



Application No: PLM2013/0154

Meeting Date: 23 January 2013

Property Address: Lot 1 in DP 830423, No. 22-26 Albert Street, Freshwater; Lot 394 in DP 752038, No. 5A Lawrence Street, Freshwater; and Lot 9, Sec 2 in DP 10321, No 18 Marmora Street, Freshwater

Proposal: Modification of Development Consent DA2007/0856 granted for demolition works and the construction of a mixed commercial/residential development.

(Note: The modification seeks amendments to the residential component of the approved development only).

Attendees for Council: Kevin Short (Development Assessment Officer)
Tony Collier (Acting Development Assessment Manager)
Sean Khoo (Development Engineer)
Ray Creer (Waste Officer)

Attendees for applicant: David Thompson and Sam Petinsky (Applicants)
David Benson and Jin Ng (Architects)
Rob Player (Planner)

General Comments:

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.





Proposed Modification Details:

The proposal seeks a Section 96(AA) modification to Development Consent DA2007/0856.

The modification proposes the following:

- Increase the number of residential units from 11 to 17 (including a secondary dwelling);
- Improved amenity between buildings;
- Minor reduction in Gross Floor Area;
- Minor reduction in roof height;
- Amended basement layout;
- Amended stormwater management to respond to the modification; and
- Provision of a secondary dwelling.

As described above, there are no changes proposed to the commercial component of the approved development. Therefore, these notes reflect the proposed modification to the approved development only.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011

The fundamentals:	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Residential Flat Building - means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing. Dwelling house - means a building containing only one dwelling. Secondary dwelling - means a self-contained dwelling that: <ul style="list-style-type: none">(a) is established in conjunction with another dwelling (the principal dwelling), and(b) is on the same lot of land as the principal dwelling, and(c) is located within, or is attached to, or is separate from, the principal dwelling.
Zone:	R2 Low Density Residential B2 Local Centre
Permitted with Consent or Prohibited:	Residential Flat Building: Prohibited development. However, the proposed modifications to the residential flat buildings are permissible with the benefit of existing use rights. Dwelling House: Permissible development. Secondary Dwelling: Prohibited development. However, a secondary dwelling is permissible development under the provision of SEPP (Affordable Rental Housing) 2009.

Objectives of the Zone

Zone R2 - Low Density Residential

Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.



Objectives of the Zone

- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

The proposed dwelling house and secondary dwelling component of the proposal satisfy the objectives of the zone.

B2 Local Centre

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide an environment for pedestrians that is safe, comfortable and interesting.
- To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

An assessment of the proposed modification works to the residential flat building is not applicable as this component of the approved development benefits from existing uses rights.

Principal Development Standards (residential component only)

Standard	Permitted	Proposed	Comment
Minimum subdivision lot size:	N/A	N/A	N/A
Rural Subdivision:	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A
Height of Buildings: Note: Building heights under WLEP 2011 are taken from existing ground level.	R2 Zone: 8.5m B2 Zone: 11.0m	<8.5m <10.0m	Complies Complies

Part 5 Miscellaneous Provisions

Provision	Comment
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Development within the coastal zone	N/A
5.6 Architectural roof features	Not adopted
5.7 Development below mean high water mark	N/A



5.8 Conversion of fire alarms	N/A
5.9 Preservation of trees and vegetation	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A

Part 6 Relevant Additional Local Provisions

Provision	Comment
6.1 Acid Sulfate Soils	N/A
6.2 Earthworks	N/A
6.3 Flood Planning	N/A
6.4 Development on Sloping Land	Based on the nature of the works and that property is located land classified as area "A" under Council potential land slip map, a preliminary geotechnical report is not required to be submitted as part of the application.
6.5 Coastline Hazards	N/A
6.6 Erection of dwelling houses in Zone E3 Environmental Management	N/A
6.7 Residential Flat Buildings in Zone B4 Mixed Use	N/A
6.8 Subdivision of Certain Land	N/A
6.9 Location of Sex Services Premises	N/A

Relevant Schedules

Schedule	Comment
Schedule 1 Additional permitted uses	N/A
Schedule 2 Exempt development	N/A
Schedule 3 Complying development	N/A
Schedule 4 Classification and reclassification of public land	N/A
Schedule 5 Environmental heritage	N/A

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

Consideration of proposal against Warringah Development Control Plan 2011

Warringah Development Control Plan			
Part B: Built Form Controls			
Control	Requirement	Proposed	Comment
B1. Wall height	R2: 7.2m B2: N/A	5.74m to 8.2m N/A	Does not comply N/A
B2. Number of storeys	R2: N/A B2: 3 storeys (Refer to the Freshwater Village Development Control Plan for area specific controls which	N/A 3 storeys	N/A Complies



Warringah Development Control Plan			
	requires buildings on land shown coloured on the DCP map 'Number of Storeys' must comply with the maximum height of 3 storeys)		
B3. Side Boundary Envelope	R2: 5m x 45°	Unit D01: Insufficient information to determine whether the eastern elevation of the dwelling is contained within the projected building envelope.	A minor variation would be supported on merit subject to satisfactory building design techniques and treatments being applied to the external wall of the eastern elevation to avoid long continuous wall planes.
	B2: N/A	N/A	N/A
B4. Site Coverage	N/A	N/A	N/A
B5. Side Boundary Setbacks	R2: 0.9m	>0.9m	Complies
	B2: Refer to the Freshwater Development Control Plan for area specific controls which requires a minimum side setback of 2.0m where a side boundary adjoins land zoned for residential purposes. Additionally, this setback area is to be landscaped and densely planted.	Nil	<p>Supported on merit subject to the following building design techniques and treatments being applied to Buildings B and C.</p> <p><u>Units B01/B04/B07</u> (East Elevation) The overall length of the walls along the side boundary are to be reduced. This can be achieved by incorporating increased articulation/separation between individual blocks/wall planes (ie: Units B01 and B04)</p> <p>Note: No windows or openings are permitted to be included in this elevation in accordance with the Building Code of Australia.</p> <p><u>Units B03/B06/B08</u> (West Elevation) The overall length of the walls along the side boundary are to be reduced. This can be achieved by incorporating increased articulation/separation between individual blocks/wall planes (ie: Units B03 and B06).</p> <p>Note: This elevation abuts the side boundary. In this regard, no windows or openings are permitted to be included in this elevation in accordance with the Building Code of Australia.</p>



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			<p><u>Units C02/C05/C08</u> (North Elevation) Windows are to be incorporated into the northern façade of the ground and first floor level to Units C02 and C05 to avoid long continuous wall planes, provide visual interest and to maximise outlook.</p> <p><u>Units C03/C06/08</u> (West Elevation) The overall length of the walls along the side boundary are to be reduced. This can be achieved by incorporating increased articulation/separation between individual blocks/wall planes (ie: Units C03 and C06).</p> <p>Note: This elevation abuts the side boundary. In this regard, no windows or openings are permitted to be included in this elevation in accordance with the Building Code of Australia.</p> <p>The intent of the above treatments is to reduce the visual bulk of the built form by removing long continuous wall planes, and thus, improve the presentation of the built form as it presents to adjoining properties.</p> <p>Notwithstanding, the Statement of Environmental Effects (SEE) submitted with the application must provide justification to demonstrate that the proposal is consistent with the objectives of the control on merit.</p>
B7. Front Boundary Setbacks	R2: 6.5m B2: Merit Assessment	>6.5m N/A	Complies N/A
B9. Rear Boundary Setbacks	R2: 6.5m B2: Refer to the Freshwater Development Control Plan for	0.9m 2.0m (approx.)	Does not comply. The Statement of Environmental Effects (SEE) submitted with the application must provide justification to demonstrate that the variation is consistent with the objectives of the control on merit. Supported on merit.



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	area specific controls which requires a minimum side setback of 2.0m where a side boundary adjoins land zoned for residential purposes. Additionally, this setback area is to be landscaped and densely planted.		
B11. Foreshore Building Setback	N/A	N/A	N/A
B12. National Parks Setback	N/A	N/A	N/A
B13. Coastal Cliffs Setback	N/A	N/A	N/A
B14. Main Roads Setback	N/A	N/A	N/A
B15. Minimum Floor to Ceiling Height	N/A	N/A	N/A
Part C: Siting Factors			
Control		Comment	
C1. Subdivision		N/A	
C2. Traffic, Access and Safety		<p>Satisfactory</p> <p>Council's Traffic Engineer does not raise any concern with the proposed vehicle access arrangement, including vehicle access from Marmora Street and the modified basement car parking layout.</p> <p>Provide a cross section of the driveway ramp to ensure that the gradient complies with the relevant Australian Standard.</p>	
C3. Parking Facilities		<p>Satisfactory</p> <p>The basement car park level provides 36 spaces, including 4 visitor spaces.</p> <p>Appendix 1 of the WDCP requires 27 car parking spaces be provided by the modified proposal, including 4 visitor spaces.</p> <p>As such, the proposal satisfies the requirements of the control.</p> <p>Note: With regards to the construction of the basement car parking area, the proposal may transect the water table and require dewatering. In this regard, the basement car park may be required to be tanked to prevent the need for a pumping system to be operated continuously for the life of the development, to make the structure safe, trafficable and habitable.</p>	
C4. Stormwater		As conveyed at the meeting, Council's Development Engineer has raised several concerns in regard to stormwater overland flow, particularly adjacent to the	



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	<p>northern boundary and vehicle cross-over from Marmora Street and through the basement car park.</p> <p>Specifically, Council's Development Engineer has provided the following comments:</p> <p>“Overland flow path</p> <p><i>Proposal to provide 500mm freeboard between the 1 in 100 year ARI water level and finished floor level of the building appears to be satisfactory, to protect the development from inundation of floodwaters. Details of any bunding or retaining walls to contain the overland flow path within the development property will need to be submitted with the development application, along the relevant calculations outlining capacity of the overland flow swale. Any bunding, retaining walls or structures to contain overland flows must be contained wholly within the development property and 3 metre wide drainage easement, and must comply with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130 with regards to clearances and structural requirements.</i></p> <p><i>Insufficient details with regards to proposed cover over Council's existing pipeline. Minimum 600mm cover must be provided over Council's pipeline along the whole length of the pipeline. The location of the pipeline is to be accurately located by a service locating contractor and registered surveyor, and plotted on the relevant plans to demonstrate compliance with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130.</i></p> <p><i>No structures such as walls, etc are permitted within the drainage easement where these structures will obstruct or divert the 1 in 100 year ARI overland flow path onto adjoining properties.</i></p> <p><i>Maximum surface cross fall within the easement to be 5% to allow safe passage for Council's machinery.</i></p> <p>Onsite stormwater detention (OSD) system</p> <p><i>Proposal to provide OSD tank partly under the outdoor deck/balcony area and landscaped area appears to be satisfactory. Council is satisfied that the concept proposal does not have OSD tanks under habitable floors and/or dwellings.</i></p> <p><i>Minimum freeboard of 300mm freeboard between the overflow riser and finished floor level of the adjacent building appears to be satisfactory as well.</i></p> <p><i>Detailed engineering plans are to be submitted with the Development Application for Development</i></p>



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	<p><i>Engineers to adequately assess the proposal.</i></p> <p>Previous Engineering Comments</p> <p><i>I refer to condition 75 of the Consent with regards to the provision of an easement for drainage in accordance with Council's Policy. Council's Policy requires the creation of an easement of 3 metre wide minimum (see pp. 2 of the Policy). The purpose of this condition is to ensure Council has adequate access to Council's pipeline for future maintenance. The applicant proposes to construct the building abutting Council's existing 1.83m wide drainage easement along the northern boundary of the site which will restrict access to Council's pipeline and therefore is not acceptable to Council.</i></p> <p><i>Provision of 1 in 100 year ARI overland flow path along the northern boundary of the development is required. A NPER registered civil engineer to undertake and provide an overland flow study demonstrating that the overland flow regime is not exacerbated for adjoining properties (both upstream and downstream of the development). This may require the retention (and possible expansion) of existing surface flow paths. In this regard, the overland flow study show must indicate both pre-development and post development overland flow characteristics, such as overland flow extent, depth and velocity of flows, etc. Any measures required to adequately convey overland flows through the development, and protect the development and adjoining properties from inundation, including the provision of freeboards must also be documented.</i></p> <p><i>Crest in driveway ramp leading to the basement car park must be minimum 500mm above the 1 in 100 year ARI water level to prevent inundation of basement car parking facility during 1 in 100 year ARI storms.</i></p> <p><i>Vehicle access to basement car parking facility must comply with AS2890.1</i></p> <p><i>Location and size of Council's pipeline to be confirmed and shown on the architectural and drainage plans. Clearances, structural considerations, etc, must comply with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130.</i></p> <p><i>Onsite stormwater detention (OSD) tank must not be located under habitable floors. OSD tanks may be located under balconies and deck. OSD tanks may be located underneath outdoor balconies/decks. Refer to Council's Onsite Stormwater Detention Specification."</i></p>



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	<p>Please liaise with Council's Development Engineer, Sean Khoo, on (02) 9942 2111, to discuss and satisfactorily resolve all of these matters prior to the lodgement of the application.</p>
C5. Erosion and Sedimentation	<p>Development is to be sited and designed, and related construction work carried out, so as to minimise the potential for soil erosion.</p> <p>Where some degree of soil erosion and sedimentation is likely to occur, it is to be managed at the source to prevent any reduction in water quality downstream of the development site.</p> <p>In this case, a soil and water management plan which ensures minimum soil erosion and maintenance of downstream water quality that has been prepared in accordance with the Council's "Specification for Erosion and Sediment Control" and "Design and Specification Manuals for Engineering Works" is to be considered by the Council before consent for the relevant development is granted. The plan is to outline practices proposed to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters.</p> <p>A Development Application is to include an Erosion and Sedimentation Plan which shows how erosion and sedimentation will be managed during the demolition and construction stages.</p> <p>You are advised to liaise with Council's Development Engineer to identify and resolve any erosion and sedimentation matters prior to the lodging of a Development Application.</p>
C6. Building over or adjacent to Constructed Council Drainage Easements	N/A
C7. Excavation and Landfill	<p>Landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties.</p> <p>In particular:</p> <ul style="list-style-type: none">• only uncontaminated fill is to be used, and the form, bulk, scale, and location of landfill are to be controlled to ensure there will be no adverse impacts on adjoining or surrounding properties, and• the integrity of the physical environment is to be preserved by ensuring the geotechnical stability of the work, and• the landfill is not to create siltation or pollution of waterways and drainage lines, or degrade or destroy the landscape and landforms, and where filling to create a building platform is proposed, all fill is to be contained within the footprint of the building, and• rehabilitation and revegetation techniques are to be applied to the fill to maintain and



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	<ul style="list-style-type: none">• enhance visual and scenic quality, and landfill is not to create any airborne pollution; and• Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.
C8. Demolition and Construction	<p>Construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.</p> <p>In particular:</p> <ul style="list-style-type: none">• adequate areas are to be allocated for the handling and storage of materials which are safe and do not interfere with pedestrian and traffic movement,• the timing, frequency, and routes of construction vehicle movements are to be safe and minimise impact on roads, pedestrian and traffic movement and surrounding residents,• construction waste is to be minimised, legally handled, transported and disposed of,• dedicated safe pedestrian access is, at all times, to be provided around the site, and• construction sites will be managed to ensure air and water borne pollutants such as noise, dust, odour and liquids and the like are minimised. <p>The development is capable of complying with this Control subject to the provision of a Construction Management Plan which satisfactorily addresses construction access, parking, storage, stockpiling, security fencing, sediment and erosion management, work zones, crane locations, dust minimisation, noise minimisation etc. Particular regard is to be paid to avoiding any disruption to the use and operation of the local road network.</p>
C9. Waste Management	<p>As conveyed at the meeting, Council's Development Waste Officer Engineer has raised several concerns in regard to stormwater overland flow through the designated garbage bin storage area located adjacent to the northern boundary.</p> <p>These issues remain outstanding and are required to be satisfactorily resolved prior to lodging the application.</p> <p>Details demonstrating compliance with Section 3.2.1 of Warringah Council's Policy Number PL 850 - Waste, including the required 'Waste Management Plan' are to be submitted with the development application.</p>



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	Please liaise with Council's Waste Officer, Ray Creer, on (02) 9942 2533, to discuss and resolve these matters prior to the lodgement of the application.
Part D: Design	
Control	Comment
D1. Landscaped Open Space and Bushland Setting	<p>A satisfactory landscape setting will be maintained by the modified proposal</p> <p>A minimum provision of 40% deep soil landscaping is required to be provided within the R2 zone. The development, as proposed, appears to comply with this requirement. Notwithstanding, please ensure that soil depths above below-ground structures are a minimum of 1.0m and have a minimum width of 2.0m at any point to qualify as deep soil area.</p>
D2. Private Open Space	Adequate area of private open space is provided.
D3. Noise	<p>The development is to ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors. In this regard, the development is to address the following:</p> <ol style="list-style-type: none">Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses. See also NSW Industrial Noise Policy AppendicesDevelopment near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact. <p>The design of the development is to include measures which mitigate acoustic impact upon neighbouring residential land.</p>
D4. Electromagnetic Radiation	The site is located within the vicinity of a major Ausgrid power substation (the Harbord Zone Substation to the west). Consultation is to occur between the applicant and Ausgrid prior to the submission of a development application to ensure that the development has been designed



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	appropriately to address any concerns Ausgrid may raise regarding electromagnetic radiation. Written evidence of the consultation process and subsequent advice is to be submitted with the development application.
D5. Orientation and Energy Efficiency	Refer to the Freshwater Village Development Control Plan for area specific requirements for building sustainability.
D6. Access to Sunlight	<p>The development is not to unreasonably reduce sunlight to surrounding properties.</p> <p>In the case of housing:</p> <ul style="list-style-type: none">• sunlight, to at least 50% of the principal private open spaces, is not to be reduced to less than 2 hours between 9 am and 3 pm on June 21, and• where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%. <p>The development is capable of complying with this Control subject to the provision of comprehensive shadow diagrams which show the extent of shadows cast over neighbouring properties and the public domain. The diagrams are to show the extent of horizontal and vertical shadow cast at 9.00am, Noon and 3.00pm on 21 June.</p>
D7. Views	<p>The development is to allow for the reasonable sharing of views.</p> <p>The development is capable of complying with this Control subject to compliance with building height and the provision of a comprehensive view sharing analysis which addresses the steps defined under the Land and Environment Court case Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC 140, taken from the most affected areas such as the properties to the west along Oliver Street.</p>
D8. Privacy	<p>The development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.</p> <p>In particular:</p> <ul style="list-style-type: none">• the windows of one dwelling are to be located so they do not provide direct and close views (ie from less than 9 metres away) into the windows of other dwellings, and• planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment. <p>Note. The effective location of windows and balconies to avoid overlooking is preferred to the</p>



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	<p>use of screening devices, high sills or obscured glass. Where these are used, they should be integrated with the building design and have minimal negative effect on the amenity of residents and neighbours.</p> <p>Particular regard is to be given to the impact of overlooking into the neighbouring residential properties along Marmora Street and to the habitable rooms (including bedrooms) of the proposed apartments.</p> <p>Similarly, particular attention should be given to the building separation requirements under State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) to address privacy between apartments within the development.</p> <p>In particular, the following is required to be addressed:</p> <ul style="list-style-type: none">• Units B01/B04/B07 to D02; and• Units C01/C04/C07 to D01.
D9. Building Bulk	<p>Refer to the Freshwater Village Development Control Plan for area specific requirements for building massing.</p> <p>The development is to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces.</p> <p>In particular:</p> <ul style="list-style-type: none">• side and rear setbacks are to be progressively increased as wall height increases,• large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief, and• appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works. <p>The development, as viewed from Marmora Street, is considered to achieve a commensurate bulk and scale to surrounding development.</p>
D10. Building Colours and Materials	Refer to the Freshwater Village Development Control Plan for area specific requirements.
D11. Roofs	Refer to the Freshwater Village Development Control Plan for area specific requirements.
D12. Glare and Reflection	<p>The development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.</p> <p>The development is capable of complying with this Control subject to the provision of a Colours and Finishes Schedule showing all components and their</p>



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	proposed finish.
D13. Front Fences and Front Walls	N/A
D14. Site Facilities	<p>Site facilities including garbage and recycling bin enclosures, mailboxes and clothes drying facilities are to be adequate and convenient for the needs of users and are to have minimal visual impact from public places.</p> <p>In particular:</p> <ul style="list-style-type: none">• waste and recycling bin enclosures are to be adequate in size, durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection, and• housing which is required to have landscaped open space is to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets, and• individual dwellings are to be provided with an area for general storage. <p>The development is capable of complying with this Control subject to the provision of a Waste Management Plan which shows that the development complies with Council's Interim 'Waste Management Policy – Construction and Development PL 850 WASTE'.</p> <p>Additionally, particular attention should be given to residential storage requirements under State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development).</p>
D15. Side and Rear Fences	<p>Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.</p> <p>For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.</p> <p>All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.</p>
D16. Swimming Pools and Spa Pools	N/A
D17. Tennis Courts	N/A
D18. Accessibility	<p>The applicant is to demonstrate compliance with the requirements of AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work and AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities</p> <p>Note: The Australian Human Rights Commission provides useful information and a guide relating to</p>



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	building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm .
D19. Site Consolidation in the R3 and IN1 Zone	N/A
D20. Safety and Security	<p>The development is to maintain and where possible enhance the safety and security of the area.</p> <p>In particular:</p> <ul style="list-style-type: none">• buildings are to overlook streets as well as public and communal places to allow casual surveillance,• service areas and access ways are to be either secured or allow casual surveillance,• there is to be adequate lighting of entrances and pedestrian areas,• after hours land use activities are to be located along primary pedestrian routes,• public toilets, telephones and other public facilities are to be located so as to have direct access and to be clearly visible from well trafficked public spaces, and• entrances to buildings are to be from public streets wherever possible. <p>A Development Application will be required to include a formal assessment using the 'Crime Prevention Through Environmental Design' (CEPTED) principles (surveillance, access control, territorial reinforcement and space management).</p>
D21. Provision and Location of Utility Services	<p>Utility services must be provided to the site of the development, including provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.</p> <p>Utility services including service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets. Where possible, underground utility services are to be provided in a common trench.</p>
D22. Conservation of Energy and Water	<p>Refer to the Freshwater Village Development Control Plan for area specific requirements for building sustainability.</p> <p>The development is to make the most efficient use of energy and water.</p> <p>In particular:</p> <ul style="list-style-type: none">• the orientation, layout and landscaping of buildings and works and their sites are to make the best use of natural ventilation, daylight and solar energy,• site layout and structures are to allow



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	<p>reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties,</p> <ul style="list-style-type: none"> • buildings are to minimise winter heat loss and summer heat gain, • landscape design is to assist in the conservation of energy and water, • reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks, • any proposed subdivision of land must be generally in accordance with the guidelines set out in the document published by the former Sustainable Energy Development Authority under the title Solar Access for Lots: Guidelines for Residential Subdivision, copies of which are available at the offices of the Council. <p>The development is capable of complying with this Control subject to the provision of BASIX certificates which show that the relevant parts of the development achieves compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</p>
D23. Signs	N/A
Part E: The Natural Environment	
Control	Comment
E1. Private Property Tree Management	N/A
E2. Prescribed Vegetation	N/A
E3. Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conversation Habitat	N/A
E4. Wildlife Corridors	N/A
E5. Native Vegetation	N/A
E6. Retaining unique environmental features	N/A
E7. Development on land adjoining public open space	N/A
E8. Waterways and Riparian Lands	N/A
E9. Coastline Hazard	N/A
E10. Landslip Risk	<p>The subject site is predominantly located within Area A which is defined by a slope of less than 5°.</p> <p>Any excavation works on the site will be required to be analysed and supported in a Preliminary Geotechnical Report prepared by a suitably qualified geotechnical engineer. The Report is to be submitted with a Development Application.</p>
E11. Flood Prone Land	N/A
Part F: Zones and Sensitive Areas	
Control	Control
F1. Local and Neighbourhood Retail Centres	N/A
F2. Brookvale Brickworks	N/A
F3. SP1 Special Activities	N/A
F4. Infrastructure Zone	N/A
Part G: Special Area Controls	



Warringah Development Control Plan	
Control	Control
G1. Dee Why Mixed Use Area	N/A
G2. R3 Medium Density Residential bound by Sturdee Parade, Pacific Parade and land zoned B4 Mixed Use	N/A
G3. Belrose Corridor	N/A
G4. Warringah Mall	N/A
G5. Freshwater Village	<p>Applies to B2 Zone part of the site only. The controls included within the Freshwater Village DCP are to be satisfactorily addressed, in addition to the above part of WDCP 2011, in any development application for this site).</p> <p>The Freshwater Village DCP includes sections on the following matters which are required to be addressed:</p> <ol style="list-style-type: none">1. Built form in Freshwater;2. Number of Storeys;3. Street activation;4. Street facades and shopfront design;5. Access and loading;6. Lighting;7. Signage;8. Awnings;9. Front setback;10. Side and rear setbacks;11. Roofs and building form;12. Building massing;13. Building sustainability;14. materials and colours;15. Pedestrian and cyclist links; and16. Development in the vicinity of heritage items.

Other Relevant Controls within WDCP 2011

Appendix 1 – Car Parking Requirements

Compliant off-street car parking is to be provided within the subject property boundaries in accordance with Appendix 1 under WDCP 2011 which requires approximately 27 spaces (based upon the information provided). The development, as presented, provides for 36 spaces representing a surplus of approximately 9 spaces.

You are advised that no variation to the residential car parking will be granted, including the provision of visitor car parking.

Other Relevant Environmental Planning Instruments/SEPPs

You are advised that the following Environmental Planning Instruments apply to the development:

- SEPP No. 55 – Remediation of Land;
- SEPP No. 65 – Design quality of Residential Flat Development (including the Residential Flat Design Code);
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007; and
- Warringah Local Environment Plan 2011.



Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au:

- Applications for Development - Policy for the handling of unclear, non conforming, insufficient and Amended applications: PDS-POL 140
- Stormwater drainage for low level properties PDS-POL 135
- Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130
- Common vehicular access to multiple properties: LAP-PL 310
- Waste PL 850

Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000;
- All information as required on the Development Application form checklist;
- Site Analysis (prepared in accordance with Schedule 8 of WLEP 2000);
- Site Survey (prepared by a registered Surveyor);
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - all relevant sections of WLEP 2011, including demonstrating consistency with the B2 Local Centre zone and the compliance with the Height of Buildings Development Standard.
 - All relevant sections of WDCP 2011;
 - other relevant Environmental Planning Instruments including the relevant provisions of SEPP (Affordable Rental Housing) 2009 and SEPP 65.
- Geo-technical report;
- Access Report;
- Traffic and Parking Report;
- Crime Prevention Through Environmental Design (CPTED) assessment;
- SEPP 65 Design verification statement from a qualified designer;
- Shadow diagrams;
- View analysis;
- Photo montages;
- Landscape Plan showing the layout of the landscaping within the site and the selection of species;
- Waste Management Plan;
- Stormwater Management Plan;
- Erosion and Sedimentation Plan;
- Colour and Materials Schedule;
- Cost Summary Report as prepared by a qualified Quantity Surveyor

Concluding Comments

The modification application can be supported by Council, subject to the matters raised in these notes being satisfied, including the amendments described in detail in relation to Building B, C and D.

Of most importance, the outstanding stormwater overland flow concerns raised by Council's Engineer and Waste Officer must be satisfactorily resolved prior to lodging the application.

Should the secondary dwelling component of the development be pursued, an assessment against the requirements of the SEPP (Affordable Rental Housing) 2009 must be provided with the application.

You are strongly encouraged to research the findings within the judgement (see *Freshwater Village Developments Pty Ltd v Warringah Council [2011] NSWLEC 1127 (24 May 2011)*) and examine the design of the recently approved mixed-use development at Nos. 10 to 28 Lawrence Street; Freshwater (refer to DA2011/1361) as a guide to what is envisaged within the Freshwater Village.

Based upon the above comments you are advised to satisfactorily address the matters raised in these minutes prior to lodging a modification application.



Other Matters

- **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online.
www.warringah.nsw.gov.au

- **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online.
www.warringah.nsw.gov.au