STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Shop Top Housing Development

1010 – 1014 Pittwater Road, Collaroy

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Statement of Environmental Effects

Proposed Shop Top Housing Development

1010 – 1014 Pittwater Road, Collaroy

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September 2023

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1 Introduction/ background

This Statement of Environmental Effects (SoEE) 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 ground floor retail units, with 22 residential apartments above and car parking for 51 vehicles. 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. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this site having regard to the height, scale, proximity and orientation of adjoining development including the shop top housing development to the north-east of the site 26 Ocean Grove and the low-density dwelling house development to the east having frontage and address to both Ocean Grove and Cliff Road.

Consideration has also been given to the minutes arising from formal pre-DA discussions with Council and Council's Design and Sustainability Advisory Panel (PLM2021/0151) including a general refinement in the design in detail/layout of the apartments and the provision of communal facilities and open space to enhance the amenity and design quality of the development.

This statement will demonstrate that the built form outcome achieved provides for a highly articulated, modulated and visually attractive building form which appropriately activates the Pittwater Road frontage whilst providing a diversity of housing choice within the Local Centre. The proposal will introduce a building of exceptional design quality into the streetscape without adverse environmental consequences with the R2 Low Density Residential zone boundary interface appropriately dealt with through a combination of setbacks, building design and landscaping.

We confirm that although the proposal seeks to gravity drain stormwater to the Ocean Grove Council stormwater system through 24 Ocean Grove that notwithstanding any other documentation lodged with the development application that the application does not seek development consent for any stormwater drainage on any adjoining land. In this regard, whilst the application is accompanied by a conceptual stormwater easement pipeline layout plan prepared by iStruct Consulting Engineers such plans are provided to demonstrate that the development is able to be gravity drained to a Council stormwater system.

As stormwater drainage will be required to service the proposed development it is appropriate to impose a deferred commencement condition requiring that appropriate easements for stormwater be obtained over 24 Ocean Grove and that development consent be obtained for the stormwater drainage on this adjoining lot prior any consent becoming operational.

In preparation of this document, consideration has also 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 (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004,
- 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. 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 accompanying plans depict a contextually compatible building form which appropriately responds to the adjacent zone boundary interface and which maintains acceptable residential amenity impacts in terms of views, solar access and privacy. The large and consolidated nature of the site facilitates the provision of additional contextually appropriate building height to achieve enhanced residential amenity and complimentary and compatible streetscape and urban design outcomes.

- 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 height of the proposed development offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the sites visual catchment.

- 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 development's ability to achieve the objectives of the zone and the objectives of the development standard notwithstanding the variation sought. Sufficient environmental planning grounds exist to support the variation, including the attainment of an appropriate contextual fit with the accompanying clause 4.6 variation request well founded.

- The identified non-compliances with the 2nd storey front setback and storeys controls 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.

- The proposed development is consistent with the desired future character of the E1 Local Centre zone as it relates to the Collaroy precinct. The proposal will increase the supply and diversity of housing choice on a site ideally suited to increased residential densities.

- 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 (SEPP 65) and the Apartment Design Guide (ADG).

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The subject properties are legally described as Lots 3 and 4, DP6777 and Lot 2, DP 314645, 1010 – 1014 Pittwater Road, Collaroy. A location/ context map is included as **Figure 1**.

Figure 1: *Site Location (Source: Google Earth)*

The consolidated allotment is irregular in shape having frontage and address to Pittwater Road of Anzac Avenue of 45.72 metres, variable depth of between 30.48 and 45.72 and an approximate are of 1850m². The land is irregular in topography falling approximately 1 metre across its surface in an easterly direction.

The properties are currently occupied by one and two story commercial and mixed use development with various ancillary buildings located at the rear of the property. There is currently no off-street car parking. A number of trees are located adjacent to the rear boundary as depicted in Figures 1 and 2. The properties have a slight fall in an easterly direction.

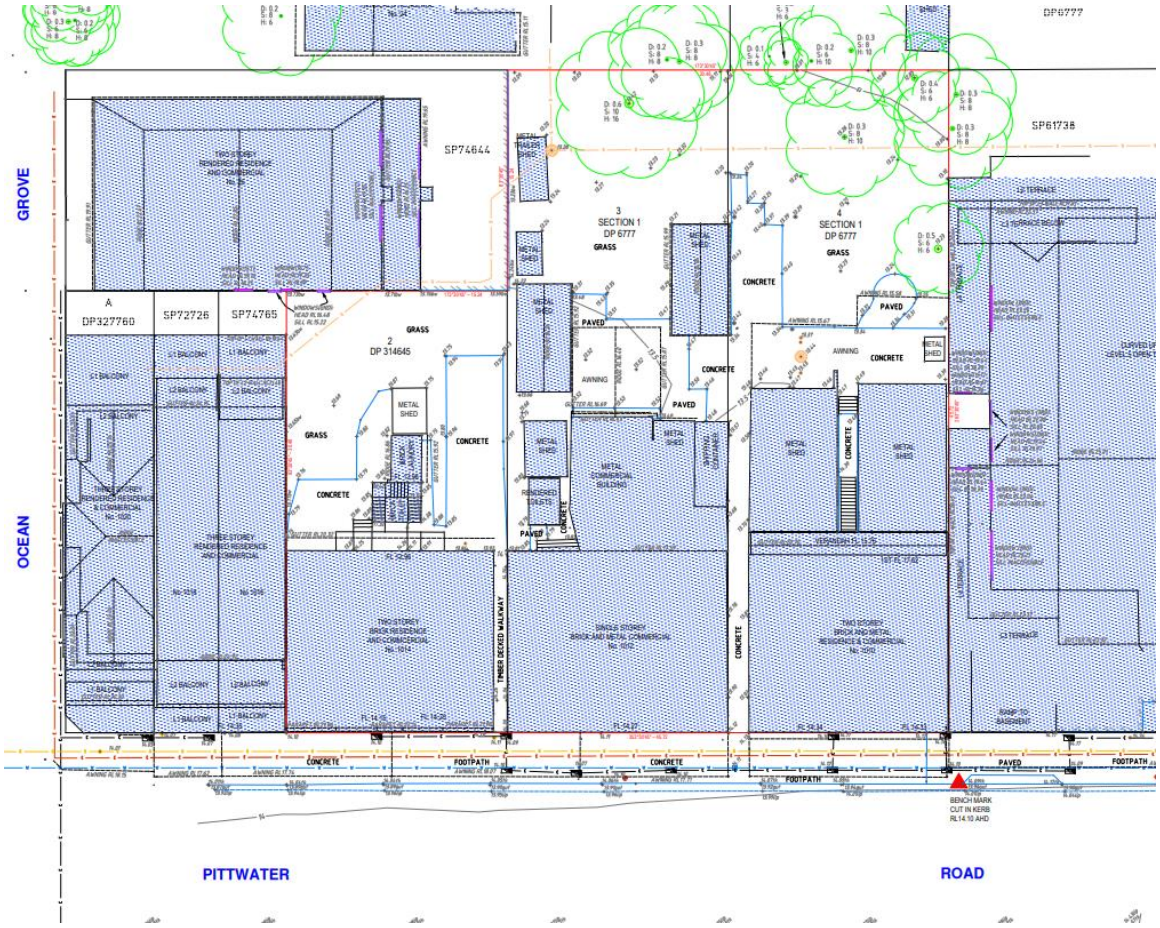

Figure 2: *Survey extract*

Figure 3: *View towards the site from Pittwater Road*

2.1.2 The Locality

The locality is predominantly residential in nature interspersed by small neighbourhood retail/ business precincts located along Pittwater Road. The site is serviced by regular bus services and is located directly opposite Griffith Park, Collaroy Tennis Complex and Long Reef Golf Course. The property is located within short walking distance of Long Reef headland and a range of beaches and foreshore recreational areas.

The properties to the north 1016 - 1020 Pittwater Road are occupied by three storey shop top housing development with car parking accessed via driveways from Ocean Grove with the property to the north-east 26 Ocean Grove occupied by a two storey mixed-use building with car parking accessed from Ocean Grove. These properties are depicted in the following images.

Figure 4: *View towards 1016 - 1020 Pittwater Road occupied by three storey shop top housing development*

Figure 5: *View towards 26 Ocean Grove occupied by a two storey mixed-use building*

The property to the south of the site 1008 Pittwater Road is occupied by a four storey shop top housing development with upper level rooftop terraces and basement car parking accessed from Pittwater Road. A photograph of this development is at Figure 3.

The properties to the east of the site have frontage and address to Cliff Road and are occupied by one and two storey detached dwelling houses. The properties located on the western side of Pittwater Road occupied by detached style dwelling houses located behind masonry front boundary fencing as depicted in the following photograph.

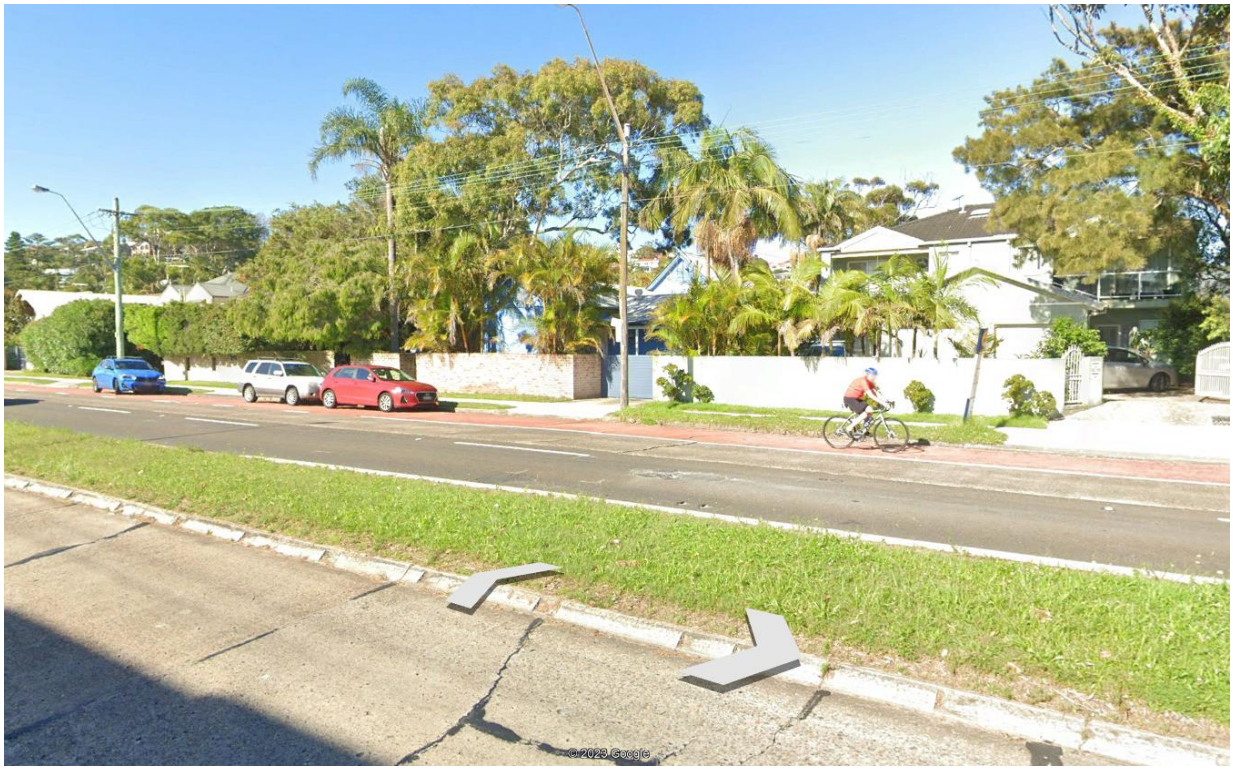

Figure 6: *View towards detached style housing located on the western side of Pittwater Road opposite the subject property*

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 accompanying Preliminary Site Investigation, dated 20th July 2023, prepared by EIAustralia confirms that the site can be made suitable for its proposed development and land use.

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, notwithstanding the sites zone boundary interface, and is complimentary and compatible in a streetscape context.

3 Description of Proposed Development

3.1 Details of the proposed development

This Statement of Environmental Effects (SoEE) 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 ground floor retail units, with 22 residential apartments above and car parking for 51 vehicles. The application also proposes the implementation of an integrated site landscape regime.

The proposed works are depicted plans DA01 to DA25 prepared by Gartner Trovato Architects. Specifically, the proposal incorporates the following:

- Demolition of the existing site structures.
- Construction of a shop top housing development that includes:
  - Construction of a 4 level mixed use building comprising 3 retail tenancies and 22 residential apartments comprising 3 x 1 bedroom, 10 x 2 bedroom and 9 x 3 bedroom apartments.
  - 2 levels of parking with 51 car parking spaces comprising 29 resident spaces, 5 residential visitor spaces and 17 retail spaces. The proposal also incorporates 27 bicycle spaces.
  - It is proposed that loading/servicing of the retail component will be carried out by courier vans as the retail tenancies are small in size noting that larger deliveries can occur from the 1 hour parking zone along Pittwater Road fronting as necessary.
  - Vehicular access to the proposed development is off Pittwater Road via two-way 5.860 metre wide combined entry/exit driveway.

Each residential apartment has an open plan kitchen living and dining area opening onto private open space terraces. Each residential unit has car parking at the basement level with lift and stair access to/from such parking. A schedule of external building materials and colours is included on the architectural drawings together with perspective images of the development.

The accompanying arborist report prepared by Jacksons Nature Works identifies that no significant trees are proposed to be removed with trees on adjoining properties adequately protected through building design and the adoption of appropriate tree protection measures during construction. The proposed tree removal is appropriately compensated for through the implementation of the enhanced landscape regime as depicted on the accompanying landscape plans prepared by Sym Studio Landscape Planning. These plans incorporate both at-grade deep soil landscaping and on-slab planting opportunity which will soften and screen the development as viewed in the round.

We confirm that although the proposal seeks to gravity drain stormwater to the Ocean Grove Council stormwater system through 24 Ocean Grove that notwithstanding any other documentation lodged with the development application that the application does not seek development consent for any stormwater drainage on any adjoining land. In this regard, whilst the application is accompanied by a conceptual stormwater easement pipeline layout plan prepared by iStruct Consulting Engineers such plans are provided to demonstrate that the development is able to be gravity drained to a Council stormwater system.

As stormwater drainage will be required to service the proposed development it is appropriate to impose a deferred commencement condition requiring that appropriate easements for stormwater be obtained over 24 Ocean Grove and that development consent be obtained for the stormwater drainage on this adjoining lot prior any consent becoming operational.

The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants. The suitability of the driveway and parking design is confirmed in the Traffic and Parking Assessment Report prepared by Terraffic Pty Limited with accessibility addressed in the accompanying Access Assessment Report by Jensen Hughes.

This submission is all so accompanied by an acoustic report prepared by Acoustic Dynamics containing a number of recommendations to ensure that suitable acoustic amenity is achieved for future residents, noting the mixed-use nature of the locality, and the sites immediate proximity to Pittwater Road. Finally, the application is supported by a waste management plan detailing how waste is to be managed during construction and throughout the life of the 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 4.15 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 E1 Local Centre. Shop top housing and take away food and drink premises (retail premises) are permissible in the zone with consent. The stated objectives of the E1 zone are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

The development incorporates dwellings located above ground floor retail premises. Accordingly, the proposed design accords with the Land and Environment Court Judgement Sheahan J within Hrsto v Canterbury Council given that the proposed residential units sit entirely above the ceiling height of the ground floor retail tenancies.

The proposed development meets the relevant zone objectives given the provision of ground floor small scale retail tenancies and the appropriate concentration of residential densities within an established Local Centre zone. The height and scale of the development is responsive to context, compatible with that of adjoining development and will not result in unacceptable or jarring residential amenity, streetscape or broader urban design impacts. The proposal does not create any conflict between land uses on adjoining properties or the amenity of residential uses within adjoining zones.

The subject property is ideally suited to increased residential densities given its immediate proximity to the regular bus services with the building design and streetscape enhancement works providing an environment for pedestrians that is safe, comfortable and interesting.

The consent authority can be satisfied that the proposal is consistent with the zone objectives as outlined. Accordingly, there are no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

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 reaches a maximum height of 13.930 metres, representative of a 2.93 metres or a 26% variation of the 11m building height development standard. This maximum exceedance is limited to the eastern edge of the pitched roof form located over the central circulation core with the balance of the Level 3 floor plate also non-compliant with the building height standard to a varying extent as depicted in Figures 7 and 8.

We note that the front and rear facing building façades sit comfortably below the prescribed height standard.

Clause 4.6 of WLEP 2011 provides a mechanism by which a development standard can be varied. Having regard to these provisions, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the ability to satisfy the objectives of the zone and the objectives of the development standard. Sufficient environmental planning grounds exist to support the variation proposed, as outlined in the accompanying clause 4.6 variation request at (Annexure 1).

Figure 7 – Building height blanket diagram showing non-compliant building height elements

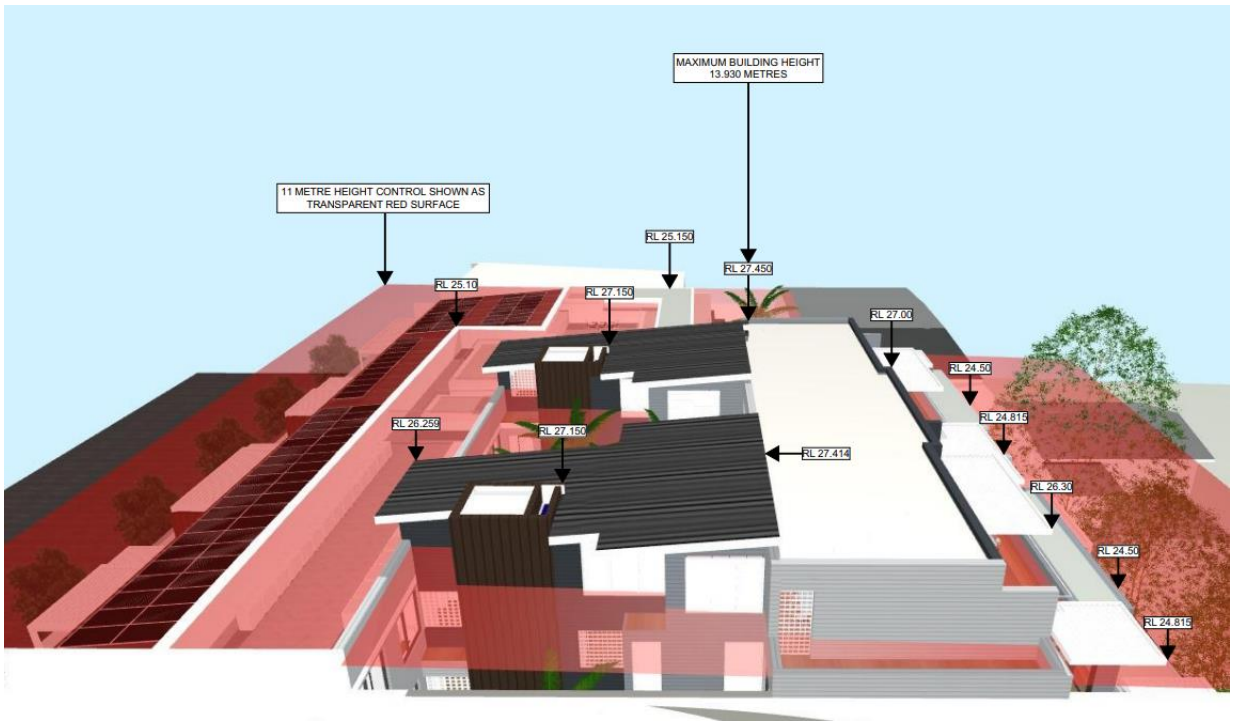

Figure 8 – Building height blanket diagram showing non-compliant building height elements

4.1.3 Earthworks

Pursuant to clause 6.2(3) of WLEP Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

Response: The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with such report containing recommendations in relation to excavation, footings, retaining structures and drainage/ hydrology.

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

Response: As above.

(c) the quality of the fill or the soil to be excavated, or both,

Response: The accompanying Preliminary Site Investigation, dated 20th July 2023, prepared by EIAustralia confirms that the site can be made suitable for its proposed development and land use.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

Response: The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with such report containing recommendations in relation to excavation, footings, retaining structures and drainage/ hydrology. These recommendations contain a requirement for appropriate dilapidation reporting and vibration monitoring.

(e) the source of any fill material and the destination of any excavated material,

Response: This information will be provided once the builder has been engaged and prior to issue of the Construction Certificate should it be requested by Council.

(f) the likelihood of disturbing relics,

Response: The site has been developed as a service station and accordingly the likelihood of encountering relics is extremely low.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Response: The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with such report containing recommendations in relation to excavation, footings, retaining structures and drainage/ hydrology.

The proposed earthworks have been founded to be acceptable having regard to these considerations.

4.1.4 Development on Sloping Land

The site is mapped as falling within a Land Slip Risk Area A. A geotechnical report prepared by Crozier Geotechnical Consultants 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
Front Setback **DCP Control B7**	Mapped as Area L so Nil setback to ground and first floor and 5 metres to upper level.	The front setbacks have been appropriately articulated and modulated to define the front boundary which providing an appropriate streetscape presentation. The setbacks provide a contextually appropriate built form relationship to the street with such setbacks appropriate given the design quality of the development. The Level 2 street facing façade maintains an average setback of 5 metres with minor breaches affording articulation to the building façade without adverse streetscape or amenity impact. the uppermost level is setback a considerable distance from the Pittwater Road frontage ensuring that is not readily discernible in a streetscape context. It is considered the Architectural response is appropriate for the site. The front setbacks are compatible in a streetscape context.	No Acceptable on merit

Control	Requirement	Proposed	Compliance
Merit Assessment of Side and Rear Boundary Setbacks **DCP Controls B6, B8, B10**	Side and rear 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 variable rear setback of between 6 and 9 metres with a nil setback proposed to the northern and southern boundaries other than the boundary interface with 26 Ocean Grove where setbacks have been increased to maintain an appropriate spatial relationship and privacy outcomes with this adjoining property. These setbacks, coupled with the integrated privacy attenuation measures adopted including privacy blades, privacy screens and intervening landscaping will ensure the maintenance of appropriate privacy between properties consistent with the objectives of the control.	Yes
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.	Terraffic Pty Limited have prepared a Traffic and Parking Assessment Report. The traffic and parking report confirms that the proposed development will not give rise to any traffic, access or safety-related concerns.	Yes

Control	Requirement	Proposed	Compliance
Parking Facilities **DCP Control** **C3**	Application of the DCP Parking Rates.	Terraffic Pty Limited have prepared a Traffic and Parking Assessment Report. The traffic and parking report demonstrates that the proposed development comfortably satisfies the on-site car parking and bicycle parking requirements. The site is also well serviced by public transport.	Yes
Bicycle Parking **DCP Control C3A**	Objectives • 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	Parking Spaces are provided for residents in the basement.	Yes
Stormwater **DCP Control C4**	To ensure the appropriate management of stormwater. To minimise the quantity of stormwater run-off. To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments. To ensure the peak discharge rate of stormwater flow from new	We confirm that although the proposal seeks to gravity drain stormwater to the Ocean Grove Council stormwater system through 24 Ocean Grove that notwithstanding any other documentation lodged with the development application that the application does not seek development consent for any stormwater drainage on any adjoining land. In this regard, whilst the application is accompanied by a conceptual stormwater easement pipeline layout plan prepared by iStruct Consulting Engineers such plans	Yes

Control	Requirement	Proposed	Compliance
	development is no greater than the Permitted Site Discharge (PSD).	are provided to demonstrate that the development is able to be gravity drained to a Council stormwater system. As stormwater drainage will be required to service the proposed development it is appropriate to impose a deferred commencement condition requiring that appropriate easements for stormwater be obtained over 24 Ocean Grove and that development consent be obtained for the stormwater drainage on this adjoining lot prior any consent becoming operational.	
Erosion and Sedimentation **DCP Control C5**	•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.	Please refer to the accompanying erosion and sediment control plan prepared by iStruct Consulting Engineers.	Yes

Control	Requirement	Proposed	Compliance
Excavation and Landfill **DCP Control C7**	Excavation and landfill works must not result in any adverse impact on adjoining land.	A geotechnical report prepared by Crozier Geotechnical Consultants accompanies the application and considers that the site is suitable for the proposed development works.	Yes
Demolition & Construction **DCP Control** **C8**	A demolition and waste management plan must be satisfactorily completed and submitted.	A demolition and waste management plan accompany the application.	Yes
Waste Management **DCP Control C9**	Each development must include, or have access to Waste/Recycling Storage Rooms and Areas. 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 b) where the number of dwellings/units is 30 or	A waste management plan accompanies the application. The development provides appropriately for commercial and residential waste storage and collection including the required bulk waste storage area.	Yes

Control	Requirement	Proposed	Compliance
	more, the Waste/Recycling Storage Rooms or Areas must be located within 6.5 metres walking distance of the service area.		
Private Open Space **DCP Control** **D2**	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. 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. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development. Private open space shall not be located in the primary front building setback. Private open space is to be located to maximise solar access.	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. 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.	Yes

Control	Requirement	Proposed	Compliance
Access to Sunlight **DCP Control D6**	Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing: • Development should avoid unreasonable overshadowing any public open space. • At least 50% of the required area of private open 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.	Refer to the shadow diagrams prepared by Gartner Trovato Architects which demonstrate that complaint levels of solar access will be maintained to at least 50% of the required POS of the eastern adjoining residential properties between 9am and 3pm on 21st June. No adverse shadowing will occur to any other surrounding property.	Yes
Views **DCP Control** **D7**	Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.	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 unacceptable private scenic 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	Yes

Control	Requirement	Proposed	Compliance
		140.	
Privacy **DCP Control D8**	Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.	The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained between adjoining development through building design and orientation, the appropriate use and placement of fenestration and the inclusion of fixed privacy screen treatments where necessary. In this regard, appropriate privacy and security will be maintained between adjoining development.	Yes
Building Bulk **DCP Control D9**	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.	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. 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. The scale and footprint of the development are entirely in keeping with the established built form character in the neighbourhood centre.	Yes

Control	Requirement	Proposed	Compliance
Building Colours and Materials **DCP Control D10**	Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	The proposed materials and finishes are indicated on the plans prepared by Gartner Trovato Architects. The materials and finishes are considered to be sympathetic to the existing dwelling and in the style of the surrounding development and complementary to natural environment.	Yes
Roofs **DCP Policy D11**	Roofs are to be designed to complement the local skyline.	The development incorporates flat roofing with clerestory style pitched roof forms which are complimentary and compatible with the variety of roof forms established by existing shop top housing development along this section of Pittwater Road.	Yes
Glare and Reflection **DCP Policy D12**	Ensure that development will not result in overspill or glare from artificial illumination or sun reflection.	The proposed window glazing and roof finishes will not give rise to any unacceptable glare or reflection.	Yes
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 the project Architect.	Yes
Safety and Security	Buildings are to overlook streets as well as public and communal places to allow casual surveillance. 2. Service areas and	The design of the development enables casual observation (from inside the apartments) of the street frontage.	Yes

Control	Requirement	Proposed	Compliance
	access ways are to be either secured or designed to allow casual surveillance. 3. There is to be adequate lighting of entrances and pedestrian areas. 4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety. 5. Entrances to buildings are to be from public streets wherever possible. 6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental 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 4.15 of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).	The residential lobbies 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. The t car parking areas and common circulation spaces will be appropriately lit at night with no objection raised to the imposition of a condition in this regard.	

Control	Requirement	Proposed	Compliance
Waterways and Riparian Lands E8	1. The applicant shall submit a Waterway Impact Statement. 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 and Construction (commonly referred to as the Blue Book). 3. Infrastructure such as roads, drainage, stormwater structures, services, etc. should be located outside land identified as Waterways and Riparian Land. 4. The Asset Protection Zone must not extend into land identified as Waterways and Riparian Land. Refer to NSW Rural	N/A	N/A

Control	Requirement	Proposed	Compliance
	Fire Service for site assessment methodology.		
Landslip Risk DCP Policy E10	The site is identified as falling within Landslip Risk Area A. The applicant must demonstrate that: • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice.	A Geotechnical Report prepared by Crozier Geotechnical Consultants 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.	Yes
Local and Neighbourhood Centres **DCP Policy F1**	See Discussion in 4.2.2 below	See Discussion in 4.2.2 below	Yes *See discussion in 4.2.2 below

4.2.2 Local and Neighbourhood Centres

The requirements of Policy F1 of the DCP are as follows:

1. *Buildings are to define the streets and public spaces and create environments that are appropriate to the human scale as well as being interesting, safe and comfortable.*
2. *The minimum floor to ceiling height for buildings is to be 3.3 metres for ground floor levels and 2.7 metres for upper storeys.*
3. *The design and arrangement of buildings are to recognise and preserve existing significant public views.*

4. *Development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents.*

5. *The built form of development in the local or neighbourhood retail centre is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly above ground floor level.*

6. *Buildings greater than 2 storeys are to be designed so that the massing is substantially reduced on the top floors and stepped back from the street front to reduce bulk and ensure that new development does not dominate existing buildings and public spaces.*

7. *Applicants are to demonstrate how the following significant considerations meet the objectives of this control:*

    - *Scale and proportion of the façade;*
    - *Pattern of openings;*
    - *Ratio of solid walls to voids and windows;*
    - *Parapet and/or building heights and alignments;*
    - *Height of individual floors in relation to adjoining buildings;*
    - *Materials, textures and colours; and*
    - *Architectural style and façade detailing including window and balcony details*

8. *Footpath awnings should be designed to allow for street tree planting.*

9. *Awnings should be consistent in design, materials, scale and overhang with adjacent retail developments.*

10. *Awnings should have an adequate clearance from the kerb.*

With respects to the above requirements the development is considered to be appropriate for the following reasons:

- The building is highly articulated and modulated in both the vertical and horizontal planes so that the apparent bulk and scale of the development is reduced. The building will appear as 3 storeys in the streetscape and includes a modern contemporary design with an appropriate bulk and scale and visual interest.

- 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 as detailed in the perspective images prepared by the project Architect and as detailed in the accompanying clause 4.6 variation request. In this regard, the scale of the development is considered to be appropriate.

- The proposed built form has been designed through detailed site analysis to provide a complimentary and compatible streetscape presentation whilst maintaining appropriate amenity to adjoining commercial development.
- The appropriate distribution of floor space across the site in response to context and the built form and spatial characteristics of adjoining development will ensure that the visual massing of the development is minimised when viewed from adjoining properties and the public domain generally.
- The built form responds to the site context and appropriately mitigates amenity impacts to adjoining properties as detailed throughout this report.
- The floor to ceiling heights of 2.7m for residential units are compliant with the above requirements.

The proposed development is considered to meet the requirements of this Clause and represents a considered and contextually appropriate design response.

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site is not identified as a contaminated site on the NSW EPA's list of notified sites, nor is it in the vicinity of any listed sites.

The application is supported by a Stage 1 Preliminary Site Investigation by EIAustralia confirming that the site can be made suitable for its proposed development and land use.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

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 flat 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 7 dwellings and 2 retail 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.

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 in the accompanying Design Verification Statement.

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 1.

4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.119 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 is detailed acoustic report prepared by Acoustic Dynamics with no objection raised to a condition requiring compliance with the recommendations contained therein.

4.7 Water Management Act 2000

The Geotechnical Report identifies that ground water is likely to be encountered during excavation for the proposed basement, which will require water to be pumped from the site during construction. The proposed basement may be required to be tanked, to prevent water ingress occurring in the future.

The development constitutes integrated development and requires aquifer interference approval under the provisions of section 91 of the Water Management Act 2000.

4.8 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:

4.8.1 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.

The accompanying acoustic report confirms compliance with the provisions of SEPP (Infrastructure) 2007.

4.8.2 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 site will introduce areas of landscaping. The planting and landscaping treatments will enhance the landscape quality of the street frontages.

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.. These reports demonstrate 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 tenancies 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 and the associated accessibility requirements as detailed within the accompanying reports prepared by Jensen Hughes. 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.

4.8.3 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.

4.8.4 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.

4.8.5 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. 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 Local Centre 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. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this site having regard to the height, scale, proximity and orientation of adjoining development including the shop top housing development to the north-east of the site 26 Ocean Grove and the low-density dwelling house development to the east having frontage and address to both Ocean Grove and Cliff Road.

Consideration has also been given to the minutes arising from formal pre-DA discussions with Council and Council's Design and Sustainability Advisory Panel (PLM2021/0151) including a general refinement in the design in detail/layout of the apartments and the provision of communal facilities and open space to enhance the amenity and design quality of the development.

This statement will demonstrate that the built form outcome achieved provides for a highly articulated, modulated and visually attractive building form which appropriately activates the Pittwater Road frontage whilst providing a diversity of housing choice within the Local Centre. The proposal will introduce a building of exceptional design quality into the streetscape without adverse environmental consequences with the R2 Low Density Residential zone boundary interface appropriately dealt with through a combination of setbacks, building design and landscaping.

We confirm that although the proposal seeks to gravity drain stormwater to the Ocean Grove Council stormwater system through 24 Ocean Grove that notwithstanding any other documentation lodged with the development application that the application does not seek development consent for any stormwater drainage on any adjoining land. In this regard, whilst the application is accompanied by a conceptual stormwater easement pipeline layout plan prepared by iStruct Consulting Engineers such plans are provided to demonstrate that the development is able to be gravity drained to a Council stormwater system.

As stormwater drainage will be required to service the proposed development it is appropriate to impose a deferred commencement condition requiring that appropriate easements for stormwater be obtained over 24 Ocean Grove and that development consent be obtained for the stormwater drainage on this adjoining lot prior any consent becoming operational.

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. 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 accompanying plans depict a contextually compatible building form which appropriately responds to the adjacent zone boundary interface and which maintains acceptable residential amenity impacts in terms of views, solar access and privacy. The large and consolidated nature of the site facilitates the provision of additional contextually appropriate building height to achieve enhanced residential amenity and complimentary and compatible streetscape and urban design outcomes.

- 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 height of the proposed development offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the sites visual catchment.

- 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 development's ability to achieve the objectives of the zone and the objectives of the development standard notwithstanding the variation sought. Sufficient environmental planning grounds exist to support the variation, including the attainment of an appropriate contextual fit with the accompanying clause 4.6 variation request well founded.

- The identified non-compliances with the 2nd storey front setback and storeys controls 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.

Boston Blyth Fleming Pty Limited

Greg Boston

Director

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.
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 the street frontage whilst optimising solar access.
	Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter		Complies	Refer accompanying shadow diagrams. No unacceptable 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		Refer to architectural plans.	Communal open space is provided within the rear setback of the development and accessed directly from the communal games room and gymnasium .
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting		-	As above
	Objective 3D-3 Communal open space is designed to maximise safety		-	As above
	Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood		-	As above
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.	The proposal incorporates 166.72 m² of deep soil landscaping at the rear of the property representing in excess of 7% of the site area	No deep soil zones required in B1 Neighborhood Centre zone although some deep soil landscaping provided along Anzac Avenue frontage.
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:	Objective compliant setbacks maintained with good levels of privacy achieved.	Yes

		Up to 12m (4 storeys):Habitable Rooms and Balconies: 6m Non-habitable rooms: 3m		
	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 to the development is from Pittwater Road with separate entrances to the retail tenancies. 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 Pittwater 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	For development in the following locations: • 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 The car parking needs for a development must be provided off street.	Compliant resident, visitor and retail parking provided	Yes

	Objective 3J-2 Parking and facilities are provided for other modes of transport		Complies	Bicycle storage provided.
	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	**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 **2.** In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a	16 of 22 (72%) apartments receive 2 hours of solar access between 9am and 3pm -	Yes

		minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter **3.** A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter		
	Objective 4A-2 Daylight access is maximised where sunlight is limited		Complies	Yes
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months		Complies	Yes
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	**1.** At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	> 60% of apartments are naturally cross-ventilated	Yes

		2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		
Ceiling Heights	**Objective 4C-1** Ceiling height achieves sufficient natural ventilation and daylight access	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms: 2.7m Non-habitable: 2.4m For 2 storey apartments: 2.7m for main living area floor / 2.4m for second floor where its area does not exceed 50% of the apartment area Attic spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use	Complies	Yes
	Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms		Complies	Yes
	Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building		Noted	

Apartment Size and Layout	**Objective 4D-1** The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	**1.** Apartments are required to have the following minimum internal areas: Studio – 35m2 1 bedroom – 50m2 2 bedroom – 70m2 3 bedroom – 90m2 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each **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	Complies Complies	Yes Yes
	Objective 4D-1 Environmental performance of the apartment is maximised	**1.** Habitable room depths are limited to a maximum of 2.5 x the ceiling height **2.** In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Minor variations however acceptable on merit given room geometry and orientation.	Yes
	Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and	**1.** Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2	Complies	Yes

	needs	(excluding wardrobe space) **2.** Bedrooms have a minimum dimension of 3m (excluding wardrobe space) **3.** . Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments **4.** The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Complies Complies N/A	
Private Open Space and Balconies	**Objective 4E-1** Apartments provide appropriately sized private open space and balconies to enhance residential amenity	**1.** All apartments are required to have primary balconies as follows: Studio - min. area, 4m2 / depth - 1 Bed. - min. area, 8m2 / depth, 2m 2 Bed - min. area, 10m2 / depth, 2m 3 Bed - min. area, 12m2 / depth, 2.4m	Complies	All balconies of compliant size and dimension.

		2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m	N/A	
	Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents		Complies	All private open space is accessed directly from the principle habitable room.
	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	**1.** The maximum number of apartments off a circulation core on a single level is eight **2.** For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	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	**1.** In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio - 4m3 storage volume 1 Bed. - 6m3 storage volume 2 Bed - 8m3 storage volume 3+ Bed - 10m3 storage volume At least 50% of the required storage is to be located within the apartment	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 basement area.	Yes
	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 - Refer to Architectural Design Statement
	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	**Objective 4T-1** Awnings are well located and complement and integrate with the building design		Complies	Yes

Signage	**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	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