is characterised by low-density one and two storey dwellings. A two-three storey seniors housing development is currently under construction to the south (on Lot 1 approved pursuant to development application N0611/16). Residential subdivisions have recently been completed to the north, including an internal private road along a portion of the common northern boundary.



**Figure 1 – Aerial image of Site (28.12.2018).**

## **PROPOSED DEVELOPMENT IN DETAIL**

The applicant seeks consent for the following development at the site:

- 2 x 3 storey residential flat buildings, comprising 32 dwellings and basement car parking, fronting Lorikeet Grove,
- 10 x semi-detached dwellings, with detached garages and studios, fronting Warriewood Road,
- 1 x dwelling house, with detached garage and studio, fronting Warriewood Road,
- 1 x dwelling house, with attached garage, fronting Warriewood Road,
- Internal private road/laneway,
- Site works,
- Landscaping, and
- Community title subdivision.

Note: At the time of lodgement, the application also sought consent for the Torrens title subdivision of one lot containing a dwelling house. The application has since been amended to remove this component of the proposal.

## SITE HISTORY

On 12 July 2017, the Sydney North Planning Panel approved Development Application N0611/16 at the subject site. Specifically, N0611/16 provided for:

- Demolition of all existing site improvements and removal of canopy trees,
- Earthworks and excavation,
- Subdivision of the site into four lots, as shown in **Figure 2** and as follows:
  - Lot 1, a residential superlot with an area of 9927m<sup>2</sup>,
  - Lot 2, a residential superlot with an area of 8192m<sup>2</sup>,
  - Lot 3, with an area of 4281m<sup>2</sup> being the inner creekline corridor to be dedicated to Council,
  - Lot 4, with an area of 2890m<sup>2</sup> being the Lorikeet Grove public road reserve to be dedicated to Council,
- Construction of a 2 and 3 storey residential aged care facility on Lot 1, comprising:
  - 130 sole occupancy, high care rooms,
  - 67 off-street carparking spaces,
  - Multiple internal and external living and dining areas,
  - Staff facilities and administration areas,
  - Resident amenities, including a salon, gymnasium, café, etc.,
- Construction of the Lorikeet Grove public road reserve,
- Half road reconstruction of Warriewood Road,
- Infrastructure, including water management detention basins, and
- Landscaping.

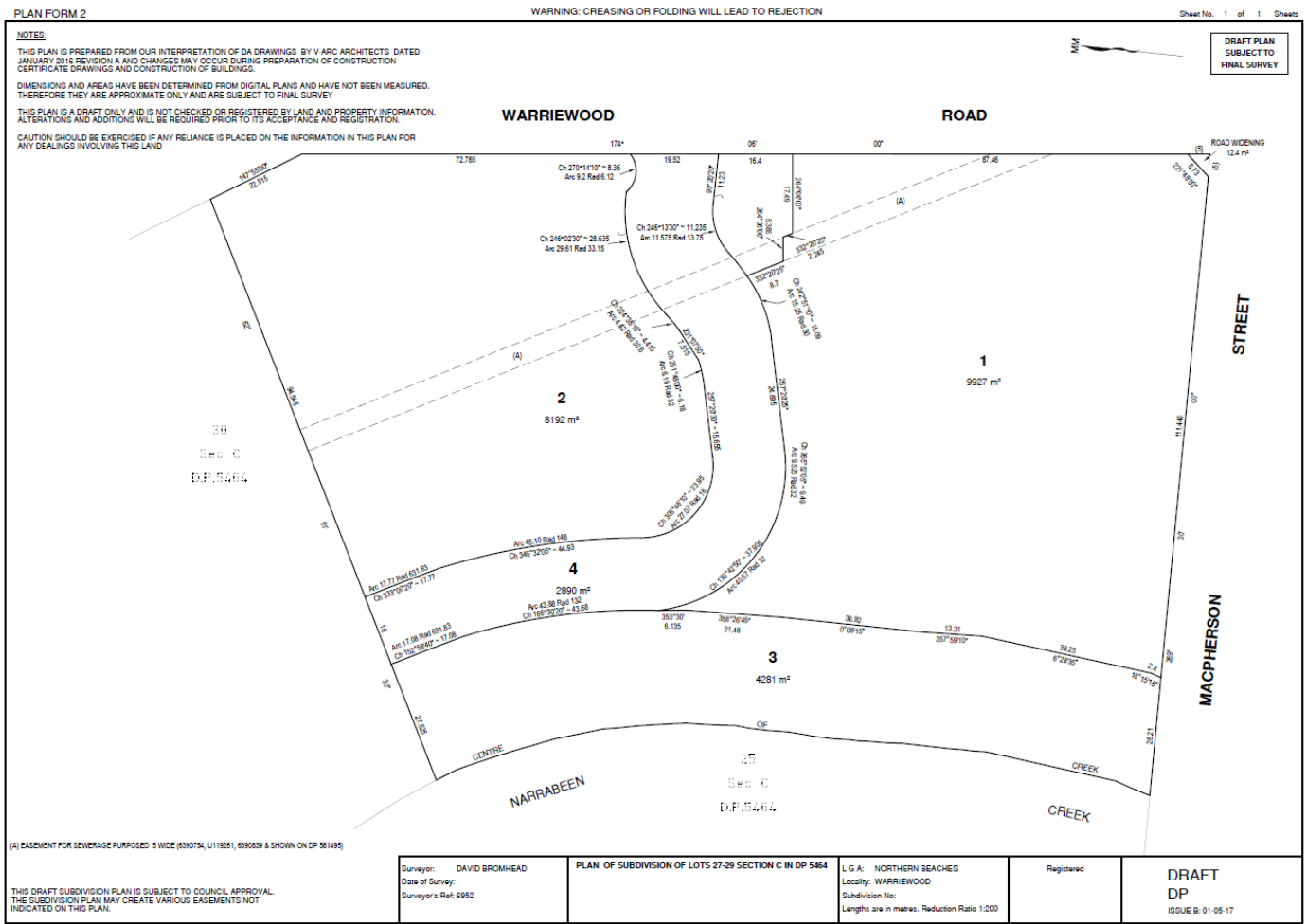


Figure 2 – Subdivision layout approved pursuant to N0611/16

On 16 May 2017, A prelodgement meeting was held in relation to the development of Lot 2.

On 16 October 2017, Development Application N0460/17 was lodged for a residential development similar to that proposed in the subject application. The application was subsequently withdrawn on 30 January 2018 in response to concerns raised by Council.

On 15 November 2018, the subject development application was lodged with Council.

On 13 February 2019, the SNPP was briefed in relation to the subject application.

On 19 February 2019, the applicant was formally advised of all outstanding issues with the subject application, and was provided an opportunity to amend the proposal.

On 18 March 2019, the applicant provided additional information in response to Council's request.

From 9-11 April 2019, Council had ongoing communication with the applicant to clarify outstanding concerns regarding the stormwater management solution proposed, solar access, and landscaped area calculations.

On 16 April 2019, the applicant provided the applicant provided further detailed solar access diagrams.

On 18 April 2019, Council requested further amendments and additional information to address solar access and the size of individual areas of private open space.

On 6 May 2019, the applicant provided amended plans and further solar access diagrams.

On 20 May 2019, the applicant was provided a copy of the draft conditions of consent.

On 22 May 2019, the applicant confirmed the draft conditions of consent were generally acceptable.

## **SUMMARY OF ASSESSMENT ISSUES**

- Solar Access
- Landscaped Area Calculations

## **LEGISLATION, PLANS AND POLICIES**

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

- Environmental Planning and Assessment Act 1979 (**'the EP&A Act'**)
- Environmental Planning and Assessment Regulation 2000 (**'the Regulation'**)
- Water Management Act 2000
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (**'SEPP 65'**)
  - The Apartment Design Guide (**'the ADG'**)
- State Environmental Planning Policy (Coastal Management) 2018 (**'CM SEPP'**)
- State Environmental Planning Policy (Infrastructure) 2007
- Pittwater Local Environmental Plan 2014 (**'PLEP 2014'**)
  - Zoning Map - R3 Medium Density Residential
  - Warriewood Valley Release Area Map – Buffer Area 1L
  - Height of Buildings Map – K and Area 6 (8.5m – 10.5m)
  - Acid Sulphate Soils Map – Class 5
- Pittwater 21 Development Control Plan (**'P21 DCP'**)
  - Warriewood Valley Locality
- Warriewood Valley Strategic Review Report 2012 (**'Strategic Review'**)
- Warriewood Valley Strategic Review Addendum Report 2014 (**'Strategic Review Addendum'**)
- Warriewood Valley Roads Masterplan 2016 (**'Roads Masterplan'**)

- Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain) ('**Landscape Masterplan**')
- Warriewood Valley Urban Land Release Water Management Specification ('**Water Management Specification**')

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any EPI	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft EPI	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	P21 DCP applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the Regulation requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the Regulation requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the Regulation requires the submission of a design verification certificate from the building designer prior to the issue of a construction certificate. This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject development application has been publicly exhibited in accordance with the Regulation and P21 DCP. As a result of the public exhibition process council is in receipt of four submissions. The relevant matters raised within the submissions have been considered and addressed as follows:

### **1. Density**

Submissions received raise concern that infrastructure in Warriewood Valley, particularly the road network, cannot cope with the additional density proposed. The proposed density is consistent with the density anticipated by the Strategic Review and prescribed by clause 6.1 of PLEP 2014. The road system within and around Warriewood Valley has been designed to accommodate the density proposed, and Council's Traffic Engineer has confirmed that the proposal will not result in any unacceptable traffic implications within the vicinity of the site.

### **2. Building Height**

A submission received maintains that all development should be limited to two storeys to fit in with other two storey houses in the vicinity of the site. The need to relate to the scale of nearby houses is evident in the maximum building height prescribed by clause 4.3 of PLEP 2014 for the subject site, which limits development fronting Warriewood Road to two storeys (8.5m) at the street frontage, with three storeys (or 10.5m) then permitted further down the slope of the site. The proposed development has a two storey presentation to Warriewood Road and is compliant with the height limit prescribed by clause 4.3 of PLEP 2014.

### **3. Car parking**

Submissions received object to the development based on a non-compliance with visitor parking requirements. In accordance with clause B6.3 of P21 DCP, the proposed development generates the demand for 11 visitor parking spaces. The proposal provides 12 visitor parking spaces (inclusive of one visitor space for persons with a disability) within the basement carpark and is consistent with the provisions of P21 DCP.

### **4. Setbacks (Between dwellings)**

Two submissions raised concerns regarding non-compliant setbacks. Whilst the submissions themselves do not elaborate which setbacks are of concern, it has since been confirmed that the concerns are in relation to the setbacks between the built form fronting Warriewood Road, and potential non-compliance with the spatial separation requirements of clause D16.8 of P21 DCP.

However, the provisions of D16.8 of P21 DCP, which prescribe the minimum spatial separation requirements for residential flat buildings and multi dwelling housing, do not apply to the proposed dwelling houses and semi-detached dwellings fronting Warriewood Road. The minimum side setbacks for dwellings and semi-detached dwellings are prescribed by clause D16.7 of P21 DCP, and the proposal is consistent with the minimum setbacks prescribed by this control.

The submissions link these concerns with potential impacts upon views from properties along the high side of Warriewood Road. The impacts upon views is not considered to be unreasonable, as discussed in further detail with regard to clause C1.3 of P21 DCP. One submission raised concern with regard to potential fire risks resulting from development sited so closely together. Council is satisfied that the proposal can be constructed in accordance with the BCA to appropriately minimise the risk of fire spreading between properties.

### **5. Townhouses along Warriewood Road**

Submissions have been received in objection to the 'townhouses' along Warriewood Road, with concerns that they do not appropriately relate to the low density character of the high side of Warriewood Road. The proposed built form fronting Warriewood Road comprises dwelling houses and semi-detached dwellings with a two storey presentation to the street and a maximum width of approximately 12m. This built form is not dissimilar to the existing dwellings along the high side of Warriewood Road, which is characterised by one and two storey dwelling houses with a maximum width of up to 16m. The character of the development fronting Warriewood Road is considered to be compatible with the existing character of Warriewood Road.



## 6. Communal/Open space

Concern has been raised in submissions received regarding a shortfall of communal open space. As discussed with regard to the ADG and clause D16.10 of P21 DCP, occupants of the proposed residential flat buildings are considered to have appropriate access to communal open space.

## 7. Deliveries

A submission has been received in objection to the absence of a nominated parking space for delivery vehicles. As currently proposed, the basement carpark provides an excess of visitor parking spaces and as such, it is considered that one of these visitor spaces could be converted to a dedicated delivery vehicle space. See further discussion with regard to clause B6.3 of P21 DCP.

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Approval subject to conditions</b></p> <p><i>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below. Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Environmental Health (Acid Sulphate)	<p><b>Approval subject to conditions</b></p> <p><i>Site comprises Class 3,4 and 5 Acid Sulfate/sulphate designation. However, the Geological Assessment has determined that acid sulfate soil will not be disturbed. It also notes that excavation will be to 8.6m max and ground water is 8.9m.</i></p>
Environmental Health (Contaminated Lands)	<p><b>Approval subject to conditions</b></p> <p><i>The premises are not listed as a Contaminated Site (nor an adjacent site) however the applicant has arranged for an initial assessment by EI Australia. The previous use as a market garden is flagged.</i></p>
Environmental Health (Industrial)	<p><b>Approval subject to conditions</b></p> <p><i>Environmental Health has reviewed the proposal and our main comment relates to noise issues. Noise impact assessment Project No 2304829PA Knowles Group addresses noise issues with positive compliant outcomes. Of note the comment - "The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details." This is particularly relevant because of the size and duration of the site works.</i></p>
Landscape Officer	<p><b>Approval subject to conditions</b></p> <p><i>In terms of landscape outcome, the proposal is acceptable subject to the completion of landscaping as documented and as amended by conditions. Council's Landscape section has assessed the proposal against the following Controls:</i></p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>- <i>Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain) 2018, and</i></li> <li>- <i>Pittwater DCP 21: C1.1 Landscaping and C6.2 Natural Environment and Landscaping Principles</i></li> </ul>
NECC (Bushland and Biodiversity)	<p><b>Approval</b></p> <p><i>All remediation works within the riparian corridor in accordance with Eco Logical Australia 2016. 23-27 Warriewood Road, Warriewood-Vegetation Management Plan approved under consent N0611/16. No additional biodiversity comments or consent conditions required.</i></p>
NECC (Development Engineering)	<p><b>Approval subject to conditions.</b></p> <p><i>No objections subject to conditions.</i></p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p><b>Approval subject to conditions</b></p> <p><i>The proposed development includes the development of the existing 25 and 27 Warriewood Road for the purpose of civil works, dwellings and a residential flat building. The proposed development complies with the Water Management Specification for Warriewood Valley subject to conditions.</i></p>
NECC (Water Management)	<p><b>Approval subject to conditions</b></p> <p><i>The application is recommended for approval with conditions.</i></p> <p><i>The applicant has satisfied the request for more information and satisfactory revisions have been made to the outlet for the bioretention basin. The bioretention basin appears to be appropriately sized.</i></p> <p><i>It has been made clear that the bioretention basin is being built as part of Stage 1 works, and therefore the sediment and erosion controls for work on the basin were addressed in that application.</i></p> <p><i>While the groundwater levels were lower in the second round of testing (but still quite shallow in some locations), the applicant should be prepared to deal with the higher groundwater levels in the first round of testing. Dewatering should be conducted according to the conditions for this application.</i></p> <p><i>Erosion and sediment controls must be installed prior to any work on site and maintained until groundcover has been re-established.</i></p>
Traffic Engineer	<p><b>Approval subject to conditions</b></p> <p><u>Traffic:</u>  <i>The applicant's Traffic Consultant has addressed the townhouses and dwelling house with the same traffic generation rate as the medium density units. This is deemed incorrect. The residential house and townhouses should be assessed as dwelling houses. As such, application of the correct rates, in accordance with RMS Guide to Traffic Generating Developments, would reveal a site generation of 28</i></p>

Internal Referral Body	Comments
	<p>vehicles. However, this level of traffic is still not anticipated to have unacceptable traffic implications.</p> <p><u>Waste:</u> The waste service arrangements are deemed adequate.</p> <p><u>Parking:</u> The parking rates are in compliance with the RMS Guide to Traffic Generating Developments and the Pittwater DCP.</p> <p><u>Car Park Layout:</u> The layout is generally in compliance with AS2890.1:2004. Concern is raised regarding safety associated with pedestrians exiting the door on basement one (1) near the bottom of the ramp. The door currently faces the travelling lanes within the basement. The door should be re-positioned in the same direction as the access to the elevator. This can be conditioned.</p> <p><u>Pedestrians:</u> Bollards should be positioned around the areas facing vehicle travel lanes, particularly near the elevators. This will be conditioned. No other concerns are raised.</p> <p><u>Servicing:</u> There appears to be no accommodation for a removalist's vehicle either within the site or on-street. To accommodate the need for service vehicles to access the site the applicant is to include timed parking restrictions in Lorikeet Grove and Warriewood Road adjacent to the site.</p>
Waste Officer	<b>Approval subject to conditions</b>
Strategic and Place Planning (Urban Design)	<p><b>Approval subject to conditions</b></p> <p>The revised documentation has been reviewed by Urban Design with previous comments addressed to the satisfaction of the officer. The proposed design addresses the main issues of concern and as such the proposed development can be supported.</p>
Strategic and Place Planning (Development Contributions)	<p><b>Approval subject to conditions</b></p> <p>A development contribution will be imposed in accordance with the Warriewood Valley Development Contributions Plan Amendment 16, Revision 3. The contribution rate is \$66,244.90 per dwelling/unit.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p><b>Approval</b></p> <p>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.</p>

NSW Police - Local Command (CPTED)	<p><b>Approval</b></p> <p>The application was referred to NSW Police, who provided a response on 3 December 2018, raising no concerns with the proposal.</p>
Natural Resources Access Regulator (integrated Development)	<p><b>Approval subject to conditions</b></p> <p><i>The application was referred to the Natural Resources Access Regulator who provided general terms of approval for the development, which have been included in the draft determination, attached.</i></p>

## **SEPP (INFRASTRUCTURE) 2007**

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

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

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

## **SEPP No.55 – REMEDIATION OF LAND**

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated. Whilst the site was formerly used for agricultural purposes, any potential contamination and remediation has been addressed as part of the works currently occurring on site pursuant to development application N0611/16. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7(1)(b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use proposed.

## **SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

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

## **SEPP (COASTAL MANAGEMENT) 2018**

Portions of 25-27 Warriewood Road are identified as “proximity area for coastal wetlands” on the Coastal Wetlands and Littoral Rainforest Map of the CM SEPP. However, the works proposed at the subject site (the yet to be created Lot 2) are located outside this area, and as such, the provisions of the CM SEPP are not applicable to this application.

## **SEPP No.65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT**

The application seeks consent for two x three storey residential flat buildings comprising 32 dwellings, and as such, the provisions of SEPP 65 apply to this component of the development (but not the dwellings houses and semi-detached dwellings proposed along Warriewood Road).

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

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

## 1. Context and Neighbourhood Character

Comment: The proposed development is located within the Warriewood Valley Release Area, which is an area that is currently transitioning from rural residential landholdings to medium density development. The desired character of the Warriewood Valley Release Area locality is identified in clause A4.16 of P21 DCP, which states:

*Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.*

Three storey residential flat buildings are anticipated on the site, and the proposed built form will not be at odds with other recent developments approved on adjoining sites (some of which are now under construction). The proposed residential flat buildings have been designed to appropriately relate to Lorikeet Grove and the adjoining private road to the north (Baz Retreat), and will be screened from view as seen from Warriewood Road.

## 2. Built Form and Scale

Comment: The proposed residential flat buildings are maintained below the maximum prescribed height limit and are well articulated by virtue of the degree of modulation and varied materiality proposed. The siting and scale of the development is consistent with the Strategic Review, which allows for 3 storey development lower on the site towards the creekline, with development of a lesser height and scale on the higher area of the site presenting to Warriewood Road.

The design has evolved to incorporate two separate buildings connected by a ground floor central entranceway, which allows for views through the buildings and for the incorporation of more vegetation to soften the visual impact of the built form. The application was supported by 3D visual representations of the proposed built form, which demonstrate that the development will be of an appropriate form and scale as seen from the public domain.

## 3. Density

Comment: The proposed residential flat buildings contain apartments with a high internal amenity, and contribute to a total density on the site (44 dwellings) that is consistent with the density range prescribed by clause 6.1(3) of PLEP 2014, the Strategic Review and Strategic Review Addendum.

## 4. Sustainability

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

## 5. Landscape

Comment: The application was supported by a detailed landscape plan that demonstrates an appropriate landscape solution for the site, consistent with the Landscape Masterplan for the Warriewood Valley Release Area and the desired character of the locality. The landscaped solution comprises an appropriate scale of plantings to ensure that the visual impact of the built form will be screened and softened as seen from the public domain and adjoining properties.

## 6. Amenity

Comment: As detailed in the assessment against the ADG and P21 DCP, the proposed development provides a high level of amenity for future occupants of the development, without unreasonably compromising the amenity of adjoining residences. The layouts of individual apartments are well resolved and appropriately dimensioned, with adequate natural ventilation and access to natural daylight. Furthermore, the development is designed to relate to the adjacent multipurpose creekline corridor, providing both a pleasant outlook and a direct connection to other development within the release area, the nearby Warriewood Wetlands and local services and infrastructure.

## 7. Safety

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

## 8. Housing Diversity and Social Interaction

Comment: The proposed development comprises a mix of one, two and three bedroom apartments, inclusive of 8 adaptable apartments interspersed throughout the development. The development provides an appropriate balance of different housing options for a variety of living needs and household budgets.

## 9. Aesthetics

Comment: The proposed development incorporates varied, high-quality finishes that will blend with the existing surrounding urban environment. The size and scale of the proposed development is well articulated and appropriate for the context of the site, and the landscaped solution will ensure that the built form is screened and softened. Overall, the development is considered to be an appropriate design response for the site and the local context.

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

- DC – Is the development consistent with the Design Criteria?  
 DG – Is the development consistent with the Design Guidance?  
 O – Is the development consistent with the Objective?

ADG reference	Subclause	Design Criteria	DC	DG	O
<b>Part 3 Siting the Development</b>					
3A Site analysis	3A-1	Design decisions based on site analysis.	-	Y	Y
3B Orientation	3B-1	Layouts respond to the streetscape and optimise solar access.	-	Y	Y
	3B-2	Overshadowing of neighbouring properties is minimised during mid winter.	-	Y	Y
3C Public domain interface	3C-1	Transition between private and public places is achieved without compromising safety and security.	-	Y	Y
	3C-2	Amenity of the public domain is retained and enhanced.	-	Y	Y
3D Communal and public open space	3D-1	Communal open space has a minimum area equal to 25% of the site.	Y	Y	Y
		Development must achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (midwinter).	Y	Y	Y
	3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	-	Y	Y
	3D-3	Communal open space is designed to maximise safety.	-	Y	Y
	3D-4	Public open space is responsive to the existing pattern and	-	Y	Y

ADG reference	Subclause	Design Criteria	DC	DG	O
		uses of the neighbourhood.			
3E Deep soil zones	3E-1	At least 7% of the site are shall comprise deep soil zones.	Y	Y	Y
3F Visual privacy	3F-1	A minimum setback of 6m is to be provided between habitable rooms and balconies and side or rear setbacks, and a minimum setback of 3m is to be provided between non-habitable rooms and side and rear setbacks.	Y	Y	Y
	3F-2	Building design elements increase privacy without compromising access to light and air and balance outlook from habitable rooms and private open space.	-	Y	Y
3G Pedestrian access and entries	3G-1	Entries and pedestrian access connects to and addresses the public domain.	-	Y	Y
	3G-2	Access, entries and pathways are accessible and easy to identify.	-	Y	Y
	3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.	-	Y	Y
3H Vehicle access	3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	-	Y	Y
3J Bicycle and car parking	3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	-	Y	Y
	3J-2	Parking and facilities are provided for other modes of transport.	-	Y	Y
	3J-3	Car park design and access is safe and secure.	-	Y	Y
	3J-4	Visual and environmental impacts of underground car parking are minimised.	-	Y	Y
	3J-5	Visual and environmental impacts of on-grade parking are minimised.	-	-	-
	3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	-	-	-
<b>Part 4 Designing the building</b>					
<b>Amenity</b>					
4A Solar and daylight access	4A-1	Living rooms and private open space of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at midwinter.	N	Y	Y
		A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Y	Y	Y
	4A-2	Daylight access is maximised where sunlight is limited.	-	Y	Y
	4A-3	Design incorporates shading and glare control, particularly for warmer months.	-	Y	Y
4B Natural ventilation	4B-1	All habitable rooms are naturally ventilated.	-	Y	Y
	4B-2	The layout and design of single aspect apartments maximises natural ventilation.	-	Y	Y
	4B-3	At least 60% of all apartments are naturally cross ventilated.	Y	Y	Y
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		Y	Y	Y	
4C Ceiling heights	4C-1	As measured from the finished floor level, the minimum ceiling height for a habitable room is 2.7m, and 2.4m for a non-habitable room.	Y	Y	Y
	4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.	-	Y	Y
	4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.	-	Y	Y
4D Apartment size and layout	4D-1	Apartments are required to have the following minimum internal areas:	Y	Y	Y

ADG reference	Subclause	Design Criteria	DC	DG	O															
		<table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Min. internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 Bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 Bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 Bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table>	Apartment Type	Min. internal area	Studio	35m <sup>2</sup>	1 Bedroom	50m <sup>2</sup>	2 Bedroom	70m <sup>2</sup>	3 Bedroom	90m <sup>2</sup>								
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	3 Bedroom	90m <sup>2</sup>																		
		The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.																		
		Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Y	Y	Y															
	4D-2	Habitable room depths are limited to a maximum of 2.5 x ceiling height.	Y	Y	Y															
		In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	N	Y	Y															
4D-3	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobes).	Y	Y	Y																
	Bedrooms have a minimum dimension of 3m (excluding wardrobes).	Y	Y	Y																
	Living rooms or combined living/dining rooms have a minimum width of 3.6m for 1 bedroom apartments and 4m for 2 bedroom apartments.	Y	Y	Y																
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Y	Y	Y																
4E Private open space and balconies	4E-1	All apartments are required to have primary balconies as follows:																		
		<table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Min. area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 Bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 Bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3 Bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table>	Apartment Type	Min. area	Min. depth	Studio	4m <sup>2</sup>	-	1 Bedroom	8m <sup>2</sup>	2m	2 Bedroom	10m <sup>2</sup>	2m	3 Bedroom	12m <sup>2</sup>	2.4m	Y	Y	Y
		Apartment Type	Min. area	Min. depth																
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		1 Bedroom	8m <sup>2</sup>	2m																
	2 Bedroom	10m <sup>2</sup>	2m																	
	3 Bedroom	12m <sup>2</sup>	2.4m																	
		For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m <sup>2</sup> .	N	Y	Y															
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.	-	Y	Y																
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	-	Y	Y																
4E-4	Private open space and balcony design maximises safety.	-	Y	Y																
4F Common circulation and spaces	4F-1	The maximum number of apartments off each circulation core on a single level is eight.	Y	Y	Y															
	4F-2	Common circulation spaces promote safety and provide for social interactions between residents.	-	Y	Y															
4G Storage	4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:																		
		<table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Min. area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 Bedroom</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 Bedroom</td> <td>8m<sup>3</sup></td> </tr> </tbody> </table>	Apartment Type	Min. area	Studio	4m <sup>3</sup>	1 Bedroom	6m <sup>3</sup>	2 Bedroom	8m <sup>3</sup>	Y	Y	Y							
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		Studio	4m <sup>3</sup>																	
1 Bedroom	6m <sup>3</sup>																			
2 Bedroom	8m <sup>3</sup>																			



ADG reference	Subclause	Design Criteria	DC	DG	O
		3 Bedroom 10m <sup>3</sup> At least 50% is to be located within the apartment.			
	4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.	-	Y	Y
4H Acoustic privacy	4H-1	Noise transfer is minimised through the siting of buildings and building layout.	-	Y	Y
	4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.	-	Y	Y
4J Noise and pollution	4J-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	-	-	-
	4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	-	Y	Y
<b>Configuration</b>					
4K Apartment Mix	4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	-	Y	Y
	4K-2	The apartment mix is distributed to suitable locations within the building.	-	Y	Y
4L Ground floor apartments	4L-1	Street frontage activity is maximised where ground floor apartments are located.	-	Y	Y
	4L-2	Design of ground floor apartments delivers amenity and safety for residents.	-	Y	Y
4M Facades	4M-1	Building facades provides visual interest along the street while respecting the character of the local area.	-	Y	Y
	4M-2	Building functions are expressed by the facade.	-	Y	Y
4N Roof design	4N-1	Roof treatments are integrated into the building design and positively respond to the street.	-	Y	Y
	4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	-	Y	Y
	4N-3	Roof design incorporates sustainability features.	-	Y	Y
4O Landscape design	4O-1	Landscape design is viable and sustainable.	-	Y	Y
	4O-2	Landscape design contributes to the streetscape and amenity.	-	Y	Y
4P Planting on structures	4P-1	Appropriate soil profiles are provided.	-	Y	Y
	4P-2	Plant growth is optimised with appropriate selection and maintenance.	-	Y	Y
	4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces.	-	Y	Y
4Q Universal design	4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members.	-	Y	Y
	4Q-2	A variety of apartments with adaptable designs are provided.	-	Y	Y
	4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	-	Y	Y
4R Adaptive reuse	4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	-	-	-
	4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	-	-	-
4S Mixed Use	4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	-	-	-
	4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	-	-	-

ADG reference	Subclause	Design Criteria	DC	DG	O
4T Awnings and signage	4T-1	Awnings are well located and complement and integrate with the building design.	-	-	-
	4T-2	Signage responds to the context and desired street character.	-	-	-
<b>Performance</b>					
4U Energy efficiency	4U-1	Development incorporates passive environmental design.	-	Y	Y
	4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	-	Y	Y
	4U-3	Adequate natural ventilation minimises the need for mechanical cooling.	-	Y	Y
4V Water management and conservation	4V-1	Potable water use is minimised.	-	Y	Y
	4V-2	Urban stormwater is treated on sit before being discharged to receiving waters.	-	Y	Y
	4V-3	Flood management systems are integrated into site design.	-	Y	Y
4W Waste management	4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	-	Y	Y
	4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	-	Y	Y
4X Building maintenance	4X-1	Building design detail provides protection from weathering.	-	Y	Y
	4X-2	Systems and access enable ease of maintenance.	-	Y	Y
	4X-3	Material selection reduces ongoing maintenance costs.	-	Y	Y

### Detailed Assessment

#### • 4A Solar and daylight access

The proposed development does not achieve a minimum of 2 hours of direct sunlight between 9am and 3pm in midwinter to 70% of the apartments proposed, with only 20 of the 32 units (62.5%) achieving consistency with the minimum requirements. The amount of solar access received has been calculated in line with the 'Solar Access Requirements in SEPP 65' planning circular prepared by the NSW Department of Planning and Environment and the following design guidance of Objective 4A-1 of the ADG:

*To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum 1m<sup>2</sup> of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.*

The extent of solar access within a number of units is not overly generous, however where nominated as being compliant, a person will be able to sit and enjoy direct sunlight for at least 15 minutes within 2 separate hourly periods, such that adequate levels of sunlight will be received.

The extent of sunlight received by each apartment is identified in the following table:

Apartment	Living	POS
G.01	0	1hr
G.02	0	1hr
G.03	0	6hrs
G.04	6hrs	6hrs
G.05	2hrs	4hrs
G.06	2hrs	4hrs
G.07	4hrs	2hrs
G.08	2hrs	2hrs
G.09	0	2hrs
G.10	0	2hrs
G.11	0	2hrs

Apartment	Living	POS
1.01	0	1hr
1.02	0	2hrs
1.03	0	1hr
1.04	6hrs	6hrs
1.05	2hrs	4hrs
1.06	2hrs	2hrs
1.07	2hrs	3hrs
1.08	5hrs	2hrs
1.09	2hrs	3hrs
1.10	2hrs	3hrs
1.11	0	2hrs
1.12	1hr	3hrs
1.13	0	2hrs

Apartment	Living	POS
2.01	2hrs	4hrs
2.02	2hrs	6hrs
2.03	6hrs	6hrs
2.04	2hrs	5hrs
2.05	6hrs	6hrs
2.06	2hrs	2hrs
2.07	2hrs	4hrs
2.08	6hrs	6hrs

It is noted that the figures above differ from that nominated by the applicant in the SOEE (100% of units achieve compliant levels of solar access), and that subsequently confirmed in diagrams provided by the applicant in May 2019 (65.6% of units achieve compliant levels of solar access). The resultant area of discrepancy relates to Apartment G.03, which features a hallway connecting the living space to the northern external elevation. Whilst sunlight will be received within the hallway, no direct sunlight will be received within the living space, and as such, Apartment G.03 is not considered to meet the minimum solar access requirements of this clause.

Upon review of the plans presented, it is apparent that there are some minor refinements that could be made to optimise the number of apartments receiving direct sunlight to habitable rooms in mid winter. In particular, an increased setback to the north-western corner of the southern residential flat building would provide direct sunlight to Apartments G.11 and 1.13 for 2 hours in the afternoon in mid-winter. With this in mind, a condition of consent is recommended to require the following amendments to the proposal:

- The setback between Lorikeet Grove and the western façade of the Master Bedroom of Apartments G.11 and 1.13 (and the balcony above) is to be increased by 1.2m, with the internal division between the Master Bedroom and the associated robe to be adjusted accordingly.

Subject to this amendment, 22 of the 32 (68.75%) apartments proposed will meet the minimum solar access requirements of the ADG. It is noted that 70% of the 32 apartments proposed is 22.4 apartments, and if rounded down, the proposed development, would be consistent with this requirement.

The non-compliant west facing apartments will have adequate indirect natural light, with an outlook towards the multi-functional creekline corridor and to the Ingleside escarpment beyond. Six of the 10 non-compliant apartments are cross-ventilated or cross-through apartments, of which, two apartments have bedrooms and hallways which will receive in excess of 2 hours of direct sunlight in midwinter. Further, all apartments are well proportioned, with good practical layouts, such that the amenity of each apartment is not compromised or inadequate.

To ensure that the useable amount of direct sunlight is maximised within each apartment, conditions of consent are recommended to require the relocation of the external air-conditioning units associated with Apartments G.01, G.03, G.05, 1.01, 1.03 and 2.06, such that they are located outside of the portion of the balcony that receives direct solar access.

Subject to the draft conditions of consent, the proposal will be consistent with Objective 4A-1 of the ADG.

- **4C Ceiling heights**

The sections provided to support the application demonstrate a 3.1m floor-to-floor height and a 2.8m internal ceiling height for all rooms within all apartments within the proposed RFB's. However, the sectional drawings are not overly detailed, and it is not known whether all necessary infrastructure can be accommodated in the 300mm slab thickness proposed. A condition of consent is recommended to ensure compliance with the 2.4m/2.7m minimum ceiling height requirements of the ADG.

- **4D Apartment size and layout**

Apartments G.09 and 1.06 are inconsistent with the design criteria of Objective 4D-2 of the ADG that limits the depth of an open plan living area to 8m, with a maximum depth of 8.32m and 8.36m respectively. The 320-360mm non-compliance does not compromise the amenity of the apartments and the minor area of non-compliance is not considered to warrant the refusal of the subject application.

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

Each of the proposed apartments incorporate a balcony in excess of the minimum area and depth requirements prescribed by the first design criteria of Objective 4E-1 of the ADG. However, apartments G.01, G.02, G.09, G.10 and G.11 do not meet requirements of the second design criteria of Objective 4E-1 of the ADG, which require a minimum depth of 3m and a minimum area of 15m<sup>2</sup> for ground floor apartments.

However, these apartments on the western side of the proposed development have direct access to the adjoining area of communal landscaped open space fronting Lorikeet Grove, in addition to the multipurpose creekline corridor on the opposite side of the street. Despite minor areas of non-compliance, the depth and areas of these ground floor apartments are in excess of minimum dimensions prescribed for upper floor units, and are well oriented and sited to maximise livability and amenity for residents. As such, the design of the ground floor balconies is considered acceptable on merit.

The consent authority can be satisfied that the development has been considered in accordance with the requirements of clause 28 of SEPP 65.

#### **PITTWATER LOCAL ENVIRONMENTAL PLAN 2014**

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:	8.5m/10.5m	8.17m/10.35m	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision – consent requirements	Yes
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes*
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes*
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

\* discussed in further detail, below.

- **6.1 Warriewood Land Release Area**

Clause 6.1(3) of PLEP 2014 prescribes a dwelling yield for land within the Warriewood Valley Release Area. This dwelling yield is not a development standard that can be varied, but rather a threshold that must be met for the development to be permissible on the land. The subject site is located within Buffer Area 1L, with a nominated dwelling yield of “not more than 67 dwellings or less than 43 dwellings”. The proposed residential development will provide 44 dwellings at the subject site, consistent with this dwelling yield, and as such, the proposal is permissible with consent.

Clause 6.1(4) prescribes that development consent must not be granted unless the consent authority is satisfied that the proposed development will not have any significant adverse impact upon opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within the creekline, water quality and flows within the creekline, and the stability of the bank within the creekline. The consent authority can be satisfied that the proposed development will not result in any adverse impacts upon the creekline.

- **7.3 Flood planning**

The site is currently identified as being prone to flooding. However, the earthworks approved pursuant to development application N0611/16 will result in an increase to levels across the site, such that the site will not be flood affected once subdivided/created.

## **PITTWATER 21 DEVELOPMENT CONTROL PLAN**

### Built Form Controls for Dwellings

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variation</b>	<b>Complies</b>
Front building line	Warriewood Road 5.0m – articulation zone 6.5m - dwelling	6.0m	0.5m	No
	Lorikeet Grove 1.0m - articulation zone 2.0m - dwelling	3.0 – 5.8m	-	Yes
Rear building line	Internal Road 0.5m	3.2 – 4.0m	-	Yes
Side building line	0 – 2.5m	0 – 3.0m	-	Yes
Landscaped area	35% (DW11)	40.3%	-	Yes
	45% (DW12)	17%	62%	No

### Built Form Controls for Semi-Detached Dwellings

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variation</b>	<b>Complies</b>
Front building line	Warriewood Road 5.0m – articulation zone 6.5m - dwelling	6.0 - 9.2m	0.5m	No
Rear building line	Internal Road 0.5m	0.2 – 2.6m	0.3m	No
Side building line	Ground 0m & 0.9m 1.5m at upper level	0 – 7.9m 1.5 – 7.9m	-	Yes
Landscaped area	25%	17 – 47.5%	9 – 32%	No

### Built Form Controls for Residential Flat Buildings

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variation</b>	<b>Complies</b>
Front building line	Lorikeet Grove 3.0m – articulation zone 4.5m – RFB	4.0 - 9.4m	0.5m	No
	Baz Retreat 3.0m - articulation zone 4.5m - RFB	4.5m	-	Yes
Rear building line	Internal Road 3.0m	3.5 – 9.4m	-	Yes
Landscaped area	25%	30%	-	Yes

## Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volumes)	Yes	Yes
B3.13 Flood Hazard – Flood Emergency Response	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Communities	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes*	Yes
B8.1 Construction and Demolition – Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition – Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition – Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition – Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition – Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition – Traffic Management Plan	Yes	Yes
C1.3 View Sharing	Yes*	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes*	Yes
C1.15 Storage Facilities	Yes	Yes
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes
C1.23 Eaves	No*	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.4 The Road System and Pedestrian and Cyclist Network	Yes*	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.7 Landscape Area (Sector, Buffer Area or Development Site)	Yes*	Yes
C6.8 Residential Development Subdivision Principles	Yes*	Yes
C6.9 Residential Land Subdivision Approval Requirements	Yes	Yes
C6.10 Additional Specification for development of Buffer Area 1a to 1m	Yes	Yes
D16.1 Character as viewed from a public place	No*	Yes
D16.4 Water Management for individual allotments	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No*	Yes
D16.6 Front Building Line	No*	Yes
D16.7 Side and Rear Building Line	No*	Yes
D16.8 Spatial Separation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D16.9 Solar Access	No*	Yes
D16.10 Private and Communal Open Space	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

\* discussed in further detail, below.

### Detailed Assessment

#### • **B6.3 Off-Street Vehicle Parking Requirements**

In accordance with the requirements of P21 DCP, the proposed development generates demand for 97 car parking spaces and 11 bicycle spaces, as follows:

- 2 x car spaces for each of the 12 dwelling houses/semi-detached dwellings (24 spaces)
- 60 x car spaces for the apartments, comprising:
  - 1 x car space for each of the 4 x 1 bedroom apartments (4 spaces)
  - 2 x car spaces for each of the 22 x 2 bedroom apartments (44 spaces)
  - 2 x car spaces for each of the 6 x 3 bedroom apartments (12 spaces)
- 1 x visitor car spaces for every 3 apartments within the residential flat buildings, inclusive of 1 x parking space for people with disabilities (11 spaces)
- 1 x car wash bay (1 space)
- 1 x delivery space (1 space)
- 1 x bicycle rack for every 3 apartments within the residential flat buildings (11 bicycle racks)

The proposed development provides:

- 2 x car spaces for each of the 12 dwelling houses/semi-detached dwellings (24 spaces)
- 65 x car spaces for the apartments
- 13 x visitor spaces including 2 x car spaces for people with a disability
- 1 x car wash bay
- 28 x bicycle racks

The proposed development does not specifically nominate a delivery space. However, noting the excess of parking spaces proposed, it is considered that one of the additional visitor spaces may be nominated for deliveries, which will ensure compliance with the provisions of this control.

#### • **C1.3 View Sharing**

A submission was received from the property owners of 56 Warriewood Road in objection to the development and the potential impact upon views. The dwelling at 56 Warriewood Road currently enjoys distant views of the Ingleside escarpment from the front balcony and through the windows on the western elevation of the dwelling associated with the primary living room and a bedroom. The views from the balcony and primary living room are filtered by vegetation within the front setback of the property.

The views of the Ingleside escarpment are obtained across the front boundary of 56 Warriewood Road, across the depth of the subject site and the Warriewood Valley Release Area as a whole. The views are obtained from both the standing and sitting positions, however, the sitting views are limited and almost entirely obstructed by vegetation as seen from the balcony and the primary living room.

The proposed semi-detached dwellings are to be located directly opposite the dwelling at 56

Warriewood Road, with a maximum RL of 21.17m, being 850mm above the height of the front balcony at 56 Warriewood Road (20.32m AHD) and 6m above the existing level of the street. With this in mind, the proposed semi-detached dwellings will impact upon the foreground outlook as currently enjoyed from 56 Warriewood Road, however the whole of the escarpment will remain in view. Whilst the outlook from the dwelling at 56 Warriewood Road will be undoubtedly different as a result of the development, the impact upon the view of the escarpment is considered to be negligible.

The proposed semi-detached dwellings have been designed to respond to the slope of the land, are maintained well below the maximum height limit and are reflective of the built form outcome anticipated along Warriewood Road by P21 DCP. As such, the proposal is considered to be a skilful design solution, and view sharing between properties is achieved.

Whilst no other submissions raised concerns regarding view loss, other dwellings fronting Warriewood Road are also likely to enjoy similar views, which may be impacted as a result of the proposal. The level of impact is considered to be similar to that at 56 Warriewood Road and not unreasonable. Even if the views were to be lost entirely, it would be difficult to say that the impact would be unreasonable, in light of the compliant height and side setbacks of the development proposed.

Overall, the impact upon views has been assessed in accordance with the provisions of clause C1.3 of P21 DCP and the view sharing planning principle developed by the Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140, and view sharing is considered to be achieved.

- **C1.14 Separately Accessible Structures**

11 of the proposed dwelling houses and semi-detached dwellings comprise separately accessible spaces on top of the proposed garages. Whilst no specific land use is nominated on the plans, it is likely that the space will be used as an extension of the primary dwelling, for use as a studio, home office, workshop area, rumpus room or the like. A condition of consent is recommended to ensure that the spaces are not used for separate habitation.

- **C1.23 Eaves**

The proposed dwellings and semi-detached dwellings do not comprise 450mm eaves to all elevations, resulting in non-compliance with this development control. Nonetheless, the proposed development is consistent with the outcomes of clause C1.23 of P21 DCP, as follow:

- The proposed dwellings and semi-detached dwellings will reflect the coastal heritage and character of the locality,
- The proposed roof forms are optimised, and
- Appropriate solar access and shading will be achieved.

- **C6.4 The Road System and Pedestrian and Cyclist Network**

The proposed internal road/laneway is consistent with the design requirements of the Roads Masterplan and the provisions of this control. However, it is noted that the proposed turning head at the northern end of the laneway extends towards the east onto land that is outside of the proposed Community lot (on proposed Lot 2). The turning head will also extend in closer proximity to the yet to be constructed dwelling on an adjoining site to the north at 8 Baz Retreat.

To lessen the impact upon the adjoining property and to ensure that the turning head is maintained by the Community, conditions of consent are recommended to relocate the turning head to the western side of the laneway, with a 2m setback to the northern side boundary, and for the Community Plan to be amended to include the turning head within the Community lot.



- **C6.7 Landscape Area (Sector, Buffer Area or Development Site)**

The proposed development has a total landscaped area calculation of approximately 2912m<sup>2</sup> or 35.5% of the total site, consistent with the 25% minimum landscaped area prescribed by clause C6.7 of P21 DCP. However, the development is proposed on a yet to be created superlot (Lot 2) approved pursuant to development application N0611/16, which is to be burdened by a restriction requiring a minimum landscaped area of 41%. This restriction was imposed to ensure that any future development of Lot 2 remains consistent with the water management infrastructure designed for Lot 2, which is currently under construction on the on the adjoining site (Lot 1).

It is noted that the applicant's landscaped area calculations (on DA-052, revision G) demonstrate consistency with this requirement, with a landscaped area calculation of 3424m<sup>2</sup> or 41.8% of Lot 2. The discrepancy between Council's calculations and those presented by the applicant seems to arise due to the applicant's inclusion of many areas of paving proposed on the landscape plans, which should not be included as landscaping under the 'landscaped area' definition of PLEP 2014. However, if these paved areas are permeable and allow for the infiltration of water, Council's Development Engineer and Water Management Officer are satisfied that the proposed development will be consistent with the water management solution developed for the site and in turn, the intent of the landscaped area restriction.

Whilst the restriction is yet to be created, clause 1.9A of PLEP 2014 provides that the consent authority may override any covenant or similar instrument that restriction to enable development to be carried out in accordance with PLEP 2014 or a consent granted under the EP&A Act. As such, subject to conditions requiring the relevant paved areas to be constructed to allow the infiltration of water, the proposed inconsistency with the restriction imposed under development application N0611/16 can be supported.

- **C6.8 Residential Development Subdivision Principles**

At the time of lodgement, the application sought consent for the Torrens Title subdivision of the yet to be created Lot 2, separating DW12 from the remainder of the development. Council raised concern in this regard, particularly noting that the lot was reliant upon communal infrastructure. The applicant subsequently agreed to include DW12 as part of the Community Title subdivision of the development as a whole, however this was not reflected in amended plans. As such, the proposed plan of Torrens Title subdivision is not endorsed in the draft conditions of consent, and conditions are recommended to require the draft Community Title plan of subdivision to be amended to include DW12 into the Community Plan (as the 14<sup>th</sup> lot).

- **D16.1 Character as viewed from a public place**

The design of the residential flat buildings, which have lift over-runs that protrude the roof forms, is inconsistent with the provisions of this development control that requires lift over-runs to be integrated with the roof form. Subject to a condition to ensure that the lift over-runs will be finished in the same colour as the roof, the lift over-runs will not be visually prominent, and will not result in unreasonable visual clutter.

Whilst not evident on the plans, a further condition is recommended to ensure that all roof forms remain free of air-conditioning units, and other plant equipment for the life of the development.

- **D16.5 Landscaped Area for Newly Created Individual Allotments**

The provisions of clause D16.5 of P21 DCP prescribe a minimum dimension for land that may be included as landscaped area on each residential site. Both the landscaped area calculation and the minimum dimension varies based on the dimensions of each allotment. The landscaped calculation for each lot is identified in the following table.

LA = Landscaped Area

Lot	Lot Size m <sup>2</sup>	Min. LA required	Min. dimension required	LA proposed	LA proposed (excluding min. dimension)
2 (DW1)	393.1	25%	3m	48%	48%
3 (DW2)	351.2	25%	3m	23%	54%
4 (DW3)	335.2	25%	3m	29%	36%
5 (DW4)	419.6	35%	4m	37%	51%
6 (DW5)	297.5	25%	3m	34%	57%
7 (DW6)	335.7	25%	3m	21%	37%
8 (DW7)	286.2	25%	3m	21%	34%
9 (DW8)	314.6	25%	3m	23%	36%
10 (DW9)	270.3	25%	3m	18%	27%
11 (DW10)	293.7	35%	4m	17%	34%
12 (DW11)	407.9	45%	4m	40%	52%
13 (RFB)	8192	25%	3m	30%	33%
14 (DW12)	398	45%	4m	17%	57%

In consideration of the minimum dimension prescribed, seven of the 14 resultant lots (Lots 3, 7, 8, 9, 10, 11, and 14) are inconsistent with the minimum landscaped areas prescribed by this development control. However, if you were to calculate all landscaped area irrespective of the minimum dimension prescribed, all proposed lots would far exceed the minimum area prescribed, some with more than double the landscaped area required for an individual allotment.

Despite technical non-compliance with the landscaped area prescribed with respect to seven proposed lots, the development is considered to be supportable on merit, as it will otherwise achieve consistency with the outcomes of the landscaped area control, as follows:

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*

Comment: The site does not contain any significant features, and the proposed development will result in a significant enhancement of native vegetation to contribute to the effective management of biodiversity.

- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*

Comment: Subject to minor refinement in proposed conditions of consent, the proposed landscape solution will be consistent with the Landscape Masterplan, the landscape guideline prepared and adopted by Council to ensure a unified and high quality landscape solution throughout the Warriewood Valley Release Area.

- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.*

Comment: Despite minor technical non-compliances arising as a result of the minimum dimension of landscaped area prescribed by this control, the landscaped solution is comparably generous and will actively promote ecologically sustainable outcomes and an enhancement of biological diversity and ecological processes. Whilst the development will result in more hard surfaces on the site than that which previously existed (as the site was generally free of development), the proposal will result in a significant improvement in the landscaped treatment of the site.

- *The area of site disturbance is minimised.*

Comment: The proposed development will disturb the majority of the area of the site. However, this level of site disturbance is not excessive or unreasonable in light of the nature of the medium

density development proposed.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment: Subject to conditions of consent, 42.9% of the total site will be landscaped or comprise permeable surface treatments, to maximise water infiltration on the site, consistent with the water management solution approved pursuant to development application N0611/16.

- *Landscaped areas should be predominately areas of deep soil.*

Comment: All of the nominated landscaped area is deep soil landscaping.

- *New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.*

Comment: The proposed development will result in a significant enhancement of vegetation on the site, minimising the visual impact of the development and ensuring consistency with the Warriewood Road streetscape.

- *To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.*

Comment: The proposed development comprises adequate setbacks and spatial separation to ensure landscaped buffers between properties. The proposed landscaping is well designed to ensure a high level of amenity for future occupants.

- **D16.6 Front Building Line**

Nine of the proposed dwelling houses/semi-detached dwellings are inconsistent with the minimum setback prescribed for Warriewood Road. Furthermore, the setback of the south-western and south-eastern corners of the southern residential flat building are marginally forward of the setback prescribed for Lorikeet Grove. These areas of non-compliance are considered separately, as follows:

Dwelling houses and semi-detached dwellings fronting Warriewood Road

Dwellings DW04 – DW12 are inconsistent with the 6.5m minimum front building line for dwellings presenting to Warriewood Road, with a setback of 6m between the front balconies and the front property boundary. As these balconies cover more than 25% of the width of each façade, they do not meet the definition of an “articulation zone”, which has a separately identified minimum setback of 5m to Warriewood Road. However, as the proposed 6m setbacks are associated with rear-loaded lots that allow for the Warriewood Road frontage to be comprised almost entirely of landscaping, and as the development control anticipates built form within 5m of the setback to Warriewood Road, the proposed 500mm non-compliance is considered to be an acceptable solution for the site.

Residential flat building

The south-western corner and south-eastern corners of the southern residential flat building are inconsistent with the 4.5m minimum setback prescribed for residential flat buildings presenting to streets other than Warriewood Road, Garden Street and Macpherson Street, with minimum setbacks of 4m and 4.25m respectively. The areas of non-compliance are limited to the outer most corners, with the majority of the facades presenting to Lorikeet Grove well in excess of the 4.5m minimum requirement. Furthermore, similar to the setbacks discussed above, the development control anticipates minor elements of built form forward of the 4.5m minimum setback, with an articulation zone up to 25% of the width of the façade permitted within 3m of the Lorikeet Grove front boundary.

Despite minor areas of non-compliance (250-500mm), the setbacks provide sufficient space for landscaping of an appropriate scale to screen and soften the proposed built form, such that the minor protrusions are not considered to be unacceptable in the streetscape.

Overall, the siting of the proposed development is consistent with the outcomes of the front building line development control, as follows:

- *To achieve the desired future character of the Locality.*

Comment: The proposed development will contribute to the desired mix of low to medium density housing throughout the Warriewood Valley Release Area, and will compliment the wider creekline corridor system. The proposal is generally in accordance with the adopted planning strategy for the area, and as such, the proposal is consistent with the desired future character of the locality.

- *The area of site disturbance is minimised and soft surface is maximised.*

Comment: On balance, the front setbacks are generally more generous than necessary, and are comprised almost entirely of landscaping and soft surfaces. As such, site disturbance within the front setbacks is considered to be minimised.

- *The bulk and scale of the built form is minimised.*

Comment: The bulk and scale of the proposed development is appropriately minimised by virtue of modulation and varied use of materials. The minor 300-500mm areas of non-compliance do not contribute to the perception of excessive built form.

- *To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.*

Comment: The proposed development will create a consistent alignment of built form along the streetscape. Despite the minor non-compliances proposed, appropriate setbacks are provided to allow the scale of plantings necessary to screen the associated built form and provide an attractive streetscape.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The siting of the development in relation to the front setbacks do not result in any unreasonable impacts upon views from nearby public or private places.

- *Vegetation and natural features of the site are retained and enhanced within the site design to screen the visual impact of the built form.*

Comment: The subject site was generally free of any significant vegetation and as such, the proposal will result in a significant enhancement of native vegetation on the site to ensure that the visual impact of the proposed built form is appropriately softened.

- *Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.*

Comment: The majority of the proposed dwelling/semi-detached dwellings are rear loaded, to reduce the visual prominence of parking structures from the public domain. Furthermore, parking associated with the residential flat buildings is located within the basement, behind a roller door.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment: The setbacks proposed provide a reasonable level of privacy, amenity and solar access for future occupants of the development and do not contribute to any unreasonable impacts upon adjoining properties.

- **D16.7 Side and Rear Building Line**

The north-western corners of the garages associated with DW01, DW03, DW05 and DW07 are sited with a setback of approximately 200mm to the proposed laneway, inconsistent with the 500mm setback required by this control. The garages that present to the laneway are not sited parallel to the laneway, but rather at an acute angle so that the setback varies between 0.2 – 2.6m. This outcome reduces the visual impact of the rear loaded lots as seen from Lorikeet Grove and allows for the incorporation of small canopy trees between attached garages. Overall, the 300mm non-compliance at the northern corner of four garages is not considered to detract from consistency with the outcomes of this development control.

- **D16.9 Solar Access**

Each of the proposed dwelling houses and semi-detached dwellings will receive a minimum of 2 hours of direct sunlight to the primary area of private open space and to windows associated with living rooms, consistent with this development control. However, as discussed above with respect to the ADG, only 68.75% of the proposed apartments within the residential flat buildings will receive compliant levels of solar access, inconsistent with the 70% minimum prescribed. Nonetheless, the development is sited and designed to provide adequate sunlight, daylight and ventilation to habitable rooms during midwinter, and does not contribute to any unreasonable overshadowing of adjoining development. As such, the proposal is considered to be consistent with the outcomes of the solar access development control and the proposal is readily supportable despite technical non-compliance in this regard.

## **CONCLUSION**

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

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

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

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

## **RECOMMENDATION**

That the SNPP grant development consent to DA2018/1826 for the construction of a mixed residential development, comprising residential flat buildings, semi-detached dwellings and dwelling houses, with associated internal roads, site works, landscaping and Community and Strata title subdivision at the yet to be created Lot 2, at 25-27 Warriewood Road, Warriewood NSW 2102, subject to the following draft conditions of consent:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Proposed Site Plan DA-020, revision I	04.03.2019	VIA Architects
Proposed Apartment Ground Floor Plan / Dwelling Garage Lower Level Floor Plan, DA-100, revision O	01.05.2019	VIA Architects
Proposed Apartment First Floor Plan / Dwelling Lower Level Floor Plan, DA-101, revision K	01.05.2019	VIA Architects
Proposed Apartment Second Floor Plan / Dwelling Mid Level Floor Plan, DA102, revision K	01.05.2019	VIA Architects
Proposed Apartment Roof Plan / Dwelling Upper Level Floor Plan, DA-103, revision K	01.05.2019	VIA Architects
Proposed Overall Roof Plan, DA-104, revision G	14.03.2019	VIA Architects
Proposed Basement 01 Plan, DA-105, revision J	10.04.2019	VIA Architects
Proposed Basement 02 Plan, DA-106, revision J	10.04.2019	VIA Architects
Proposed Elevations DA-200, revision J	01.05.2019	VIA Architects
Proposed Elevations DA-201, revision J	01.05.2019	VIA Architects
Proposed Sections DA-250, revision F	14.03.2019	VIA Architects
Proposed Sections DA-251, revision G	10.04.2019	VIA Architects
Site Diagram - Landscaped Area, DA-052, revision G	10.04.2019	VIA Architects
Materials Palette, revision D	14.03.2019	VIA Architects
<b>Landscape Plans - Endorsed with Council's stamp</b>		
Landscape Plan, TP01C	15.03.2019	CDA Design Group Pty Ltd
Landscape Section A-A, TP02B_P1	15.03.2019	CDA Design Group Pty Ltd
Landscape Section B-B, TP03B_P1	15.03.2019	CDA Design Group Pty Ltd
<b>Stormwater Management Plans - Endorsed with Council's stamp</b>		
Site Plan, SWDA102, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA200, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA202A, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA202B, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA300A, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA300B, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Erosion and Sediment Control, SWDA400, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA500, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
<b>Subdivision Plans – Endorsed with Council's stamp</b>		
Plan of Proposed Community Title Subdivision, issue A	10.09.2018	Byrne & Associates Pty Limited
Strata Plans Sheets 1-6 of 6, reference 10977SD issue A	[undated]	Paul Barry Byrne

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

<b>Reports / Documentation:</b>		
<b>Report</b>	<b>Dated</b>	<b>Prepared By</b>

Water Management Report	11.04.2019	S&G Consultants Pty Ltd (SGC)
Geotechnical Risk Management Report	03.08.2016	Geotechnique Pty Ltd
Geotechnical Risk Management Report Addendum	06.03.2019	Geotechnique Pty Ltd
Noise Impact Assessment Report	15.08.2017	WSP
Waste Management Report	14.09.2018	TTM
BASIX Certificate 964173M	13.11.2018	Partners Energy Management

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

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

Reason: To ensure the work is carried out in accordance with the determination of the consent authority.

## 2. Compliance with other Department, Authority or Service Requirements

The development must be carried out in compliance with the following General Terms of Approval issued by the Natural Resources Access Regulator on 6 March 2019

- (a) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
- (b) The following plan(s):
- (i) Erosion and Sediment Controls Plan must be:
    - (i) Prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), and
    - (ii) Submitted with an application for a controlled activity approval.
- (c) The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
- (d) This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator.
- (e) Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- (f) The application for a controlled activity approval must include the following document(s):
- (i) site plan, map and/or surveys;
  - (ii) watercourse crossings;
  - (iii) outlet structures;
  - (iv) Erosion and Sediment Control Plan;
  - (v) Soil and Water Management Plan;
  - (vi) Vegetation Management Plan;
  - (vii) in-stream works.
- (g) All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
- (h) Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
- (i) The application for a activity; controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

- (j) When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.
- (k) The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

### SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA2018/1826 as provided by Council:

- SEE
- Site Plan
- VMP

Reason: To ensure the work is carried out in accordance with the statutory requirements of the Natural Resources Access Regulator.

### **3. Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person 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.
- (c) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
 If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.



- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

#### 4. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - o 7.00 am to 5.00 pm inclusive Monday to Friday,
  - o 8.00 am to 1.00 pm inclusive on Saturday, No work on Sundays and Public
  - o Holidays.Demolition and excavation works are restricted to:
  - o 8.00am to 5.00 pm Monday to Friday only.(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).
- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary

to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition.

Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Security Bond

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

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection). All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

### 6. Road and Drainage Damage Bond

A Bond of \$40,000 as security against any damage to Council's existing road, footpath and drainage network. This security also covers any damage or loss to street tree planting.

Reason: Protection of Council's Infrastructure.

### 7. Development Contributions

A cash contribution of \$2,914,775.60 (subject to (a) below) is payable to Northern Beaches Council for the provision of public infrastructure and services in accordance with the Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979.

- (a) The monetary component of the developer contribution is to be paid prior to issue of the first Construction Certificate. If the cash contribution remains unpaid after 23 April 2019, the amount unpaid will increase on a quarterly basis in accordance with the applicable Consumer Price Index as published quarterly by the Australian Bureau of Statistics. If this condition applies, the cash contribution payable for this development will be the total unpaid cash contribution as adjusted.
- (b) The proponent shall provide evidence of payment of the cash contribution (subject to (a) above) to the Certifying Authority within 14 days of fulfilling the condition (a).
- (c) The proponent may negotiate with Council for the direct provision of other facilities and services, the dedication of land in lieu of the cash contribution above (or any portion of that cash contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the proponent in accordance with the Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3). The agreement for Material Public Benefit Agreement between the proponent and Northern Beaches Council must be finalised, formally signed and in place prior to the issue of the first Construction Certificate.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) may be

inspected at Northern Beaches Council or Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Reason: Consistency with the Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3).

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

### **8. Creation of Lot 2**

Evidence of the creation of Lot 2, approved pursuant to development application N0611/16, is to be provided to the certifying authority prior to the issuance of the construction certificate.

Reason: To ensure consistency with the as-built development approved pursuant to N0611/16.

### **9. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Approved Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

### **10. On-site Stormwater Management**

Drainage plans detailing the provision of stormwater disposal and on-site stormwater detention in accordance with Northern Beaches Council's *Warriewood Valley Water Management Specification* and the Approved Concept Stormwater Plans referenced in Condition 1 of this consent are to be submitted to the Principal Certifying Authority for approval prior to the issue of the construction certificate.

The plans are to be prepared and certified by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field.

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

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

### **11. Certification of Water Management Report**

A qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience is to complete the pre-construction certificate checklist and certify that the Water Management Report and all associated plans and detailed design are in accordance with the Warriewood Valley Water Management Specification (February 2001) and any associated conditions of consent.

Reason: To ensure water is managed appropriately

### **12. Tanking of Basement Level**

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

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

### **13. Utilities Services**

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

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

### **14. Underground Services**

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

Reason: To protect services and minimise visual clutter.

### **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.

### **16. Construction Traffic Management Plan.**

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

The CTMP must address following:-

- (a) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (b) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (c) Make provision for all construction materials to be stored on site, at all times;
- (d) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (e) The proposed method of access to and egress from the site for construction vehicles, including access routes and truck rates through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (g) Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- (h) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- (i) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- (j) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- (k) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the

- footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- (l) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
  - (m) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - (n) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
  - (o) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
  - (p) Proposed protection for Council and adjoining properties;
  - (q) The location and operation of any on site crane; and
  - (r) The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

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

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

#### **17. Pre-Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc). In relation to stormwater infrastructure, the report must be prepared in accordance with Council’s Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

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

#### **18. External Finishes**

The external finishes of the development are to be consistent with the materials nominated on the approved ‘Proposed Elevations’ and as shown on the Approved Material Palette referenced in Condition 1 of this consent. For the avoidance of doubt:

- (a) “Render Finish – Mid Tone” shall be a grey tone equivalent to or darker than Colorbond “Windspray”,
- (b) “Render Finish – Dark Grey Tone” shall be a grey tone equivalent to or darker than Colourbond “Basalt”, and
- (c) “Roof Sheeting – Colorbond – Dark Grey” shall be a tone equivalent to Colorbond “Monument”.
- (d) The lift overruns are to be finished in the same colour as the roof sheeting.

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

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

## 19. **BASIX Requirements**

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

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

Reason: Legislative requirement.

## 20. **Amendments to Approved Plans**

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

- (a) A 1.2m high fence, setback a minimum of 2m from the front western façade, is to be provided to enclose the area of private open space to the north of apartment G.03.
- (b) A 1.8m high fence is to be provided to divide the northern area of private open space between apartments G.03 and G.04.
- (c) The turning head of the internal laneway is to be relocated to the opposite (western) side of the laneway, setback 2m from the northern property boundary and is to form part of the Community Lot 1.
- (d) Ceiling heights of all habitable rooms, as defined by the Apartment Design Guide, shall be a minimum of 2.7m.
- (e) Air-conditioning units on the balconies of apartments G.01, G.03, G.05, 1.01, 1.03 and 2.06 are to be relocated to be outside the areas that will receive direct sunlight in mid-winter.
- (f) The setback between Lorikeet Grove and the western façade of the Master Bedroom of Apartments G.11 and 1.13 (and the balcony above) is to be increased by 1.2m, with the internal division between the Master Bedroom and the robe to be adjusted accordingly.
- (g) A timber feature panel (TC1) is to be introduced on the southern elevation of the southern residential flat building. The panel is to mimic those proposed on the northern elevation of the northern residential flat building, is to have a minimum width of 7.5m, and is to partially overlap the glass balustrade of Level 2.
- (h) Where there are inconsistencies between DA-103 (revision K) and DA-104 (revision G) with regard to the roof forms of the residential flat buildings, DA-103 (revision K) is to prevail.

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

## 21. **Amendments to Subdivision Plans**

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

- (a) The lot containing DW12 is to form part of the Community Title Subdivision Plan (ie: the 14<sup>th</sup> residential lot)
- (b) The Strata Plans are to be amended to reflect the approved layout/design of the residential flat buildings,
- (c) The landscaped area to the north of apartment G.03 (PT.3) is to be dedicated on title as Open Space associated with that apartment.

Reason: To ensure consistency with the development outcome approved by this consent.

## 22. **Landscape Detail**

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

- (a) The detail design layout and a planting schedule is to be identified,
- (b) All tree plantings are setback a minimum of 3m from buildings,
- (c) The nominated areas of 'Garden Bed' shall be planted at a density to ensure that the proposed shrubs form a resultant landscaped buffer/screen,
- (d) A minimum of 4 medium evergreen trees are to be accommodated on each of the

- dwelling/semi-detached dwelling lots,
- (e) All large and medium evergreen trees proposed on the residential lots shall have a minimum pot size of 75L,
  - (f) Landscaping within the Warriewood Road and Lorikeet Grove public road reserves are to be in accordance with that approved pursuant to development application N0611/16.

Reason: To ensure consistency with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

### **23. Landscape Maintenance Plan**

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

Reason: To ensure the establishment of proposed landscaping.

### **24. Permeable surfaces**

All paving located within the areas coloured green on the diagrams on the Site Diagram - Landscaped Area plan referenced in Condition 1 of this consent are to be constructed in a manner to allow the infiltration of water (ie: shall not be constructed on a slab). Details demonstrating compliance are to be provided to the certifying authority prior to the issuance of a construction certificate.

Reason: To ensure consistency with the pervious area calculations relied upon in relation to the approved stormwater management solution for the site.

### **25. Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Council Waste Management Guidelines, including the required Northern Beaches Council Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any construction certificate.

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

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

### **26. Consistency with General Terms of Approval**

A suitably qualified professional is to provide certification that the construction certificate detail is consistent with the General Terms of Approval, issued by the Natural Resource Access Regulator, as referenced in Condition 2 of this consent.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

### **27. Sydney Water**

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

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

**28. Sydney Water**

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

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

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

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

**29. Application for works within the public road reserve**

An application for works within Council's public road reserves is to be submitted to Council for approval under the provisions of Section 138 and 139 of the Roads Act 1993 for the minor changes proposed to Lorikeet Grove and Warriewood Road (compared to that approved pursuant to development application N0611/16). The application is to include four (4) copies of civil engineering plans and is to be accompanied by the associated fee. An approval is to be submitted to the Principal certifying authority prior to the issue of the construction certificate

Reason: Statutory requirement.

**30. Adaptable Housing**

Prior to the issuance of the construction certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all adaptable dwellings (and access thereto) have been designed to meet the Class B requirements of AS4299:1995 Adaptable Housing.

Reason: To provide adaptable housing.

**31. Residential Apartment Development**

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

Reason: Legislative requirement.

**32. Bollards**

Bollards shall be installed near all standing areas around elevators and stairs, particularly where pedestrians are exposed to vehicular movements. Plans shall be amended to reflect the location of the bollards. These plans shall be submitted to and approved by the Certifying Authority prior to the release of any Construction Certificate.

Reason: To ensure pedestrian safety by protecting standing areas near elevators.

**33. Car wash**

The car wash bay is to incorporate a tap/hose for use by residents. The car wash bay is to be graded to drain to the sewerage system. The perimeter of the wash bay is to be suitably bunded to prevent stormwater entering the sewer.

Reason: To provide a usable area for car washing.



**34. Driveways/internal roadways**

Any driveway and internal roadway is to be constructed to an all-weather standard, non-slip finish and is to be appropriately line-marked and signposted. Dark grey/black oxide or pigment is to be added to the proposed concrete finish to achieve a dark coloured driveway and parking area. Details demonstrating compliance with these requirements are to be included as part of the construction certificate application.

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

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**35. Public Liability Insurance**

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

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

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**36. Temporary Dewatering**

If groundwater is encountered, discharge must achieve the following water quality targets in addition to any conditions/documentation of this consent, any requirements of the relevant authorities, and legislation, including Protection of The Environment Operations Act 1997 and Contaminated Lands Act 1997.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	None visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample measured as NTU	<1 hour

Note: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

Dewatering must not occur until the above water quality parameters are met. All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to a stormwater pit and not spread over any road, footpath and the like.

Reason: Protection of the receiving environment.

**37. 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.

### **38. 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.

### **39. Traffic Control During Road Works**

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

Reason: Public Safety.

### **40. Excavation and Erosion Control**

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

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

Reason: To minimise soil erosion.

### **41. Maintenance of Sediment**

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

Reason: To ensure sediment controls are effective.

**42. Site Entry Access way**

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

Reason: To reduce sediment being taken off site.

**43. Cleaning of Vehicles Leaving Site**

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

Reason: To reduce sediment being taken off site.

**44. Acid Sulfate Soil Management**

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed.

**45. Dust during works**

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

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

**46. Noise reduction measures**

Construction is to be undertaken in accordance with the recommendations contained within the Noise Impact Assessment Report referenced in Condition 1 of this consent for site works, building design and equipment.

Specifically before any work commences, the proponent should inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.

Additionally Council requires a documented record of any complaints and any action taken to be kept on site during site works and be freely accessible to Council, if required. Equipment and methodology used to reduce noise during site works shall be best practice.

Reason: To minimise noise to internal and external residential receivers.

**47. Construction Traffic Management Plan**

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

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

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

**48. Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the occupation certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **49. Landscaping**

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

Furthermore, evidence is to be provided to confirm the engagement of a suitably qualified landscape architect who will be responsible for the implementation of the Landscape Maintenance Plan for a minimum period of 2 years. The landscape architect is to confirm that they will undertake to:

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

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

#### **50. Post-Dilapidation Report**

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

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

#### **51. On-Site Stormwater Detention Compliance Certification**

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

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

Reason: To ensure stormwater disposal is constructed to in accordance with the approved plans.

#### **52. Certification of Water Management**

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

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent.

#### **53. Updated Water Management Report**

An updated/revised Water Management Report must be submitted to Council and the certifying authority prior to the issuance of an occupation certificate. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001). The updated/revised Water Management Report is to

be supported by a signed and completed 'Documentation Checklist – Subdivision Certificate' in relation to the relevant aspects of the water management works.

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

**54. Garbage and Recycling Facilities**

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

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

**55. Fire Safety Matters**

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

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

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

**56. Parking restrictions**

Prior to the issuance of the occupation certificate, plans are to be submitted and approved by Council, via the Northern Beaches Local Traffic Committee for Time Restricted Parking (4P) for the indented parking bays within the Lorikeet Grove and Warriewood Road corridor immediately adjacent to the subject site. Signage is to comply with AS 2890.5 -1993 and Roads and Maritime Services relevant technical directions.

Reason: To provide servicing options for the subject development

**57. Waste and Recycling Facilities Certificate of Compliance**

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

Reason: To ensure waste and recycling facilities are provided.

**58. Section 73 Compliance Certificate**

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

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

**59. Adaptable Housing**

Prior to the issuance of the occupation certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all adaptable dwellings (and access thereto) have been constructed to meet the Class B requirements of AS4299:1995 Adaptable Housing.

Reason: To provide adaptable housing.

**60. Car Parking**

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

- (a) that the layout and design of the as-built basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is strictly in accordance with the provisions of AS2890.1-2004
- (b) that all disabled parking spaces and the internal access route dimensions/gradient comply with AS2890.6-2009, and
- (c) that all adaptable parking spaces and the internal access dimensions/gradient comply with AS4299-1995.

Reason: To ensure safe vehicular egress.

**61. Materials**

Prior to the issuance of the occupation certificate, written certification is to be provided by the project architect that the finishes of the as-built development are consistent with those shown in the Approved Plans referenced in Condition 1 of this consent, and any conditions of this consent.

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

**62. BASIX Requirements**

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

Reason: Legislative requirement.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

**63. Completion of works**

Prior to the issuance of the Community Title or Strata Title Subdivision Certificates, the certifying authority must be provided with evidence of the issuance of an occupation certificate for the works approved by this consent.

Reason: To ensure that the approved works are completed in accordance with this consent before the land is subdivided and prior to any change in ownership.

**64. Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate for the Community Management subdivision.

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

**65. Positive Covenant for Waste Services**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's standard requirements, at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

#### **66. Community Management Statement**

Prior to the issuance of the subdivision certificate for Community Title subdivision, a Community Management Statement is to be prepared to:

- (a) Require/ensure consistency with all 'on-going' conditions of consent over the life of the development,
- (b) Outline the required maintenance responsibilities for all private infrastructure, including water management and landscaping,
- (c) Restrict any additional non-landscaped areas from being introduced on the site,
- (d) Prescribe space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the maintenance of lighting and landscaping,

#### **67. Creation of Easements**

Creation of appropriate easements where service lines, drainage lines or access ways pass through private property other than the lot which they benefit.

Reason: To ensure appropriate legal access for access, drainage and services.

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

#### **68. Landscaping**

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

Reason: To ensure vegetation is retained and maintained.

#### **69. Plant Equipment**

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

Reason: To avoid additional visual clutter.

#### **70. Parking**

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

- (a) 2 parking spaces for each of the proposed dwelling houses and semi-detached dwellings,
- (b) 1 parking space for each one bedroom apartment,
- (c) 2 parking spaces for each two and three bedroom apartment,
- (d) 1 parking space for each adaptable apartment must meet the provisions of AS4288,
- (e) 11 visitor parking spaces, clearly marked "visitor", including 1 parking space for people with disabilities compliant with the provisions of AS2890.6, and
- (f) 1 dedicated delivery/service vehicle space, clearly marked "deliveries".

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

#### **71. Adaptable Housing**

8 apartments (G.02, G.08, G.10, 1.02, 1.09, 1.12, 2.04 and 2.05) and 3 semi-detached dwellings (DW01, DW02 and DW03) are to be adaptable dwellings capable of being modified, when required by the occupant, to comply with the Class B requirements of AS4299:1995 Adaptable Housing.

Reason: To provide adaptable housing.

#### **72. No Separate Habitation**

The rooms above the 11 garages that front onto the internal laneway (DW01 – DW11) must be used in conjunction with the associated dwelling and must not be used for separate habitation.

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

**73. Maintenance of Infrastructure**

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

Reason: to ensure that infrastructure is appropriately maintained.

**74. Fire Safety Matters**

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

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