

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2021/0883
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<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 2 DP 1248056, 25 - 27 Warriewood Road WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Modification of Development Consent D2020/0579 granted for construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road
<b>Zoning:</b>	R3 Medium Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	J & G Knowles & Associates Pty Ltd
<b>Applicant:</b>	J & G Knowles & Associates Pty Ltd

<b>Application Lodged:</b>	16/11/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	01/12/2021 to 15/12/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	4.3 Height of buildings: %
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following modifications to the approved development for a residential flat building, semi-detached dwellings, dwelling house and sub-division and associated infrastructure and landscaping.

- The provision of an external platform lift to adaptable dwellings 1 and 2 facing Warriewood Road to satisfy access requirements of the Building Code of Australia (BCA) and the Commonwealth Disability Discrimination (DDA) Act, 1992 .
- Amend the street entry location into adaptable dwelling 11 from Warriewood Road to Lorikeet Grove to satisfy access requirements of the Building Code of Australia (BCA) and the Commonwealth Disability Discrimination (DDA) Act, 1992.
- To amend the landscaping and pathways in the common landscaped area over the Sydney

Water easement to satisfy Sydney Water's requirements.

- To provide permeable paving in the side setbacks to the dwellings fronting Warriewood Road.
- To amend the approved subdivision plans to reflect the platform lift in Adaptable Dwellings 1 and 2.
- Condition 3 - Approved Plans and Supporting Documentation and Staged Construction and Occupation will need to be amended to reflect the date of the amended plans.

## 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

Pittwater 21 Development Control Plan - A4.16 Warriewood Valley Locality  
 Pittwater 21 Development Control Plan - C1.9 Adaptable Housing and Accessibility  
 Pittwater 21 Development Control Plan - C6.2 Natural Environment and Landscaping Principles  
 Pittwater 21 Development Control Plan - D16.1 Character as viewed from a public place  
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments  
 Pittwater 21 Development Control Plan - D16.6 Front building lines

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2 DP 1248056 , 25 - 27 Warriewood Road WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	The subject site has an address of 25-27 Warriewood Road, Warriewood, and has a legal address of Lot 2, DP 1248056.  The subject site is split into two parts. The southern part is an irregularly-shaped corner allotment with an area of 393.9m <sup>2</sup> (survey) ; the primary eastern boundary adjoins the Warriewood Road road reserve, while the northern boundary

adjoins the Lorikeet Grove road reserve. The northern part is an irregularly-shaped allotment with an area of 7,784m<sup>2</sup> (survey) and four road frontages. The eastern boundary adjoins the Warriewood Road road reserve and the southern and western boundaries adjoin the Lorikeet Grove road reserve; part of the northern boundary adjoins the Baz Retreat road reserve while the remainder of that boundary adjoins residential allotments. The site has an area of 8,178m<sup>2</sup> and is moderately sloped, with an east-to-west downhill slope towards the western boundary.

The subject site is located within an R3 Medium Density Residential zone under Pittwater Local Environmental Plan 2014 (PLEP 2014). All boundaries adjoin R3-zoned sites, with the nearest zone boundary being that of an R2 Low Density Residential zone approximately 20 metres east of site. The site is mapped by WLEP 2011 as being flood prone (with affected areas located to the far western parts of the site) and affected by Class 5 Acid Sulphate Soils, though it is not mapped as being affected by any other major hazards or affectations. The subject site does not contain a heritage item, is not within a Heritage Conservation Area, and is not in close proximity to a heritage item. The site also contains a large 5-metre sewer wide easement that runs in a north-south direction through the centre of the site.

The site is currently clear of structures, however some works associated with earlier approvals is currently being undertaken on the site.

#### **Adjoining sites and surrounding area**

The adjoining site to the south contains a large multi-storey aged-care development (Arcare Warriewood), while adjoining sites to the north contain two-storey dwelling houses. Sites on the eastern side of Warriewood Road consist predominantly of older low-density residential development (i.e. detached one and two-storey dwelling houses and associated development such as swimming pools, outbuildings and the like). Sites on the western side of Warriewood Road within the Warriewood Valley release area contains a wide range of development types; in addition to the aforementioned Arcare development, other development includes a variety of low, medium and high density residential development.

Map:



## SITE HISTORY

The land has been used for rural purposes for an extended period of time, however it has been the subject of development since approximately 2017. A search of Council's records has revealed the following relevant history:

- 1 June 2000: Development Application no. N0570/99 refused. The application proposed the subdivision of 8 existing lots into 11 lots for future industrial use; 1 lot for open space and 1 lot for future residential development.
- 10 August 2000: Development Application no. N0525/00 refused. The application proposed storage of a site shed, toilet, vehicles and a small amount of landscape materials.
- 13 July 2017: Development Application no. N0611/16 approved by the Sydney North Planning Panel for the construction of a residential aged care facility containing 130 sole occupancy high care rooms, subdivision and associated civil works, and the extension of a public road (Lorikeet Grove).
- 30 January 2018: Development Application no. N0460/17 withdrawn. The application proposed the construction of a three (3) storey residential flat building of 32 residential apartments with 83 basement parking spaces and a three (3) storey multi-dwelling housing development of 12 dwellings with associated parking spaces.
- 18 June 2019: Development Application no. DA2018/1826 approved for the construction of a mixed residential development, comprising residential flat buildings, semi-detached dwellings and dwelling houses, with associated internal road, site works, landscaping and community title subdivision.
- 18 July 2019: Section 4.55 Modification Application no. Mod2019/0171 approved to modify Development Consent no. N0611/16.
- 28 October 2020: Development Application no. DA2020/0579 approved for the construction of a residential flat building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road.
- 20 May 2021: Section 4.55 Modification Application no. Mod2021/0004 approved to modify Development Consent DA2020/0579.
- 16 November 2021: Subject Section 4.55 Modification Application lodged.



## 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 DA2020/0579, in full, with amendments detailed and assessed as follows:

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

<b>Section 4.55(1A) - Other Modifications</b>	<b>Comments</b>
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p><b>Yes</b></p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <p>The modification relates to the following minor changes:</p> <ul style="list-style-type: none"> <li>• The installation of a platform lift to two adaptable dwellings and a change to the pedestrian access to comply with the accessibility requirements of the BCA and DDA.</li> <li>• Landscaping changes to address Sydney Water.</li> <li>• Provision of permeable paving to the side setbacks of the dwellings fronting Warriewood Road.</li> </ul> <p>The height, density, bulk, scale and massing of the approved development is not changed and subject to conditions there will be no unreasonable impacts on the streetscape or character of the</p>

Section 4.55(1A) - Other Modifications	Comments
	<p>Warriewood area.</p> <p>The proposal will not attribute to any unreasonable impacts upon the natural environment.</p> <p>The proposal will not result in any unreasonable impacts on residential amenity.</p>
<p>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2020/0579 for the following reasons:</p> <p>As discussed above, the proposal primarily relates to minor changes to address accessibility requirements in addition to some landscape modifications.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.</p>
<p>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions	See discussion on “Environmental Planning Instruments” in this

Section 4.15 'Matters for Consideration'	Comments
of any environmental planning instrument	report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The risk of contamination and the resultant suitability of the site was addressed by means of a deferred commencement condition in the original consent. No changes are proposed in this regard
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation was submitted with the original application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building</p>

Section 4.15 'Matters for Consideration'	Comments
	designer prior to the issue of a Construction Certificate. This matter has been addressed via a condition in the original consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## 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 01/12/2021 to 15/12/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Christopher John Maker	3 Baz Retreat WARRIEWOOD NSW 2102

The following issue was raised in the submission which is addressed as follows:

- ***The residents of Baz Retreat are seeking to have a solid timber wall erected between the***



***development site and their street to minimise noise and dust impacts.***

Comment:

The subject modification relates to landscape works and access requirements to the adaptable dwellings and the request for site fencing can not be imposed as a condition of the modification.

The original Notice of Determination (NOD) for the development, DA2020/0579, included reference to a requirement including the need for for a hoarding and site fencing to be erected between the work site and the public place. A permit is required from Council for a hoarding or site fencing on Council Property. The boundary in question between the subject site and the adjoining site, Baz Retreat, is private land, as such Council does not require a permit for hoarding or fencing along this boundary. Despite this the Construction Certificate will require the entire site to be secure with a site fence. As the Construction Certificate (CC) was issued by a Private Certifier the customer has been advised that the enquiry needs to be followed up with the Certifier and / or applicant (developer).

Condition 45 and 46 also relate to dust and noise attenuation measures. These conditions remain on the consent and must be complied with.

**REFERRALS**

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Code of Australia and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Is these however may be determined at Construction Certificate stage.</p>
Landscape Officer	<p>The application is for modifications to development consent DA2020/0579 for the construction of a residential flat building, semi-detached dwellings, dwelling house and community title sub-division including internal private road, and the proposed modifications include: provide an external access to Adaptable Dwellings 1 and 2; amend the street entry location into Adaptable Dwelling 11 Warriewood Road to Lorikeet Grove; amend the landscaping and pathways in the common area over the Sydney Water easement to satisfy Sydney Water's requirements; and provide paving in the side setbacks to the dwellings 1 to 11 fronting Warriewood Road.</p> <p>The reduction in the landscape area along the side setbacks decreases the landscape amenity and softens the built form of the buildings and reduce the heat effects from ground surfaces. In support of the application additional landscape amenity by way of planting shall be provided along Warriewood Road, and to achieve this the lawn areas fronting dwellings 1 to 11 included in the consent shall be deleted and replaced with mass garden bed planting consisting of shrubs and groundcover as a condition.</p> <p><u>Comments</u></p> <p>The applicant has requested that the condition relating to the landscape areas to the front of the dwellings along Warriewood Road not be imposed. The applicant has provided the following information</p>

Internal Referral Body	Comments
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request.

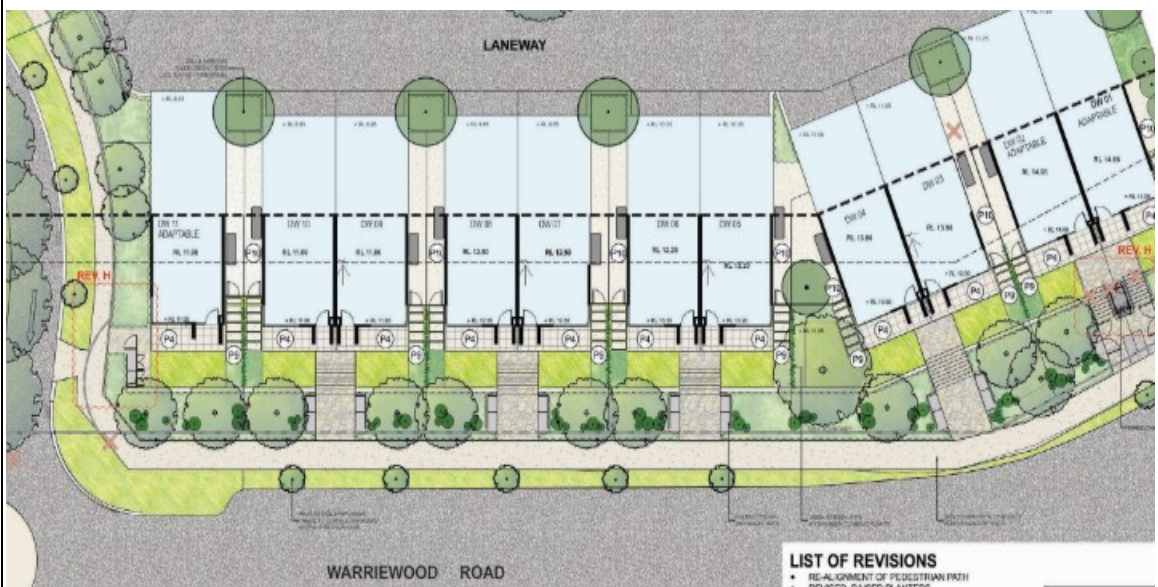
- The modification does not seek to amend the lawn area as approved in the original DA2020/0579 dated 28 November 2020.
- Mod2021/0004 sought to change the amend the lawn area to permeable paving. permeable paving was not supported by Council's Landscape Officer and an "option" (not a requirement) was made to replace the lawn with a garden bed. The option for a garden bed was not supported and the approved modification landscape plan reverted the design back to lawn. A screen shot of approved plan below. As no condition was imposed under MOD2020/0004 it is reasonable to require this under the scope of the current modification.



*Approved landscape plan*

Planners comments

While it is appreciated that the front area has been approved as lawn in the previous application, the subject modification proposed paving along the side passage area of each town house, as shown below.



*Proposed landscape plan*

Internal Referral Body	Comments
	As such, it is agreed that the reduction in landscaping will reduce option to soften the built balance, the change to the landscape plan to allow paving area to the side passages are subject to the condition recommended by Council's Landscape Officer to delete the lawn dwellings 1-11 in lieu to garden beds.
NECC (Bushland and Biodiversity)	The proposed modification is acceptable in relation to the Pittwater biodiversity planning the comments and proposed landscape condition from Councils Landscape Officer.
NECC (Development Engineering)	No objections to the proposed Section 455(1a) modification . The proposes changes have the previous approved stormwater management plan and minimal change is required to the subdivision plan.
NECC (Water Management)	This application has been assessed against relevant legislation and policy relating to water areas, and groundwater. The proposed modification are including permeable pavement at the back of Dwellings 1 water quality targets of the approved development are maintained.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that a no decision on the modification is required.

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

#### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for rural activities for a significant period of time, however more recently it has been associated with preliminary work associated with the approved residential development to which this modification relates. The provisions of SEPP 55 have previously been considered when assessing earlier development proposals on this site. In this regard, it is therefore considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the



residential land use.

### 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.

As previously outlined the proposed development included the erection of a residential flat building (RFB). The proposed modification seeks to re-align pedestrian paths associated with the RFB approved over the Sydney Water Easement, refer to screen shots below.



Approved paths



*Proposed re-aligned paths.*

As per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a Design Verification Certificate from the building designer at lodgement of the development application. This documentation has been submitted with the original application.

Clause 28 of SEPP 65 requires:

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

## **DESIGN REVIEW PANEL**

Northern Beaches Council did not have an appointed Design Review Panel when the original DA was determined. The proposed modifications are minor and do not require a review by the current Design Panel.

## **DESIGN QUALITY PRINCIPLES**

### **Principle 1: Context and Neighbourhood Character**

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future



character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The proposed modification to the landscaping associated with the RFB are minor and the design of the development continues to be appropriate in terms of its response to the existing and desired future character of the Warriewood Valley.

**Principle 2: Built Form and Scale**

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

There is no change to the scale of the development. The minor changes to the landscaping continues to be appropriate as it defines the public domain and contributes to the character of the streetscape.

**Principle 3: Density**

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

There is no change to the approved density.

**Principle 4: Sustainability**

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

The modification will not diminish the sustainability qualities of the RFB.

**Principle 5: Landscape**

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of

the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment:

The minor changes to the landscaping and pathways associated with the RFB relate to the re-alignment of pathways over the Sydney Water Easement. The modification will not diminish the quality of the approved landscaping associated with the RFB.

**Principle 6: Amenity**

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment

The re-alignment of the path will delete the direct access to the playground from ground floor apartment 4 and 5. However, the change to the path is required to address the requirements of Sydney Water. Pedestrian access from the apartments to the communal play area will remain to be provided via the central communal pathway and the amenity of the development, in terms to access to communal areas, remains to be acceptable.

**Principle 7: Safety**

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The development continues to optimise safety and security within the development and public domain.

**Principle 8: Housing Diversity and Social Interaction**

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social

interaction amongst residents.

Comment:

There is no change the housing diversity.

**Principle 9: Aesthetics**

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

The minor change to the common landscape area will not result in any unreasonable adverse impacts on the aesthetics of the approved development.

**APARTMENT DESIGN GUIDE**

The following table is an assessment against the criteria of the 'Apartment Design Guide' as required by SEPP 65.

Development Control	Criteria / Guideline	Comments
<b>Part 3 Siting the Development</b>		
<b>Site Analysis</b>	Does the development relate well to its context and is it sited appropriately?	No change
<b>Orientation</b>	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	No change
<b>Public Domain Interface</b>	Does the development transition well between the private and public domain without compromising safety and security?  Is the amenity of the public domain retained and enhanced?	The amenity of the public domain is not compromised.
<b>Communal and Public Open Space</b>	Appropriate communal open space is to be provided as follows:  1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)	The modification re-aligns paths originally proposed over the Sydney Water easement.  The proposal will not change the amount of communal open space approved.
<b>Deep Soil Zones</b>	Deep soil zones are to meet the following minimum requirements:	There is no change to the deep soil zones associated

	<table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m<sup>2</sup></td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m<sup>2</sup> – 1,500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m<sup>2</sup></td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m<sup>2</sup> with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	Greater than 1,500m <sup>2</sup>	6m	Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	with the RFB.
Site area	Minimum dimensions	Deep soil zone (% of site area)												
Less than 650m <sup>2</sup>	-	7%												
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Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m													
<p><b>Visual Privacy</b></p>	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p><b>Note:</b> Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	No change
Building height	Habitable rooms and balconies	Non-habitable rooms												
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Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p><b>Pedestrian Access and entries</b></p>	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p>The proposal seeks to delete the pedestrian path from ground floor apartment 4 and 5 to the communal play area in order to address the requirements of Sydney Water. The amended re-alignment of pedestrian paths continues to provide a clear legible connection from the apartments to the</p>												

		public domain.
<b>Vehicle Access</b>	Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?	No change
<b>Bicycle and Car Parking</b>	<p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	No change
<b>Part 4 Designing the Building</b>		
<b>Amenity</b>		
<b>Solar and Daylight Access</b>	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:	No change.
	<ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.</li> <li>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</li> </ul>	No change
<b>Natural Ventilation</b>	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none"> <li>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</li> </ul>	No change



	<p>only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <ul style="list-style-type: none"> <li>Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.</li> </ul>	No change												
<b>Ceiling Heights</b>	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use areas</td> </tr> </tbody> </table>	Minimum ceiling height		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 used areas	3.3m for ground and first floor to promote future flexibility of use areas	No change
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If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use areas													
<b>Apartment Size and Layout</b>	<p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	No change		
Apartment type	Minimum internal area													
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3 bedroom	90m <sup>2</sup>													
	<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	No change												
	<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p>	No change												

	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	No change															
	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).	No change															
	Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension.	No change															
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	No change															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	No change															
<b>Private Open Space and Balconies</b>	All apartments are required to have primary balconies as follows: <table border="1" data-bbox="438 1057 1061 1317"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	No change
Dwelling Type	Minimum Area	Minimum Depth															
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2 bedroom apartments	10m <sup>2</sup>	2m															
3+ bedroom apartments	12m <sup>2</sup>	2.4m															
	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 15m <sup>2</sup> and a minimum depth of 3m.	No change															
<b>Common Circulation and Spaces</b>	The maximum number of apartments off a circulation core on a single level is eight.	No change															
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No change															
<b>Storage</b>	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1" data-bbox="438 1886 1061 2136"> <thead> <tr> <th>Dwelling Type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m<sup>2</sup></td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m<sup>2</sup></td> </tr> </tbody> </table>	Dwelling Type	Storage size volume	Studio apartments	4m <sup>2</sup>	1 bedroom apartments	6m <sup>2</sup>	2 bedroom apartments	8m <sup>2</sup>	No change							
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	<table border="1"> <tr> <td>3+ bedroom apartments</td> <td>10m<sup>2</sup></td> </tr> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	3+ bedroom apartments	10m <sup>2</sup>														
3+ bedroom apartments	10m <sup>2</sup>																
<b>Acoustic Privacy</b>	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	No change															
<b>Noise and Pollution</b>	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	No change															
<b>Configuration</b>																	
<b>Apartment Mix</b>	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	No change															
<b>Ground Floor Apartments</b>	Do the ground floor apartments deliver amenity and safety for their residents?	No change															
<b>Facades</b>	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	No change															
<b>Roof Design</b>	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.	No change															
<b>Landscape Design</b>	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	The amended landscape design associated with the RFB is acceptable.															
<b>Planting on Structures</b>	When planting on structures the following are recommended as minimum standards for a range of plant sizes:	The amended landscape design associated with the RFB is acceptable.															
	<table border="1"> <thead> <tr> <th>Plant type</th> <th>Definition</th> <th>Soil Volume</th> <th>Soil Depth</th> <th>Soil Area</th> </tr> </thead> <tbody> <tr> <td>Large Trees</td> <td>12-18m high, up to 16m crown spread at maturity</td> <td>150m<sup>3</sup></td> <td>1,200mm</td> <td>10m x 10m or equivalent</td> </tr> <tr> <td>Medium Trees</td> <td>8-12m high, up</td> <td>35m<sup>3</sup></td> <td>1,000mm</td> <td>6m x 6m or</td> </tr> </tbody> </table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m <sup>3</sup>	1,200mm	10m x 10m or equivalent	Medium Trees	8-12m high, up	35m <sup>3</sup>	1,000mm	6m x 6m or	
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	to 8m crown spread at maturity			equivalent	
	Small trees	6-8m high, up to 4m crown spread at maturity	9m <sup>3</sup>	800mm	3.5m x 3.5m or equivalent
	Shrubs			500-600mm	
	Ground Cover			300-450mm	
	Turf			200mm	
<b>Universal Design</b>	Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features				No change
<b>Adaptable Reuse</b>	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.				No change
<b>Mixed Use</b>	Can the development be accessed through public transport and does it positively contribute to the public domain?  Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.				No change
<b>Awnings and Signage</b>	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development.  Signage must respond to the existing streetscape character and context.				N/A
<b>Performance</b>					
<b>Energy Efficiency</b>	Have the requirements in the BASIX certificate been shown in the submitted plans?				No change
<b>Water Management and Conservation</b>	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?				Acceptable
<b>Waste Management</b>	Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?				No change
<b>Building Maintenance</b>	Does the development incorporate a design and material selection that ensures the longevity and				No change

	sustainability of the building?	
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**STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT**

Clause 30 of SEPP 65 Standards that cannot be used as grounds to refuse development consent or modification of development consent states that:

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,
- (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

**Note.** The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.

Comment:

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) the design quality principles, and
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

(3) To remove doubt:

- (a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and
- (b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.

**Note.** The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

Comment:

The proposal as amended continues to be consistent with the design quality principles and objectives of the ADG.

**Pittwater Local Environmental Plan 2014**

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



zone objectives of the LEP?	Yes
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#### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m 10.5m	10.8m	No change	N/A	N/A
Density density	43-67 dwellings	43	No change	N/A	N/A

\*Note: There is no change to the approved height or density and the detailed discussion in the original assessment report is still relevant.

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	No
4.6 Exceptions to development standards	N/A
5.21 Flood planning	Yes
6.1 Warriewood Valley Release Area	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

#### Pittwater 21 Development Control Plan

##### Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	<b>Warriewood Road:</b> Dwelling 6.5m Semi-detached dwelling: 6.5m <b>Lorikeet Grove:</b> Dwelling: 2m Residential Flat Building: 3m <b>Baz Retreat:</b> Residential Flat Building: 4.5m	6-7.5m 6-9.2m 0-3.4m 4-9.4m 4.5m	Lift platform and bin enclosure 3.3m  Unaltered  Unaltered	N/A
Rear building line	Dwelling house: 0.5m (Internal Road) Semi-detached dwelling: 0.5m (Internal Road) Residential Flat Building: 3m (Internal Road)	0-3.4m 0-1.8m  7.3m-27m	Unaltered	N/A
Side building	Dwelling house: 0-25m	0-3m	Unaltered	N/A

line	Semi-detached dwelling: Ground floor: 0-900mm First floor: 1.5m	0-7.9m 1.5-7.9m		
Landscaped area	41% (3,352.9m <sup>2</sup> )	40.93% (3,347m <sup>2</sup> )	39.88% (3,255m <sup>2</sup> )	No On merit the 1% reduction of landscape area is assessed as acceptable.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	No	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes

### Detailed Assessment

#### **A4.16 Warriewood Valley Locality**

Council's Landscape Officer has expressed a concern about the reduction of the landscape area along the side setbacks of the dwellings fronting Warriewood Road which reduces landscape opportunity to soften the built form of the development. In order to support the application additional landscape amenity, by way of planting, shall be provided to the frontage along Warriewood Road. A condition is recommended to this effect requiring the lawn areas fronting dwellings 1 - 11 to be replaced with garden beds. This in turn will ensure that the modified development will provide an attractive frontage to the primary road consistent with the Warriewood Valley Locality.

#### **C1.9 Adaptable Housing and Accessibility**

In order to satisfy access requirements of the Building Code of Australia (BCA), the Commonwealth Disability Discrimination (DDA) Act, 1992 and condition 28 of the original consent the proposal includes an external platform lift to adaptable dwellings 1 and 2 fronting Warriewood Road. In addition, the street entry location into Adaptable Dwelling 11 from Warriewood Road to Lorikeet Grove has been amended

to satisfy the requirements of the BCA and the DDA, refer to screen shot below.



Plan showing the location of the platform lift to dwelling 1 and 2 and the change to the entry to dwelling 11.

The proposed modification is consistent with the requirements and outcomes of Clause C1.9 in that it allows for equitable and safe access to and from the adaptable dwellings in accordance with the relevant legislation and condition 28 of the original consent.

## C6.2 Natural Environment and Landscaping Principles

Clause C6.2 requires:

- *Landscape design and planning is part of a fully integrated approach to site development.*
- *Be sensitive to the site attributes and context, such as streetscape character, natural landform, soils, existing vegetation, views, land capability, and drainage.*
- *Create visually pleasing environments that integrate the built form of the development into the natural and cultural landscapes of the Warriewood Valley.*
- *Complement the functions of the street e.g. reinforce desired traffic speed and behaviour; consider lines of sight for pedestrians, cyclists and vehicles promote safety and casual street surveillance.*

Subject to the condition requiring the lawn areas to dwellings 1-11 to be modified to garden beds the proposal is consistent with the requirements and following outcomes of the control.

- *Landscaping enhances and complements the natural environment and surrounding landscape character, reinstating elements of the natural environment, reducing the visual bulk and scale of development, and complementing the design of the proposed development.*
- *Provision of a pleasant and safe living environment that is environmentally responsive, resulting in a unified, high quality landscape character and high level of visual amenity that in turn contributes to the sense of place.*
- *New development is blended into the streetscape and neighbourhood.*

## D16.1 Character as viewed from a public place

Clause D16.1 requires:

*Landscaping is to be integrated with the building design to screen and soften the visual impact of the*

*built form. The height and scale of the landscaping in the setback area to the public place must be proportionate to the height and scale of the building.*

#### Comment

The proposal includes the change of the soft landscaping to permeable paving in the set backs to dwellings 1-11 which front Warriewood Road.

As discussed under Clause A4.16 a condition requires the lawns to dwelling 1-11 fronting Warriewood Road to be amended to garden beds to address concerns from Council's Landscape Officer relating to the reduction in soft landscaping associated with these dwellings, refer to discussion under the Referral section of tis report. The condition will ensure that the proposal achieves the requirement and following outcomes of the control.

- Achieve the desired future character of the Locality
- Soften (reduce) the visual impact of the built form
- Enhance the streetscape, note the modifications relate to the primary Warriewood Road frontage
- Ensure the provision of a "sense of address" and an attractive, generously landscape streetscape amenity where buildings are fronting the street
- and enhances the streetscape, ensures the provision

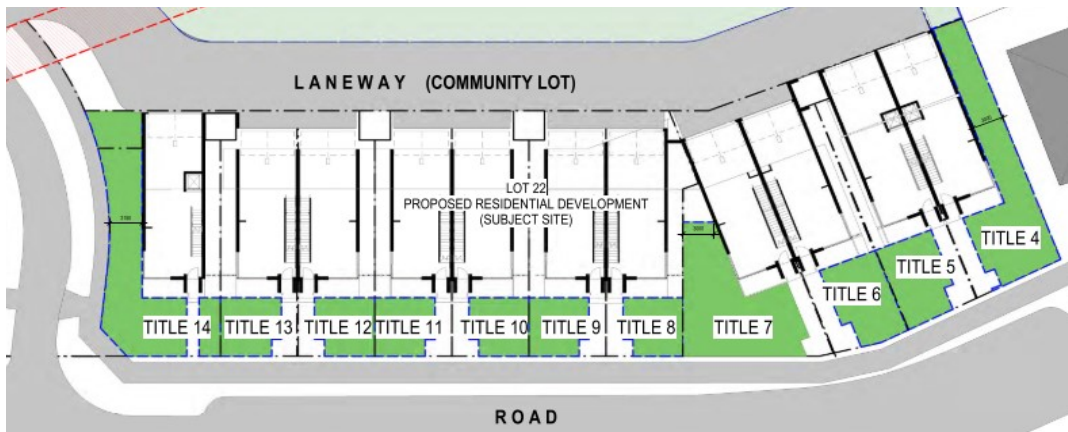
#### **D16.5 Landscaped Area for Newly Created Individual Allotments**

Clause D16.5 requires the following landscape areas:

- 25% of the site area for the RFB with a minimum dimension of 3m at ground level
- 25% of the site area for dwellings on lots less than 9m wide with a minimum dimension of 3m
- 35% of the site area for dwellings on lots 9m to 14m wide with a minimum dimension of 3m

#### Comment

The proposal seeks to amend the treatment of the side setback of the dwellings fronting Warriewood Road from grass to permeable paving . The landscape calculations in the original DA and the subject modification did not include the areas along the side of each dwelling, as such the change to permeable paving to the side of each dwelling will not reduce the amount of landscape open space approved to the dwellings.



*Approved landscape area calculation plan*

*\*Note: the areas to the side of the dwellings are excluded from the LOS calculation.*

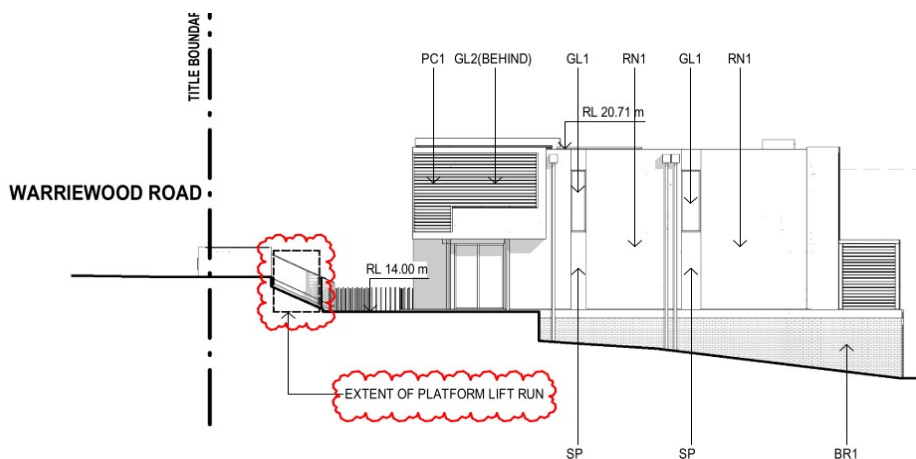
The proposal will result in a net 5.7sqm reduction in the total amount of landscape area to lot 4 and 5 (dwellings 1 and 2) as a result of the introduction of the chair lift and a net 4.5sqm reduction in landscape area to lot 14 (dwelling 11) as a result of the change to the pedestrian access to the site.

The approved development allowed a minor breach in the landscape requirement to dwelling 2 lot 5. The proposal seeks to reduce the landscape area from 23.5% of the site area to 21% which represents a 4% breach of the control. Lots 4 and 14 continue to exceed the minimum 25% landscape requirements providing landscaped areas of 45% and 48.5% respectively and there are no change to the approved LOS areas to the other lots.

On merit the minor breach in the total amount of landscape area to dwelling 2 (lot 5) is acceptable as it relates to the need to meet the accessibility requirements of the BCA, DDP and condition 28 of the original consent.

**D16.6 Front building lines**

Dwellings 1 and 2 (lots 4 and 5) located in the eastern corner of the site are adaptable. In order to meet the accessibility requirements of the adaptable dwellings a platform lift is required to be installed within the front setback as there is a difference in the level between Warriewood Road and the frontage of dwellings, refer to image below.



*Section showing the platform lifts to dwelling 1 and 2*

The majority of the lift sits below eye level when viewed from Warriewood Road with only the lightweight balustrade being visible in the streetscape. Given the need for the ancillary structure to



meet the accessibility requirements and the minimal visual impact the 3.2m (49.3%) breach of the front set back is assessed as acceptable.

The modification also seeks consent to relocate the bin enclosure to dwelling 11 within the front setback. Dwelling 11 is also an adaptable dwelling and the location of the bin enclosure adjacent to the re-aligned street access is a logical place for easy access to the ancillary facility for the future occupants. The minor breach of the setback is assessed as acceptable.

## **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.

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater 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
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

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

## **RECOMMENDATION**

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0883

for Modification of Development Consent D2020/0579 granted for construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road on land at Lot 2 DP 1248056,25 - 27 Warriewood Road, WARRIEWOOD, subject to the conditions printed below:

**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>
DA-020 Rev DA8 Site Plan	20.08.2021	V/A Architects
DA-021 Rev DA8 Site Plan Northern Boundary	20.08.2021	V/A Architects
DA-100 Rev DA13 Apartment Ground Floor Dwelling Lower Level Floor Plan	20.08.2021	V/A Architects
DA-101 Rev DA10 Apartment First Floor Dwelling Mid Level Floor Plan	20.08.2021	V/A Architects
DA-102 Rev DA9 Apartment Second Floor Dwelling Upper Level Floor Plan	20.08.2021	V/A Architects
DA-104 Rev DA9 Overall Roof Plan	20.08.2021	V/A Architects
DA-200 Rev DA7 Elevations	20.08.2021	V/A Architects
<b>Subdivision Plans</b>	<b>Dated</b>	<b>Prepared By</b>
Sheet 1 of 6 Rev E Subdivision Plan	15.09.2021	Survey Plus
Sheet 2 of 6 Rev E Subdivision Plan Stage 1 Facilitating Sub-division	15.09.2021	Survey Plus
Sheet 3 of 6 Rev E Subdivision Plan Stage 1 Facilitating Sub-division	15.09.2021	Survey Plus
Sheet 4 of 6 Rev E Stage 2 - Community Titled Subdivision	15.09.2021	Survey Plus
Sheet 5 of 6 Rev E Stage 3 - Community Titled Subdivision	15.09.2021	Survey Plus
Sheet 6 of 6 Rev E Detailed Survey Plan	15.09.2021	Survey Plus

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SW201 Rev G Stormwater Concept Design Ground Floor Plan	28.09.2021	SGC Engineers

SW202 Rev G Stormwater Concept Design Roof Plan	28.09.2021	SGC Engineers
SW500 Rev G Stormwater Concept Design Music Catchment Plan	28.09.2021	SGC Engineers

<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>
Compliance Statement	11.04.2021	3D Access
Access Performance Solution Report Rev 2 Ref 171022	22.12.2020	3D Access

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

f) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
TP01H Rev H Landscape Plan Composite Ground, First and Second Floor	05.10.2021	CDA Design Group Pty Ltd

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

**B. Add Condition 61A Landscape completion to read as follows:**

The indicated lawn areas in the Warriewood Road frontages of dwellings 1 to 11 inclusive shall be deleted and replaced with mass garden bed planting, consisting of native shrub planting installed at minimum 1 metre intervals of a minimum 200mm container size at planting, and native groundcover planting at 4 plants per metre square of a minimum 140mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Amended Landscape Plans shall be issued to the Certifying Authority that certifies that the landscape works as imposed by conditions are completed.

Reason: Landscape ad environmentally amenity.

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

**Signed**



**Anne-Marie Young, Manager Development Assessments**

The application is determined on //, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**