

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Shop Top
Housing Development

638 Pittwater Road,
Brookvale

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638 Pittwater Road, Brookvale



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1 Introduction

This Statement has been prepared in support of a development application proposing the demolition of the existing site structures and the construction of a shop top housing development comprising 3 retail/ business tenancies, 40 residential apartments including 8 work/ live SoHo style apartments with ground level retail/ business activation and basement parking for 164 vehicles over 3 levels. The application also proposes the implementation of an integrated site landscape regime.

The project architect has responded to the client brief to design a contextually responsive building of exceptional quality which takes advantage of the sites superior locational attributes whilst providing high levels of amenity for future occupants. Particular attention has also been given to future proofing the development to enable additional levels of residential accommodation should the informally exhibited Brookvale Structure Plan proceed to formal exhibition and ultimate adoption. Such future proofing has been achieved through the provision of an additional level of basement parking and the partial and potentially temporary use of the upper level basement for retail/ business purposes, and in the event that the exhibited Brookvale Structure Plan does not proceed to formal and ultimate adoption then this space that is the upper level basement will be permanently retained for retail/ business purposes providing the owners with an economic return on their capital expenditure..

The scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this prominent corner site including the need to retain the majority of trees located along Charlton Lane. Careful consideration has also been given to the minutes arising from formal pre-DA discussions with Council including the need to demonstrate an attempt to amalgamate with the northern adjoining property No. 640 Pittwater Road. In this regard, we attach a copy of the formal offer made to the owner of this adjoining property dated 16th August 2018 and prepared by Freeman & Chirillo Chartered Accountants and Business Consultants. Such documentation details an above market offer based on the recent Valuation Report prepared by Meadow Real Estate Pty Ltd.

This documentation was forwarded to the owners of the adjoining property by express post and email with a request that any acceptance of the offer be received in writing within 30 days of the date of the correspondence. During a subsequent telephone discussion between my client and the adjoining property owner, Mr John Nati, he advised that he was not interested in selling. No formal response has been received in relation to such offer with copies of this correspondence is at ANNEXURE 1. Notwithstanding such outcome, the proposal facilitates future vehicular access through the upper basement level of the development to No. 640 Pittwater Road by way of Right of Carriageway.

This statement will demonstrate that the built form outcome proposed provides for a highly articulated, modulated and visually stimulating building form which will provide diversity in housing choice whilst activating both street frontages with appropriately sized ground floor and upper level basement uses. The proposal will introduce a building of exceptional design quality into the streetscape without adverse environmental consequences. In addition to this Statement of Environmental Effects, the application is also accompanied by the following:

- Architectural plans
- Survey
- Landscape plan
- Traffic Impact Assessment
- Arborist report
- Geotechnical Assessment
- BCA report
- Access report
- Stormwater Management Plan
- Waste Management Plan
- Phase 1 Environmental Site Assessment
- QS Report
- SEPP 65 Design Verification Statement
- Photomontage
- Electronic 3D Model
- BASIX Certificate

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Warringah Local Environmental Plan 2011;
- Warringah Development Control Plan 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 – Contaminated Lands;
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development; and
- The Apartment Design Guide.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended (the Act). It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The height, form and massing of the development are contextually appropriate and satisfy the relevant Local and State planning controls applicable to the site.
- The proposed development is consistent with the desired future character of the B5 - Business Development zone having regard to shop to housing being a Schedule 1 WLEP 2011 additional permissible use in this precinct.
- The proposal provides appropriate future proofing having regard to the outcomes anticipated in the informally exhibited Brookvale Structure Plan.
- The proposed development will not give rise to unacceptable natural or built form impacts.
- The site is assessed as suitable for the proposal having regard to the relevant considerations pursuant to the SEPP 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide.
- The proposal will increase the supply and diversity of housing choice on a site ideally suited to increased residential densities.

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The subject property is legally described as Lots 1, DP 1001963, No.638 Pittwater Road Brookvale. A location/ context map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

The allotment is irregular in shape having an irregular primary frontage and address to Pittwater Road of 23.575 metres, secondary frontage, secondary frontage to Orchard Road of 90.61 metres, tertiary frontage to Charlton Lane of 40.235 metres and a site area of 2662 square metres. The site is relatively flat with a slight fall across its surface in a south westerly direction. The site contains a number of trees as depicted on the accompanying survey and within the accompanying arborist report with a row of Brush Box running along the Charlton Lane boundary alignment. A survey extract is at Figure 2.

The property is occupied by a 1 and 2 storey block and glass building with metal roof recently occupied by a number of temporary retail uses. The building was previously occupied by St Vincent de Paul Society shop and warehouse. At-grade parking and a loading dock are located on the eastern portion of the site and accessed from Orchard Lane close to its intersection with Charlton Lane. These established built form characteristics are depicted in the following photographs.

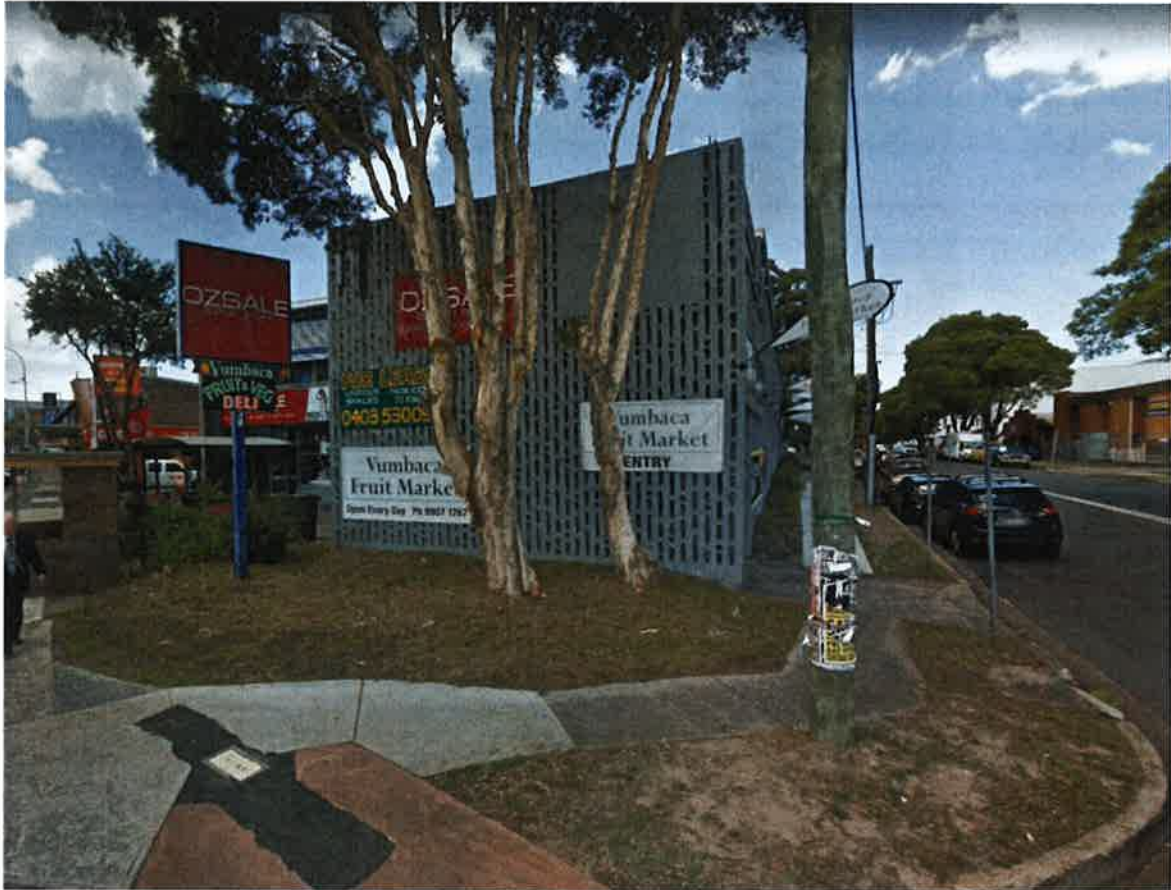


Figure 3: View of the subject site from the intersection of Pittwater Road and Orchard Road



Figure 4: View of the subject site from the Pittwater Road



Figure 5: Distant view of the site from the western side of Pittwater Road



Figure 6: Distant view of the subject site from the intersection of Orchard Road and Charlton Lane

2.1.2 The Locality

The property is located at the western fringe of the Brookvale Industrial precinct and within immediate proximity of Westfield Warringah Mall shopping centre. The site adjoins the southern and eastern boundaries of No. 640 Pittwater Road. This property is currently occupied by Coates Hire. A small one storey masonry building is located on the northern portion of this site. The remainder of the site is an open area available for the storage and display of goods for hire. The site adjoins No. 642 Pittwater Road to the north west. A two storey building is currently located on this site which is used as a function centre.

No.7 Orchard Road is located to the east of the site and is currently occupied by a two storey industrial building. Access to the rooftop car park of this development is provided from Orchard Road. Two garage doors provide access into the building from Charlton Lane. The Brookvale Bus depot is located opposite the site to the south. A range of business uses and motor showrooms are located either side of Pittwater Road with a B-Line bus stop and multi-level public carpark located within short walking distance of the site.

2.1.3 Site Analysis

There are no topographical constraints impacting the site relevant to the development as proposed. These details are all included on the site survey submitted with the subject application. The site is located within Landslip Area A designation and which is addressed by the geotechnical report accompanying the application.

The relationship of the proposed development to the adjacent sites provides for appropriate and anticipated built form separation. The development has no unacceptable impact on the amenity of surrounding developments and is complimentary and compatible in a streetscape context. The proposal provides for the retention of the Brush Box trees locate along Charlton Lane which provide an appropriate zone boundary interface buffer.

We note that the site is located within the Draft Brookvale Structure Plan precinct and identified as being at the south eastern gateway to the Brookvale Commercial Town Centre commercial shopping strip located along Pittwater Road. The property is a visually prominent corner allotment which demands a building of exceptional design quality which addresses all 3 street frontages in a robust but appropriate manner.

3 Description of Proposed Development

3.1 Details of the proposed development

This application provides for the following components:

- Demolition of the existing site structures;
- Construction of a shop top housing development that includes:
 - 3 levels of basement parking with 164 car parking spaces as well as motor cycle and bicycle parking and storage space;
 - 3 ground floor retail/ business tenancies with additional basement floor space for tenancy 1 and associated waste storage and service vehicle loading area;
 - 40 residential apartments over 2 levels including 8 work/ live SoHo style apartments with ground level retail/ business activation; and
 - Podium level landscaped communal open space;
- Vehicular access to the basement parking is provided via a new driveway access from Charlton Lane with the retail/ business loading area accessed at grade from Orchard Road;
- The provision of future vehicular access through the upper basement level of the development to No. 640 Pittwater Road by way of a ROW; and
- The implementation of an integrated site landscape regime prepared by Conzept Landscape Architects incorporating deep soil landscaping along Charlton Lane and both ground and podium level landscaping located centrally through the site. The plans also provide for public domain streetscape works including paving and street tree plantings.

The development is depicted in the following Architectural plans prepared by Barry Rush and Associates Pty Limited:

- A01 LOCATION DIAGRAM
- A02 B3 BASEMENT FLOOR PLAN
- A03 B2 BASEMENT FLOOR PLAN
- A04 B1 BASEMENT FLOOR PLAN
- A05 GROUND FLOOR PLAN
- A06 FIRST FLOOR PLAN
- A07 SECOND FLOOR PLAN
- A08 ROOF PLAN
- A09 ELEVATIONS
- A10 ELEVATIONS
- A11 SECTIONS
- A12 SHADOW DIAGRAMS
- A13 SITE ANALYSIS
- A14 DEMOLITION PLAN

The plans provide for 40 self-contained apartments comprising a mix of 1, 2 and 3 bedroom domiciles. Each residential unit has car parking at the basement level with lift and stair access to/from such parking. All individual units are provided with private open space in the form of balconies or podium level courtyards. A schedule of external building materials and colours is included on the architectural drawings together with montage images of the development.

The proposal provides for the future proofing of the development to enable additional levels of residential accommodation should the informally exhibited Brookvale Structure Plan proceed to formal exhibition and ultimate adoption. Such future proofing has been achieved through the provision of an additional level of basement parking and the partial and potentially temporary use of the upper level basement for retail/ business purposes. The development also provides for future vehicular access through the upper basement level to No. 640 Pittwater Road by way of a ROW given the adjoining property owners unwillingness to consolidate the properties at this time.

Whilst the application requires the removal of a number of trees as detailed in the arborist report prepared by Growing My Way Tree Consultancy such loss is appropriately compensated for through the implementation of the enhanced site and streetscape landscape regime proposed. The acceptability of the proposed excavation is detailed in the accompanying report prepared by Morrow Geotechnics Pty Limited with all stormwater appropriately disposed of to the street drainage system as detailed on the plans prepared by Alpha Engineering and Development.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Warringah Local Environmental Plan 2011

4.1.1 Zoning

The Warringah Local Environmental Plan (LEP) 2011 applies to the subject site and this development proposal. The subject site is located within the B5 Business Development zone. The stated objectives of the zone are as follows:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To provide for the location of vehicle sales or hire premises.*
- *To create a pedestrian environment that is safe, active and interesting by incorporating street level retailing and business uses.*

A range of uses are permissible in the zone with site specific additional permissible uses detailed in Clause 5 of Schedule 1 of WLEP 2011 namely:

5 Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale

- (1) *This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as "Area 5" on the Additional Permitted Uses Map.*
- (2) *Development for the following purposes is permitted with consent:*
 - (a) *office premises,*
 - (b) *retail premises,*
 - (c) *shop top housing.*

Shop top housing is defined as follows:

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

In this regard, all residential dwellings are located above the level of the permissible ground floor retail and business floor space below. This can also be said for the work/ live SoHo style apartments whereby internal connection between the 2 separately defined and permissible uses enables such floor space to be purchased or leased by the same owner/ occupier.

Importantly, these 2 uses can function entirely independently with the ground level retail/ business use accessed from the either the ground level courtyard from Orchard Road or directly from the Charlton Lane frontage. We note that the residential component is separately accessed from the residential floor plate and corridor above. The uses are entirely independent and separately defined apart from the internal staircase connection.

As such, we have formed the considered opinion that the proposed development is appropriately defined as shop top housing in accordance with the judgement in the matter of in the matter of Hrsto v Canterbury City Council (No. 20 [2014] NSWLEWC 121.

Finally, pursuant to clause 5(3) of Schedule 1 WLEP 2011 consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone IN1 General Industrial. The WLEP 2011 zoning map extract at Figure 7 below shows the relationship of the site to the adjoining IN1 General Industrial zoned land.

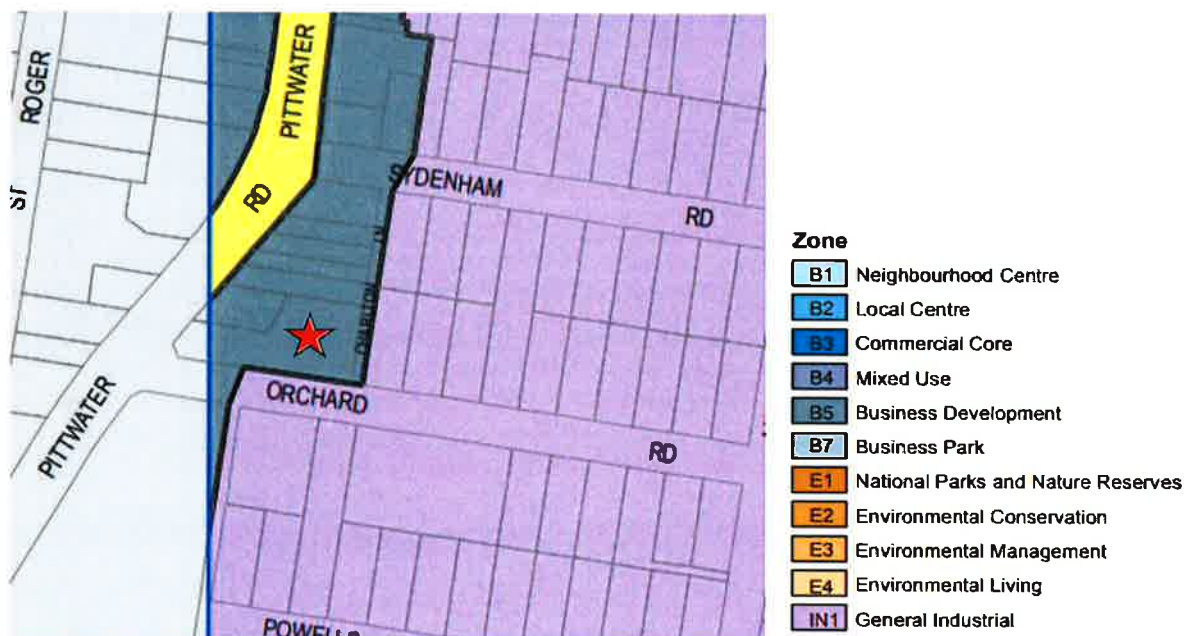


Figure 7 – WLEP 2011 zoning map extract

Given the spatial separation afforded by Charlton Lane and the maintenance of the established Brush Box plantings along the boundary/ zone interface we have formed the considered opinion that the shop top housing development proposed will not have a significant adverse visual or physical impact on land within such zone by virtue of overshadowing, privacy or view loss or visual amenity.

Further, the proposed shop top housing development will not have a significant adverse impact on either existing uses or other permissible uses in the zone as reflected by the immediate relationship of the R2 Low Density Residential zone to the IN1 General Industrial zone along Wattle Street to the south of the site a built form and land use relationship considered compatible by the policy makers.

In any event the acoustic attenuation measures required for the residential apartments pursuant to the provisions of SEPP (Infrastructure) 2007 will ensure that no acoustic conflict will occur between such land uses. Such acoustic measures can be dealt with by way of an appropriately worded condition of consent requiring an acoustic report to be prepared as a component of the Construction Certificate documentation.

Accordingly, Council can be satisfied that the proposed shop top housing satisfies the clause 5(3) Schedule 1 WLEP 2011 considerations and accordingly is permissible with consent in the zone. Having given due consideration to the detailing of the proposed development, as outlined and considered within this statement, it is our opinion that the proposed development is not antipathetic to the zone objectives as outlined. Accordingly, there is no statutory impediment to the granting of consent.

4.1.2 Height of Buildings

Pursuant to the height of buildings map, the site has a maximum building height limit of 11 metres.

The objectives of this control are as follows:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Building height is defined as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The proposed development has a maximum roof parapet height of 11.7 metres measured at the Pittwater Road frontage with the architectural corner roof feature above extending to a maximum height of 14 metres. The lift overruns have a maximum height of 12.7 metres.

The extent of non-compliance can be summarised as a maximum of 700mm (6.3%) to the roof parapet, 1.7 metres (15.4%) to the western lift overruns and 3 metres (27.2%) to the architectural corner roof feature. The non-compliant building elements are depicted in Figures 8 and 9 below and over page.

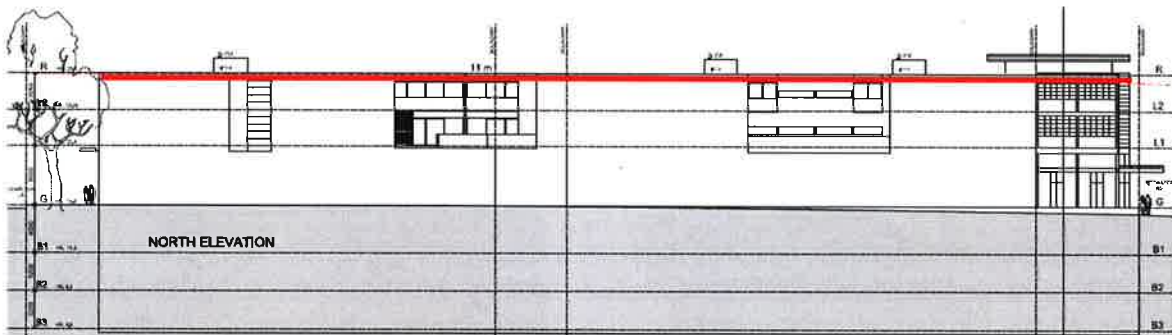


Figure 8 – Plan extract showing extent of 11 metre building height breach northern façade

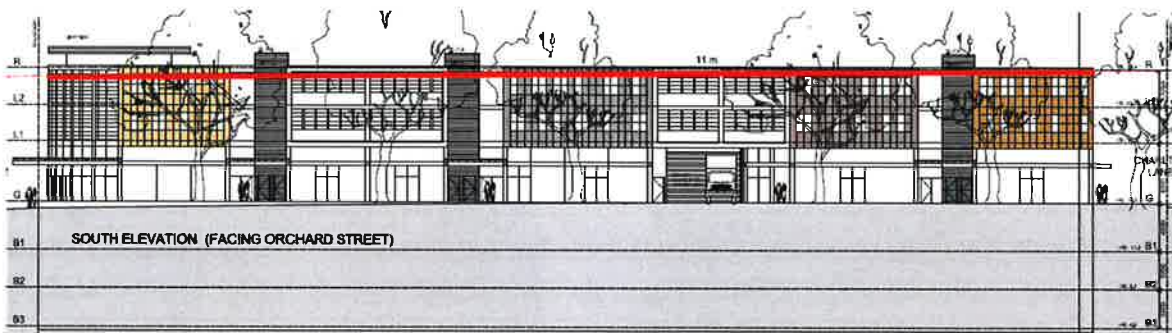


Figure 9 – Plan extract showing extent of 11 metre building height breach southern façade

Clause 4.6 of WLEP 2011 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to clause 4.6(2) 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.

This Clause applies to the Clause 4.3 Height of Buildings Development Standard.

Clause 4.6(3) states that 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.*

Clause 4.6(4) states 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*
 - (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, and*
- (b) *the concurrence of the Director-General has been obtained.*

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*

- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Clause 4.6 Claim for Variation

Zone and Zone Objectives

The developments permissibility and consistency with the zone objectives have been previously identified it being noted that shop top housing is only permissible by virtue of the Schedule 1 additional permissible use provisions of WLEP and accordingly is a use not anticipated by the zone objectives. Notwithstanding, the proposal is able to be consented to pursuant to Schedule 1, clause 5(3) given that it has been demonstrated that the development will not have a significant adverse impact on any adjoining land in Zone IN1 General Industrial.

Building Height Objectives

Having regard to the objectives of the height standard as previously identified strict compliance has been found to be both unreasonable and unnecessary for the following reasons:

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

Comment: The 11 metre height standard anticipates a 3 storey building form with the breaching elements limited to small areas of roof parapet, lift overruns and the architectural roof feature proposed at the Pittwater Road/ Orchard Road intersection. The non-compliance can be directly attributed to the desire to provide 4.75 metre ground floor ceiling heights to accommodate a range of permissible commercial uses at ground floor level and the provision of an architectural roof feature to reinforce the visual importance of the site as the southern gateway to the Brookvale Business precinct. The building heights proposed are compatible with the heights established by development along Pittwater Road and those anticipated by the 11 metre/ 3 storey height standard.

The building and design are entirely appropriate for this prominent corner site as it reinforces the building as a strong, robust and defining element within the street block. In this regard, we have formed the considered opinion that the height, bulk and scale of the development are entirely consistent with the height and scale of surrounding and nearby development and that anticipated by the standard.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development by virtue of its height offensive, jarring or unsympathetic in a streetscape and urban context. In this regard, it can be reasonably concluded that the development is compatible with surrounding and nearby development and accordingly this objective is satisfied.

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

Comment: Having undertaken a detailed site and context analysis and identified available view lines over the site we have formed the considered opinion that the height of the development, and in particular the non-compliant height components, will not give rise to any visual, view, privacy or solar access impacts with appropriate spatial separation maintained to adjoining properties.

This objective is satisfied.

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

Comment: The non-compliant building height will not be readily discernible as viewed to or from Warringah's coastal or bush environments. This objective is satisfied.

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

Comment: The non-compliant building height elements will not be visually prominent as viewed from the street or any public area and will certainly not compromise the amenity of these public places.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development, in particular the non-compliant portions of the building, offensive, jarring or unsympathetic in a streetscape context.

We have also formed the considered opinion that the proposal will maintain appropriate amenity in terms of solar access and privacy and will not give rise to any adverse public or private view affectation. In this regard, the development satisfies the objectives of the height of buildings standard and accordingly strict compliance is unreasonable and unnecessary under the circumstances.

In our opinion, there are sufficient environmental planning grounds to justify the variation including the desire to provide 4.75 metre ground floor ceiling heights to provide greater flexibility in terms of future commercial uses (consistent with the zone objectives), the slight fall across the surface of the land and the desire for single level floor plates and the appropriateness of an architectural roof feature to reinforce the visual importance of the site as the southern gateway to the Brookvale Business precinct. The building heights proposed are compatible with the heights established by development along Pittwater Road and those anticipate by the 11 metre/ 3 storey height standard.

Further, the architectural roof feature and future proofing of the building represent a skilful response to the prominent corner location of the site and the future proofing of the development having regard to the informally exhibited Brookvale Structure Plan. Such outcomes also promote/ facilitate the orderly and economic use and development of the land consistent with objectives 1.3(c) and (g) of the Act.

In accordance with Clause 4.6(5) the contravention of the development standard does not raise any matter of significance for State or Regional environmental planning with the public benefit maintained by Council's adoption of an application specific merit based assessment as it relates to building height within the 11 metre height precinct in which the site is located.

Conclusions

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

- a) that the site specific and contextually responsive development is consistent with the zone objectives, and
- b) that the site specific and contextually responsive development is consistent with the objectives of the building height standard, and
- c) that there are sufficient environmental planning grounds to justify contravening the development standard, and
- d) that having regard to (a), (b) and (c) above that compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case, and
- e) that given the design quality of the development, and the developments ability to comply with the zone and building height standard objectives that approval would not be antipathetic to the public interest, and
- f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.

As such we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a height of buildings variation in this instance.

4.1.3 Development on Sloping Land

The site is mapped as falling within a Land Slip Risk Area A. A geotechnical report prepared by Morrow Geotechnics Pty Limited accompanies the application with the report containing a number of recommendations in relation to excavation/ construction methodology to ensure the stability of the site and its surrounds during construction works. No objection is raised to such recommendations forming a condition of development consent.

4.2 Warringah Development Control Plan 2011

The following relevant DCP 2011 controls have been addressed with respect to consideration of the proposed Shop Top Housing Development.

4.2.1 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the Warringah DCP 2011 is detailed as follows:

Control	Requirement	Proposed	Compliance
<p>Number of Storeys</p> <p>DCP Control B2</p>	<p>Mapped as 3 storeys.</p> <p>To ensure development does not visually dominate its surrounds.</p> <p>To minimise the visual impact of development when viewed from adjoining properties, streets, waterways, and land zoned for public recreation purposes.</p> <p>To provide equitable sharing of views to and from public and private properties.</p> <p>To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.</p> <p>To provide sufficient scope for innovative roof pitch and variation in roof design.</p> <p>To complement the height of buildings control in the LEP with a number of storeys control.</p>	<p>The proposed building is 3 storeys in height.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p>Front Setback DCP Control B7</p>	<p>Mapped as part Area P and D.</p> <p>Setbacks in Area P to be consistent with adjacent buildings with a 4.5 metre setback required to Area D</p>	<p>The proposed development has been built to the street alignment to afford a cohesive and superior urban design and street scape outcome. A 6 metre setback is maintained to Charlton Lane to ensure the retention of the existing trees along this frontage.</p> <p>The setbacks proposed are consistent with established corner development within the precinct with façade articulation and modulation providing a contextually appropriate and compatible streetscape presentation to each frontage. The setbacks are appropriate given the design quality of the development and the sites corner location.</p> <p>. The stated objectives of the control are as follows:</p> <ul style="list-style-type: none"> • <i>To create a sense of openness.</i> • <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing.</i> <p>It is considered that the setbacks proposed are not antipathetic to these objectives with no adverse streetscape or view loss impacts.</p>	<p>No</p> <p>Acceptable on merit</p>

Control	Requirement	Proposed	Compliance
		Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.	
Merit Assessment of Side and Rear Boundary Setbacks DCP Controls B6, B8, B10	Setbacks will be determined on a merit basis and will have regard to: Streetscape; amenity of surrounding properties; and setbacks of neighbouring development	The development proposes a nil setback to the side boundaries as anticipated by the control although internalised courtyard are introduced along the southern boundary to achieve cross ventilation and amenity for adjacent habitable rooms and provide courtyard design continuity should the adjoining property be developed.	Yes Acceptable on merit
Traffic, Access and Safety DCP Controls C2	To minimise: a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian and cyclist conflict; e) interference with public transport facilities; and f) the loss of "on street" kerbside parking.	APEX Engineers have prepared a Traffic Impact Assessment.	Yes

Control	Requirement	Proposed	Compliance
<p>Parking Facilities</p> <p>DCP Control C3</p>	<p>Application of the DCP Parking Rates yields a requirement for 44 residential, 8 residential visitor and 54 retail/ business parking spaces totalling 106 spaces.</p>	<p>APEX Engineers have prepared a Traffic Impact Assessment.</p> <p>This report demonstrates that 106 spaces are required with the development providing 164 which comfortably satisfies the on-site car parking requirement. Such quantum provides for the reasonable future proofing of the development should the Brookvale precinct be up zoned in the future. The site is also well serviced by public transport with bus stops within a 200m radius.</p>	<p>Yes</p>
<p>Bicycle Parking</p> <p>DCP Control C3A</p>	<p>Objectives</p> <ul style="list-style-type: none"> • To help meet the transport needs of the Warringah community • To encourage healthy active lifestyles and help reduce reliance on private motor vehicles • To provide convenience and safety for bicycle users 	<p>Bicycle Parking Spaces are provided for residents in the basement in strict accordance with this control.</p>	<p>Yes</p>
<p>Stormwater</p> <p>DCP Control C4</p>	<p>To ensure the appropriate management of stormwater.</p> <p>To minimise the quantity of stormwater run-off.</p> <p>To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical</p>	<p>The application is accompanied by concept stormwater plans prepared by Alpha Engineering and Development with such drainage compliant with the Council DCP provisions.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>Specification into all new developments.</p> <p>To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).</p>		
<p>Erosion and Sedimentation</p> <p>DCP Control C5</p>	<ul style="list-style-type: none"> •To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment. •To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands. •To prevent any reduction in water quality downstream of the development site. 	<p>Please refer to the accompanying erosion and sediment control plan prepared by Alpha Engineering and Development.</p>	<p>Yes</p>
<p>Excavation and Landfill</p> <p>DCP Control C7</p>	<p>Excavation and landfill works must not result in any adverse impact on adjoining land.</p>	<p>A geotechnical report prepared by Morrow Geotechnical Consultants accompanies the application and considers that the site is suitable for the proposed development works.</p>	<p>Yes</p>
<p>Demolition & Construction</p> <p>DCP Control C8</p>	<p>A demolition and waste management plan must be satisfactorily completed and submitted.</p>	<p>A demolition and waste management plan accompanies the application.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p>Waste Management DCP Control C9</p>	<p>Each development must include, or have access to Waste/Recycling Storage Rooms and Areas.</p> <p>a) where the number of dwellings/units is 29 or less, the Waste/Recycling Storage Rooms or Areas must be located at the front of the development within 6.5 metres walking distance to the front boundary adjacent to the roadway. If a Waste/Recycling Storage Room or Area is to be provided at another suitable location within the building, a complementary Waste/Recycling Storage Room or Area must be provided within 6.5 metres walking distance to the front boundary adjacent to the roadway; or</p> <p>b) where the number of dwellings/units is 30 or more, the Waste/Recycling Storage Rooms or Areas must be located within 6.5 metres walking distance of the service area.</p>	<p>A waste management plan accompanies the application.</p> <p>The development provides appropriately for commercial and residential waste storage and collection.</p>	<p>Yes</p>
<p>Private Open Space DCP Control D2</p>	<p>Multi dwelling housing (not located at ground level) residential flat buildings and shop top housing, to provide 10sqm of private open space with a minimum dimension of 2.5 metres.</p>	<p>As demonstrated on the proposed floor plans each residential unit is afforded with a balcony have an area exceeding the minimum dimensional requirements and accessed directly from the living room areas to each individual unit.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>Private open space is to be directly accessible from a living area of a dwelling and be capable of serving, as an extension of the dwelling for relaxation, dining, entertainment, recreation and children’s play.</p> <p>Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p> <p>Private open space shall not be located in the primary front building setback.</p> <p>Private open space is to be located to maximise solar access.</p>	<p>Each of the balconies have been positioned to maximise solar access and privacy between apartments. All private open space areas are accessed directly from the living rooms and are appropriately sized and dimensioned.</p>	
<p>Access to Sunlight DCP Control D6</p>	<p>Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:</p> <ul style="list-style-type: none"> • Development should avoid unreasonable overshadowing any public open space. • At least 50% of the required area of private open 	<p>Refer to the shadow diagrams prepared by Barry Rush and Associates which demonstrate that the only overshadowing impact is to the adjoining road network.</p> <p>No shadowing will occur to any surrounding residential property.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</p>		
<p>Views DCP Control D7</p>	<p>Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.</p>	<p>Having inspected the site and its surrounds to identify available view corridors across the site, we have formed the considered opinion that there will be no adverse public or private view affectation with a view sharing scenario maintained in accordance with the principles established by the Land and Environment Court in the matter of Tenacity Consulting v Warringah [2004] NSWLEC 140.</p>	<p>Yes</p>
<p>Privacy DCP Control D8</p>	<p>Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.</p>	<p>The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained between adjoining apartments and between the site and the adjoining light industrial zone through building design and orientation, the appropriate use and placement of fenestration and the inclusion of fixed privacy screen treatments where necessary. Retained screen trees along Charlton Lane will also assist in this regard.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p>Building Bulk DCP Control D9</p>	<p>Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</p>	<p>The development has been designed through detailed site context analysis to provide through a contextually responsive building form maintaining appropriate amenity to adjoining properties and a high level of amenity to future occupants.</p> <p>The development has regard to the scale, proportion and line of visible facades with the highly articulated and modulated building form providing appropriate facade treatment and visual interest to the streetscape.</p> <p>The scale and footprint of the development are entirely in keeping with the established built form character along Pittwater Road.</p>	<p>Yes</p>
<p>Building Colours and Materials DCP Control D10</p>	<p>Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.</p>	<p>The proposed materials and finishes are indicated on the plans prepared by the project Architect.</p> <p>The materials and finishes are considered to be sympathetic to the existing and desired future streetscape character.</p>	<p>Yes</p>
<p>Roofs DCP Policy D11</p>	<p>Roofs are to be designed to complement the local skyline.</p>	<p>The development incorporates a flat concrete roof which is consistent with other development along this section of Pittwater Road.</p>	<p>Yes</p>
<p>Glare and Reflection</p>	<p>Ensure that development will not result in overspill or glare from artificial</p>	<p>The proposed window glazing and roof finishes will not give rise to any unacceptable glare or</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
DCP Policy D12	illumination or sun reflection.	reflection.	
Accessibility DCP Policy D18	To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.	The proposed development has been designed to ensure a convenient, comfortable and safe access for all people including wheelchair and pram accessibility as detailed in the accompanying report prepared by BCA Logic.	Yes
Safety and Security	<p>Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</p> <p>2. Service areas and access ways are to be either secured or designed to allow casual surveillance.</p> <p>3. There is to be adequate lighting of entrances and pedestrian areas.</p> <p>4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>5. Entrances to buildings are to be from public streets wherever possible.</p> <p>6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental</p>	<p>The design of the development enables casual observation (from inside the apartments) of the street frontages. The residential lobby at the ground level and apartment entries are well located, so that they are easily identifiable, providing a sense of address to each unit and passive surveillance.</p> <p>The basement car parking area and common circulation spaces will be appropriately lit at night with no objection raised to the imposition of a condition in this regard.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).</p>		
<p>Waterways and Riparian Lands E8</p>	<p>1. The applicant shall submit a Waterway Impact Statement.</p> <p>2. Development in Waterways and on the Riparian Land of Group A and Group B creeks (see DCP Map for Catchment Groupings) (Creek Management Study 2004) is required to have impervious surfaces offset by stormwater management controls so there is no net change in peak loads or pollutant loads in accordance with Councils On Site Stormwater Detention Technical Specification, Councils Water Sensitive Urban Design Policy STR-PL820 and Landcom's Managing Urban Stormwater (MUS): Soils</p>	<p>N/A</p>	<p>N/A</p>

Control	Requirement	Proposed	Compliance
	<p>and Construction (commonly referred to as the Blue Book).</p> <p>3. Infrastructure such as roads, drainage, stormwater structures, services, etc. should be located outside land identified as Waterways and Riparian Land.</p> <p>4. The Asset Protection Zone must not extend into land identified as Waterways and Riparian Land. Refer to NSW Rural Fire Service for site assessment methodology.</p>		
<p>Landslip Risk DCP Policy E10</p>	<p>The site is identified as falling within Landslip Risk Area A.</p> <p>The applicant must demonstrate that:</p> <ul style="list-style-type: none"> • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice. 	<p>A Geotechnical Report prepared by Morrow Geotechnical Engineers accompanies the DA and demonstrates that the proposed works are suitable for the site and no geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the recommendations within the geotechnical report.</p>	<p>Yes</p>

4.3 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the site (and neighbouring sites) is currently and historically remained in retail use and the surrounding context is residential.

The application is accompanied by a Phase 1 Environmental Site Assessment prepared by Environmental Strategies which contains the following conclusions and recommendations:

Based on the results of the Stage 1 Environmental Site Assessment, it is understood the site has been used for a range of commercial/light industrial purposes since 1902.

It is anticipated that the site is underlain by up to 1m of fill, overlying natural sands. Groundwater was recorded to occur at 2m below grade within 800m of the site.

No significant contaminating activities were observed in the area surrounding the site.

A Phase 2 Environmental Site Assessment is recommended based on the results of this Phase 1 ESA to assess the quality of the fill on the site and to determine whether previous site use has impacted the soil and groundwater beneath the site.

If the proposed development of the site requires soil to be excavated and removed, ES advises that this material will be required to be classified in accordance with the DECCW (2009) Waste Classification Guidelines prior to disposal off-site. The material is required to be disposed to an appropriately licensed landfill. Similarly, if material is to be imported on to the site it will require a certificate showing it's suitability as clean fill supported by a laboratory analytical report.

No objection is raised to these recommendations forming a condition of development consent with the Phase 2 DSI being dealt with by way of an appropriately worded deferred commencement condition.

4.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX Assessment accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.5 State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential apartment developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics to improve the design quality of residential flat building in the State.

SEPP 65 applies to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- a) *3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- b) *4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The proposed development is for the erection of a 3 storey building, as defined, containing 40 dwellings and 3 retail/ business premises. As per the definition of a ‘Residential Flat Building’ and the provisions of Clause 4 outlining the application of the Policy, the provisions of SEPP 65 are applicable to the proposed development. The required Architect Design Verification Statement is at ANNEXURE 2.

Clause 28(2)(b) SEPP 65 requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 1. The proposal’s compliance with the design quality principles is detailed below.

Pursuant to clause 28(2)(c) of SEPP 65 in determining a development application for consent to carry out residential flat development the consent authority is required to take into consideration the Apartment Design Guide. In this regard an Apartment Design Guide compliance table is attached at ANNEXURE 3.

The proposed development satisfies the design principles of the plan as follows:

(i) *Context and neighbourhood character*

The subject site is located within the Brookvale Town Centre and centrally within a commercial shopping strip located along the Pittwater Road alignment. The properties having frontage to Pittwater Road have historically been developed with a different form and function to the balance of the surrounding industrial zoned land with street level shop front activation for a mix of retail, showroom and office uses.

The site is located approximately 200 metres north east of Westfield Warringah Mall, approximately 2.3 kilometres south-west of Dee Why Town Centre, approximately 5 kilometres north-west of Manly Town Centre and approximately 14 kilometres north-east of Sydney CBD.

The site adjoins the southern and eastern boundaries of No. 640 Pittwater Road. This property is currently occupied by Coates Hire. A small one storey masonry building is located on the northern portion of this site. The remainder of the site is an open area available for the storage and display of goods for hire. The site adjoins No. 642 Pittwater Road to the north west. A two storey building is currently located on this site which is used as a function centre.

No.7 Orchard Road is located to the east of the site and is currently occupied by a two storey industrial building. Access to the rooftop car park of this development is provided from Orchard Road. Two garage doors provide access into the building from Charlton Lane. The Brookvale Bus depot is located opposite the site to the south. A range of business uses and motor showrooms are located either side of Pittwater Road with a B-Line bus stop and multi-level public carpark located within short walking distance of the site.

The site is well serviced in relation to public transport and a range of open space recreational areas.

The development is considered to be contextually appropriate for the following reasons:

- Despite the proposed variation to the building height control the proposed building will sit comfortably within the established streetscape.
- Detailed site analysis has determined that the additional height does not result in any adverse impacts on the amenity of the adjoining properties in terms of solar access, privacy or view loss.
- An accepted urban design principle for prominent corner, vista or gateway sites suggests that consideration should be given to achieving a strong and robust architectural form providing a clear sense of destination. In this regard the subject site can appropriately and harmoniously accommodate the additional building height.
- Having regard to the planning principle established in the matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 most observers would not find the proposed building offensive, jarring or unsympathetic to its location within the Brookvale precinct. In this regard, building will be compatible with its context.

For the reasons given above the proposed development is considered to provide appropriate response to its context.

(ii) *Building form and scale*

The architect has responded to the client brief to provide for a mixed use development of exceptional design quality which appropriately addresses the sites prominent corner location in a highly refined and contextually appropriate form. Careful consideration has also been given to ensuring that the development responds appropriately to its immediate built form context, appropriately acknowledges the important urban design function served by a prominent corner site whilst contributing positively to the built form quality of the Brookvale Town Centre.

In this regard, an accepted urban design principle for prominent corner, vista and gateway sites suggests that consideration should be given to achieving a strong and robust architectural form which reinforces the importance of the site to its overall context whilst providing a clear sense of destination. The development not only achieves such outcome but also enhances the built form characteristics of the site and provides greater housing choice in an area identified as being appropriate for increased housing density.

The appropriateness of the building's height has been considered in detail in Sections 4.1.2 of this statement. Further to such considerations in terms of building height it is considered that the building's scale is appropriate to that of the street and the surrounding properties for the following reasons:

- The building is highly articulated and modulated in both the vertical and horizontal planes to provide an appropriate form and massing in the streetscape.
- The scale of the building in terms of its three dimensional size will not be perceived as jarring or antipathetic in a streetscape and urban design context. In this regard, the scale of the development is considered to be appropriate.

(iii) *Density*

The density of the proposed development is considered reasonable for the following reasons:

- The density does not give rise to any unacceptable impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact.
- The proposal provides a compliant number of off-street car parking.
- A high level of amenity is provided for future occupants of the development.
- The proposal is consistent with the objectives of all relevant planning provisions which apply to the site.

- The proposal is consistent with the Department of Planning's Sydney's Metropolitan Strategy 'City of Cities' and the draft Subregional Strategy as it relates to the appropriate concentration of residential density.

(iv) *Sustainability*

The design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves cross ventilation to a complying number of dwellings within the development. A BASIX Certificate accompanies this application which confirms that the residential component of the development will meet the NSW Government's requirements for sustainability.

(v) *Landscape*

The application proposes the implementation of an integrated site landscape regime prepared by Conzept Landscape Architects incorporating deep soil landscaping along Charlton Lane and both ground and podium level landscaping located centrally through the site. The plans also provide for public domain streetscape works including paving and street tree plantings. The proposed public domain treatments will provide a vibrant, attractive and safe urban environment with the landscaping proposed softening and screening the built form in accordance with the Council desired outcomes.

(vi) *Amenity*

A high level of amenity is provided for occupants of the development with the development providing generous apartment sizes and appropriate room dimensions and shapes, storage space, indoor and outdoor space and access for all age groups and degrees of mobility. The number of units with access to natural light and ventilation has also been maximised.

We confirm that 32 of 40 (80%) of apartments receive a minimum of 2 hours of solar access between 9:00am and 3:00pm on 21st June and 39 of 40 (98%) of apartments are naturally cross ventilated. These outcomes exceed the ADG 70%/ 60% provisions. Further apartment depths are generally limited such that kitchens are within 8 metres of glazing. We confirm only here are no south facing single aspect apartments.

The spatial separation provided between residential balconies and open space areas on adjoining sites and the design and location of open space balcony areas within the development ensure that reasonable levels of privacy are maintained to the adjacent residential properties.

(vii) *Safety*

The safety and security of the public domain is enhanced by increased street level activity and surveillance. The windows and balconies of units on each residential level will provide the opportunity for the causal surveillance of the adjacent public domain.

In terms of Crime Prevention Through Environmental Design (CPTED) we advise as follows:

- Entrances will be secured and lit at night;
- The car parking and bicycle storage areas will be secured and appropriately lit;
- Provide clear signage for pedestrians, especially for Hotel patrons traversing the mixed use site; and
- Access to publicly accessible toilets will be restricted through the use of a key held by the commercial and retail tenancies.

(viii) Housing diversity and social interaction

The development includes a mix of 1, 2 and 3 bedroom apartments. The apartments proposed provide an alternative to detached style housing within the locality.

The location of the site and unit mix/design is considered to be appropriate for a broad cross section of the community as the subject site is within a strategic centre and is in close proximity to public transport and recreational opportunities.

For these reasons it is considered that the development improves housing choice within the locality and therefore responds positively to the housing needs of the local community.

(ix) Aesthetics

Having regard to the design quality and aesthetics of the development we make the following comments:

- The development appropriately addresses each street frontage with a robust architectural form that acknowledges the sites visually prominent location and its function as a destination building in an urban design and streetscape context;
- The building facades are highly articulated and modulated through use of recessed balcony elements, screening devices and projecting roof elements ensuring that the building is visually stimulating and one which contributes positively to its immediate built form context and the landmark potential of this particular building;
- The development will afford superior levels of amenity to future occupants whilst maintaining appropriate and compliant levels of amenity to the immediately adjoining properties; and
- The development complies with the provisions of SEPP 65 – Design Quality of Residential Apartment Development and the provisions of the Apartment Design Guide.

Accordingly, it can be demonstrated the development is of exceptional design quality and satisfies the controls and objectives of the architectural and design quality provisions of the DCP and the SEPP 65 Design Principles.

4.6 State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of the policy applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers it likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,
- (b) place of public worship,
- (c) a hospital,
- (d) an educational establishment or child care centre.

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building — 35 dBA at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) — 40 dBA at any time.

Compliance with these requirements are readily achieved with no objection raised to a condition requiring compliance with such provisions at Construction Certificate stage.

4.7 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

- 4.7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application pursuant to the Warringah LEP and DCP. The development has also been found to be consistent with the design quality principles of SEPP 65 and the Apartment Design Guide.

- 4.7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

Context and Setting

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable with regard to SEPP 65 and the ADG.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

These issues have been discussed in detail in the report. The development provides adequate carparking facilities in conformity with the policy controls.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The application proposes the implementation of an integrated site landscape regime prepared by Concept Landscape Architects incorporating deep soil landscaping along Charlton Lane and both ground and podium level landscaping located centrally through the site. The plans also provide for public domain streetscape works including paving and street tree plantings.

Waste Collection

Commercial and domestic waste collection applies to this development as previously detailed.

Natural hazards

The site is located within a land slip risk area. A Geotechnical Assessment accompanies the application. This report demonstrates that the development will be safe from hazards.

Economic Impact in the locality

The proposed development will generate temporary employment during construction. On-going employment will be provided by the business that occupies the non-residential tenancy and through the employment of building and strata managers for the building.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations and site attributes including:*
 - *size, shape and design of allotments*
 - *The proportion of site covered by buildings*
 - *the position of buildings*
 - *the size (bulk, height, mass), form, appearance and design of buildings*
 - *the amount, location, design, use and management of private and communal open space*
 - *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the desired future character and built form controls of Warringah LEP and DCP.

- ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as detailed in the report prepared by BCA Logic. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

4.7.3 The suitability of the site for the development

- *Does the proposal fit in the locality?*
- *Are the constraints posed by adjacent development prohibitive?*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *Are utilities and services available to the site adequate for the development?*
- *Are the site attributes conducive to development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography of the site, is of adequate area, and has no special physical or engineering constraints is suitable for the proposed development

4.7.4 Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

4.7.5 The public interest

It is considered that the development is sensitive both to the natural and built environments and is consistent with the provisions of the Warringah LEP and DCP. The site is assessed as suitable for the proposal having regard to the relevant considerations pursuant to the SEPP 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide.

Under such circumstances, approval would not be antipathetic to the public interest.

5 Conclusion

The proposal is permissible and in conformity with the intent of the development standards contained within Warringah Local Environmental Plan 2011 as they reasonably relate to this form of development on this particular site and the built form guidelines contained within Warringah Development Control Plan 2011 as they relate to the proposed shop top housing development within the B5 Business Development zone. The proposal satisfies the design quality principles contained within SEPP 65 and the design guidance within the Apartment Design Guide.

The project architect has responded to the client brief to design a contextually responsive building of exceptional quality which takes advantage of the sites superior locational attributes whilst providing high levels of amenity for future occupants. Particular attention has also been given to future proofing the development to enable additional levels of residential accommodation should the informally exhibited Brookvale Structure Plan proceed to formal exhibition and ultimate adoption. Such future proofing has been achieved through the provision of an additional level of basement parking and the partial and potentially temporary use of the upper level basement for retail/ business purposes.

The scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this prominent corner site including the need to retain the majority of trees located along Charlton Lane. Careful consideration has also been given to the minutes arising from formal pre-DA discussions with Council including the need to demonstrate an attempt to amalgamate with the northern adjoining property No. 640 Pittwater Road. In this regard, we attach a copy of the formal offer made to the owner of this adjoining property dated 16th August 2018 and prepared by Freeman & Chirillo Chartered Accountants and Business Consultants. Such documentation details an above market offer based on the recent Valuation Report prepared by Meadow Real Estate Pty Ltd. No formal response has been received. Notwithstanding such outcome, the proposal facilitates future vehicular access through the upper basement level of the development to No. 640 Pittwater Road by way of Right of Carriageway.

This statement demonstrates that the built form outcome proposed provides for a highly articulated, modulated and visually stimulating building form which will provide diversity in housing choice, whilst ensuring the frontages are activated through the retail/ business tenancies at ground floor and basement level. The proposal will introduce a building of exceptional design quality into the streetscape without adverse environmental consequences.

Whilst the proposal requires the consent authority to give favourable consideration to a variation to the building height standard strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the attainment of an appropriate contextual fit and general paucity of streetscape impacts. Sufficient environmental planning grounds existing to support the variation proposed with the accompanying clause 4.6 variation request well founded.

The identified non-compliances with the front setback control have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the site's visual catchment.

Having given due consideration to the matters pursuant to Section 4.15(1) of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited



Greg Boston

Director

ANNEXURE 1

AMALGAMATION ATTEMPT CORRESPONDENCE AND VALUATION

Freeman & Chirillo

Chartered Accountants & Business Consultants
Liability limited by a scheme approved under Professional Standards Legislation

A. Chirillo B.Bus (Acc), FTPA (TAX), T.A., F.C.A.
 11 Spadham Road, Brookvale, P.O. Box 7286, Warringah Mall, BROOKVALE NSW 2100
 Telephone (02) 9938 6999 Fax (02) 9938 6364 Email: info@freemanchirillo.com.au

16 August 2018

The Directors
 Hardenbergia Pty Ltd
 PO BOX 20 ROUND CORNER, DURAL N2158
 & 550 Old Northern Road
 Dural, NSW 2158, Australia

Dear Mr John Nati & Diane Lawson

RE: PROPOSED ACQUISITION OF 640 PITTWATER ROAD, BROOKVALE NSW 2100
Coates Hire currently occupies this property.

I Anthony Chirillo principal of Freeman and Chirillo Chartered Accountants & Business Consultants at 1A Sydenham Road, BROOKVALE, NSW, 2100 am authorised to inform you and notify you that I act for the registered proprietors of 638 PITTWATER ROAD, BROOKVALE NSW 2100, being RNSAL PROPERTY ENTERPRISES PTY LTD ACN 609 726 883; Marval Property Pty Ltd ACN 609727728; & S&A Apartments Pty Ltd ACN 609 730 127 ATF BROOKVALE PROPERTY INVESTMENT UNIT TRUST ("the Proprietors")

The above proprietors are adjoining proprietors of your property and note that in the past they telephoned you and had unsuccessful discussion with you in regard to the potential acquisition of your property known as 640 PITTWATER ROAD, BROOKVALE NSW 2100. It is noted that today we were informed that Mr John Nati director of company owning the property is not well and his daughter Diane Lawson now manages the property on his behalf. Hence today we spoke to you Diane Lawson in regard to the potential acquisition of the property at 640 PITTWATER ROAD, BROOKVALE NSW 2100. We briefly note that the following was discussed: about a year ago Rocco Vumbaca and myself had a telephone discussion with Mr John Nati outcome was that he was not interested in selling, Dianne confirmed that her father had informed her of our discussion with him; Informed Dianne that we had a valuation is by a **Certified Practising Real Estate Valuer Without Limitation** and that we would provide her both a hard and an email copy of the valuation report,

Today we informed Dianne that the current market value of the subject described commercial property is \$2,835,000 (plus GST) (Two Million, Eight Hundred And Thirty Five Thousand Dollars) and that the price is based on the attached valuation, we informed Dianne that the purchaser before lodging their DA they wish to submit below the what they consider to be a reasonable offer and a 10 %premium on the valuation amount of 2,835,000 (plus GST) \$2,835,000 *1.1= \$3,118,500 (plus GST) this premium would allow to include other reasonable expenses likely to be incurred by them an owner of the isolated property in the sale of the property since in their view the property at 640 Pittwater Rd Brookvale is likely to be developed at a future date either (i) as a stand alone site or more likely with either (ii) purchaser's site at 638 PITTWATER ROAD, BROOKVALE NSW 2100 or (iii) 642 PITTWATER ROAD, BROOKVALE NSW 2100 (Mimmo site a larger site also with rear lane entry; In summary we informed Dianne that the current market value of the subject described commercial property is \$2,835,000 (plus GST) (Two Million, Eight Hundred And Thirty Five Thousand Dollars) and that that the purchaser before lodging their DA they wish to submit below the what they consider to be a reasonable offer and a 10 %premium on the valuation amount of \$2,835,000 (plus GST) \$2,835,000 *1.1= \$3,118,500 (plus GST) this premium would allow to include other reasonable expenses likely to be incurred by them an owner of the isolated property in the sale of their property, in other words it is an allowance for a premium added for inconvenience of them selling their property to the purchaser.

The above "Proprietors" have now instructed me to **formally submits to you the following offer proposal to acquire your above property on the below noted basis that is;**

Vendor

Hardenbergia Pty Ltd

Purchaser:

RNSAL PROPERTY ENTERPRISES PTY LTD ACN 609 726 883; Marval Property Pty Ltd ACN 609727728. & S&A Apartments Pty Ltd ACN 609 730 127 ATF BROOKVALE PROPERTY INVESTMENT UNIT TRUST

- Property:** Land and Property records identify the subject property as Lot 1 in Deposited Plan 900686, Brookvale NSW 2100.
- Site Area:** Land size of the subject property as being 752.5 square metres
- Purchase Price Offer:** **\$3,118,500 (plus GST) premium price above attached valuation by a Certified Practicing Real Estate Valuer Without Limitation**
 The Purchaser will pay the Vendor a reasonable offer and a 10 % premium on the valuation amount of \$2,835,000 (plus GST) \$2,835,000 * 1.1 = \$3,118,500 (plus GST) this premium would allow to include other reasonable expenses likely to be incurred by them an owner of the isolated property in the sale of their property, in other words it is an allowance for a premium added for inconvenience of them selling their property to the purchaser. **Price is based on the attached valuation provided for your information supporting the above offer price.** We note that the valuation is by a **Certified Practicing Real Estate Valuer Without Limitation** with Australian Property Institute Associate Member Number 69020 In the attached valuation report it is noted that the current market value of the subject described commercial property, unencumbered fee simple interest in possession subject to the comments contained herein and assuming the property is otherwise free of encumbrances, restrictions or impediments of an onerous is assessed to be (Two Million, Eight Hundred And Thirty Five Thousand Dollars)
- Deposit:** The Purchaser will pay the Vendor 10% of the Purchase Price upon exchange of Contract and a executed a Deed of Agreement for the Transfer of Land. The Deposit is to be invested by the Vendor's Solicitor in an interest bearing account and must not be released to the Vendor until Settlement
- Settlement Date:** Forty Two Business Days (42) days after the issue of an Acceptance Notice for Contract Exchange the Demolition Works, but no later than 30 October 2018.
- Documentation:** The Vendor will prepare a Contract for Sale for the Transfer of Land (annexing standard Contract for the Sale of Land conditions and Transfer Form)
- Due Diligence:** The Vendor will provide the Purchaser with access to the Property to undertake inspections including, but not limited to contamination, hazardous materials and geotechnical investigations from the date of acceptance of this acquisition proposal until the Settlement Date (subject to the Purchaser not interfering with the lessee use of the land).
- Non-Binding:** The Parties will not be bound until both Parties have executed and exchanged the proposed Deed of Agreement for the Transfer of Land

If the owner being the Vendor Hardenbergia Pty Ltd is prepared to accept this proposal to acquire the Property, then the purchaser requests that the owner confirm this acceptance in writing within 30 days of this letter

If you have any questions in respect of the proposal herein, please contact Mr. Anthony Chirillo on telephone 0412 652 559

Yours faithfully


A. CHIRILLO

Brookvale
NSW 2100

**VALUATION
AND
PROPERTY
REPORT
OF**
640 Pittwater Road
Brookvale
NSW 2100

BY

Meadow Real Estate Pty Ltd
2 Wattle Place

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VALUATION REPORT

OF

640 Pittwater Road

LOCATED AT

Brookvale NSW 2100

AS AT

30th July 2018

UNDER INSTRUCTIONS FROM

RNSAL PROPERTY ENTERPRISES PTY LTD, MARVAL PROPERTY PTY LTD and
S & A APARTMENTS PTY LTD
638 PITTWATER RD BROOKVALE NSW 2100

PURPOSE

Professional Opinion of the Estimate of the Current Open Market Value on an external viewing basis

BY

Meadow Real Estate Pty Ltd
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- 1.0 – INSTRUCTIONS**
- 2.0 – TITLE PARTICULARS**
- 3.0 – LAND DESCRIPTION**
- 4.0 – ZONING**
- 5.0 - LOCATION**
- 6.0 – IMPROVEMENTS**
- 7.0 – CONDITION & REPAIR**
- 8.0 – MARKET COMMENTARY**
- 9.0 – SALES EVIDENCE**
- 10.0 – MARKET VALUE**
- 11.0 – VALUATION METHODOLOGY**
- 12.0 – VALUATION**
- 13.0 – DISCLAIMER**

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1.0 INSTRUCTIONS:

RNSAL PROPERTY ENTERPRISES PTY LTD, MARVAL PROPERTY PTY LTD and S & A APARTMENTS PTY LTD of 638 PITTWATER RD BROOKVALE NSW 2100 has instructed me to assess the Estimate of the Current Open Market Value of an improved commercial property being situated at 640 Pittwater Road Brookvale NSW 2100. (The Subject Property).

The interest being valued is the unencumbered fee simple interest in possession for the professional opinion of the estimate of the current open market value on an external viewing basis.

I have made all inquiries that I believe are necessary and appropriate and to my knowledge there have not been any relevant matters omitted from this report except as otherwise specifically stated in this report.

I believe that the facts within my knowledge that are stated in this report are true.

The opinions I have expressed in this report are independent and impartial.

2.0 TITLE PARTICULARS:

The subject commercial building is situated in the Local Government Area of Northern Beaches. (Formerly Manly). Land and Property records identify the subject property as Lot 1 in Deposited Plan 900686, Brookvale NSW 2100.

This valuation assumes clear and marketable title. Should any encumbrances not noted on title be discovered in this valuation, then this valuation should be requisitioned for comment.

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3.0 LAND DESCRIPTION:

The subject property allotment is considered as being irregular shaped. Land and Property Information records estimate the land size of the subject property as being 752.5 square metres.

The subject property fronts a concrete kerb and guttered tar sealed carriageway. All town services are considered as being available. While having identified the boundaries upon inspection and there does not appear to be any encroachments, we are not surveyors and no warranty can be given without the benefit of an identification survey.

We note that a sewer diagram was not obtained and we note that this valuation is performed on the basis that no part of the main water board sewer or stormwater easement crosses beneath any part of the building. Should this not be the case, then this valuation will be requisitioned for comment.

The subject property has vehicular access from Pittwater Road.

4.0 ZONING:

Northern Beaches council indicates the subject property appears as being zoned Business Development B 5 under the Warringah Local Environmental Plan 2011. The subject property has no floor space ratio and a maximum building height of 11 metres. The subject property is situated within Area 5 Additional Permitted Uses Map.

A copy of the Section 149 Certificate under the Environmental Planning and Assessment Act 1979 has not been obtained and this information is subject to confirmation.

The present utility of the subject property is considered as conforming use under the advised zoning.

We further to assume that the subject property complies with the relevant Statutory Controls.

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5.0 LOCATION:

The subject property is considered as being located on the southern side of Pittwater Road.

The surrounding development is commercial / retail and industrial in nature with single and double storey and multi level building improvements.

Community shops, bus transport and schools are considered as being situated within close proximity to that of the subject property.

The Sydney CBD lies approximately 18 to 19 kilometres to the southeast by road.

6.0 IMPROVEMENTS:

Erected on the subject allotment is a single storey building, free standing and is considered to have a corrugated roof, internal guttering and down pipes, lead and aluminium framed windows. The external walls of the building are considered as being of fibrous weatherboard, painted brick, aluminium framed glass and formed concrete. The subject building is considered as having concrete floor construction. The internal ceiling heights within the front aspect administration part of the building are considered to be 3.0 metres approximately. We estimate the age of the subject building being 65 years approximately. According to our measurements, the overall gross building area of the subject commercial building appears as being 235 square metres approximately. Should this area vary considerably then we reserve the right to review our valuation. The general fit out of the subject building areas generally comprises of, tiled, floating and exposed concrete floors, windows, painted walls and ceilings and fluorescent lighting and plasterboard walls and ceilings and cement rendered and plasterboard internal walls. The subject building has wall mounted air conditioning and alarm system. The property has loading and receiving facilities access from Pittwater Road.

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The assumed layout is described as follows:

- Entry -** Floating floors, recessed light fittings, aluminium framed glass panel hinged door access, windows and painted walls and ceilings.
- Retail Area -** Floating floors, recessed light fittings and painted walls and ceilings.
- Storage Room -** Concrete floor, light fittings and painted walls and ceilings.
- Toilets -** Tiled floor and painted walls and ceilings and hand basins.
- Kitchenette -** Tiled floor, light fittings, painted walls and painted ceilings, plywood cupboards and doors and sink.
- Lunch Room -** Floating floor, light fittings, painted walls and painted ceilings.
- Office -** Carpeted floor, light fittings, windows, painted walls and ceilings.
- Warehousing Area -** Concrete floor, exposed walls and ceilings, lighting, roller door, ingress and egress areas.

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7.0 CONDITION AND REPAIR:

Externally the subject building is considered as being in good condition. Internally the subject building is considered as being in good condition as well. There appeared to be no wall cracking sighted on the outer and internal walls. The building is considered functional and fits into the surroundings.

We are not qualified to carry out structural surveys or test any of the services however in the course of our inspection, we did not note any items of disrepair, which would appear serious. However we are not able to give any assurance that the property is free from defect.

This valuation is subject to a satisfactory certificate of non-action (Certificate of Compliance Section 172) being attained under the Local Government Act.

No inquiries or examinations of any property, or any improvements erected thereon, has been made for any sign of timber infestation, asbestos or any other defect whether latent or patent.

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8.0 MARKET COMMENTARY:

The local commercial area real estate market is showing signs of encouraging sales results as the Reserve Bank speculate on interest rate movements. In our opinion interest rates are considered as being a dominant factor in the demand and supply for property and the movement of property prices.

From our discussions with some real estate agents they are reporting of a short supply of property for sale within the immediate area and that reasonably expected selling prices are being achieved and shorter periods of selling are currently being experienced also according to the real estate agents.

In my opinion, high levels of household debt, tighter lending criteria from the banks, possible rising unemployment and interest rate uncertainty may cause to reduce demand for real estate in the following twelve months in our opinion; alternatively low interest rates may have a positive impact to market in our opinion.

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9.0 SALES EVIDENCE:

I have considered and obtained several sales of considered com properties over varying suburbs to assist in providing an estimate as to the current open market value of the subject property. I have obtained information regarding the property sales described below from the following sources:

R P Data, which corresponds with information held by Land and Property Information Authority;

Commercial / Industrial Property Monitor, which is a publicly available database of property information;

I also conducted external inspection of the properties. Where possible, I had discussions with occupiers of the properties (either owner occupiers or renter occupiers).

In considering sale figures for comparable properties described below, I have taken into account and made adjustments for various factors affecting value such as location, condition, sale date, building area, topography, zoning, land area and the age, size, design of the improvements, car parking and construction finish.

In this report I have referred to the concept of an 'improved rate' which means the combined land and building value of property. The 'improved rate' is calculated by applying a formula:

$\text{Improved rate} = \frac{\text{sale price}}{\text{square metre area of building}}$

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We draw your attention to the following sales transactions: -

22 – 24 Roseberry Street Balgowlah – Sold for \$4,400,000 exclusive of GST in June 2017. Considered as land value sale. According to council records the land size is 2,329 square metres. The location is considered superior to that of the subject property. Access to this property is considered comparable to that of the subject property. The aspect of the property is considered as being comparable. *Having regard to our research, overall this property is considered superior to that of the subject property. Unimproved rate per square metre of the sale price is adopted as being \$1,889.22.*

9 West Street Brookvale – Sold for \$2,400,000 exclusive of GST in May 2017. According to our research this building features approximately 660 square metres of gross building area. According to council records the land size is 778 square metres. From an external viewing this building is considered to have superior construction finish to that of the subject building. From an external viewing, the building is constructed of concrete panel, concrete floors and is considered as having a metal roof. From an external viewing, this building is considered to be far younger in age to that of the subject building. From an external viewing, this building is free standing and is double storey. From an external viewing, this building is considered as being used as industrial and administrative services. The building has basement level parking and a detached garage facility. According to our research the overall internal presentation is considered far superior to that of the subject building. From an external viewing, the overall external presentation is considered far superior to that of the subject building. The location is considered inferior to that of the subject property. Access to this property is considered comparable to that of the subject property. The aspect of the property is considered as being inferior. *Having regard to our research, overall this property is considered inferior to that of the subject property. Improved rate per square metre of the sale price is adopted as being \$3,636.36. Sold as vacant possession. Unimproved rate per square metre is adopted as \$3,084.83.*

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17 Sydenham Road Brookvale – Sold for \$2,670,000 exclusive of GST in February 2018. According to our research this building features approximately 720 square metres of gross building area. According to council records the land size is 1006 square metres. From an external viewing this building is considered to have comparable construction finish to that of the subject building. From an external viewing, the building is constructed of double brick, concrete floors and is considered as having a metal roof. From an external viewing, this building is considered to be similar in age to that of the subject building. From an external viewing, this building is free standing and is predominantly single level and minor double storey. From an external viewing, this building is considered as being used as industrial and administrative services. According to our research the overall internal presentation is considered comparable to that of the subject building. From an external viewing, the overall external presentation is considered comparable to that of the subject building. The location is considered inferior to that of the subject property. Access to this property is considered comparable to that of the subject property. The aspect of the property is considered as being inferior. *Having regard to our research, overall this property is considered inferior to that of the subject property. Improved rate per square metre of the sale price is adopted as being \$3,708.33. Sold as occupied possession. Unimproved rate per square metre is adopted as \$2,654.08.*

81 – 83 Winbourne Road Brookvale – Sold for \$3,250,000 exclusive of GST in October 2017. According to our research this building features approximately 540 square metres of gross building area. According to council records the land size is 1,517 square metres. From an external viewing this building is considered to have comparable construction finish to that of the subject building. From an external viewing, the building is constructed of double brick, concrete floors and is considered as having a metal roof. From an external viewing, this building is considered to be similar in age to that of the subject building. From an external viewing, this building is free standing and is predominantly single level. From an external viewing, this building is considered as being used as industrial and administrative services. According to our research the overall internal presentation is considered inferior to that of the subject building. From an external viewing, the overall external presentation is considered inferior to that of the subject building. The location is considered inferior to that of the subject property. Access to this property is considered comparable to that of the subject property. The aspect of the property is considered as being inferior. *Having regard to our research, overall this property is considered superior to that of the subject property. Improved rate per square metre of the sale price is adopted as being \$6,018.52. Sold as occupied possession. Unimproved rate per square metre is adopted as \$2,142.39.*

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11 Clearview Place Brookvale – Sold for \$4,100,000 exclusive of GST in July 2017. According to our research this building features approximately 1,120 square metres of gross building area. According to council records the land size is 3,072 square metres. From an external viewing this building is considered to have superior construction finish to that of the subject building. From an external viewing, the building is constructed of concrete panel, concrete floors and is considered as having a metal roof. From an external viewing, this building is considered to be far younger in age to that of the subject building. From an external viewing, this building is free standing and is triple storey. From an external viewing, this building is considered as being used as industrial and administrative services. The building has basement level parking facility. According to our research the overall internal presentation is considered comparable to that of the subject building. From an external viewing, the overall external presentation is considered superior to that of the subject building. The location is considered inferior to that of the subject property. Access to this property is considered inferior to that of the subject property. The aspect of the property is considered as being inferior. *Having regard to our research, overall this property is considered superior to that of the subject property. Improved rate per square metre of the sale price is adopted as being \$3,660.71. Sold as vacant possession. Unimproved rate per square metre is adopted as \$1,334.64.*

628 Pittwater Road Brookvale – Sold for \$7,325,000 exclusive of GST in September 2015. From our external viewing this property is considered as being used as warehousing, office administration. Appears as being brick construction and metal roof. According to council records, the land size appears as being 4344 square metres approximately. According to our research the building area appears as being 2952 square metres approximately. The property is considered as having off street parking. Access to this property is considered as being comparable. The location is considered comparable. The aspect is considered as being comparable to that of the subject property. *According to Warringah council this property appears as being zoned B 5 Business Development. No floor space ratio. Maximum Building Height 11 metres. Analysed improved rate per square metre is adopted as \$2,481.37. According to council information, development of this property is subject to flooding control consideration. Offered as vacant possession. Market adjustment 20%. Adjusted improved rate per square metre of \$2,977.64. Unimproved rate per square metre is adopted as \$1,686.23.*

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762 – 770 Pittwater Road Brookvale – Sold for \$10,400,000 exclusive of GST in March 2015. From our external viewing this property is considered as being used as car dealership, office administration and automotive workshop. Appears as being brick construction and metal roof. According to council records, the land size appears as being 4870 square metres approximately. According to our research the building area appears as being 1119 square metres approximately. The subject property comprises an expansive site area capturing a frontage to Pittwater Rd of 60m together with a 65m frontage and dual access via West Street. Current improvements comprise of a fully functional car dealership centre including a showroom, offices, a service centre, and an expansive hardstand. Fronting West Street are two industrial properties. The properties are currently fully leased on flexible terms allowing for investment or vacant possession. The offering is further enhanced by way of an existing, approved DA for a further 3 levels commercial, retail or automotive development fronting Pittwater Rd which could add further improvements of 3,210sqm. The property is considered as having off street parking. Access to this property is considered as being comparable. The location is considered inferior. *According to Warringah council the majority of this property appears as being zoned B 5 Business Development and minor IN1 General Industrial. No floor space ratio. Maximum Building Height 11 metres. Analised improved rate per square metre is adopted as \$9,294.01. According to council information, development of this property is subject to flooding control consideration. Market adjustment 20%. Adjusted improved rate per square metre of \$11,152.81. Unimproved rate per square metre is adopted as \$2,135.52.*

638 Pittwater Road Brookvale – Sold for \$11,362,000 exclusive of GST in December 2015. From our external viewing this property is considered as being used as warehousing, office administration. Existing improvements provide retail and office accommodation over two floors with high clearance warehouse and on-grade car parking for some 27 vehicles located to the rear. Appears as being brick construction and metal roof. According to council records, the land size appears as being 2662 square metres approximately. According to our research the building area appears as being 2290 square metres approximately. The property is considered as having off street parking. Access to this property is considered as being superior. The location is considered inferior. The aspect is considered as being inferior to that of the subject property. *According to Warringah council this property appears as being zoned B 5 Business Development. No floor space ratio. Maximum Building Height 11 metres. Analised improved rate per square metre is adopted as \$4,961.57. According to council information, development of this property is subject to flooding control consideration. Market adjustment 20%. Adjusted improved rate per square metre of \$5,953.88. Unimproved rate per square metre is adopted as \$4,268.22.*

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Meadow Real Estate Pty Ltd
A.C.N. 604240335
A.B.N. 11622765421
2 Wattle Place Carlingford NSW 2118
Phone 9871 3195 Mobile 0414 492 800
Liability Limited by a Scheme Approved Under Professional Standards Legislation

10.0 MARKET VALUE:

Market Value is defined as being the estimate amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing where the parties had each acted knowledgeable, prudently and without compulsion.

11.0 VALUATION METHODOLOGY:

The primary method of valuation was the direct comparison method.

Having regard to our sales evidence the unimproved and improved rate per square value range is stated as follows:

\$1,334.64 - \$11,152.81 per square metre

The above range has regard to the smaller and larger land areas of the sales evidence to that of the subject property relative, building sizes, age, access, location, ratio of warehousing and office, zoning, building height, site access, carparking and condition of the improvements.

Having regard to our sales evidence we are of the opinion that an adjusted unimproved rate per square metre for the subject property would be considered as being \$3,500.00.

Therefore

Unimproved 752.5 square metres		
@ \$3,500.00 per square metre unimproved =		\$2,633,750
Allowance for improvements	\$200,000	
Total		
(Land & improvements combined)		\$2,833,750
Adopt		\$2,835,000

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12.0 VALUATION:

In accordance with the foregoing, I am of the opinion that the estimate of the current market value of the subject described commercial property, unencumbered fee simple interest in possession subject to the comments contained herein and assuming the property is otherwise free of encumbrances, restrictions or impediments of an onerous **is assessed to be (Two Million, Eight Hundred And Thirty Five Thousand Dollars).**

\$2,835,000

DATE INSPECTED: 30th July 2018

DATE REPORTED: 30th July 2018

In order to clarify the GST position, the opinion assessed above excludes the GST component. The parties should seek their own legal advice in relation for any liability to pay GST.

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13.0 DISCLAIMER:

This valuation is for the use of only of the party to whom it is addressed and for no other purposes. No responsibility is accepted by either the valuer whose signature appears herein to any third party who may rely on the whole or part of the content of the valuation.

This valuation report is not to be used as a structural report and does not cover any environmental contamination, heritage affectation, flooding and bush fire affectation.

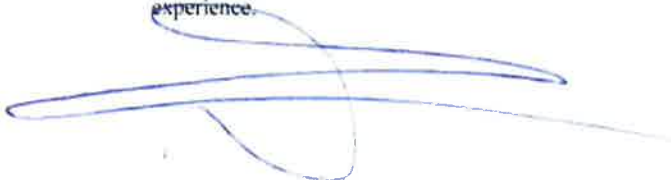
Neither the whole or any part of this valuation nor any reference there to maybe included in any published document, circular or statement or published in any way without our written approval of the form and context in which it may appear.

This valuation is current as at the date of valuation only. The value assessed herein may change significantly, unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of the inspection, or such earlier date if you become aware of any factors that have an effect on the valuation.

We advise that there is no relationship with the client. This valuation has regard to industry practices and processes.

Adrian Staltari is an independent real estate professional with 25 years of real estate experience.



Adrian Staltari AAPI APIV J P
Licensed Real Estate Agent
Certified Practising Real Estate Valuer
Australian Property Institute Associate Member Number 69020

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Photo



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Deposited Plan

Reg: 1006818 / Des: DP 0100686 P / Rev: 02-04-2018-1002 / Sca: MK, OK / Pgs: 11X / Ref: 31-Jan-2018 15:43 / Sec: 1 of 2
 Ref: MEMORANDUM / Sca: 3



358431	Description.	FP900686
FISHER & NOTT, SOLICITORS 1000 WYNDHAM ST., TOWN'S CHAMBERS, 88 PITT STREET, SYDNEY.	Prepared for J. W. Jones Esq. part of Lots no. sections 8 Grounds Estate	

That Sherd of Cont. containing — — — — — 2 1/2 acres

is in the PARISH of Moody Cove
 COUNTY of CUMBERLAND, in the STATE of NEW SOUTH WALES,
 and being part of Lot 112 of Section 8. on Dep. Plan
 177 1521 at Grounds Estate

Commencing at a point on the
 South Eastern side of New Pittwater Road
 bearing 35° 21' and distant 77 feet 11 inches
 from its intersection with the Northern
 side of Orchard Road, bounded on the
 South by a line bearing 92° 50' 30" 110 feet
 8 1/4 inches on the East by a line bearing
 17° 0' 15" 77 feet 11 1/2 inches on the North by
 part of the Southern boundary of Lot 3
 bearing 271° 11' 109 feet to New Pittwater
 Road from the North East by that
 Road bearing 212° 21' 77 feet 11 1/2 inches
 to the point of commencement

FP 900686

Ernest Jones
 Esq.
 in Witness Whereof
 Date 3 Sunny 1888

This is the Plan referred to in a Deed made by
 Philip Sydney Hall made before me this
 1st day of February 1888.

John Howard Nelson
 Justice of the Peace

John Howard Nelson, Justice of the Peace, certify that the
 signature is a photograph made as a permanent record of its
 contents in my custody this 28th day of January 1990.

John Howard Nelson

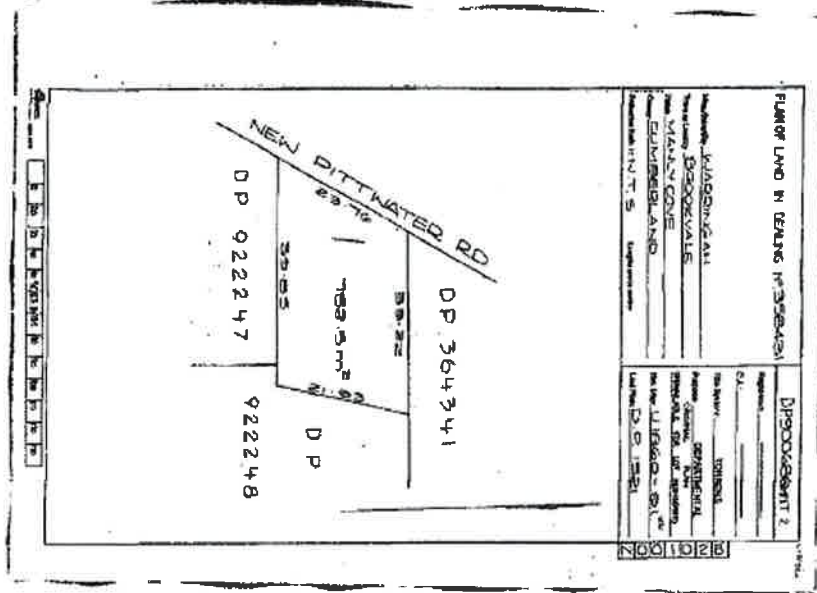
Reg: 3008915 / Doc: DP 0900606 # / Rev: 02-Dec-1992 / Sta: OR. OR. / Eyr: ALL / #ct: 31-Jul-2018 15:43 / Seq: 2 of 8
 Ref: MBADOM / Sca: 8

2

AMENDMENTS AND/OR ADDITIONS MADE ON
 PLAN IN THE LAND TITLES OFFICE

NO 501 50 40 50 80 90 100 110 120 130 140

This negative is a photographic print as a permanent record of a document in the custody of the Registrar General (the day: 20 August, 1991)



PLANNING LAND IN DENMARK N° 3364341

DP 364341

DP 922247

DP 922248

NEW PITTNATER RD

789.5 m²

D P

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/900686

SEARCH DATE	TIME	EDITION NO	DATE
31/7/2018	3:39 PM	5	18/8/2005

LAND

LOT 1 IN DEPOSITED PLAN 900686
 A1 BROOKVALE
 LOCAL GOVERNMENT AREA NORTHERN BEACHES
 PARISH OF MANLY COVE COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP900686

FIRST SCHEDULE

HARDENBERGIA PTY LIMITED (T 5603258)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AB704847 LEASE TO COATES HIRE OPERATIONS PTY LIMITED OF 640
 PITTWATER ROAD, BROOKVALE. EXPIRES: 30/6/2009. OPTION
 OF RENEWAL: 4 YEARS.
- * AF26208 VARIATION OF LEASE AB704847 EXPIRY DATE NOW
 30/6/2013.
- * AM809467 VARIATION OF LEASE AB704847 EXPIRY DATE NOW
 30/6/2016.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

meadow

PRINTED ON 31/7/2018

Search Date/Time: 31/07/2018 3:39PM

LEGALSTREAM AUSTRALIA - hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.
 * Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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*Mendow Real Estate Pty Ltd
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Land and Property Information Search

SIX

Page 1 of 1

NEW SOUTH WALES LAND REGISTRY SERVICES - LAND VALUE SEARCH

PROPERTY NO: 933691
 LGA: NORTHERN BEACHES (FORMERLY WARRINGAH)
 ADDRESS OF PROPERTY: 640 PITWATER RD,
 BROOKVALE NSW 2100
 DESCRIPTION OF LAND: 1/900686
 PROPERTY AREA: 752.5 SQUARE METRES
 PROPERTY DIMENSIONS: 23.76 / 21.93 X 39.85 / 33.22
 VALUING YEAR: 01/07/2017 DATE VALUATION WAS MADE: 25/08/2017
 ZONING USED FOR VALUATION: BUSINESS DEVELOPMENT
 LAND VALUE AUTHORITY: 14A(1) - ANNUAL REVALUATION
 GROSS LAND VALUE: \$1,800,000
 DIVISION 3 AND 4 ALLOWANCES: NOT APPLICABLE
 NET LAND VALUE: \$1,800,000
 LAND VALUE BASIS: 6A(1) - THE LAND VALUE IS THE FREEHOLD VALUE OF
 THE LAND EXCLUDING ANY STRUCTURAL IMPROVEMENTS

OTHER ALLOWANCES/CONCESSIONS: NOT APPLICABLE

THE CURRENT LAND VALUE FOR RATING PURPOSES IN THE LOCAL GOVERNMENT AREA
 OF WARRINGAH IS THE VALUE AT 1 JULY 2016.

PRODUCED: 27 JULY 2018 22:12:42 PROPERTY STATUS AT THIS DATE: CURRENT

THIS LAND VALUE SEARCH DOES NOT CONVEY A RIGHT OF OBJECTION TO THE LAND VALUE.

THE VALUES SHOWN ARE CURRENT FOR THE VALUING YEAR AS AT TODAY'S DATE.
 THE VALUER GENERAL CONDUCTS ONGOING REVIEWS OF LAND VALUES
 AND THEREFORE THE VALUES SHOWN MAY CHANGE.

THE LAND VALUE RECORDED ON THIS LAND VALUE SEARCH HAS BEEN DETERMINED
 UNDER THE VALUATION OF LAND ACT 1916 (AND THE HERITAGE ACT 1977, WHERE
 APPLICABLE) FOR RATING AND TAXING PURPOSES. LAND VALUES HAVE REGARD TO
 THE REQUIREMENTS OF RATING AND TAXING LEGISLATION AND SHOULD NOT BE USED
 FOR ANY OTHER PURPOSE WITHOUT THE SPECIFIC AGREEMENT OF THE VALUER GENERAL.

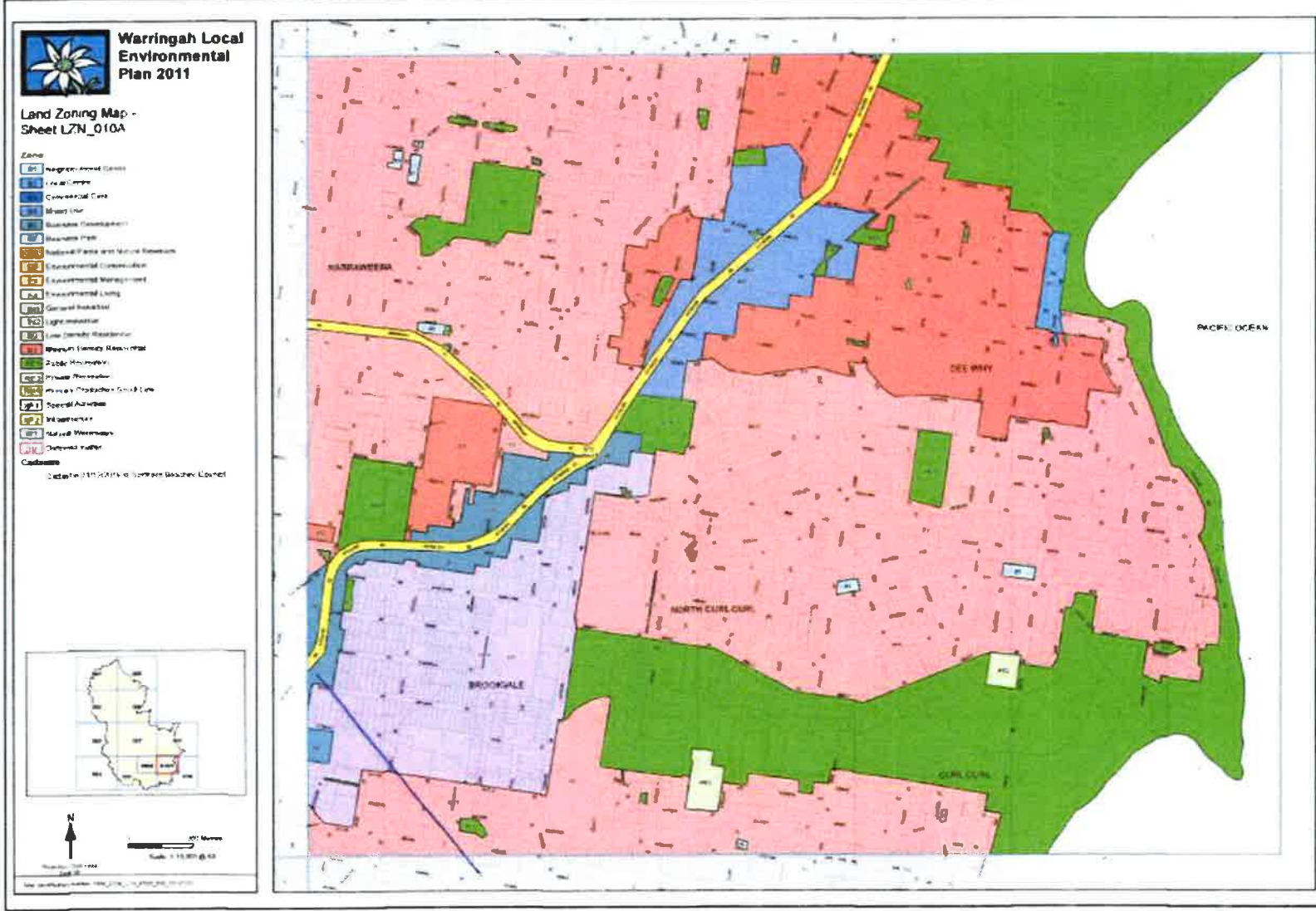
*** END OF SEARCH ***

CLIENT REFERENCE:

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Zoning Map



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Additional Permitted Use Explanation

Warringah Local Environmental Plan 2011

Current version for 29 June 2018 to date (accessed 31 July 2018 at 15:53)

Schedule 1

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 8 Aperta Place, Beacon Hill

- (1) This clause applies to land at 8 Aperta Place, Beacon Hill, being Lot 7, DP 236335, shown as "Area 1" on the Additional Permitted Uses Map.
- (2) Development for the purposes of 1 dwelling house is permitted with consent (provided that the design and construction of the development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties).

2 Use of certain land at 5 Hews Parade, Belrose

- (1) This clause applies to land at 5 Hews Parade, Belrose, being Lot 6, DP 834036, shown as "Area 2" on the Additional Permitted Uses Map.
- (2) Development for the purposes of pubs is permitted with consent.

3 Use of certain land at corner of Mona Vale Road and Forest Way, Belrose

- (1) This clause applies to land at the corner of Mona Vale Road and Forest Way, Belrose, shown as "Area 3" on the Additional Permitted Uses Map.
- (2) Development for the purposes of bulky goods premises, business premises (with a gross floor area not exceeding 2,500m²), function centres, hotel or motel accommodation, pubs and shops (with a gross floor area not exceeding 2,500m²) is permitted with consent.
- (3) Hotel or motel accommodation and pubs referred to in subclause (2) must include at least one room for the holding of conferences, functions and similar events.

4 Use of certain land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest

- (1) This clause applies to land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest, shown as "Area 4A", "Area 4B" or "Area 4C" on the Additional Permitted Uses Map.
- (2) Development for the purposes of 1 dwelling house on each lot is permitted with consent (provided that each dwelling is constructed having regard to the constraints, potential instability and visual sensitivity of the land and any impact on the water quality of Middle Harbour).

5 Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale

- (1) This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as "Area 5" on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with consent:
 - (a) office premises,
 - (b) retail premises,

(c) shop top housing.

- (3) Consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone IN1 General Industrial.

6 Use of certain land at Cottage Point

- (1) This clause applies to land at Cottage Point, being Lot 1, DP 930591, Lot 1, DP 922754, Lot 3, DP 929708 and Lot 4, DP 929708, shown as "Area 6" on the Additional Permitted Uses Map.
- (2) Development for the purposes of kiosks, marinas, neighbourhood shops and registered clubs is permitted with consent.

7 Use of certain land at 2 Anderson Place, Cottage Point

- (1) This clause applies to land at 2 Anderson Place, Cottage Point, being Lot 23, DP 819003, shown as "Area 7" on the Additional Permitted Uses Map.
- (2) Development for the purposes of restaurants or cafes is permitted with consent.

8 Use of certain land at 30 Campbell Avenue, Cromer

- (1) This clause applies to land at 30 Campbell Avenue, Cromer, being Lot 1, DP 227969, shown as "Area 8" on the Additional Permitted Uses Map.
- (2) Development for the purposes of pubs is permitted with consent.

9 Use of certain land at Pittwater Road, Dee Why

- (1) This clause applies to land at Pittwater Road, Dee Why, being Lot 1, DP 706230, shown as "Area 9" on the Additional Permitted Uses Map.
- (2) Development for the purposes of recreational facilities (indoor) (provided that the facility operates in conjunction with a registered club) and registered clubs is permitted with consent.

10 Use of certain land at Melwood Avenue, Forestville

- (1) This clause applies to land at Melwood Avenue, Forestville, being Lot 2589, DP 752038 and Lot 31, DP 366454, shown as "Area 10" on the Additional Permitted Uses Map.
- (2) Development for the purposes of registered clubs is permitted with consent.

11 Use of certain land at corner of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly

- (1) This clause applies to land at corner of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly, shown as "Area 11A" or "Area 11B" on the Additional Permitted Uses Map.
- (2) Development for the purposes of industrial retail outlets, service stations, hardware and building supplies, vehicle body repair workshops, vehicle repair stations and wholesale supplies is permitted with consent.

12 Use of certain land at 39 Frenchs Forest Road East, Frenchs Forest

- (1) This clause applies to land at 39 Frenchs Forest Road East, Frenchs Forest, being Lot X, DP 405206, shown as "Area 12" on the Additional Permitted Uses Map.
- (2) Development for the purposes of pubs is permitted with consent.

13 Use of certain land at Lumedaine Drive, Freshwater

- (1) This clause applies to land at Lumsdaine Drive, Freshwater, being Lot 100, DP 1136132 and Lot 2, DP 579837, shown as "Area 13" on the Additional Permitted Uses Map.
- (2) Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction with a registered club) and registered clubs is permitted with consent.

14 Use of certain land at 29 Moore Road, Freshwater

- (1) This clause applies to land at 29 Moore Road, Freshwater, being Lots 1–5, Section 1, DP 7022 and Lot 13, Section 1, DP 7022, shown as "Area 14" on the Additional Permitted Uses Map.
- (2) Development for the purposes of pubs is permitted with consent.

15 Use of certain land at 80 Undercliff Road, Freshwater

- (1) This clause applies to land at 80 Undercliff Road, Freshwater, being Lot B, DP 329073, shown as "Area 15" on the Additional Permitted Uses Map.
- (2) Development for the purposes of restaurants or cafes is permitted with consent.

16 Use of certain land at 1260 Pittwater Road, Narrabeen

- (1) This clause applies to land at 1260 Pittwater Road, Narrabeen, being Lots 1 and 2, DP 1094308, shown as "Area 16" on the Additional Permitted Uses Map.
- (2) Development for the purposes of hotel or motel accommodation is permitted with consent.

17 Use of certain land at 2 Aumuna Road, Terrey Hills

- (1) This clause applies to land at 2 Aumuna Road, Terrey Hills, being Lot 6, DP 739456, shown as "Area 17" on the Additional Permitted Uses Map.
- (2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, pubs, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

18 Use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills

- (1) This clause applies to land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills, shown as "Area 18" on the Additional Permitted Uses Map.
- (2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

19 Use of certain land in Zone RE1

- (1) This clause applies to the following land:
 - (a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as "Area 19A" on the Additional Permitted Uses Map,
 - (b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as "Area 19B" on that map,
 - (c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as "Area 19C" on that map,
 - (d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as "Area 19D" on that map.

- (2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

20 Use of certain land at Bundaleer Street, Belrose

- (1) This clause applies to land at Bundaleer Street, Belrose, being Lot 2, DP 1144741, shown as "Area 20" on the Additional Permitted Uses Map.
- (2) Development for the purposes of recreation facilities (outdoor) is permitted with consent.

21 Use of certain land at 184 Wyndora Avenue, Freshwater

- (1) This clause applies to land at 184 Wyndora Avenue, Freshwater, being Lots 1, 2, 33, 34 and 35, DP 7912, shown as "Area 21" on the Additional Permitted Uses Map.
- (2) Subdivision of the land and development for the purposes of attached dwellings is permitted with consent.
- (3) Development consent may only be granted under this clause to a single development application that provides for:
 - (a) the subdivision of the land to create not more than 14 lots, and
 - (b) the erection of not more than 14 attached dwellings.
- (4) Consent must not be granted under this clause to development for the purposes of an attached dwelling unless the consent authority is satisfied that the proposed development includes a single basement car park providing parking spaces for each of the dwellings erected on the land to which this clause applies.

22 Use of certain land at 632 and 634 Warringah Road, Forestville

- (1) This clause applies to land at 632 and 634 Warringah Road, Forestville, being Lots 9 and 8, DP 25052, shown as "Area 22" on the Additional Permitted Uses Map.
- (2) Development for the purposes of:
 - (a) a service station, and
 - (b) a neighbourhood shop (with a retail floor area not exceeding 240m²),
 is permitted with consent if the land is used for both purposes, concurrently.

23 Use of certain land at 729–731 Pittwater Road, Dee Why

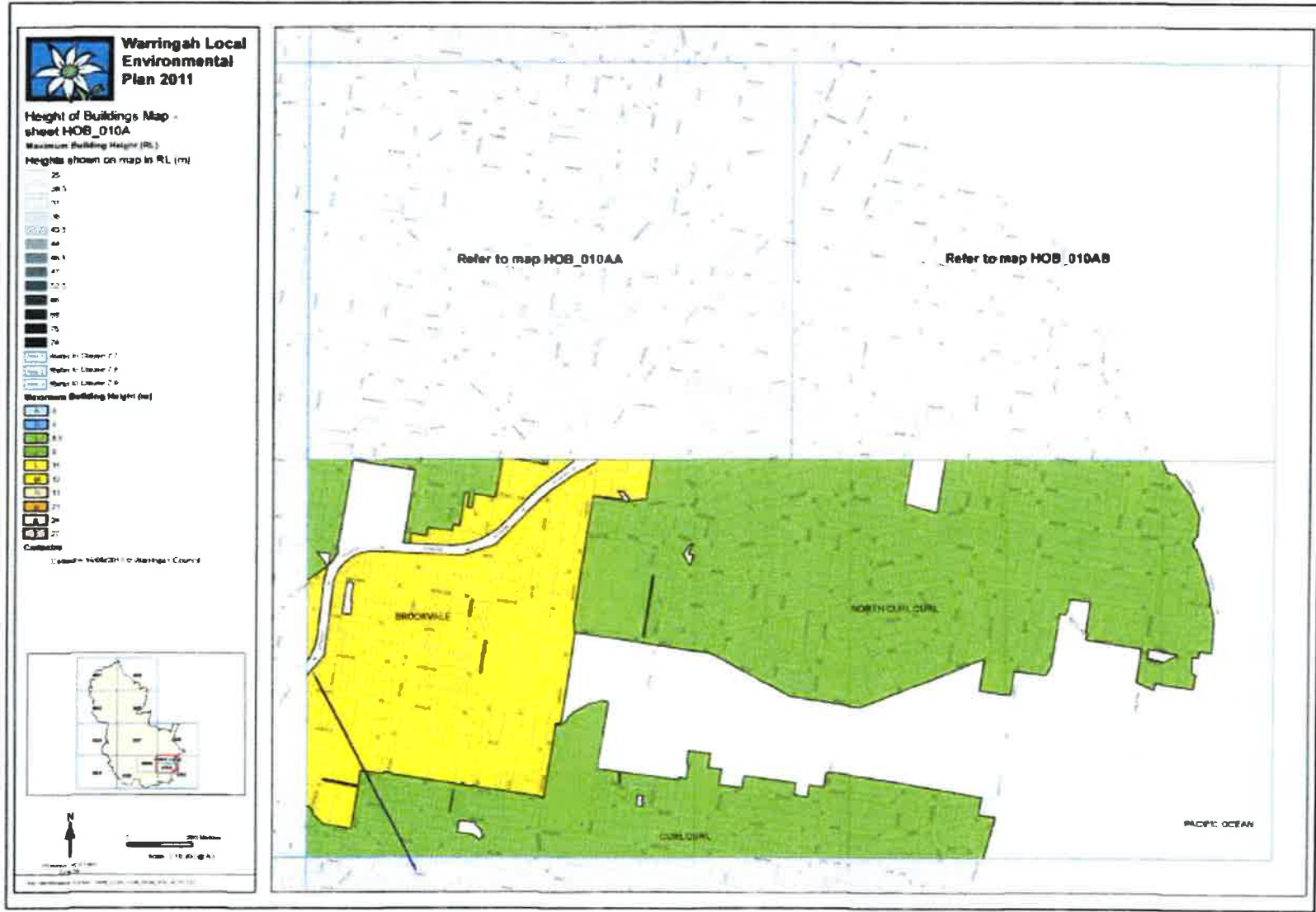
- (1) This clause applies to land at 729–731 Pittwater Road, Dee Why, being Lot CP, SP 13436, shown as "Area 23" on the Additional Permitted Uses Map.
- (2) Development for the purposes of medical centres and office premises is permitted with consent.



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Maximum Building height Map



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Additional Permitted Uses Map



**Warringah Local
Environmental
Plan 2011**

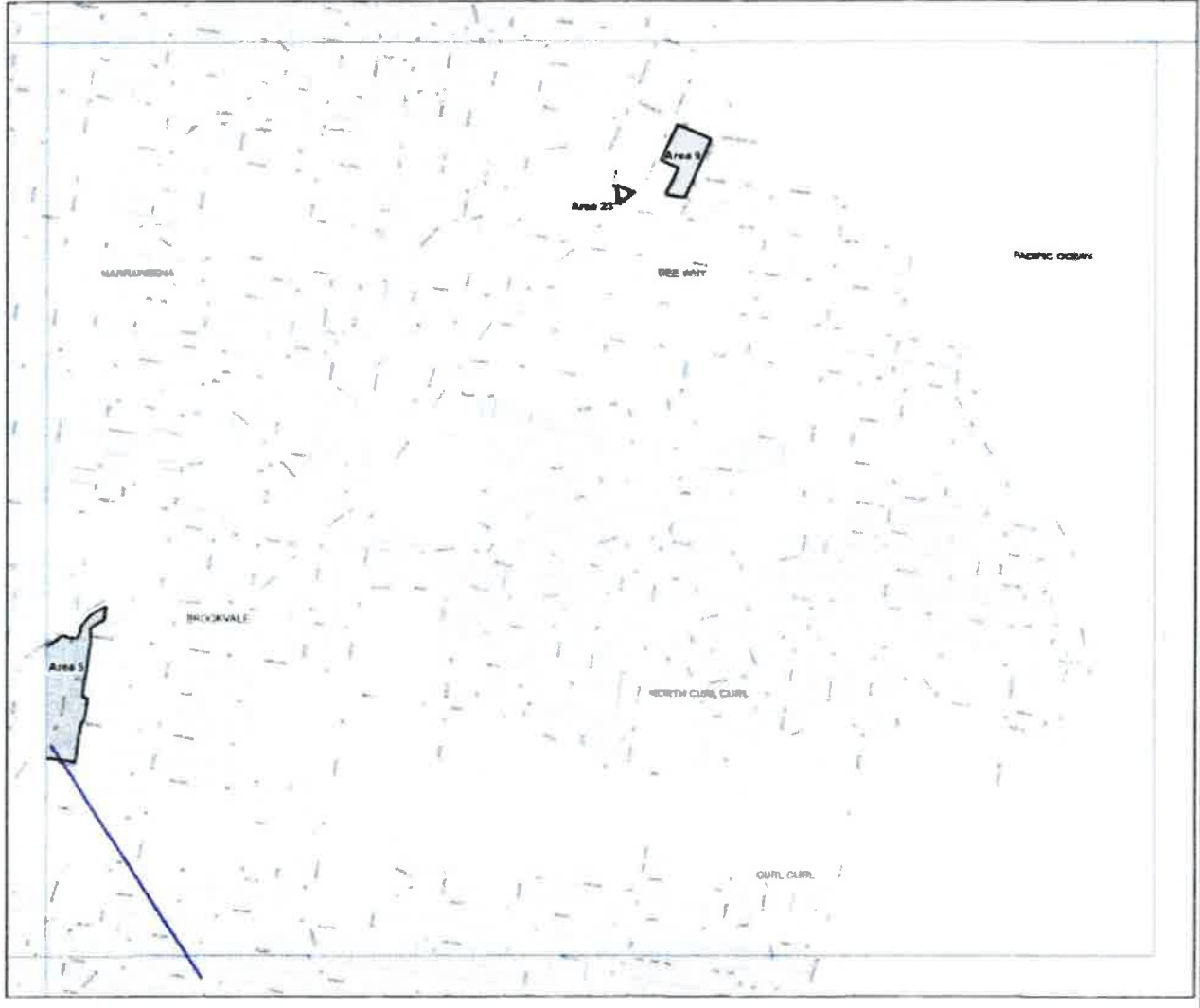
**Additional Permitted Uses Map -
Sheet APU_010A**

NSW Additional Permitted Uses
Codebook

Caution: This Codebook is Northern Beaches Council



Map of Northern Beaches Council, NSW, 2011, 1:100,000



ANNEXURE 2

ARCHITECT SEPP 65/ DESIGN VERIFICATION STATEMENT



+612 9655 8028
 info@barryrush.com.au
 http://barryrush.com.au/

suite 25A
 2 Beattie St
 Balmain
 NSW 2041
 Australia

**BARRY RUSH
 & ASSOCIATES**
 Pty Ltd architects
 ABN 61 001 855 349



20th November 2018

Architect's Design Verification Statement.

PROJECT ADDRESS	Residential Development 638 Pittwater Road BROOKVALE
PROJECT DESCRIPTION	SHOP-TOP Housing Development Basement – 3 levels of Car parking Resident and Commercial 164 car spaces Ground – Commercial space x 2 and parking 2 Levels of Residential Accommodation (First and Second Floor levels) 40 residential units (1, 2 & 3 Bedroom) 12 Commercial units

I, Barry Rush being the Principal of Barry Rush & Associates Pty Ltd Architects, certify that

1. The aforementioned project has been designed by Barry Rush.
2. The proposed development achieves the design quality principles set out in the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
3. SEPP 65 Design Verification Statement is provided which addresses how the design quality principles are achieved, and demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.
4. Architectural DA Drawings prepared by the firm are adequate for the purposes of the project and have been fully checked.

Barry Rush

Barry Rush
 Architect (NSW Architects Registration No: 3753)
 Barry Rush & Associates Pty Ltd – Architects

ANNEXURE 3

APARTMENT DESIGN GUIDE COMPLIANCE TABLE

APARTMENT DESIGN GUIDE COMPLIANCE TABLE				
	OBJECTIVE & DESIGN CRITERIA	DESIGN CRITERIA	PROPOSED	COMMENT
Part 3, Siting the Development				
Site Analysis	Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationships to the surrounding context		Complies	Refer to Site Analysis Plan. Orientation to maximize solar access, north east sea breezes and outlook to the north/ north east.
Orientation	Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development		Complies	Building appropriately addresses all street frontages whilst optimising solar access.
	Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter		Complies	Refer accompanying shadow diagrams. No non-compliant overshadowing impacts.
Public Domain Interface	Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security		Complies	Building entrances clearly marked and public/ private domain interface appropriately defined.
	Objective 3C-2 Amenity of the public domain is retained and enhanced		Complies	Significant streetscape and landscaping improvements.

Communal and Public Open Space	Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping		Complies	Appropriate area of landscaped communal open space provided at podium level
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting		Complies	-
	Objective 3D-3 Communal open space is designed to maximise safety		Complies	-
	Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood		Complies	-
Deep Soil Zones	Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	7% site area deep soil zone minimum dimension 3 metres.	N/A	No deep soil zones required in zone
Privacy	Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal privacy.	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear are as follows: Up to 12m (4 storeys): Habitable Rooms and Balconies: 6m Non-habitable rooms: 3m	Objective compliant setbacks maintained with good levels of privacy achieved.	Yes

	Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		Complies	-
Pedestrian Access and Entries	Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain		Complies	The residential entries are from Orchard Road and Charlton Lane with retail access from each street frontage. All entries address the public domain and provide clearly identifiable and separate access points for the residential and retail components of the development.
	Objective 3G-2 Access, entries and pathways are accessible and easy to identify		Complies	Refer to BCA/ Access Report and Landscape Plan
	Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations		N/A	-
Vehicle Access	Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		Complies	Driveway access to the basement provided from Charlton Lane with deliveries occurring from Orchard Road. Refer to Traffic Impact Statement for its acceptability.

Bicycle and Car Parking	Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	<p>For development in the following locations:</p> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre 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>The car parking needs for a development must be provided off street.</p>	Compliant resident, visitor and retail parking provided Refer to Traffic Impact Statement for its acceptability.	Yes
	Objective 3J-2 Parking and facilities are provided for other modes of transport		Complies	Bicycle parking is provided throughout the basement areas.
	Objective 3J-3 Car parking design and access is safe and secure		Complies	Refer to Traffic Impact Statement. Both entry and egress in a forward direction.
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised		Complies	Yes

	Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised		N/A	-
	Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimized		N/A	-
Part 4, Designing the Building				
Solar and Daylight Access	Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</p>	32 of 40 (80%) apartments receive 2 hours of solar access between 9am and 3pm	Yes
	Objective 4A-2 Daylight access is maximised where sunlight is limited		Complies	Yes
	Objective 4A-3 Design incorporates shading and		Complies	Yes

	glare control, particularly for warmer months			
Natural Ventilation	Objective 4B-1 All habitable rooms are naturally ventilated		Complies	-
	Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation		N/A	-
	Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>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</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	39 of 40 (98%) of apartments are naturally cross-ventilated	Yes
Ceiling Heights	Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Habitable rooms: 2.7m</p> <p>Non-habitable: 2.4m</p> <p>For 2 storey apartments: 2.7m for main living area floor / 2.4m for second floor</p>	Complies	Yes

		<p>where its area does not exceed 50% of the apartment area</p> <p>Attic spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope</p> <p>If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use</p>		
	<p>Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms</p>		Complies	Yes
	<p>Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building</p>		Noted	
<p>Apartment Size and Layout</p>	<p>Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p>	<p>1. Apartments are required to have the following minimum internal areas:</p> <p>Studio – 35m²</p> <p>1 bedroom – 50m²</p> <p>2 bedroom – 70m²</p> <p>3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p>	Complies	Yes

		<p>2. 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</p>	<p>Some variations however acceptable on merit given room geometry and orientation.</p>	<p>Yes</p>
	<p>Objective 4D-1 Environmental performance of the apartment is maximised</p>	<p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Complies</p> <p>Minor variations however acceptable on merit given room geometry and orientation.</p>	<p>Yes</p>
	<p>Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p>	<p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. 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 	<p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p>

	Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building		Complies	Balconies and terraces contribute to the overall building design and form.
	Objective 4E-4 Private open space and balcony design maximises safety		Complies	-
Common Circulation Spaces	Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	<p>1. The maximum number of apartments off a circulation core on a single level is eight</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	Complies N/A	The maximum number of apartments off the circulation core is less than 8 per level.
	Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents		Complies	Yes
Storage	Objective 4G-1 Adequate, well designed storage is provided in each apartment	<p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <p>Studio - 4m³ storage volume</p> <p>1 Bed. - 6m³ storage volume</p> <p>2 Bed - 8m³ storage volume</p> <p>3+ Bed - 10m³ storage volume</p>	Complies Ample storage is available in each apartment as they are well over the minimum required internal sizes. Additional dedicated secure storage is provided for each unit in the parking area.	Yes

		At least 50% of the required storage is to be located within the apartment		
	Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments		Complies	-
Acoustic Privacy	Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout		Complies	Yes
	Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments		Complies	Yes
Noise and Pollution	Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings		Complies	Yes
	Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission		Complies	Yes
Apartment Mix	Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future		Complies	An appropriate mix is proposed to meet market demand
	Objective 4K-2 The apartment mix is distributed to suitable locations within the building		Complies	-

Ground Floor Apartments	Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located		N/A	-
	Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents		N/A	-
Facades	Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area		Complies	Yes
	Objective 4M-2 Building functions are expressed by the facade		Complies	As above
Roof Design	Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street		Complies	Yes
	Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised		N/A	N/A
	Objective 4N-3 Roof design incorporates sustainability features		Complies	Yes
Landscape Design	Objective 4O-1 Landscape design is viable and sustainable		Complies	Indigenous, low water use plant species proposed. Refer to Landscape Plan and BASIX submitted with the Application.

	Objective 4O-2 Landscape design contributes to the streetscape and amenity		Complies	Refer to montages and Landscape Plan submitted with the Application.
Planting on Structures	Objective 4P-1 Appropriate soil profiles are provided		Complies	Refer to Landscape Plan submitted with the Application.
	Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance		Complies	Refer to Landscape Plan submitted with the Application.
	Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces		Complies	-
Universal Design	Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members		Complies	Refer to BCA/ Access Report submitted with the Application.
	Objective 4Q-2 A variety of apartments with adaptable designs are provided		Complies	Refer to BCA/ Access Report submitted with the Application.
	Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs		Complies	Refer to BCA/ Access Report submitted with the Application.
Adaptive Reuse	Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place		N/A	-

	Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse		N/A	-
Mixed Use	Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement		Complies	Yes
	Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		Complies	Yes
Awnings and Signage	Objective 4T-1 Awnings are well located and complement and integrate with the building design		Complies	Yes
	Objective 4T-2 Signage responds to the context and desired streetscape character		N/A	Separate approval required
Energy Efficiency	Objective 4U-1 Development incorporates passive environmental design		Complies	All habitable rooms receive adequate natural light. Balconies are oversized to allow for clothes drying areas, highly efficient appliances are to be provided to all units, solid concrete floors and masonry wall construction provide thermal mass, overhanging roofs shade the units and cross ventilation to all units adjacent to

				sea breezes will minimise reliance on air conditioning.
	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		Complies	Refer to BASIX Report submitted with the Application
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation		Complies	All apartments receive adequate natural ventilation.
Water Management and Conservation	Objective 4V-1 Potable water use is minimised		Complies	-
	Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters		Complies	Refer to Stormwater Plans
	Objective 4V-3 Flood management systems are integrated into site design		N/A	-
Waste Management	Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents		Complies	A large and easily accessible bin store is for general waste and recycling.
	Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling		Complies	Consolidated bin areas provided.

Building Maintenance	Objective 4X-1 Building design detail provides protection from weathering		Complies	Yes
	Objective 4X-2 Systems and access enable ease of maintenance		Complies	Yes
	Objective 4X-3 Material selection reduces ongoing maintenance costs		Complies	Yes