

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/1136
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot CP SP 89359, 209 - 211 Ocean Street NARRABEEN NSW 2101
Proposed Development:	Alterations and Additions to a shop top housing development
Zoning:	Warringah LEP2011 - Land zoned B1 Neighbourhood Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Development Assessment Panel – Central
Land and Environment Court Action:	No
Owner:	The Owners Strata Plan 89359
Applicant:	Robert Chedid

Application lodged:	22/11/2017
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	01/12/2017 to 11/01/2018
Advertised:	02/12/2017
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 595,000.00
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant

- Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot CP SP 89359 , 209 - 211 Ocean Street NARRABEEN NSW 2101
Detailed Site Description:	<p>209 - 211 Ocean Street, Narrabeen (the subject site) is a shop top housing development located on land zoned for B1 Neighbourhood Centre purposes pursuant to the Warringah Local Environmental Plan 2011.</p> <p>The site is a corner allotment bound by Ocean Street to the west, Malcolm Street to the north and a Council carpark (zoned for RE1 Public Recreation) to the east. Further east of the site is North Narrabeen Beach. South of the site are two other shop-top housing developments (203 and 205-207 Ocean Street) which have shared walls with the subject development site.</p> <p>The site is generally rectangular in shape with a 3m step on the eastern edge, a frontage of 36m to Malcolm Street, a 22.2m frontage to Ocean Street and an overall surveyed area of 795m².</p> <p>Presently the allotment accommodates a part two / part three storey shop top housing development comprising of three food and drink premises on the ground floor and seven apartments on the two floors above. The site has a basement level for the purpose of car parking.</p> <p>The entirety of the site has been built upon and therefore there are no noteworthy topographical or landscape features of the site.</p>

Map:



SITE HISTORY

Development Application No. 2002/617

Application for the construction of a mixed retail/residential flat building and associated car parking. Determined by way of approval on 15 January 2003.

Pre-Lodgement Meeting No. 2017/0010 (PLM)

On 23 March 2017 the applicant met with Council to discuss a proposal for the addition of a new apartment atop of the existing building and to construct a roof structure over the existing roof terrace area.

The non-verbatim meeting minutes of the PLM discuss a raft of built form issues including building height and setbacks - generally concluding that the roof height of the building is acceptable, roof height of the terrace is unacceptable and that the setbacks of the proposed third floor be increased to reduce visual bulk.

The current development application before Council is reflective of this PLM meeting and has refined the design further. Whilst not all the matters raised were addressed to the magnitude suggested, substantial changes to the overall design were made - including the deletion of the roof terrace.

Development Application No. 2017/1136 (subject application)

Council received the subject development application on 22 November 2017. Following a preliminary assessment of the application, Council wrote to the applicant on 24 January 2018 advising that the application, in its current form, cannot be supported given the excessively bulky visual appearance when viewed from the streetscape, the nil setback to the northern boundary and the overall scale of the proposed eave overhang.

Council met with the applicant, architect and planner on 31 January 2018 to discuss the contents of the letter and a way forward. In this meeting Council made a number of recommendations to resolve the above issues and additionally noted concern about the placement of air conditioning units.

The applicant satisfactorily responded the Council's recommendations and, via some draft plans, resubmitted a new set of architectural drawings on 19 February 2018.

In accordance with Part A.7 of the Warringah Development Control Plan 2011 the application was not re-notified as it is of a lesser environmental impact than originally proposed.

Herein this report will reference these amended plans.

PROPOSED DEVELOPMENT IN DETAIL

The development application is for alterations and additions to an existing part two / part three storey shop-top housing building for the purposes of constructing an additional unit above the two storey western portion of the building.

The unit proposed is approximately 140m² in area and comprises of three bedrooms and two and half bathrooms. The unit has a balcony along the northern and western edges and is setback from the outer edge of the floors below. The unit achieves a roof height of RL19.903 which is lesser than the existing lift overrun (RL20.580).

In addition to the construction of a new unit the works will require the relocation of the existing air conditioning units, which are proposed to be located atop of the roof of the new unit. The air conditioning units (and associated louvre screening) achieves a height of RL21.160 which is greater than the existing lift overrun.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p>Division 8A of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council</p>

Section 79C 'Matters for Consideration'	Comments
	<p>requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Christina Slump	1 / 209 - 211 Ocean Street NARRABEEN NSW 2101

During the public notification period of the application one submission was received which read:

I'm opposed to application as I live in the building and work from home. The noise of the construction will have negative impact on my work and daily life. We moved 6 months ago from Evans Street, Freshwater for this very reason - noise pollution from the construction site of Harbord Diggers, now we will have to be subjected to building work noise once again.

Comment

This matter is adequately resolved via condition of consent which restricts the construction hours.

Additionally it is not foreseen that the construction works proposed that would be of a magnitude comparable to the Harbord Diggers redevelopment, particularly given that no excavation works are proposed.

Exposure to construction works within a dense residential area must be an expectation within the Northern Beaches LGA and accordingly warrants the conditions included in the recommendations of this report.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<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.</i></p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i></p>
Environmental Health (Acid Sulphate)	<p><i>The proposed development is not likely to disturb the Acid Sulphate soil or the associated watertable, therefore there are no objections from Environmental Health.</i></p>
NECC (Coast and Catchments)	<p><i>No objection to the proposed development as it is not impacted by coastal process and will not impact public access to or use use of the beach.</i></p>

Internal Referral Body	Comments
NECC (Development Engineering)	<i>No development engineering objection is raised to the proposed development.</i>
Parks, reserves, beaches, foreshore	<i>No objections to the proposed development and no conditions recommended.</i>
Strategic & Place Planning (Heritage Officer)	<p><i>This application is for alterations and additions to an existing mixed use building, to create an additional three bedroom unit. This building is approximately 70 metres from the heritage listed stone wall and on the opposite side of Ocean Street. As a result this application will have no impact upon the heritage item in the vicinity.</i></p> <p><i>Therefore, no objections are raised on heritage grounds and no conditions required.</i></p>
Strategic & Place Planning (Urban Design)	<p><i>The proposed area for screening of air-conditioning (a/c) units on the new roof area will increase the overall height of the building and increase the breach in building height control of 8.5 metres even more. This is not acceptable and the a/c unit location area will have to be relocated to the existing roof level (RL16.740) and appropriately screened.</i></p> <p><u>Planner note</u> The Urban Designer has recommended that the above matter be subject to a Deferred Commencement Condition, however Planning considers that the matter can be adequately resolved via Prior to Construction Certificate conditions.</p>
Traffic Engineer	<p><i>The proposal is for alterations and additions to an existing shop top housing development and construction of one 3 bedroom apartment.</i></p> <p><i>The total parking spaces required for the entire site including the proposed additional apartment is 30 spaces which is available in the existing car parking.</i></p> <p><i>There are 4 sets of tandem parking spaces provided in the car parking, this is acceptable subject to allocation of each set of tandem parking spaces to the same unit.</i></p> <p><i>The traffic generating from the proposal is not considered significant and will not have adverse impact on the road network.</i></p> <p><i>Therefore, no objection is raised on the proposal on traffic grounds subject to the following conditions.</i></p>
Waste Officer	<p><u>Planner note</u> The Waste Officer has recommended the removal of the existing door of the bin room as it is <i>not needed</i>. The removal of this door is not</p>

Internal Referral Body	Comments
	considered to be within the scope of this application and is therefore not included as a condition of consent in the recommendation of this report.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<i>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</i>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP 65 - Design Quality of Residential Apartment Development

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

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

parking), and

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

Council's assessment finds that the addition of a second floor atop of a portion of the existing building and the addition of a new apartment warrants the development to be a *substantial redevelopment* as per Cl.4 (1) (ii) and accordingly, the provisions of SEPP 65 are applicable to the assessment of this application.

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

Clause 28 of SEPP 65 requires:

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

(a) the advice (if any) obtained from the design review panel, and

(b) the design quality of the development when evaluated in accordance with the design quality principles, and

(c) the Apartment Design Guide.

DESIGN REVIEW PANEL

Northern Beaches Council does not have an appointed Design Review Panel.

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

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

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

Comment:

The site is situated in an irregular context given the subject zoning of the site and the different zoning of other sites within the immediate vicinity (including R2 Low Density Residential, R3 Medium Density Residential and RE1 Public Recreation). Additionally, the site borders a carpark to the north and east, a road to the west and a similar scale shop top housing development to the south.

However irregular the zoning layout is of the immediate area, the proposed second floor addition will contextually respond to the scale of the existing building on site and the pre-existing prevailing heights of developments south and on the opposite side of Ocean Street (as they are subject to a greater maximum building height). Additionally, the architecture of the proposal is consistent with the existing building on site

and will contribute to enhance the visual aesthetic of the building when viewed from surrounding sites and when viewed driving south-bound on Ocean Street which is considered to be the most predominant aspect of the building.

Given that the proposed addition does not result in any reduction of landscaping, is lesser than the existing maximum height of the building and results in negligible amenity impacts upon other surrounding properties, it is considered that the proposal satisfies Principle 1 on context and neighbourhood character.

Principle 2: Built Form and Scale

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

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

Comment:

The proposed development has an architecture that is sympathetic to the pre-existing building on site and to the sensitive coastal environment of which the site is situated. The proposal has adopted traditional design features of a podium form where the proposed storey is setback between 2.0m and 3.5m from the outer edge of the levels below and has an integrated wide-brimmed eave/awning to visually compress the building. Additionally, the facades facing out onto Ocean Street and Malcolm Street are predominantly finished with floor-to-ceiling operable glazing that further reduces the perceived bulk of the building juxtaposed to a solid mass.

The development also proposes a wrap-around balcony fronting Ocean Street and Malcolm Street. The glazed balustrade for the balcony is setback approximately 900mm from the outer edge of the floor below. This simple architectural technique reduces the overall perceived height of the development as nothing abuts the levels below, and contributes to the visual manipulation of the second floor having a greater setback than it really does.

Overall, it is thought that the proposal has a well-considered architecture that is both responsive to the streetscape and the existing building on site and is therefore considered to satisfy Principle 2 on built form and scale.

Principle 3: Density

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

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

Comment:

The development is for the addition of one unit only comprising of three bedrooms. The proposed unit is large in terms of floor area and provides a full wrap-around balcony that ensures that there is adequate indoor and outdoor recreational space for occupants of the development. Additionally it is worth noting the

beach-front location of the site which provides a much greater level of outdoor recreational space. Therefore, the occupants of the development will not be impacted by an unreasonable density and the proposed addition is consistent with the existing density of the site.

Principle 4: Sustainability

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

Comment:

The proposed development has an orientation that ensures it receives an abundance of natural light and cross-ventilation in accordance with the requirements of the ADG. The concrete roof and awning design of the proposal provides an appropriate level of passive thermal mass where it will obstruct the high sun from directly entering the apartment in the summer months, but will allow for the floor slab of the apartment to benefit from thermal massing in the winter months.

Principle 5: Landscape

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

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

Comment:

The development is for the addition of a second storey atop of an existing two storey building and thereby has no impact or changes to any provision of landscaped open space.

Principle 6: Amenity

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

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

Comment:

The proposed development provides a second storey 'penthouse' apartment that is large in scale, achieves natural sunlight and ventilation throughout the day and has a positive outlook across the streetscape and the

adjoining public lands. The design provides an acceptable amenity for occupants without impacting on the amenity of other surrounding sites and is therefore considered to be satisfactory in terms of Principle 6.

Principle 7: Safety

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

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

Comment:

The development utilises the existing security systems in place at the existing development which are considered to be satisfactory. The orientation of the apartment and the wrap-around balcony provide for additional opportunities for passive surveillance of the vast surrounding public open spaces and car parks which enhances the general safety of the area.

Principle 8: Housing Diversity and Social Interaction

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

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

Comment:

It is likely that the proposed second storey 'penthouse' apartment would be fitted with the specifications required for a multi-million dollar apartment, thereby providing a level of diversity from some other surrounding residential flat buildings and shop top housing developments. The development does not directly impinge on any social interactions (being an addition to an existing shop-top housing development), but creates a better connection between the building and the surrounding public open spaces through the large wrap-around balcony.

Principle 9: Aesthetics

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

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

Comment:

The proposed development will enhance the aesthetic of the overall development when viewed from the surrounding public open spaces and the adjoining and nearby developments. The architecture of the proposal is consistent with the existing built form and maintains the predominant curved corner at the north-

western vertex of the site which will make the building appear as though it had all been constructed at the same time. Additionally, the palette of materials selected is the same as the pre-existing building which already responds positively to the streetscape and surrounding areas.

Overall, the development is considered to be well designed and responsive to the existing scale of development on site, surrounding developments and the surrounding coastal environment. The development is considered to satisfy Principle 9.

APARTMENT DESIGN GUIDE

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

Development Control	Criteria / Guideline	Comments
Part 3 Siting the Development		
Site Analysis	Does the development relate well to its context and is it sited appropriately?	Consistent The development is assessed as satisfactorily responding to its context in accordance with the 9 Principles of SEPP 65 as above.
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	Consistent The development is orientated in such a manner which provides an adequate provision of visual outlook, solar access and ventilation whilst enhancing the streetscape aesthetic from Malcolm Street and Ocean Street.
Public Domain Interface	Does the development transition well between the private and public domain without compromising safety and security? Is the amenity of the public domain retained and enhanced?	Consistent Whilst the proposed development is located at the second storey of the pre-existing development (thereby not having any direct impact on the immediate street interface), the openness of the proposed apartment (wrap around balcony) will create a

		visual connection between private and public space and will increase opportunities for passive surveillance of the surrounding land.												
Communal and Public Open Space	<p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none"> 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter) 	<p>Not Applicable</p> <p>The development is for the addition of one apartment only and proposes no modification to the existing provision of communal open space.</p>												
Deep Soil Zones	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² – 1,500m²</td><td>3m</td></tr> <tr> <td>Greater than 1,500m²</td><td>6m</td></tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7%	650m ² – 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	<p>Not Applicable</p> <p>The application proposes no amendment to the existing provision of deep soil zones.</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)												
Less than 650m ²	-	7%												
650m ² – 1,500m ²	3m													
Greater than 1,500m ²	6m													
Greater than 1,500m ² with significant existing tree cover	6m													
Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+)	12m	6m	<p>Consistent</p> <p>The site only shares one boundary with an adjoining development.</p> <p>North of the site is Malcolm Street, a public car park, a public park and the North Narrabeen Surf Life Saving Club some 100m away.</p> <p>West of the site and across</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+)	12m	6m												

	<div>storeys)</div> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	<p>Ocean Street is No.214 Ocean Street which has a spatial separation of approximately 30m from the subject development. Thereby the development satisfies this requirement.</p>
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p>Not Applicable</p> <p>No changes are proposed to the existing building entry and therefore this requirement is not for consideration.</p>
Vehicle Access	<p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	<p>Not Applicable</p> <p>No amendment to the existing vehicle access is proposed.</p>
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	<p>Consistent</p> <p>The development provides a sufficient provision of carparking for the apartment in accordance with Appendix H of the Warringah Development Control Plan 2011.</p>
Part 4 Designing the Building		
Amenity		

Solar and Daylight Access	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none">• Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.• A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	Consistent The proposed apartment achieves an adequate provision of access to sunlight without detrimentally impacting upon the existing provision of access to sunlight enjoyed by surrounding buildings.												
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none">• At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.• Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.	Consistent The apartment is openable on the entire northern and western facade which provides a sufficient provision of natural cross ventilation in accordance with the requirements of the control.												
Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td></td><td></td></tr></table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area			Consistent The entire apartment attains a floor to ceiling height of 2700mm which satisfies the requirement of the control.
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													

	<table><tr><td>If located in mixed used areas</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr></table>	If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area									
If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none">• 3.6m for studio and 1 bedroom apartments• 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Consistent</p> <p>The three bedroom, 2.5 bathroom penthouse apartment is required to have a minimum internal area of 95m².</p> <p>The proposed internal area is approximately 142m² and therefore satisfies the requirement of the control.</p>
Apartment type	Minimum internal area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											

Private Open Space and Balconies	<p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>Consistent</p> <p>The apartment has a 2.4m wide west facing balcony that measures approximately 45m². An additional narrow balcony measuring approximately 9m² is north of the apartment.</p>
Dwelling Type	Minimum Area	Minimum Depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Consistent</p> <p>The proposed apartment will be the single residence accessible from this level.</p>															
Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m²</td></tr><tr><td>1 bedroom apartments</td><td>6m²</td></tr><tr><td>2 bedroom apartments</td><td>8m²</td></tr><tr><td>3+ bedroom apartments</td><td>10m²</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	<p>Consistent</p> <p>The proposed apartment has a sufficient provision of storage space within the apartment to satisfy this requirement.</p>					
Dwelling Type	Storage size volume																
Studio apartments	4m ²																
1 bedroom apartments	6m ²																
2 bedroom apartments	8m ²																
3+ bedroom apartments	10m ²																
Acoustic Privacy	<p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</p>	<p>Consistent</p> <p>The proposed apartment is located further than 3.0m from any service infrastructure that could acoustically impact on the occupants of the development.</p> <p>The apartment adjoins the existing communal roof terrace to the east, and the</p>															

		bedrooms are situated on the opposite side of the apartment to maximise their amenity by virtue of acoustic privacy and solar access.
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	<p>Consistent</p> <p>The design and layout of the apartment is considered to be satisfactory in accordance with the surrounding potential noise pollution.</p>
Configuration		
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	<p>Consistent</p> <p>The proposed scale of the one proposed apartment is considered to be appropriate for the context of the site and will support the housing needs, choice and availability for the community.</p>
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	<p>Consistent</p> <p>The proposed second storey facade is consistent with the pre-existing architecture on the site which is respectful of the character of the area. The recessed second floor contributes to reducing any perceivable visual bulk of the facade and is appropriate within the context of the site.</p>
Roof Design	<p>Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features.</p> <p>Test whether the roof space can be maximised for residential accommodation and open space.</p>	<p>Consistent</p> <p>The proposed roof level of the development is assessed as being satisfactory in accordance with Clause 4.3 and 4.6 of the WLEP 2011.</p>

		However, as noted elsewhere in this report, the addition of air conditioning units atop of the roof is not supported given the potential visual impact from surrounding sites (both present and in future) and given the level of non-compliance that would result in such a development. This matter has been adequately addressed via conditions of consent in the recommendations of this report.																														
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	Not Applicable No amendment to the existing landscape provision is proposed.																														
Planting on Structures	<p>When planting on structures the following are recommended as minimum standards for a range of plant sizes:</p> <table><tr><th>Plant type</th><th>Definition</th><th>Soil Volume</th><th>Soil Depth</th><th>Soil Area</th></tr><tr><td>Large Trees</td><td>12-18m high, up to 16m crown spread at maturity</td><td>150m³</td><td>1,200mm</td><td>10m x 10m or equivalent</td></tr><tr><td>Medium Trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m³</td><td>1,000mm</td><td>6m x 6m or equivalent</td></tr><tr><td>Small trees</td><td>6-8m high, up to 4m crown spread at maturity</td><td>9m³</td><td>800mm</td><td>3.5m x 3.5m or equivalent</td></tr><tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm	3.5m x 3.5m or equivalent	Shrubs			500-600mm							Not Consistent The development does not propose any modification to the existing provision of planting on structures. Given the harsh coastal environment and prevailing winds that the building is exposed to, it is considered unreasonable and impractical to require planter boxes on the building.
Plant type	Definition	Soil Volume	Soil Depth	Soil Area																												
Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent																												
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	<table><tr><td>Ground Cover</td><td></td><td></td><td>300-450mm</td><td></td></tr><tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr></table>	Ground Cover			300-450mm		Turf			200mm		
Ground Cover			300-450mm									
Turf			200mm									
Universal Design	Developments are to achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.	Consistent The proposed apartment achieves greater than silver level universal design features in accordance with the Livable Housing Guidelines.										
Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	Not Applicable The development does not propose to reuse or re-purpose any elements of the existing building and thereby, does not warrant adaptive reuse to be an applicable criterion in the assessment of this application.										
Mixed Use	<p>Can the development be accessed through public transport and does it positively contribute to the public domain?</p> <p>Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.</p>	Not Applicable The development is solely for the purpose of residential accommodation and therefore, does not warrant mixed use to be an applicable criterion in the assessment of this application.										
Awnings and Signage	<p>Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development.</p> <p>Signage must respond to the existing streetscape character and context.</p>	Not Applicable This development application proposes no amendment to the existing (and approved) awning over the public footpath servicing the site. No signage is sought in this development consent.										
Performance												
Energy Efficiency	Have the requirements in the BASIX certificate been	Consistent										

	shown in the submitted plans?	The applicable is buttressed by a BASIX and NatHERS Certificate which are endorsed by the recommendations of this report.
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Consistent The development seeks to utilise the existing stormwater system available on site which has been assessed as satisfactory by Council's Development Engineers.
Waste Management	Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and recycling.	Consistent The provision of waste management proposed under this application is satisfactory when tested against the relevant Council policies.
Building Maintenance	Incorporates a design and material selection that ensures the longevity and sustainability of the building.	Consistent The architecture of the building has selected materials that are consistent with the existing architecture and that will remain durable in longevity.

STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

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

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

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

(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

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

Comment:

None of the standards specified in Clause 30 (1) of SEPP 65 are being used as grounds for refusal of this development application.

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

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

(3) To remove doubt:

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

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

Comment:

The application has given appropriate regard to the design quality principles of SEPP 65 and the objectives and requirements specified in the Apartment Design Guide. This is self-evident in the architectural plans and in the documentation buttressing the application.

SEPP 71 - Coastal Protection

Council's Coastal Officer has reviewed the development application and raises no objections to the proposal as the works will have no impact on any coastal processes, give rise to coastal hazards and will not obstruct public access to the beach.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 856456S dated 15 November 2017). The BASIX Certificate is supported by a NatHERS Certificate (see Certificate No. ASDIXK7DHR dated 26 October 2017).

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

Commitment	Required Target	Proposed
Water	40	40

Thermal Comfort	Pass	Pass
Energy	50	51

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Building: 10.153m (RL19.903) A/C Units: 11.41m (RL21.160)	19.4% 34.2%	No No

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.5 Development within the coastal zone	Yes
6.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

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

Requirement:	8.5m
Proposed:	Building: 10.15m (RL19.903) A/C Units: 11.41 (RL21.160)
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	Building: 19.4% A/C Units: 34.2%

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

Is the planning control in question a development standard?

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

What are the underlying objectives of the development standard?

(1) The objectives of Clause 4.3 are as follows:

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

Comment: The entirety of the proposed second floor addition breaches the building height standard by 1.65m or 19.4%. In the context of the site, this breach is considered to be acceptable for the following reasons:

- The proposed height is lesser than the existing highest element of the proposal (being the liftshaft overrun at 10.82m (RL20.580);
- The proposed roof height is similar in height to the predominant roof level and the wall surrounding it at 10.51m (~RL19.540);

- The adjoining shop top housing development to the south (No. 207 Ocean Street) achieves a maximum roof height of RL19.970 which is negligible in difference to the proposed development;
- Across Ocean Street are a series of residential flat buildings on land zoned for R3 Medium Density Residential development. These sites are subject to an 11m Height of Buildings control. Therefore the existing buildings on these sites, and the reasonable redevelopment potential of these sites would achieve a building height greater than what is being proposed;
- The context of the site being bound by public space on three sides means that the development won't be visually perceived as incompatible with the height of surrounding buildings and will not present as an anomaly in the skyline.

However, the proposed air conditioning units and louvre screen exceed the maximum building height by 34.2%, and also exceed the maximum height permitted in the adjoining R3 zone. Therefore, given the quantum of non-compliance and the exceedence of height of other surrounding buildings, it cannot be said that the air conditioning units and louvre screen are compatible with the height of surrounding and nearby development.

Accordingly, the recommendations of this report require the air conditioning units to be relocated to a portion of the roof where they will be of a lesser height.

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

Comment: The proposed second floor addition has been designed to fit into the existing stepping of the architecture which has a western roof level approximately 2m lower than the eastern roof level, thereby essentially squaring off the building. As detailed throughout this report, particularly in the SEPP 65 component, the development does not result in any adverse visual impact, disruption of views, loss of privacy and loss of solar access. Overall it is assessed that the development has a negligible amenity impact on adjoining lands.

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

Comment: The architecture of the proposed development is sympathetic to the coastal environment that the site is located. The palette of materials selected and the predominant finish of transparent glazing offer a softened facade that is consistent with the existing architecture on the site and exists in harmony with the vast surrounding public open spaces.

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

Comment: The proposed development is considered to have an acceptable visual impact when viewed from the vast surrounding public open spaces including the park, beach, SLSC and roads network. The architecture of the proposal is an enhancement to the existing building and is considered to upgrade the street frontage.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the B1 Neighbourhood Centre zone.

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*

Comment: The proposed development does not impact on the existing provision of small scale retail businesses which are within the immediate vicinity of the site.

- *To ensure that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.*

Comment: The proposed development will not impact on the existing atmosphere of the neighbourhood centre, given the quality of the architecture and the consistency with surrounding developments and building heights.

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

Comment: It is not anticipated that the proposed development will give rise to any land use conflict nor unreasonably impact on the existing provision of amenity enjoyed by adjoining or nearby residents.

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

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

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

Comment: The proposed development relies on the flexibility of Clause 4.3 pursuant to Clause 4.6 to allow for variation to development standards where deemed reasonable. In this circumstance, flexibility to the 8.5m Height of Building development standard is sought to the quantum of 1.65m or 19.4%. As noted above, the air conditioning units are not supported in their current location.

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

Comment: Allowing flexibility in this circumstance will provide for an improved visual aesthetic of the building when viewed from adjoining properties, the street and the public domain - noting the prominent location of the building. Additionally the development will create additional housing in the neighbourhood without giving rise to any unreasonable or adverse amenity impacts upon adjoining land. The flexibility sought is also comparable to the adjoining developments westward of Ocean Street that are permitted a Height of Buildings greater than what is being sought by this development application.

Thereby, it is reasonable to consider allowing flexibility and variation to the development standard in

this circumstance for the increase in building height. It is not however considered warranted to allow additional flexibility for the air conditioning units which further exacerbate the quantum of non-compliance, particularly as there are alternate locations on the roof the development that can accommodate the units at a lesser height. This matter has been conditioned accordingly.

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

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

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

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

Comment: There are several factors which must be noted in the particular circumstances of this application in order to establish that there are reasonable planning grounds to contravene the development standard:

- The building height is being increased for a portion of the development, however it does not exceed the existing maximum height of buildings on the site (being the lift overrun);
- The building height is comparable to the existing discrepancies between the two roof terrace levels and will not be visually obstructive given the existing height;
- Adjoining sites (to the west) are subject to a maximum building height that is greater than the height being proposed.

It is considered that compliance with the development standard is unnecessary in this particular circumstance given that the development will be consistent with the existing built form on the site, will improve the overall aesthetic of the site and will generally be compatible with surrounding developments. As noted above, the additional variation sought for the air conditioning units is not supported (and thereby removed via condition) as there is insufficient environmental planning grounds to demonstrate that greater compliance cannot be achieved.

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

(a) the consent authority is satisfied that:

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

Comment: The applicant has provided a written request to vary Clause 4.3 pursuant to Clause 4.6 and the matters are adequately addressed. The applicant's statement does not address the air conditioning height breach proposed.

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

Comment: The development will provide an increased visual aesthetic in a highly prominent position that is visible from many surrounding public places, and will provide additional housing supply and choice within the immediate vicinity.

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the B1 Neighbourhood Centre zone in the WLEP 2011.

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

Comment:

Clause 4.6(4) (b) requires that the concurrence of the Director-General has been obtained.

As the height variation exceeds 10% it is not possible to assume the concurrence of the Director-General. Concurrence can now only be assumed if the consent authority (i.e Northern Beaches Local Planning Panel/or Sydney North Planning Panel) has first considered the following issues:

- *Whether contravention of the development standard raises any matter of significance for state or regional environmental planning.*

The applicant and Council's Officers are of the opinion that there are no matters of significance for State or regional environmental planning as a consequence of the variation.

- *The public benefit of maintaining the development standard.*

In the circumstances of this particular development application, it is considered that there is no discernible or significant public benefit in maintaining the development standard given the overall consistency with the streetscape, existing development on site and negligible amenity impact. Therefore, variation to the standard will allow for a greater architectural aesthetic from the public domain.

The above is supported by Council's Officers.

The other consideration is whether there are any other matters which are required to be taken into consideration before granting consent. In the opinion of Council's Officers, there are not considered to be any other matters that are required to be taken into consideration. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of Buildings Development Standard can be assumed by the Northern Beaches Local Planning Panel.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
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B5 Side Boundary Setbacks	South - Merit Assessment	Nil	Yes
	East - Merit Assessment	22.7m	Yes
B7/B8 Front Boundary Setbacks	Ocean Street - Merit Assessment	3.5m	Yes
B7/B8 Secondary Front Boundary Setbacks	Malcolm Street - Merit Assessment	2.05m	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

Detailed Assessment

D7 Views

Given the beachfront location of the subject site and the abundance of surrounding open spaces, careful consideration has been given to any potential view impacts that the development may cause upon surrounding sites. The two developments that would most likely be susceptible to view loss from the proposed third floor addition are the dwellings at 212-214 Ocean Street, and at 6-8 Malcolm Street.

Despite no submissions regarding view loss being raised, consideration must still be given to this issue.

A review of the approved architectural plans and the Construction Certificate plans of the two above addresses reveal that the roof terraces levels are not of such a height that would enable ocean views over the top of the subject development site.

Therefore, given that the vertical extension of the development (and horizontal) will not give rise to any unreasonable impact on any existing views, the application is assessed as being satisfactory in regards Part D7 of the DCP.

D9 Building Bulk

The architecture of the proposal is a sympathetic solution responsive to the existing built form upon the site.

The utilisation of entire planar facades of operable glazing significantly reduce any perceived visual bulk and massing of the proposed second floor.

Thereby, the second floor addition is considered acceptable on merit with regards to building bulk. However, the proposal also includes the relocation of the air conditioning units and the erection of louvre screening around said units. The units and screening sit atop of the proposed roof at a height of 1.26m which represents a significant variation to the Height of Buildings control and creates an unreasonable and unnecessary bulk.

The entire roof terrace of the building is trafficable and there are opportunities for the air conditioning units to be relocated in another portion of the roof area which will reduce the height to not be greater than the lift overrun. Therefore, a condition of consent recommended in this report requires the removal and relocation of the air conditioning units and louvre screening.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 595,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 5,653
Section 94A Planning and Administration	0.05%	\$ 298
Total	1%	\$ 5,950

CONCLUSION

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

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

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

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

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

The development application is for alterations and additions to an existing shop top housing development for the purpose of constructing a second floor addition over the western portion of the building containing one new residential apartment.

As the new apartment exceeds the Height of Buildings development standard (Clause 4.3 of the WLEP

2011) by more than 10% it is required to be determined by the Northern Beaches Local Planning Panel for its determination, in accordance with the Planning Circular issued by the Department on 15 December 2017 (PS 17-006).

The assessment of the application has found that the proposal has no unreasonable amenity impacts on any adjoining lands and will be of an architecture and scale that is appropriate for the context of the site, despite varying the development standard control.

Given the architecture and scale of the part two / part three storey shop top housing development that is pre-existing on the subject site, it is likely that the proposed addition will seamlessly blend into the building and will provide an enhanced streetscape aesthetic when viewed from the vast surrounding public open spaces and the adjoining residential properties and retail premises. Therefore, the building height variation sought pursuant to Clause 4.6 of the WLEP 2011 is supported by this assessment given the consistency with the existing building height on the site, the compatibility with surrounding sites and the negligible amenity impacts that arise from the development.

The additional variation sought to the building height standard for the installation of air conditioning units and their associated louvre screening atop of the roof of the second storey addition is not supported given the quantum breach proposed and the likely visual impact the units will have when viewed from adjoining sites (both present and in future). Given that there are alternative locations available atop of the existing roof, it is considered warranted to relocate the units via a condition of consent.

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

RECOMMENDATION

THAT Northern Beaches Development Assessment Panel – Central as the consent authority grant Development Consent to DA2017/1136 for Alterations and Additions to a shop top housing development on land at Lot CP SP 89359, 209 - 211 Ocean Street, NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-A-022 Rev. B	25 October 2017	Quattro Architecture
DA-A-102 Rev. C	13 February 2018	Quattro Architecture
DA-A-103 Rev. C	13 February 2018	Quattro Architecture
DA-A-200 Rev. C	13 February 2018	Quattro Architecture
DA-A-201 Rev. C	13 February 2018	Quattro Architecture
DA-A-250 Rev. C	13 February 2018	Quattro Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
National Construction Code Report	14 November 2017	Private Building Certifiers Pty Ltd
Assessment of Traffic and Parking Implications Ref.17196	October 2017	Transport and Traffic Planning Associates
NatHERS Certificate No. M956IIB6SM	19 February 2018	Wood & Grieve Engineers

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Report Title	Dated	Prepared By
Waste Management plan	19 November 2017	Robert Chedid

In the event of any inconsistency between conditions of this consent and the drawings/documents

referred to above, the conditions of this consent will prevail.

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

2. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The air conditioning units and associated louvre screening shall be relocated elsewhere on the roof terrace (RL18.560) and generally in the vicinity of the lift overrun, stairwell and lightwell. No part of the air conditioning units and associated louvre screening shall be of a height greater than the lift overrun (RL20.850).

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land. (DACPLB02)

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

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

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 595,000.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 5,652.50
Section 94A Planning and Administration	0.05%	\$ 297.50
Total	1%	\$ 5,950.00

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

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

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

6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that

may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Stormwater Disposal

Stormwater shall be disposed of to an existing approved system or in accordance with Council's "Water Management Policy PL 850" in particular the On site Stormwater Detention Technical Specification. The stormwater drainage system shall be designed by a NPER Civil Engineer registered with Engineer's Australia.

Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the "Water Management Policy PL 850" are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACENC02)

8. Compliance with Standards

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

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

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

9. External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

10. **Tandem Parking and Allocation of parking**

Tandem car parking spaces are only acceptable when both spaces are allocated to the same unit. The total volume of parking provided is to account for this allocation to ensure that parking provision for the other units is satisfied.

Reason: To comply with DCP (DACTRCPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **Waste Management During Development**

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

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

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

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

12. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with Council's On site Stormwater Detention Technical Specification and all relevant Australian Standards and Codes by a NPER Civil Engineer registered with Engineer's Australia.

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

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

13. **Waste Management Confirmation**

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

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

14. **Positive Covenant for Waste Services**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

15. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or

the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

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

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