

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-344
<b>DA Number</b>	Mod2022/0559
<b>LGA</b>	Northern Beaches
<b>Proposed Development</b>	Modification of Development Consent DA2020/0393 granted for Demolition works and construction of a shop top housing development comprising retail premises, 49 dwellings, basement carparking and landscaping
<b>Street Address</b>	Lot 1 DP 1199795, 28 Lockwood Avenue BELROSE NSW 2085
<b>Applicant/Owner</b>	Krikor Simonian Platinum Property Advisors No 1 Pty Ltd
<b>Date of DA lodgement</b>	10/10/2022
<b>Number of Submissions</b>	5
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	s4.56 to general development exceeding \$30,000,000.00
<b>Clause 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	Page 5 – 6 of this report
<b>Report prepared by</b>	Adam Susko, Principal Planner
<b>Responsible Officer</b>	Adam Susko, Principal Planner
<b>Report date</b>	13 February 2023

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **YES**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **YES**

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: **N/A**

Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

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### Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

**YES**

## EXECUTIVE SUMMARY

This Section 4.56 Modification Application seeks to amend the approved shop-top housing development of DA2020/0393, determined by the Land and Environment Court of NSW on 8 November 2021.

The application is referred to the Sydney North Planning Panel (SNPP) for determination as it is a Section 4.56 Modification Application *granted by the Court to general development* with a capital investment value of more than \$30 million (SEPP (Planning Systems) 2021 Schedule 6 (2)).

The modifications associated with this proposal are internal of the approved building envelope and result in no changes to the overall approved height, footprint, density, envelope or car parking numbers. The modification is substantially the same as the approved development.

Five (5) submissions have been received in objection to both the approved development, and the modifications, and a review of the matters raised in those submissions concludes that the concerns do not warrant the refusal of the application.

The modifications sought are found on balance to be minimal; being largely non-discernible from the public and private domain and of an equivalent environmental impact to the development already approved.

This report concludes with a recommendation that the SNPP, as the consent authority, should **APPROVE** the Modification Application.

## PROPOSED DEVELOPMENT IN DETAIL

This Section 4.56 Modification Application seeks to amend Development Consent DA2020/0393, which was granted by the Land and Environment Court of NSW on 8 November 2021.

The Applicant asserts that the modifications provide a rationalisation of the approved development and incorporates structural and engineering elements there were not anticipated in the crafting of the parent application.

The main changes sought by this Modification Application includes:

- An increase in the depth of excavation between 713mm and 1287mm;
- Reconfiguration of car park and vehicle access;
- Changes to internal layout of residential apartments, commercial premises, and communal spaces.

The submitted Statement of Environmental Effects details these changes level by level.

The modifications result in no change to the approved building height, floor space ratio, landscaped area, car parking, cycle parking, or unit numbers. The density of the development is not subject to change.

Herein this report, these works are described as the 'modifications'.

## 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

Environmental Planning and Assessment Act 1979 - Section 4.56 - Environmental Planning and Assessment Act 1979 - Section 4.56 (minor)  
Warringah Local Environmental Plan 2011 - 6.2 Earthworks

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 1199795 , 28 Lockwood Avenue BELROSE NSW 2085
<b>Detailed Site Description:</b>	<p>The site is an irregular shaped allotment. It has a frontage of 61.785m to Lockwood Avenue to the south, 27.945m to Glen Street to the south-east and 75.7m to Glenrose Place to the north and north-east. The site area is 5,322m<sup>2</sup> (by Title).</p> <p>The site slopes gently from its southern boundary (Lockwood Avenue) down to its northern boundary (Glenrose Place). The total fall is approximately 6.1m, representing an average gradient of 1 in 9.3 (7.2% or 4.1°).</p>

The site was previously used for many years as the Belrose Library which has since been demolished to make way for the approved construction.

Adjoining the site to the south-east is a service station. Adjoining the site to the west is an area of public open space and a public pathway. On the opposite side of the public pathway is a dwelling house and childcare centre.

To the south, west and north-west of the site, the area has been developed primarily for residential development with the predominant form being single dwelling houses in landscaped settings.

To the north-east of the site, on the opposite side of Glenrose Place, is the Glenrose Shopping Centre, particularly the loading areas and vehicular access from Glenrose Place.

To the east of the site, on the opposite side of Glen Street, is the Glen Street Community Hub including library, theatre, and gymnasium.

Map:



## SITE HISTORY

**Development Application DA2020/0393** for demolition works and the construction of a shop top housing development was refused by the Sydney North Planning Panel (SNPP) on 19 October 2020 which aligned with the Council's recommendation.

The Applicant appealed the SNPP's determination, and the Land and Environment Court of NSW subsequently upheld the Appeal and on 8 November 2021 with development consent being granted.

The modification application the subject of this Assessment Report is the first modification to the parent DA.

## **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 DA2020/0393, in full.

## **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

## **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

## **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject development application has been publicly exhibited from 14/10/2022 to 11/11/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 5 submission/s from:

<b>Name:</b>	<b>Address:</b>
Mr Bruce Neville Allan Brown	20 Knightsbridge Avenue BELROSE NSW 2085
Mr Michael Wallace Wagg	4 Ashworth Avenue BELROSE NSW 2085
Mr Robert Hugo Kingscote Whiley	6 Ashworth Avenue BELROSE NSW 2085
Mr Arthur Thomas Moreland	27 Lowanna Street BELROSE NSW 2085
Mr Pete Carnell	2 Jarrah Place FRENCHS FOREST NSW 2086

The following issues were raised in the submissions:

- Objection to the approval of the parent Development Application

- Building height and increased excavation
- Noise from delivery dock and delivery vehicles

The above issues are addressed as follows:

- **Objection to the approval of the parent Development Application**

The submissions received object to the NSW Land and Environment Court's approval of the parent development application.

Comment:

Development Consent has been lawfully granted to develop the land. No further action on this is required or can be pursued.

- **Building height and increased excavation**

The submissions raised concerns that the building height is excessive, and that no additional excavation should occur.

Comment:

The modification application does not result in any changes to the building height. The submissions also raise concern with the increased level of excavation associated with the basement, and the subsequent impacts that this would be likely to have (i.e., prolonged construction time, increased soil requiring removal from the site).

The modification application seeks to increase the level of excavation by 1.287m to RL143.513 to accommodate clearance heights for the car park and loading dock.

On balance of the levels of excavation already approved on the site, it is considered that the increased excavation will not have an adverse amenity or environmental impact above and beyond that approved development. Therefore, this concern is not found to warrant the refusal of the application.

- **Noise from delivery dock and delivery vehicles**

The submissions raised concerns that the operation of the delivery dock including the coming and going to vehicles would generate an unreasonable noise.

Comment:

The modifications do not seek to alter the intensity of use of the development, and thus would have no material change to the operation of the building as a whole commensurate to that of the approved development. To that extent, the objection does not warrant the refusal of the application.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Supported, with additional conditions</b></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
NECC (Development Engineering)	<p><b>Supported, without additional conditions</b></p> <p>The applicant has provided a letter from their stormwater consultant Erbas suggesting there are minor changes to the on-site stormwater detention tank located on the western boundary, however the SEE does not list any modification to the original approved stormwater plans or proposal to amend Condition 21 (on site detention details). It is therefore assumed that the OSD stormwater management plan will remain unchanged from the original approved MYD consulting engineers approved plans.</p>
Strategic and Place Planning (Urban Design)	<p><b>Supported, without additional conditions</b></p> <p>This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.</p> <p>The application seeks consent to the proposed modifications:</p> <ul style="list-style-type: none"> <li>• Modified layout and circulation arrangement for car-parking</li> <li>• Modified internal layout for the majority of units for residents</li> <li>• Modified loading dock facilities</li> <li>• Modified facilities for cyclists</li> <li>• Modified storage spaces for residents</li> <li>• Modifications to meet DDA requirements for accessible parking</li> <li>• Modifications to achieve compliance with NCC</li> <li>• Modifications to communal facilities for residents</li> </ul> <p>The NSW Land and Environment Court upheld the decision to approve the DA for the demolition of existing structures and construction of a mixed-use development comprising of retail uses and shop-top housing containing 49 dwellings, basement car parking for 238 vehicle spaces, landscaping, and a central public square (DA2020/0393) on 8 November 2021. The proposed changes relate to enhancing the development through various minor modifications. As such, the proposal is substantially the same development as the court approved DA.</p> <p>Urban Design raises no objection to the proposed development.</p>
Traffic Engineer	<p><b>Supported, with additional conditions</b></p> <p>The modification seeks Council approval for changes including the following one's which may have traffic and parking implications</p> <ul style="list-style-type: none"> <li>• Modified layout and circulation arrangement for car-parking</li> <li>• Modified loading dock facilities</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• Modified facilities for cyclists</li> <li>• Modified storage spaces for residents</li> <li>• Modifications to meet DDA requirements for accessible parking</li> </ul> <p>The modified plans and the traffic and parking statement submitted with the modification have been reviewed.</p> <p>- The loading dock arrangements are slightly amended with internal columns added within the loading dock which appear to restrict access to one of the loading dock bays such it is now accessible only by a medium rigid vehicle rather than a heavy rigid vehicle. As the remaining two bays can still be accessed by a Heavy Rigid Vehicle the change is not opposed. It is noted that the changes to the loading dock will provide for headroom clearance of 4.5m consistent with the requirements of AS2890.2 for medium and heavy rigid vehicles.</p> <p>- There is no change to floor area or the quantity of residential units and therefore parking requirements are unchanged. The quantum of parking will remain consistent with that approved under DA2020/0393 although it is noted that a revised internal circulation pattern is now proposed which is acceptable.</p> <p>- It is also noted that all of the residential spaces are now located on basement level 3 with basement level 4 now purely a commercial carparking level. This change is supported from an operational perspective</p> <p>- the traffic and parking impact statement makes note that the bicycle parking arrangements do not provide sufficient aisle width to access bicycle parking in bike lockers. Amended plans showing the bike parking in compliance with AS2890.3 &amp; Council DCP will be required. This will be conditioned</p> <p>- The traffic and parking impact statement makes note that the current location for the residential video intercom on basement level 3 blocks access to multiple carparking spaces and needs to be shifted to the north and protected by a kerb. Amended plans showing this change will be required. This will be conditioned</p> <p>Subject to the above being lodged prior to construction certificate there are no traffic engineering concerns with the modified plans.</p>
Waste Officer	<p><b><i>Supported, without additional conditions</i></b></p> <p>The application is generally supported from a waste management perspective subject to the attached conditions including provision of a waste management plan for the demolition and construction phases, which are excluded from the submitted waste management report.</p> <p><u>Planner note:</u> The conditions recommended by Council's Waste Officer reflect existing requirements within the parent development consent, and need not be repeated under this modification application.</p>
External Referral Body	Comments
Nominated Integrated Development - WaterNSW -	<b><i>Supported, without additional conditions</i></b>



External Referral Body	Comments
Water Management Act 2000, s90(2) - Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location	<p>On 27 October 2022 WaterNSW confirmed to Council that: <i>Based on a review of the information provided, WaterNSW confirms the existing General Terms of Approval (for work or activity requiring an approval under the Water Management Act 2000), issued on 21 September 2021 remain valid for the amended proposal and no amendments to the existing General Terms of Approval are necessary.</i></p> <p>The previous consent requires compliance with the 21 September 2021 GTAs and therefore no additional conditions are required for the purpose of this report.</p>

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

#### SEPP 65 - Design Quality of Residential Apartment Development

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

*(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:*

*(a) the development consists of any of the following:*

- (i) the erection of a new building,*
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
- (iii) the conversion of an existing building, and*

*(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*

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

The parent Assessment Report considered that the provisions of SEPP 65 and the accompanying Apartment Design Guide applied to the development, and that report appropriately assessed the development against that Guide. The works sought under this modification do not materially alter the

built form or amenity outcomes achieved by the parent development, and therefore the scope of works sought does not warrant a re-assessment against SEPP 65.

**SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No. 1061176M\_04 dated 07 September 2022).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	45	45

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

**SEPP (Resilience and Hazards) 2021**

**Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. The parent assessment considered the potential contamination of the site, particularly in light of the adjoining service station which has existed for many years.

At Page 24 of that Assessment Report the Council officer considered:

*The development application includes two Materials Classification Reports dated 24.10.2019 and 20.04.2020 by Atlas Geotechnical Services Pty Ltd. The reports concluded that analytical result for all samples collected from the site were less than the relevant criteria in the NSW EPA Excavated Natural Material Order 2014 and the NSW EPA Waste Classification Guidelines. The reports were based on material from 15 boreholes drilled on the site.*

*The reports have been reviewed by Council’s Environmental Health Officer – Contaminated Lands whose comments are detailed above. Further comments were sought in response to concerns raised by SNPP regarding potential contamination from the neighbouring service station. The comments provided by Council’s technical officers conclude that the site is not contaminated. On this basis it can be concluded that the site is suitable for the proposed development in its current state and that it satisfies the requirements of clause 7 of SEPP 55.*

The magnitude of change sought under this modification application does not materially alter the conclusions reached in the parent determination. The conditions enforced remain applicable and unchanged. It is on that basis that Council considers that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

**Warringah Local Environmental Plan 2011**

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

#### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings:	8.5m	12.48m (Roof RL164.9 and lift overrun RL166.1)	No change to approved	No change

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

#### Detailed Assessment

##### 6.2 Earthworks

The proposal necessitates additional excavation below the approved lower level of the basement. The additional earthworks are required to accommodate adequate height clearance to vehicles, specifically medium-rigid vehicle entering the car park.

The additional earthworks are not visible from the public domain (as they are under the building) and do not materially change the conclusions reached in the Court's findings of the parent application.

On that basis, no concerns are raised regarding the proposed additional excavation.

#### Warringah Development Control Plan

##### Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B7 Front Boundary Setbacks	Merit Assessment	Lockwood Avenue (southwest) - nil to 6m	No change	Yes
		Glenrose Place (northeast) - nil to 4m	No change	Yes
		Glen Street (southeast) nil to 6m	No change	Yes
B5 Side Boundary Setbacks	Merit Assessment	(northwest) 1.1 to 5.9m	No change	Yes
		(east, to service station) nil to 6.5m	No change	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B8 Merit assessment of front boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

### THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

Section 7.12 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 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

The assessment of this Modification Application has found that the development is substantially the same as the parent Development Consent, and that the works sought under the proposal are reasonable overall.

The modifications do not materially alter the appearance of the building, its operation, density, or any impacts it may have upon neighbouring properties and the environment. The modifications are, generally, rationalisation of the plans to include structural and engineering elements that were excluded in the approved plans.

On balance of factors the Modification Application is considered to be worthy of support, and thus this report concludes with a recommendation that the SNPP, as the consent authority, **APPROVES** the application.

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

## **RECOMMENDATION**

THAT Sydney North Planning Panel as the consent authority grant approval to Modification Application No. Mod2022/0559 for Modification of Development Consent DA2020/0393 granted for Demolition works and construction of a shop top housing development comprising retail premises, 49 dwellings, basement carparking and landscaping on land at Lot 1 DP 1199795, 28 Lockwood Avenue, BELROSE, subject to the conditions outlined in Attachment 1.

## ATTACHMENT 1

### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

#### a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Basement 04 plan - Issue A	4 August 2022	Urbana Corp
Basement 03 plan - Issue A	4 August 2022	Urbana Corp
Basement 02 plan - Issue A	4 August 2022	Urbana Corp
Lower ground floor plan - Issue A	4 August 2022	Urbana Corp
Ground floor plan - Issue A	4 August 2022	Urbana Corp
Level 01 - Issue A	4 August 2022	Urbana Corp
Roof plan - Issue A	4 August 2022	Urbana Corp
Elevations - Issue A	4 August 2022	Urbana Corp
Sections - Issue A	4 August 2022	Urbana Corp
New windows and doors schedule - Issue A	4 August 2022	Urbana Corp

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Access 2019 report (ref: C21844-Access-Report-r1)	27 September 2022	Credwell
BASIX Certificate no. 1061176M_04	7 September 2022	Ecomode Design
BCA Assessment Report (ref: C21844-BCA-Report-r2)	27 September 2022	Credwell
Letter: Groundwater Monitoring and Inflow Investigation Report (ref: GS8579-1A)	24 August 2022	Aargus
S4.55 Traffic and Parking Letter (ref: 220040.06FA)	24 August 2022	McLaren Traffic Engineering
Operational Waste Management Plan (ref: SO358 Rev. J)	24 August 2022	Elephants Foot Recycling Solutions
Letter: Supporting Letter re/ Impact of Lowering Basement on Dewatering Components (ref: ES8636-A)	28 September 2022	Aargus

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

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

**B. Modify Condition 10 - Building Code of Australia Requirements and Fire Safety Measures to read as follows:**

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA Assessment Report prepared by Credwell Consulting, dated 27/9/2022, Ref No.C21844-BCA Report-r2 including any Fire Engineered Solutions are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

**C. Add Condition 11A - Access and Facilities for Persons with a Disability to read as follows:**

Access and facilities to and within the building are to be provided for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Access 2019 Report, prepared by Credwell Consulting, Ref 21844-Access Report-r1 are to be included as part of the Construction Certificate assessment. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

**D. Modify Condition 30 - Pre-Dilapidation Report to read as follows:**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc), **and including nos. 1 and 1A Ashworth Avenue, and 24 Lockwood Avenue, Belrose**. In relation to stormwater infrastructure, the report must be prepared in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

Reason: Protection of Council's and Private Parties' Infrastructure during construction.

**E. Add Condition 35A - Amended Bicycle Parking Arrangements to read as follows:**

That the basement 03 & basement 04 carpark plans be amended to demonstrate that adequate provision for bicycle parking in compliance with AS2890.3:2015 and the Warringah DCP (minimum of 66 tenant spaces and 10 visitor spaces) is present.

Plans prepared by a suitably qualified Traffic Engineer shall be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: to ensure adequate space is available for bicycle access to and from bicycle lockers.

**F. Add Condition 35B - Relocate Residential Video Intercom to read as follows:**

The location of the residential video intercom is to be shifted to the north and protected by a kerb consistent with details shown on Figure 2 of the Traffic and Parking Letter prepared by McLaren Traffic



Engineering dated 24 August 2022.

The above change is to be reflected in amended plans for the Basement 03 carpark and is to be prepared by a suitably qualified Traffic Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To prevent blocking of adjacent parking spaces.

**G. Modify Condition 74 - Post-Dilapidation Report to read as follows:**

The applicant is to engage a suitably qualified person to prepare a post-dilapidation report of the condition of adjoining public and private properties ***including nos. 1 and 1A Ashworth Avenue, and 24 Lockwood Avenue, Belrose*** and public infrastructure (including roads, gutter, footpaths, stormwater assets etc) following the completion of works. Any noted damage is to be rectified by the applicant, to the satisfaction of Council, prior to the release of the security bond. The post construction dilapidation report must be submitted to the Council for review and the certifying authority prior to the issue of the occupation certificate.

Reason: To ensure all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.