

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0141
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	<p>Lot 3 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410, 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
Proposed Development:	Modification of Development Consent DA2016/0705 granted for Construction of a Mixed Use Development comprising retail commercial and residential uses and a child care centre
Zoning:	<p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p> <p>Warringah LEP2011 - Land zoned B4 Mixed Use</p>

Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Karimbla Constructions Services (NSW) Pty Ltd

Application lodged:	22/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New multi unit
Notified:	Not Notified
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099
------------------------------	---

	<p>Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
Detailed Site Description:	<p>The site is irregular in shape and is bound by Howard Avenue to the north, Oaks Avenue to the south and Pittwater Road to the west. The site is further bound by shared boundaries between itself and several other development sites both to the east and south-west. The site has a total area of 14.466m².</p> <p>The site is centrally located within the Dee Why Town Centre as defined in the Dee Why Town Centre Master Plan 2013 (DYTC Masterplan).</p> <p>The existing topography of the site slopes from west to east, with a cross-fall of approximately 4m from the highest point on the south-western corner of the Pittwater Road frontage, to the lowest point at the north-eastern corner of the site on Howard Avenue.</p>

Map:



SITE HISTORY

DA2016/0705 for the construction of a new mixed-use development including a town centre was approved on 10 May 2017. Construction has commenced and is at an advanced stage.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to Modify Development Consent No. 2016/0705 by amending the timing for the satisfaction of the number of Conditions as contained within the consent to facilitate the phased construction of the development.

The conditions that are subject to this application are listed within the Statement of Environmental Effect, as prepared by Meriton dated 20 March 2018.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2016/0705, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on the application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact, as proposed amendments will not result in any additional environmental impact beyond that which would result from the approved development. The proposed amendments are relatively minor modifications and there no changes to the external configuration of the approved development.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed development is substantially the same as that approved pursuant to DA2016/0705 as the proposed modification would not alter the use, the bulk and scale of the building or its built form. Generally, the appearance of the approved development would remain unchanged.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 the consent authority must take into

consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See the discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15(1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation is not required for this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The proposed modification does not change the suitability of the site of the approved development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the discussion on “Public Exhibition” in this report.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application was not notified.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The applicant proposes various amendments to specified conditions, Condition 87 'Fire Safety Matters', and 96 'Disabled Carparking ' amongst them. Due to the nature of the development, the requested change to these conditions to enable phased occupation of the development is appropriate to link the condition to the Occupation Certificate for each relevant building rather than the entire development for Fire Safety matters and the FOC for Accessible parking requirements. Accordingly, no objections to the proposed rewording to read ' <i>prior to the issue of the Occupation Certificate for the relevant building</i> ' for condition 87; and ' <i>prior to the issue of the Final Occupation Certificate</i> ' for condition 96.
Landscape Officer	No objections to the proposed modifications.
NECC (Development Engineering)	No objections are raised with respect to the proposed modification of development engineering conditions.
NECC (Stormwater & Floodplain Engineering – Flood risk)	The proposed modification to the the timing of completion, to facilitate the phased construction of the development, is not considered to increase flood risk. No flood related objection.
Traffic Engineer	No objection is raised on the modification on traffic grounds.
Waste Officer	No objection raised.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment,

many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

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

Nil

Warringah Local Environmental Plan 2011

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

Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C9 Waste Management	Yes	Yes
D14 Site Facilities	Yes	Yes
E11 Flood Prone Land	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2018/0141 for Modification of Development Consent DA2016/0705 granted for Construction of a Mixed Use Development comprising retail commercial and residential uses and a child care centre on land at Lot 3 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot B DP 371110,884 - 896 Pittwater Road, DEE WHY, Lot A DP 371110,884 - 896 Pittwater Road, DEE WHY, Lot 2 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 209503,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 307937,884 - 896 Pittwater Road, DEE WHY, Lot 3 DP 307937,884 - 896 Pittwater Road, DEE WHY, Lot A DP 416469,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 504212,884 - 896 Pittwater Road, DEE WHY, Lot 10 DP 231418,884 - 896 Pittwater Road,

DEE WHY, Lot 11 DP 231418,884 - 896 Pittwater Road, DEE WHY, Lot A DP 339410,884 - 896 Pittwater Road, DEE WHY, subject to the conditions printed below:

A. Modify the following Conditions to read as follows:

15. Flood

c) Basement Car Parking

The basement car park must have a ramp with a crest set at or above the relevant Flood Planning Level. All potential basement water access points, including fire stairs, shall be protected from flooding up to the relevant Flood Planning Level. A registered surveyors report is to be prepared certifying that the driveway crests are above the flood planning level. Details are to be provided to the PCA Prior to the issue of the Occupation Certificate for the relevant basement car park

54. Loading Dock Management Plan

A Loading Dock Operational Management Plan shall be submitted to Council detailing the daily operation of the loading docks, including the following:

- a) Location of the loading bays, truck routes and size of vehicles that are permitted at the loading docks.
- b) Servicing arrangements, including hours of operation, frequency and types of deliveries and information regarding the transport of goods within the development.
- c) Management procedures including details of the loading dock manager, loading dock booking arrangements, induction, driver responsibilities, complaints management systems and monitoring.
- d) The procedure for vehicles with a greater height than 3.6m requiring use of the Howard Avenue loading dock, and internal circulation map for the transport of goods from this loading dock to the residential, retail and commercial tenancies (including the buildings fronting Oaks Avenue and Pittwater Road).

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the first loading dock

Reason: To ensure the safety of the development

55. Howard Avenue Delivery Dock

Vehicles servicing the site from the Howard Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.
- b) All deliveries to the premises shall be made to the loading bay provided.
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby streets.
- d) No vehicle over 15m long shall access the driveway to the delivery dock off Howard Avenue.
- e) No other movements other than left-in and left-out are permitted at the access driveway to the loading dock fronting Howard Avenue. A suitable raised non-mountable median island shall be installed to physically restrict unpermitted movements into/out of the driveway. Relevant plans and engineering details of the median island shall be submitted to Council for approval prior to installation.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the Howard Avenue Delivery Dock

Reason: To manage traffic flow and deliveries to the development

56. Oaks Avenue Delivery Dock

Vehicles servicing the site from the Oaks Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.
- b) All deliveries to the premises shall be made to the loading bay provided.
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby public roads.
- d) No vehicle over 8.8m long and 3.6m high shall access the access driveway. Appropriate regulatory and warning signs shall be installed to indicate the available to the loading dock entrance clearance prior to the loading entrance.
- e) That reviews of the operation of the loading dock access driveway at Oaks Avenue be undertaken six months after the completion of the development. The review report shall be submitted to Council for consideration.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the Oaks Avenue Delivery Dock

Reason: To manage traffic flow and deliveries to the development

57. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineer's certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

59. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To facilitate the preservation of on-street car parking spaces. (DACENF03)

60. Restriction as to User for On-site Stormwater Detention

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

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval (DACENF04)

61. Stormwater Disposal

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

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Final Occupation Certificate

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

- a) AS/NZS 3500.3 - 2003 - Plumbing and drainage - Stormwater drainage;
- b) AS/NZS 3500.3 - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage; and
- c) National Plumbing and Drainage Code.

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

62. On-Site Stormwater Detention Compliance Certification

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

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Final Occupation Certificate

Reason: To ensure stormwater disposal is constructed to Council's satisfaction (DACENF10)

77. Required Planting

Trees shall be planted in accordance with the following schedule:

No. of Trees Required	Species	Location
All trees & palms	As indicated on Landscape Plans - Ground Level, drawing numbers 201 and 202, Rev. B dated 14.01.2016 prepared by Arcadia Landscape Architecture	As indicated on the Landscape Plans

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To maintain environmental amenity (DACLAF01)

82. Paving

Paving shall be installed over the sewer easement on the eastern side of Block C (Building 1), between the eastern elevation of the building and Council's Triangle Park in accordance with Council's Dee Why Town Centre Streetscape specification

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final

Occupation Certificate

Reason: to ensure consistency with Council's vision for Dee Why Town Centre Place Making and Public Art and integration of this space with the adjoining Council park. (DACHPCPCC1)

83. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure bushland management. (DACPLF01)

84. Garbage and Recycling Facilities

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

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the garbage store

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

87. Fire Safety Matters

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

Details demonstrating compliance are to be submitted to the Certifying Authority Prior to the issue of the Occupation Certificate for the relevant building. Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard

Reason: Statutory requirement under Part 9 Division 4 & 5 of the EP&A Regulation 2000 (DACPLF07)

91. Access to Loading Facilities

The applicant is to provide a signal system at the entry to the loading docks to indicate that a respective loading dock is in use.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the relevant loading dock.

Reason: To ensure that heavy vehicles

92. Speed Humps at Control Points

Speed humps shall be provided at all control points within the property to reduce approach vehicle speeds. Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the relevant basement

Reason: To minimise conflicts at control points.

94. Parking Allocation for Child Care Centre

Twenty four (24) car parking spaces are to be provided for the Child Care Centre and located close to the elevator with direct access to the child care centre facility. The car parking spaces shall be conspicuously signposted with operation times and days, with line marking to restrict its use for the Child Care Centre pick-up/drop-off activities during its operation times.

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the childcare centre.

Reason: To ensure that parking spaces for the child care centre are allocated and available to users of the centre during the operating hours of the centre.

95. Residential Stacked Parking

Stacked car parking spaces are to be assigned to the same residential unit (each stacked module to one apartment only)

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the relevant building

Reason: To minimise conflicts regarding parking areas

96. Disabled Car Parking Areas

The development shall provide a total of eleven (11) disabled non-residential car parking spaces in compliance with AS2890.6

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To meet the Disability (Access to Premises – Buildings) Standards 2010

99. Design Quality Statement On Completion

The Project Architect and Landscape Architect are to provide a Design Verification Statements which confirm that the completed development meets the design qualities of the approved development, including the architectural design, colours, materials and finishes and landscape treatment as contained in the consent and conditions

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure the design quality of the project is consistent with the development consent

100. Section 138 Roads Act approval – Howard Avenue Traffic Median

c) An application for works to be approved in Council's Roadway (Section 138 and 139 of the Roads Act 1993) is to be lodged to Council together with the approval fee (in accordance with Council's Fees and Charges) prior to the issue of the construction certificate. The Traffic Median reconstruction works are to be completed Prior to the commencement of use of either of the Howard Avenue vehicle driveways

101. A Binding Agreements

A binding agreement between the applicant, Council and/or Transport for NSW, is to be developed that ensures clearly defined responsibilities for streetscape maintenance (paving, lighting, furniture, transport information systems, etc.) within the Pittwater Road colonnade area. A similar agreement shall be established for the Oaks Avenue pedestrian footpath area (adjacent to the loading dock and

parking entrance near 14-16 Oaks Avenue)

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure Council's interests as Road Authority are appropriately managed. (DACHPCPCC1)

117. Allocation of Spaces

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

- 453 spaces – Residential component
- 35 spaces – Residential visitors
- 523 spaces – Retail component
- 24 spaces – Child Care Centre

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

Details demonstrating compliance are to be submitted to the PCA Prior to the issue of the Occupation Certificate for the basement

118. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such

Details demonstrating compliance are to be submitted to the PCA prior to the issue of the final Occupation Certificate

Reason: To ensure that visitors are aware that parking

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Lashta Haidari, Principal Planner

The application is determined under the delegated authority of:



Steven Findlay, Manager Development Assessments


ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2018/195116	Report - Statement of Environmental Effects	20/03/2018
 2018/195125	Report - ASIC - current extract	20/03/2018
 MOD2018/0141	9 Howard Avenue DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	22/03/2018
 2018/190955	DA Acknowledgement Letter - Karimbla Constructions Services (NSW) Pty Ltd	22/03/2018
 2018/195088	Modification Application Form	23/03/2018
 2018/195089	Applicant Details	23/03/2018
 2018/195094	Letter - cover	23/03/2018
 2018/214003	Building Assessment - Fire and Disability upgrades - Assessment Referral - Mod2018/0141 - 884 - 896 Pittwater Road DEE WHY NSW 2099-PR	29/03/2018
 2018/217166	Duplicate Please Delete: Building Assessment - Fire and Disability upgrades - Assessment Referral - Mod2018/0141 - 884 - 896 Pittwater Road DEE WHY NSW 2099-PR	29/03/2018
 2018/209814	Waste Referral Response	29/03/2018
 2018/217799	Natural Environment Referral Response - Flood	05/04/2018
 2018/250475	Building Assessment Referral Response	21/04/2018
 2018/263811	Development Engineering Referral Response	30/04/2018
 2018/267304	Landscape Referral Response	02/05/2018
 2018/270709	Traffic Engineer Referral Response	02/05/2018